

HOUSE BILL 1088
EMERGENCY BILL

Unofficial Copy
L6

2001 Regular Session
11r2149

By: **Eastern Shore Delegation**

Introduced and read first time: February 9, 2001

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2001

CHAPTER _____

1 AN ACT concerning

2 **Upper Eastern Shore Regional Council**

3 FOR the purpose of adding a new article to the Annotated Code of Maryland to be
4 designated and known as the "Upper Eastern Shore Regional Council";
5 establishing the Council as ~~an association of local governments from a regional~~
6 planning and development agency for Caroline, Cecil, Dorchester, Kent, Queen
7 Anne's, and Talbot counties to facilitate regional planning and development
8 where the counties are located; providing for the function and dissolution of the
9 Council; providing for the membership of the Council; providing for the terms of
10 the members of the Council; prohibiting a member from receiving compensation;
11 specifying that membership on the Council does not constitute an office of profit;
12 providing for the powers and functions of the Council; providing funding for the
13 Council from the State budget and local governments representing the Council;
14 making this Act an emergency measure; providing for the construction of this
15 Act; and generally relating to the Upper Eastern Shore Regional Council.

16 BY adding

17 New Article 20C - Upper Eastern Shore Regional Council

18 Section 1-101 through 2-301

19 Annotated Code of Maryland

20 (1998 Replacement Volume and 2000 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

ARTICLE 20C - UPPER EASTERN SHORE REGIONAL COUNCIL

TITLE 1. GENERAL PROVISIONS.

3 1-101.

4 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "AREA" MEANS THE REGIONAL PLANNING AND DEVELOPMENT AREA THAT
7 INCLUDES ALL ~~OR~~ OF CAROLINE, CECIL, DORCHESTER, KENT, QUEEN ANNE'S, AND
8 TALBOT COUNTIES.

9 (C) "COMMISSIONERS" MEANS THE COUNTY COMMISSIONERS OF CAROLINE,
10 CECIL, DORCHESTER, KENT, QUEEN ANNE'S COUNTIES AND THE COUNTY COUNCIL
11 OF TALBOT COUNTY.

12 (D) "COUNCIL" MEANS UPPER EASTERN SHORE REGIONAL COUNCIL.

13 (E) "REGION" MEANS THE AREA THAT INCLUDES ALL OF CAROLINE, CECIL,
14 DORCHESTER, KENT, QUEEN ANNE'S, AND TALBOT COUNTIES.

15 1-102.

16 (A) THE UPPER EASTERN SHORE REGIONAL COUNCIL IS A REGIONAL
17 PLANNING AND DEVELOPMENT AGENCY FOR THE AREA.

18 (B) THE REGION CONSISTS OF ALL OF CAROLINE, CECIL, DORCHESTER, KENT,
19 QUEEN ANNE'S, AND TALBOT COUNTIES.

20 1-103.

21 (A) (I) THE COUNCIL IS A TAX-EXEMPT PUBLIC BODY CORPORATE AND
22 POLITIC WHICH OPERATES AS A COOPERATIVE PLANNING AND DEVELOPMENT
23 AGENCY WITHIN THE REGION TO FOSTER THE PHYSICAL, ECONOMIC, AND SOCIAL
24 DEVELOPMENT OF THE REGION AND UTILIZES EFFECTIVELY THE ASSISTANCE
25 PROVIDED BY THE STATE.

26 (II) THE COUNCIL INITIATES AND COORDINATES PLANS AND PROJECTS
27 FOR THE DEVELOPMENT OF HUMAN AND ECONOMIC RESOURCES OF THE UPPER
28 EASTERN SHORE REGION AS AN UPPER EASTERN SHORE PLANNING AND
29 DEVELOPMENT AGENCY.

30 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
31 PAYING OR PROVIDING FOR THE PAYMENT OF ALL OF THE LIABILITIES OF THE
32 COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL EXCLUSIVELY
33 FOR THE PURPOSES OF THE COUNCIL OR TO AN ORGANIZATION ORGANIZED AND
34 OPERATED EXCLUSIVELY FOR CHARITABLE, EDUCATIONAL, RELIGIOUS, OR
35 SCIENTIFIC PURPOSES THAT QUALIFIES AS AN EXEMPT ORGANIZATION UNDER §
36 501(C)(3) OF THE INTERNAL REVENUE CODE, AS THE COUNCIL DETERMINES.

