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By: **Senators Mooney and Brinkley**  
Introduced and read first time: February 5, 2004  
Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

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.

22 (2) The Authority was organized and commenced its activities on October  
23 21, 1980, when there were filed with the Secretary of State and the Department of  
24 Legislative Services certified copies of the resolutions of participation of at least two  
25 of the following four counties: Mayor and City Council of Baltimore, Baltimore  
26 County, Maryland, Anne Arundel County, Maryland, and Harford County, Maryland.

27 (3) Montgomery County, Maryland, also became a participating county  
28 in the Authority by filing certified copies of a resolution of participation with the

1 Secretary of State and the Department of Legislative Services, whereupon  
2 Montgomery County, Maryland, had all of the rights, privileges, and powers under  
3 this subtitle that the other participating counties have or may have, including the  
4 power to participate in projects and to enter into contracts with the Authority,  
5 including the contracts relating to the Authority's Southwest Resource Recovery  
6 Facility located in the City of Baltimore, in order to defray and provide for the  
7 Authority's costs of acquiring, constructing, operating, or providing a project,  
8 including debt service requirements of the Authority relating to a project.

9 (4) Carroll County, Maryland, may also become a participating county in  
10 the Authority by the County Commissioners of Carroll County filing certified copies of  
11 a resolution of participation with the Secretary of State and the Department of  
12 Legislative Services, whereupon Carroll County, Maryland, shall have all of the  
13 rights, privileges, and powers under this subtitle that the other participating counties  
14 have or may have.

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

21 (6) FREDERICK COUNTY, MARYLAND, MAY ALSO BECOME A  
22 PARTICIPATING COUNTY IN THE AUTHORITY BY THE COUNTY COMMISSIONERS OF  
23 FREDERICK COUNTY FILING CERTIFIED COPIES OF A RESOLUTION OF  
24 PARTICIPATION WITH THE SECRETARY OF STATE AND THE DEPARTMENT OF  
25 LEGISLATIVE SERVICES, WHEREUPON FREDERICK COUNTY, MARYLAND, SHALL  
26 HAVE ALL OF THE RIGHTS, PRIVILEGES, AND POWERS UNDER THIS SUBTITLE THAT  
27 THE OTHER PARTICIPATING COUNTIES HAVE OR MAY HAVE.

28 (7) Each resolution of participation contained:

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

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

34 [(7)] (8) Each resolution of participation was presented by the chief  
35 executive officer of a county to the body exercising legislative powers of that county  
36 and was effective after adoption by such legislative body and approval by such chief  
37 executive officer.

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