

HOUSE BILL 335

L2, M3

8lr1919

By: **Cecil County Delegation**

Introduced and read first time: January 25, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County – Waste Disposal – Northeast Maryland Waste Disposal**
3 **Authority**

4 FOR the purpose of authorizing Cecil County to become a participating county in the
5 Northeast Waste Disposal Authority by the Board of County Commissioners
6 filing a resolution of participation with the Secretary of State and the
7 Department of Legislative Services; and generally relating to Cecil County and
8 the Northeast Waste Disposal Authority.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 3–903(a)
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2007 Supplement)

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

16 **Article – Natural Resources**

17 3–903.

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

23 (2) The Authority was organized and commenced its activities on
24 October 21, 1980, when there were filed with the Secretary of State and the
25 Department of Legislative Services certified copies of the resolutions of participation of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 at least two of the following four counties: Mayor and City Council of Baltimore,
2 Baltimore County, Maryland, Anne Arundel County, Maryland, and Harford County,
3 Maryland.

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

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

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

26 (6) Frederick County, Maryland, may also become a participating
27 county in the Authority by the County Commissioners of Frederick County filing
28 certified copies of a resolution of participation with the Secretary of State and the
29 Department of Legislative Services, whereupon Frederick County, Maryland, shall
30 have all of the rights, privileges, and powers under this subtitle that the other
31 participating counties have or may have.

32 **(7) CECIL COUNTY, MARYLAND, MAY ALSO BECOME A**
33 **PARTICIPATING COUNTY IN THE AUTHORITY BY THE BOARD OF COUNTY**
34 **COMMISSIONERS OF CECIL COUNTY FILING CERTIFIED COPIES OF A**
35 **RESOLUTION OF PARTICIPATION WITH THE SECRETARY OF STATE AND THE**
36 **DEPARTMENT OF LEGISLATIVE SERVICES, WHEREUPON CECIL COUNTY,**
37 **MARYLAND, SHALL HAVE ALL OF THE RIGHTS, PRIVILEGES, AND POWERS**
38 **UNDER THIS SUBTITLE THAT THE OTHER PARTICIPATING COUNTIES HAVE OR**
39 **MAY HAVE.**

40 **[(7)] (8) Each resolution of participation contained:**

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

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

6 [(8)] (9) Each resolution of participation was presented by the chief
7 executive officer of a county to the body exercising legislative powers of that county
8 and was effective after adoption by such legislative body and approval by such chief
9 executive officer.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2008.