

(b) *The duration of this Title shall be perpetual but any signatory thereto may withdraw therefrom upon two years' written notice to the Board.*

(c) *The withdrawal of any signatory shall not relieve such signatory, any transportation district, county or city or other political subdivision thereof from any obligation to the Authority, or inuring to the benefit of the Authority, created by contract or otherwise.*

**317-84. Amendments and Supplements—**

*Amendments and supplements to this Title to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.*

**317-85. Construction and Severability—**

*The provisions of this Title and of the agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this Title or any such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, political subdivision or agency thereof is held invalid, the constitutionality of the remainder of this Title or any such agreement and the applicability thereof to any other signatory party, political subdivision or agency thereof or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this Title be reasonably and liberally construed.*

**317-86. Effective Date; Execution—**

*This Title shall be adopted by the signatories in the manner provided by law therefor and shall be signed and sealed in four duplicate original copies. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with the laws of the State in which the filing is made, and one copy shall be filed and retained in the archives of the Authority upon its organization. This Title shall become effective ninety days after the enactment of concurring legislation by or on behalf of the District of Columbia, Maryland and Virginia and consent thereto by the Congress and all other acts or actions have been taken, including the signing and execution of the Title by the Governors of Maryland and Virginia and the Commissioners of the District of Columbia.*

Approved May 4, 1965.

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CHAPTER 870

(House Bill 300)

AN ACT to add new Chapter 73A to the Montgomery County Code, 1960 (being Article 16 of the Code of Public Local Laws of Maryland), title "Montgomery County," to follow immediately after Chapter 73 thereof, and to add new Chapter 83A to the Code of Public Local Laws of Prince George's County (1963 Edition, being Article 17 of the Code of Public Local Laws of Maryland), title

"Prince George's County," to follow immediately after Chapter 83 thereof, and both to be under the new subtitle "Washington Suburban Transit ~~Commission~~ DISTRICT"; to create the Washington Suburban Transit ~~Commission~~ DISTRICT to cooperate with an ~~authority~~ AUTHORITY created by interstate compact between the States of Maryland and Virginia and the District of Columbia to provide transit facilities and service for the metropolitan area of Washington, D. C.; to provide for selection of members of the WASHINGTON Suburban Transit Commission, their compensation, powers and duties; to authorize the ~~Commission~~ DISTRICT to enter into agreements with the Authority to provide transit facilities and services and to contribute funds for the capital needs of the ~~authority~~ AUTHORITY, for debt service and for expenses and obligations of operation of transit facilities; to guarantee the obligations of the ~~Commission~~ DISTRICT AND TO APPROPRIATE FOR THE ADMINISTRATIVE EXPENSES OF THE COMMISSION on the part of Montgomery and Prince George's counties; to authorize the levy of taxes for the purposes of the ~~Commission~~ DISTRICT in the WASHINGTON Suburban Transit District in Montgomery and Prince George's counties; to authorize issuance of revenue anticipation notes to be repaid from taxes and income of the ~~Commission~~ DISTRICT; to exempt from State and local taxation the property and income of the ~~Commission~~ DISTRICT; to provide for entry into and withdrawal from the Transit District; and to generally relate to operation of transit facilities and services in the Metropolitan area of Washington, D. C. in Montgomery and Prince George's Counties.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Chapter 73A be and it is hereby added to the Montgomery County Code, 1960 (being Article 16 of the Code of Public Local Laws of Maryland), title "Montgomery County," to follow immediately after Chapter 73 thereof; and that new Chapter 83A be and it is hereby added to the Code of Public Local Laws of Prince George's County (1963 Edition, being Article 17 of the Code of Public Local Laws of Maryland), title "Prince George's County," to follow immediately after Chapter 83 thereof, and both to be under the new subtitle "Washington Suburban Transit ~~Commission~~ DISTRICT," and to read as follows:

73A.

1. *Declaration of Legislative Policy*

*The development of a transportation system, composed of transit facilities, public highways, and other modes of transport, is necessary for the orderly growth and development of Montgomery and Prince George's Counties, for the safety, comfort, and convenience of their citizens and for the economical utilization of public funds. The provision of the necessary facilities and services cannot be achieved by the unilateral action of the counties and the attainment thereof requires planning and action on a regional basis, conducted cooperatively and on a continuing basis, between representatives of the counties and the State Roads Commission. Montgomery and Prince George's Counties are contiguous to the District of Columbia and to portions of Northern Virginia, and together with these areas*

form a single metropolitan area. The development of a transportation system adequate for the needs of Montgomery and Prince George's Counties requires cooperative planning and action with such adjoining areas. Such planning and action should be conducted in a manner which preserves, to the extent the necessity for joint action permits, local autonomy over patterns of growth and development. The requisite joint action may best be achieved through the device of a ~~transportation~~ TRANSIT district having the powers, functions and duties hereinafter set forth in this Act. In the provision of improved or expanded transit facilities, it is the policy of this Act to make use of private enterprise to the extent reasonably practicable.

