
By: **Senators Pipkin and Jacobs**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

16 BY adding
17 New Article 20D - Upper Shore Regional Council
18 Section 1-101 through 2-301
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2002 Supplement)

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

23 **ARTICLE 20D - UPPER SHORE REGIONAL COUNCIL**

24 **TITLE 1. GENERAL PROVISIONS.**

25 1-101.

26 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

1 (B) "AREA" MEANS THE REGIONAL PLANNING AND DEVELOPMENT AREA THAT
2 INCLUDES ALL OF CECIL, KENT, AND QUEEN ANNE'S COUNTIES.

3 (C) "COMMISSIONER" MEANS A MEMBER OF THE BOARD OF COUNTY
4 COMMISSIONERS OF CECIL COUNTY, KENT COUNTY, OR QUEEN ANNE'S COUNTY.

5 (D) "COUNCIL" MEANS THE UPPER SHORE REGIONAL COUNCIL.

6 (E) "REGION" MEANS THE AREA THAT INCLUDES ALL OF CECIL, KENT, AND
7 QUEEN ANNE'S COUNTIES.

8 1-102.

9 (A) THE UPPER SHORE REGIONAL COUNCIL IS A REGIONAL PLANNING AND
10 DEVELOPMENT AGENCY FOR THE AREA.

11 (B) THE REGION CONSISTS OF ALL OF CECIL, KENT, AND QUEEN ANNE'S
12 COUNTIES.

13 1-103.

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

19 (2) THE COUNCIL INITIATES AND COORDINATES PLANS AND PROJECTS
20 FOR THE DEVELOPMENT OF HUMAN AND ECONOMIC RESOURCES OF THE UPPER
21 SHORE REGION AS AN UPPER SHORE PLANNING AND DEVELOPMENT AGENCY.

22 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
23 PAYING OR PROVIDING FOR THE PAYMENT OF ALL OF THE LIABILITIES OF THE
24 COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL EXCLUSIVELY
25 FOR THE PURPOSES OF THE COUNCIL OR TO AN ORGANIZATION ORGANIZED AND
26 OPERATED EXCLUSIVELY FOR CHARITABLE, EDUCATIONAL, RELIGIOUS, OR
27 SCIENTIFIC PURPOSES THAT QUALIFIES AS AN EXEMPT ORGANIZATION UNDER §
28 501(C)(3) OF THE INTERNAL REVENUE CODE, AS THE COUNCIL DETERMINES.

29 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE
30 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE
31 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL, OR TO
32 THE INDIVIDUAL COUNTIES.

33 1-104.

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

1 1-105.

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

3 (B) THE COUNCIL EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE
4 COUNCIL.

5 1-106.

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

7 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, ON REQUEST OF
8 THE COUNCIL, THE ATTORNEY GENERAL OF MARYLAND MAY SERVE AS LEGAL
9 ADVISOR TO THE COUNCIL IN ALL MATTERS PERTAINING TO THE COUNCIL'S
10 ACTIVITIES.

11 1-107.

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

14 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

15 SUBTITLE 1. MEMBERSHIP.

16 2-101.

17 (A) THE MEMBERSHIP OF THE COUNCIL CONSISTS OF THE FOLLOWING
18 MEMBERS FROM CECIL, KENT, AND QUEEN ANNE'S COUNTIES:

19 (1) NINE COMMISSIONERS, THREE FROM EACH COUNTY, APPOINTED BY
20 THEIR RESPECTIVE COUNTY GOVERNING BODIES AS VOTING MEMBERS;

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

23 (3) (I) THREE MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
24 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING
25 MEMBERS; OR

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

30 (4) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
31 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
32 EX OFFICIO MEMBERS;

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

4 (6) THE OTHER COMMISSIONERS AS NONVOTING EX OFFICIO MEMBERS.

5 (B) (1) A VOTING COMMISSIONER LISTED UNDER SUBSECTION (A)(1) OF THIS
6 SECTION MAY DESIGNATE ANOTHER COMMISSIONER OR COUNTY ADMINISTRATOR
7 REPRESENTING THE SAME COUNTY TO VOTE BY PROXY ON BEHALF OF THE VOTING
8 COMMISSIONER WHEN THE VOTING COMMISSIONER IS ABSENT FROM A MEETING.

9 (2) A VOTING COMMISSIONER LISTED UNDER SUBSECTION (A)(1) OF THIS
10 SECTION SHALL INFORM THE COUNCIL EXECUTIVE DIRECTOR IN ADVANCE OF
11 WHICH OTHER COUNCIL MEMBERS THE VOTING COMMISSIONER DESIGNATES TO
12 CAST A PROXY VOTE ON BEHALF OF THE VOTING COMMISSIONER.

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

15 2-102.

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

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

21 2-103.

22 VACANCIES ON THE COUNCIL SHALL BE FILLED FOR THE DURATION OF THE
23 UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL
24 APPOINTMENT.

25 2-104.

26 MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION.

27 2-105.

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

29 SUBTITLE 2. BYLAWS.

30 2-201.

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

SUBTITLE 3. FINANCING.

2 2-301.

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

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

10 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC
11 DEVELOPMENT SHALL FORWARD THE PROPOSED OPERATING BUDGET TO THE
12 DEPARTMENT OF BUDGET AND MANAGEMENT FOR CONSIDERATION.

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

16 (B) (1) THE COUNCIL AND THE COUNCIL'S ACTIVITIES MAY BE FINANCED
17 COOPERATIVELY BY THE STATE OF MARYLAND AND CECIL, KENT, AND QUEEN
18 ANNE'S COUNTIES.

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

21 (3) THE GOVERNING BODIES OF CECIL, KENT, AND QUEEN ANNE'S
22 COUNTIES ANNUALLY SHALL APPROPRIATE AT LEAST \$10,000 EACH FOR THE USE OF
23 THE COUNCIL TO FOSTER COOPERATIVE PLANNING AND DEVELOPMENT IN THE
24 REGION.

25 (4) THE GOVERNING BODIES OF CECIL, KENT, AND QUEEN ANNE'S
26 COUNTIES MAY APPROPRIATE ANY OTHER MONEYS THAT ARE NECESSARY AND
27 APPROPRIATE FOR THE COUNCIL.

28 (5) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS
29 MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE
30 COUNCIL.

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

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 2003.