1 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE
2 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE
3 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL, OR TO AN
4 ORGANIZATION THAT THE COURT DETERMINES TO BE ORGANIZED AND OPERATED
5 EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL, THE INDIVIDUAL COUNTIES.

6 1-104.

7 THE COUNCIL SHALL COOPERATE WITH STATE AND LOCAL DEPARTMENTS AND
8 AGENCIES THAT HAVE RELEVANT STATUTORY FUNCTIONS AND RESPONSIBILITIES.

9 1-105.

10 (A) THE COUNCIL MAY SELECT AND RETAIN ITS OWN LEGAL COUNSEL.

11 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE ATTORNEY
12 GENERAL OF MARYLAND ~~SHALL~~ MAY SERVE AS LEGAL ADVISOR TO THE COUNCIL IN
13 ALL MATTERS PERTAINING TO THE COUNCIL'S ACTIVITIES.

14 1-106.

15 THE COUNCIL IS AN INDEPENDENT UNIT AND MAY NOT BE PLACED BY THE
16 GOVERNOR IN ANY PRINCIPAL DEPARTMENT.

17 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

18 SUBTITLE 1. MEMBERSHIP.

19 2-101.

20 (A) THE MEMBERSHIP OF THE COUNCIL CONSISTS OF THE FOLLOWING
21 MEMBERS FROM CAROLINE, CECIL, DORCHESTER, KENT, QUEEN ANNE'S, AND
22 TALBOT COUNTIES:

23 (1) 18 COUNTY ELECTED OFFICIALS, THREE FROM EACH COUNTY,
24 APPOINTED BY THEIR RESPECTIVE COUNTY GOVERNING BODIES AS VOTING
25 MEMBERS;

26 (2) SIX COUNTY ADMINISTRATORS, ONE FROM EACH COUNTY AS
27 NONVOTING EX OFFICIO MEMBERS;

28 (3) (I) SIX MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
29 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING
30 MEMBERS; OR

31 (II) IF THE MUNICIPAL CORPORATIONS LOCATED IN A COUNTY ARE
32 UNABLE TO CHOOSE A MUNICIPAL ELECTED OFFICIAL WITHIN A REASONABLE
33 PERIOD OF TIME, THE EASTERN SHORE MUNICIPAL ASSOCIATION SHALL APPOINT AN
34 ELECTED MUNICIPAL OFFICIAL TO REPRESENT THE MUNICIPAL CORPORATION;

1 (4) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
2 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
3 EX OFFICIO MEMBERS;

4 (5) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
5 WHO DO NOT HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS
6 NONVOTING EX OFFICIO MEMBERS; AND

7 (6) SUCH OTHER COUNTY COMMISSIONERS AS NONVOTING EX OFFICIO
8 MEMBERS.

9 (B) (1) A COUNCIL COMMISSIONER OR ADMINISTRATOR OF A COUNTY
10 LISTED UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION MAY VOTE BY PROXY ON
11 BEHALF OF AN OTHER COUNCIL MEMBER WHO IS ABSENT FROM A MEETING IF THE
12 OTHER COUNCIL MEMBER REPRESENTS THE SAME COUNTY GOVERNING BODY.

13 (2) A COUNCIL MEMBER LISTED UNDER SUBSECTION (A)(1) OF THIS
14 SECTION SHALL INFORM THE COUNCIL EXECUTIVE DIRECTOR IN ADVANCE OF
15 WHICH OTHER COUNCIL MEMBERS MAY CAST A PROXY VOTE ON BEHALF OF THE
16 COUNCIL MEMBER WHEN ABSENT UNDER THE PROVISIONS OF PARAGRAPH (1) OF
17 THIS SUBSECTION.

18 (C) THE BYLAWS OF THE COUNCIL MAY PROVIDE FOR ADDITIONAL PRIVATE
19 CITIZEN MEMBERSHIP ON THE COUNCIL.

