

SENATE BILL 889
EMERGENCY BILL

Unofficial Copy
L6

2001 Regular Session
(11r3026)

ENROLLED BILL

-- Economic and Environmental Affairs/Commerce and Government Matters --

Introduced by **Senator Colburn**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Mid-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 "Mid-Shore Regional Council"; establishing the
5 Council as ~~an association of local governments from a regional planning and~~
6 ~~development agency for~~ Caroline, Dorchester, and Talbot counties to facilitate
7 regional planning and development where the counties are located; providing for
8 the function and dissolution of the Council; providing for the membership of the
9 Council; providing for the terms of the members of the Council; prohibiting a
10 member from receiving compensation; specifying that membership on the
11 Council does not constitute an office of profit; authorizing the Council to employ
12 a council executive director; providing for legal representation of the Council;
13 providing for the powers and functions of the Council; providing funding for the
14 Council from the State budget and local governments representing the Council;
15 providing for the construction of this Act; making this Act an emergency
16 measure; and generally relating to the Mid-Shore Regional Council.

17 BY adding

1 New Article 20C - Mid-Shore Regional Council
2 Section 1-101 through 2-301
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 2000 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **ARTICLE 20C - MID-SHORE REGIONAL COUNCIL**

8 TITLE 1. GENERAL PROVISIONS.

9 1-101.

10 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) "AREA" MEANS THE REGIONAL PLANNING AND DEVELOPMENT AREA THAT
13 INCLUDES ALL OF CAROLINE, DORCHESTER, AND TALBOT COUNTIES.

14 (C) "~~COMMISSIONERS~~ COMMISSIONER" MEANS A MEMBER OF THE BOARD OF
15 COUNTY COMMISSIONERS OF CAROLINE, AND COUNTY OR DORCHESTER COUNTIES
16 ~~AND COUNTY OR OF~~ THE COUNTY COUNCIL OF TALBOT COUNTY.

17 (D) "COUNCIL" MEANS MID-SHORE REGIONAL COUNCIL.

18 (E) "REGION" MEANS THE AREA THAT INCLUDES ALL OF CAROLINE,
19 DORCHESTER, AND TALBOT COUNTIES.

20 1-102.

21 (A) THE MID-SHORE REGIONAL COUNCIL IS A REGIONAL PLANNING AND
22 DEVELOPMENT AGENCY FOR THE AREA.

23 (B) THE REGION CONSISTS OF ALL OF CAROLINE, DORCHESTER, AND TALBOT
24 COUNTIES.

25 1-103.

26 (A) (1) THE COUNCIL IS A TAX-EXEMPT PUBLIC BODY CORPORATE AND
27 POLITIC WHICH OPERATES AS A COOPERATIVE PLANNING AND DEVELOPMENT
28 AGENCY WITHIN THE REGION TO FOSTER THE PHYSICAL, ECONOMIC, AND SOCIAL
29 DEVELOPMENT OF THE REGION AND UTILIZES EFFECTIVELY THE ASSISTANCE
30 PROVIDED BY THE STATE.

31 (2) THE COUNCIL INITIATES AND COORDINATES PLANS AND PROJECTS
32 FOR THE DEVELOPMENT OF HUMAN AND ECONOMIC RESOURCES OF THE
33 MID-SHORE REGION AS A MID-SHORE PLANNING AND DEVELOPMENT AGENCY.

1 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
2 PAYING OR PROVIDING FOR THE PAYMENT OF ALL OF THE LIABILITIES OF THE
3 COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL EXCLUSIVELY
4 FOR THE PURPOSES OF THE COUNCIL OR TO AN ORGANIZATION ORGANIZED AND
5 OPERATED EXCLUSIVELY FOR CHARITABLE, EDUCATIONAL, RELIGIOUS, OR
6 SCIENTIFIC PURPOSES THAT QUALIFIES AS AN EXEMPT ORGANIZATION UNDER §
7 501(C)(3) OF THE INTERNAL REVENUE CODE, AS THE COUNCIL DETERMINES.

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

13 1-104.

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

16 1-105.

17 (A) THE COUNCIL MAY EMPLOY A COUNCIL EXECUTIVE DIRECTOR.

18 (B) THE COUNCIL EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE
19 COUNCIL.

20 1-106.

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

22 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, ON REQUEST OF
23 THE COUNCIL, THE ATTORNEY GENERAL OF MARYLAND ~~SHALL~~ MAY SERVE AS LEGAL
24 ADVISOR TO THE COUNCIL IN ALL MATTERS PERTAINING TO THE COUNCIL'S
25 ACTIVITIES.

