

CHAPTER 267

(House Bill 335)

AN ACT concerning

Cecil County – Waste Disposal – Northeast Maryland Waste Disposal Authority

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

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

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

Article – Natural Resources

3–903.

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

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

(3) Montgomery County, Maryland, also became a participating county in the Authority by filing certified copies of a resolution of participation with the Secretary of State and the Department of Legislative Services, whereupon Montgomery County, Maryland, had all of the rights, privileges, and powers under

this subtitle that the other participating counties have or may have, including the power to participate in projects and to enter into contracts with the Authority, including the contracts relating to the Authority's Southwest Resource Recovery Facility located in the City of Baltimore, in order to defray and provide for the Authority's costs of acquiring, constructing, operating, or providing a project, including debt service requirements of the Authority relating to a project.

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 24, 2008.