20 2-102.

21 (A) THE VOTING MEMBERS AND MEMBERS OF THE GENERAL ASSEMBLY WHO
22 HOLD MEMBERSHIP BY VIRTUE OF THEIR ELECTED OR APPOINTED POSITION HOLD
23 OFFICE ONLY DURING THEIR TERM OF OFFICE.

24 (B) MEMBERSHIP ON THE COUNCIL DOES NOT CONSTITUTE HOLDING AN
25 OFFICE OF PROFIT.

26 2-103.

27 VACANCIES ON THE COUNCIL SHALL BE FILLED FOR THE DURATION OF THE
28 UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL
29 APPOINTMENT.

30 2-104.

31 MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION.

32 2-105.

33 THE COUNCIL SHALL ELECT A CHAIRPERSON FROM AMONG ITS MEMBERS.

SUBTITLE 2. BYLAWS.

2 2-201.

3 THE COUNCIL MAY ADOPT BYLAWS, RULES AND REGULATIONS FOR THE
4 CONDUCT OF THE COUNCIL AND TO CARRY OUT THE COUNCIL'S MISSION.

SUBTITLE 3. FINANCING.

6 2-301.

7 (A) (1) THE COUNCIL MAY RECEIVE STATE FINANCIAL SUPPORT TO ASSIST
8 IN CARRYING OUT ITS ACTIVITIES.

9 (2) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE COUNCIL SHALL
10 SUBMIT TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT ITS
11 PROPOSED WORK PROGRAMS AND OPERATING BUDGET FOR THE FOLLOWING FISCAL
12 YEAR, TOGETHER WITH SUPPORTING SCHEDULES TO SHOW HOW THE BUDGET IS
13 FINANCED, AND TO PROVIDE FOR REVIEW AND RECOMMENDATIONS.

14 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC
15 DEVELOPMENT SHALL FORWARD THE PROPOSED OPERATING BUDGET TO THE
16 DEPARTMENT OF BUDGET AND MANAGEMENT FOR CONSIDERATION.

17 (3) THE STATE BUDGET, SUBJECT TO ANNUAL REVIEW BY THE GENERAL
18 ASSEMBLY, SHALL PROVIDE AN APPROPRIATION IN THE FOLLOWING FISCAL YEAR
19 OF AT LEAST \$200,000 FOR SUPPORT OF THE COUNCIL.

20 (B) (1) THE COUNCIL AND THE COUNCIL'S ACTIVITIES MAY BE FINANCED
21 COOPERATIVELY BY THE STATE OF MARYLAND AND CAROLINE, CECIL, DORCHESTER,
22 KENT, QUEEN ANNE'S, AND TALBOT COUNTIES.

23 (2) THE COUNCIL MAY RECEIVE ADDITIONAL FUNDS FROM OTHER
24 PUBLIC OR PRIVATE SOURCES.

25 (3) THE GOVERNING BODIES OF CAROLINE, CECIL, DORCHESTER, KENT,
26 QUEEN ANNE'S, AND TALBOT COUNTIES ANNUALLY SHALL APPROPRIATE AT LEAST
27 \$10,000 EACH FOR THE USE OF THE COUNCIL TO FOSTER COOPERATIVE PLANNING
28 AND DEVELOPMENT IN THE REGION.

29 (4) THE GOVERNING BODIES OF CAROLINE, CECIL, DORCHESTER, KENT,
30 QUEEN ANNE'S, AND TALBOT COUNTIES MAY APPROPRIATE ANY OTHER MONEYS
31 THAT ARE NECESSARY AND APPROPRIATE FOR THE COUNCIL.

32 (5) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS
33 MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE
34 COUNCIL.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
2 construed to confer any land use regulation or zoning authority to the Upper Eastern
3 Shore Regional Council.

4 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act is an
5 emergency measure, is necessary for the immediate preservation of the public health
6 and safety, has been passed by a yea and nay vote supported by three-fifths of all the
7 members elected to each of the two Houses of the General Assembly, and shall take
8 effect from the date it is enacted.