

# SENATE BILL 441

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71r0984

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By: **Senators Colburn and Stoltzfus**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2007

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## CHAPTER \_\_\_\_\_

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~~ generally relating to the  
6 membership of the Tri-County Council for the Lower Eastern Shore of  
7 Maryland ~~is immune from being sued.~~

8 BY repealing and reenacting, with amendments,  
9 Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland  
10 Section 2-101  
11 Annotated Code of Maryland  
12 (2005 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland  
15 Section 2-102  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2006 Supplement)

18 ~~BY adding to~~

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Article — Courts and Judicial Proceedings~~  
~~Section 5-506.1~~  
~~Annotated Code of Maryland~~  
~~(2006 Replacement Volume)~~

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

**Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland**

2–101.

(a) The membership of the Council consists of:

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

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

(3) **[Five] THE COUNTY EXECUTIVE AND FOUR** county council members of Wicomico County as voting members;

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

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

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

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

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

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

1 (2) A voting commissioner listed under subsection (a)(1) through (3) of  
2 this section shall inform the [council] **COUNCIL** director in advance of which other  
3 [council] **COUNCIL** member the voting commissioner designates to cast a proxy vote  
4 on behalf of the voting commissioner.

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

7 2-102.

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

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

11 ~~Article Courts and Judicial Proceedings~~

12 ~~5-506.1.~~

13 ~~THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF~~  
14 ~~MARYLAND IS IMMUNE FROM BEING SUED.~~

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.