

SENATE BILL 525

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L6

2003 Regular Session
3r1215
CF 3r2031

By: **Senators Pipkin and Jacobs**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2003

CHAPTER _____

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 and, subject to a certain contingency, the
15 State budget; providing for the construction of this Act; and generally relating to
16 the Upper Shore Regional Council.

17 BY adding
18 New Article 20D - Upper Shore Regional Council
19 Section 1-101 through 2-301
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2002 Supplement)

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

ARTICLE 20D - UPPER SHORE REGIONAL COUNCIL

TITLE 1. GENERAL PROVISIONS.

1-101.

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

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

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

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

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

1-102.

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

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

1-103.

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

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

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

(2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE

1 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL, OR TO
2 THE INDIVIDUAL COUNTIES.

3 1-104.

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

6 1-105.

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

8 (B) THE COUNCIL EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE
9 COUNCIL.

10 1-106.

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

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

16 1-107.

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

19 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

20 SUBTITLE 1. MEMBERSHIP.

21 2-101.

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

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

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

28 (3) (I) THREE 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

1 PERIOD OF TIME, THE EASTERN SHORE MUNICIPAL ASSOCIATION SHALL APPOINT AN
2 ELECTED MUNICIPAL OFFICIAL TO REPRESENT THE MUNICIPAL CORPORATION;

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

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

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

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

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

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.

1 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.

5 SUBTITLE 3. FINANCING.

6 2-301.

7 (A) (1) SUBJECT TO THE AVAILABILITY OF FUNDS IN THE STATE BUDGET,
8 THE COUNCIL MAY RECEIVE STATE FINANCIAL SUPPORT TO ASSIST IN CARRYING
9 OUT ITS ACTIVITIES.

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

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

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

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

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

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

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

33 (5) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS
34 MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE
35 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 Shore
3 Regional Council.

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