

---

By: **Frederick County Delegation**  
Introduced and read first time: January 23, 2004  
Assigned to: Environmental Matters

---

Committee Report: Favorable  
House action: Adopted  
Read second time: February 24, 2004

---

CHAPTER 163

1 AN ACT concerning

2 **Frederick County - Participation in the Northeast Maryland Waste Disposal**  
3 **Authority**

4 FOR the purpose of authorizing Frederick County to become a participating county in  
5 the Northeast Maryland Waste Disposal Authority under certain circumstances;  
6 making stylistic changes; and generally relating to the participation of  
7 Frederick County in the Northeast Maryland Waste Disposal Authority.

8 BY repealing and reenacting, with amendments,  
9 Article - Natural Resources  
10 Section 3-903(a)  
11 Annotated Code of Maryland  
12 (2000 Replacement Volume and 2003 Supplement)

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

15 **Article - Natural Resources**

16 3-903.

17 (a) (1) There is hereby created a body politic and corporate to be known as  
18 the "Northeast Maryland Waste Disposal Authority" which is constituted a public  
19 instrumentality of the State of Maryland. The exercise by the Authority of the powers  
20 conferred by this subtitle shall be deemed to be the performance of an essential public  
21 function.

1           (2)     The Authority was organized and commenced its activities on October  
2 21, 1980, when there were filed with the Secretary of State and the Department of  
3 Legislative Services certified copies of the resolutions of participation of at least two  
4 of the following four counties: Mayor and City Council of Baltimore, Baltimore  
5 County, Maryland, Anne Arundel County, Maryland, and Harford County, Maryland.

6           (3)     Montgomery County, Maryland, also became a participating county  
7 in the Authority by filing certified copies of a resolution of participation with the  
8 Secretary of State and the Department of Legislative Services, whereupon  
9 Montgomery County, Maryland, had all of the rights, privileges, and powers under  
10 this subtitle that the other participating counties have or may have, including the  
11 power to participate in projects and to enter into contracts with the Authority,  
12 including the contracts relating to the Authority's Southwest Resource Recovery  
13 Facility located in the City of Baltimore, in order to defray and provide for the  
14 Authority's costs of acquiring, constructing, operating, or providing a project,  
15 including debt service requirements of the Authority relating to a project.

16           (4)     Carroll County, Maryland, may also become a participating county in  
17 the Authority by the County Commissioners of Carroll County filing certified copies of  
18 a resolution of participation with the Secretary of State and the Department of  
19 Legislative Services, whereupon Carroll County, Maryland, shall have all of the  
20 rights, privileges, and powers under this subtitle that the other participating counties  
21 have or may have.

22           (5)     Howard County, Maryland, may also become a participating county  
23 in the Authority by the County Council of Howard County filing certified copies of a  
24 resolution of participation with the Secretary of State and the Department of  
25 Legislative Services, whereupon Howard County, Maryland, shall have all of the  
26 rights, privileges, and powers under this subtitle that the other participating counties  
27 have or may have.

28           (6)     FREDERICK COUNTY, MARYLAND, MAY ALSO BECOME A  
29 PARTICIPATING COUNTY IN THE AUTHORITY BY THE COUNTY COMMISSIONERS OF  
30 FREDERICK COUNTY FILING CERTIFIED COPIES OF A RESOLUTION OF  
31 PARTICIPATION WITH THE SECRETARY OF STATE AND THE DEPARTMENT OF  
32 LEGISLATIVE SERVICES, WHEREUPON FREDERICK COUNTY, MARYLAND, SHALL  
33 HAVE ALL OF THE RIGHTS, PRIVILEGES, AND POWERS UNDER THIS SUBTITLE THAT  
34 THE OTHER PARTICIPATING COUNTIES HAVE OR MAY HAVE.

35           (7)     Each resolution of participation contained:

36                   (i)     A declaration by the county of its intention and consent to  
37 participate in the activities of the Authority; and

38                   (ii)    Such provisions, if any, as the participating counties approved  
39 and required as being necessary or desirable for the Authority to be an organization  
40 described in § 501(c)(3) of the Internal Revenue Code.

41           [(7)]   (8)     Each resolution of participation was presented by the chief  
42 executive officer of a county to the body exercising legislative powers of that county

1 and was effective after adoption by such legislative body and approval by such chief  
2 executive officer.

3       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 2004.