

SENATE BILL 441

L5

71r0984

By: **Senators Colburn and Stoltzfus**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Tri-County Council for the Lower Eastern Shore of Maryland – Membership**
3 **– Immunity**

4 FOR the purpose of altering the membership of the Tri-County Council for the Lower
5 Eastern Shore of Maryland; and providing that the Tri-County Council for the
6 Lower Eastern Shore of Maryland is immune from being sued.

7 BY repealing and reenacting, with amendments,
8 Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland
9 Section 2-101
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2006 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland
14 Section 2-102
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2006 Supplement)

17 BY adding to
18 Article – Courts and Judicial Proceedings
19 Section 5-506.1
20 Annotated Code of Maryland
21 (2006 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland**
4 2–101.

5 (a) The membership of the Council consists of:

6 (1) Five county commissioners of Somerset County as voting members;

7 (2) Five county commissioners of Worcester County as voting
8 members;

9 (3) ~~Five~~ **THE COUNTY EXECUTIVE AND FOUR** county council
10 members of Wicomico County as voting members;

11 (4) (i) Three municipal elected officials, one from each county,
12 appointed by their respective municipal corporations as voting members; or

13 (ii) If the municipal corporations located within a county are
14 unable to choose a municipal elected official within a reasonable period of time, the
15 Eastern Shore Municipal Association shall appoint an elected municipal official to
16 represent the municipal corporations of that county;

17 (5) Members of the General Assembly representing the region who
18 have a majority of their legislative district in the region as voting ex officio members;

19 (6) Other members of the General Assembly representing the region
20 but who do not have a majority of their legislative district in the region as nonvoting
21 ex officio members; and

22 (7) The other commissioners as ex officio nonvoting members.

23 (b) (1) A voting commissioner listed under subsection (a)(1) through (3) of
24 this section may designate another commissioner or county administrator
25 representing the same county to vote by proxy on behalf of the voting commissioner
26 when the voting commissioner is absent from a meeting.

27 (2) A voting commissioner listed under subsection (a)(1) through (3) of
28 this section shall inform the [council] **COUNCIL** director in advance of which other

1 [council] **COUNCIL** member the voting commissioner designates to cast a proxy vote
2 on behalf of the voting commissioner.

3 (c) The bylaws of the Council may provide for additional private citizen
4 membership on the Council.

5 2-102.

6 (a) A member who holds membership by virtue of the member's elected
7 position holds office only during the member's term of office.

8 (b) Membership on the Council does not constitute holding an office of profit.

9 **Article - Courts and Judicial Proceedings**

10 **5-506.1.**

11 **THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF**
12 **MARYLAND IS IMMUNE FROM BEING SUED.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2007.