26 ~~1-106.~~ 1-107.

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

29 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

30 SUBTITLE 1. MEMBERSHIP.

31 2-101.

32 (A) THE MEMBERSHIP OF THE COUNCIL CONSISTS OF THE FOLLOWING
33 MEMBERS FROM CAROLINE, DORCHESTER, AND TALBOT COUNTIES:

1 (1) ~~NINE COUNTY ELECTED OFFICIALS~~ COMMISSIONERS, THREE FROM
 2 EACH COUNTY, APPOINTED BY THEIR RESPECTIVE COUNTY GOVERNING BODIES AS
 3 VOTING MEMBERS;

4 (2) THREE COUNTY ADMINISTRATORS, ONE FROM EACH COUNTY, AS
 5 NONVOTING EX OFFICIO MEMBERS;

6 (3) (I) THREE MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
 7 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING
 8 MEMBERS; OR

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

13 (4) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
 14 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
 15 EX OFFICIO MEMBERS;

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

19 (6) ~~SUCH~~ THE OTHER COUNTY COMMISSIONERS AS NONVOTING EX
 20 OFFICIO MEMBERS.

21 (B) (1) ~~A COUNCIL VOTING COMMISSIONER OR ADMINISTRATOR OF A~~
 22 ~~COUNTY LISTED UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION MAY~~
 23 ~~DESIGNATE ANOTHER COMMISSIONER OR COUNTY ADMINISTRATOR~~
 24 ~~REPRESENTING THE SAME COUNTY TO VOTE BY PROXY ON BEHALF OF ANOTHER~~
 25 ~~COUNCIL MEMBER WHO~~ THE VOTING COMMISSIONER WHEN THE VOTING
 26 COMMISSIONER IS ABSENT FROM A MEETING ~~IF THE OTHER COUNCIL MEMBER~~
 27 ~~REPRESENTS THE SAME COUNTY GOVERNING BODY.~~

28 (2) ~~A COUNCIL MEMBER~~ VOTING COMMISSIONER LISTED UNDER
 29 SUBSECTION (A)(1) OF THIS SECTION SHALL INFORM THE COUNCIL EXECUTIVE
 30 DIRECTOR IN ADVANCE OF WHICH OTHER COUNCIL MEMBERS ~~MAY~~ THE VOTING
 31 COMMISSIONER DESIGNATES TO CAST A PROXY VOTE ON BEHALF OF THE ~~COUNCIL~~
 32 ~~MEMBER WHEN ABSENT UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS~~
 33 ~~SUBSECTION~~ VOTING COMMISSIONER.

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

36 2-102.

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

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

3 2-103.

4 VACANCIES ON THE COUNCIL SHALL BE FILLED FOR THE DURATION OF THE
5 UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL
6 APPOINTMENT.

7 2-104.

8 MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION.

9 2-105.

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

11 SUBTITLE 2. BYLAWS.

12 2-201.

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

15 SUBTITLE 3. FINANCING.

16 2-301.

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

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

24 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC
25 DEVELOPMENT SHALL FORWARD THE PROPOSED OPERATING BUDGET TO THE
26 DEPARTMENT OF BUDGET AND MANAGEMENT FOR CONSIDERATION.

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

30 (B) (1) THE COUNCIL AND THE COUNCIL'S ACTIVITIES MAY BE FINANCED
31 COOPERATIVELY BY THE STATE OF MARYLAND AND CAROLINE, DORCHESTER, AND
32 TALBOT COUNTIES.

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

3 (3) THE GOVERNING BODIES OF CAROLINE, DORCHESTER, AND TALBOT
4 COUNTIES ANNUALLY SHALL APPROPRIATE AT LEAST \$10,000 EACH FOR THE USE OF
5 THE COUNCIL TO FOSTER COOPERATIVE PLANNING AND DEVELOPMENT IN THE
6 REGION.

7 (4) THE GOVERNING BODIES OF CAROLINE, DORCHESTER, AND TALBOT
8 COUNTIES MAY APPROPRIATE ANY OTHER MONEYS THAT ARE NECESSARY AND
9 APPROPRIATE FOR THE COUNCIL.

10 (5) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS
11 MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE
12 COUNCIL.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
14 construed to confer any land use regulation or zoning authority to the Mid-Shore
15 Regional Council.

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