

SENATE BILL 889
EMERGENCY BILL

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L6

2001 Regular Session
11r3026

By: **Senator Colburn**

Introduced and read first time: March 5, 2001

Assigned to: Rules

A BILL ENTITLED

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 Caroline, Dorchester, and
6 Talbot counties to facilitate regional planning and development where the
7 counties are located; providing for the function and dissolution of the Council;
8 providing for the membership of the Council; providing for the terms of the
9 members of the Council; prohibiting a member from receiving compensation;
10 providing for the powers and functions of the Council; providing funding for the
11 Council from the State budget and local governments representing the Council;
12 making this Act an emergency measure; and generally relating to the
13 Mid-Shore Regional Council.

14 BY adding

15 New Article 20C - Mid-Shore Regional Council
16 Section 1-101 through 2-301
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2000 Supplement)

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

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

22 **TITLE 1. GENERAL PROVISIONS.**

23 1-101.

24 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

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

1 (C) "COMMISSIONERS" MEANS THE COUNTY COMMISSIONERS OF CAROLINE,
2 AND DORCHESTER COUNTIES AND THE COUNTY COUNCIL OF TALBOT COUNTY.

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

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

6 1-102.

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

9 (B) THE REGION CONSISTS OF ALL OF CAROLINE, DORCHESTER, AND TALBOT
10 COUNTIES.

11 1-103.

12 (A) (1) THE COUNCIL IS A TAX-EXEMPT PUBLIC BODY CORPORATE AND
13 POLITIC WHICH OPERATES AS A COOPERATIVE PLANNING AND DEVELOPMENT
14 AGENCY WITHIN THE REGION TO FOSTER THE PHYSICAL, ECONOMIC, AND SOCIAL
15 DEVELOPMENT OF THE REGION AND UTILIZES EFFECTIVELY THE ASSISTANCE
16 PROVIDED BY THE STATE.

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

20 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
21 PAYING OR PROVIDING FOR THE PAYMENT OF ALL OF THE LIABILITIES OF THE
22 COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL EXCLUSIVELY
23 FOR THE PURPOSES OF THE COUNCIL OR TO AN ORGANIZATION ORGANIZED AND
24 OPERATED EXCLUSIVELY FOR CHARITABLE, EDUCATIONAL, RELIGIOUS, OR
25 SCIENTIFIC PURPOSES THAT QUALIFIES AS AN EXEMPT ORGANIZATION UNDER §
26 501(C)(3) OF THE INTERNAL REVENUE CODE, AS THE COUNCIL DETERMINES.

27 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE
28 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE
29 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL, OR TO AN
30 ORGANIZATION THAT THE COURT DETERMINES TO BE ORGANIZED AND OPERATED
31 EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL.

32 1-104.

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

35 1-105.

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

1 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE ATTORNEY
2 GENERAL OF MARYLAND SHALL SERVE AS LEGAL ADVISOR TO THE COUNCIL IN ALL
3 MATTERS PERTAINING TO THE COUNCIL'S ACTIVITIES.

4 1-106.

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

7 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

8 SUBTITLE 1. MEMBERSHIP.

9 2-101.

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

12 (1) NINE COUNTY ELECTED OFFICIALS, THREE FROM EACH COUNTY,
13 APPOINTED BY THEIR RESPECTIVE COUNTY GOVERNING BODIES AS VOTING
14 MEMBERS;

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

17 (3) (I) THREE MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
18 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING
19 MEMBERS; OR

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

24 (4) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
25 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
26 EX OFFICIO MEMBERS;

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

30 (6) SUCH OTHER COUNTY COMMISSIONERS AS NONVOTING EX OFFICIO
31 MEMBERS.

32 (B) (1) A COUNCIL COMMISSIONER OR ADMINISTRATOR OF A COUNTY
33 LISTED UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION MAY VOTE BY PROXY ON
34 BEHALF OF ANOTHER COUNCIL MEMBER WHO IS ABSENT FROM A MEETING IF THE
35 OTHER COUNCIL MEMBER REPRESENTS THE SAME COUNTY GOVERNING BODY.

1 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC
2 DEVELOPMENT SHALL FORWARD THE PROPOSED OPERATING BUDGET TO THE
3 DEPARTMENT OF BUDGET AND MANAGEMENT FOR CONSIDERATION.

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

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

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

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

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

19 (5) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS
20 MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE
21 COUNCIL.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
23 emergency measure, is necessary for the immediate preservation of the public health
24 and safety, has been passed by a ye and nay vote supported by three-fifths of all the
25 members elected to each of the two Houses of the General Assembly, and shall take
26 effect from the date it is enacted.