## 2. Definitions

As used in this subtitle, the following words and terms shall have the following meanings, unless the context clearly requires a different meaning:

(a) "Authority" means an agency created by interstate compact between Maryland, Virginia and the District of Columbia to provide transit facilities and service for the metropolitan area of Washington, D. C.;

(b) "Commission" means the Washington Suburban Transit Commission;

(c) "District" means the Washington Suburban Transit District;

(d) "Governing bodies" means the County Council of Montgomery County and the Board of County Commissioners of Prince George's County;

(e) "Metropolitan area" means the metropolitan area of Washington, D. C., as defined in the pamphlet 'Standard Metropolitan Statistical Areas,' issued by Executive Office of the President, Bureau of the Budget, 1964;

(f) "State" includes the District of Columbia; and

(g) "Transit facilities" means all those matters and things utilized in rendering MASS transit service by means of rail, bus, water or air and any other mode of travel, including without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicle, marine and air transportation, stations, terminals and ports, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of MASS transit service.

## 3. Creation of Washington Suburban Transit District

There is hereby created, as a body corporate and politic, the Washington Suburban Transit District which shall embrace the Counties of Montgomery and Prince George's and the municipal corporations located in said Counties.

## 4. Creation of Washington Suburban Transit Commission

There is hereby created the Washington Suburban Transit Commission, which shall have the powers and duties granted herein and such additional powers as may hereafter lawfully be conferred upon

it pursuant to law, to manage and control the functions, affairs and property of the corporation.

5. *Members of the Commission*

(a) *The Commission shall be composed of six members, three to be appointed by the County Council of Montgomery County and three by the Board of County Commissioners of Prince George's County. from among their members. AT LEAST ONE COMMISSIONER FROM EACH COUNTY SHALL BE APPOINTED FROM AMONG THE MEMBERS OF THE COUNTY COUNCIL AND THE BOARD OF COUNTY COMMISSIONERS. THE OTHER COMMISSIONERS MAY BE SELECTED FROM AMONG THE MEMBERS OF THE RESPECTIVE GOVERNING BODIES OR MAY BE SELECTED FROM QUALIFIED RESIDENTS OF EACH COUNTY AS THE COUNTY COUNCIL AND THE BOARD OF COUNTY COMMISSIONERS SEE FIT. Each such appointee shall serve at the pleasure of the appointing body but no such appointee may continue to serve when he is no longer a member of the appointing body. EACH COMMISSIONER SHALL SERVE AT THE PLEASURE OF HIS RESPECTIVE APPOINTING BODY. UNLESS OTHERWISE REMOVED AT THE PLEASURE OF THE APPOINTING BODIES, MEMBERS OF THE COMMISSION SHALL SERVE UNTIL THEIR SUCCESSORS HAVE BEEN APPOINTED AND QUALIFIED. The governing bodies of each of the Counties shall inform the Commission of its appointments to and removals from the Commission by delivering to the Commission a certified copy of the resolution or other action making the appointment or causing the removal.*

(b) *Each Commissioner, before entering upon the discharge of the duties of his office, shall*

(1) *take the constitutional oath of office before the Clerk of the Circuit Court in the County in which he resides and a record of each oath shall be filed in the office of the clerk before whom it was taken; and*

(2) *give bond in the amount and as required by law for a county commissioner, which bond shall be executed by a surety company authorized by the State of Maryland to execute such bonds. Upon approval of such bond by the Commission, the premium for such bond, which shall not exceed one-half of one per cent per annum of the penalty of the bond so executed and approved, shall be paid by the Commission from any funds available therefor.*

6. *Officers of the Commission*

*Within thirty days after the appointment of the original members of the Commission, the Commission shall meet on the call of any Commissioner and shall organize by electing from among its members a chairman and a vice-chairman, who shall not be from the same county, and a secretary and a treasurer, who may but need not, be members of the Commission. The offices of secretary and treasurer may be held by the same person. Subject to the provisions of Section 5 (a), each such officer shall be elected to serve for a term of one year and shall be eligible for reelection, except that the office of chairman and vice-chairman shall rotate annually between the Counties.*

(A) THE RESPECTIVE APPOINTING BODIES SHALL HAVE AUTHORITY TO DESIGNATE WHO SHALL BE THE CHAIRMAN AND THE VICE-CHAIRMAN OF THE COMMISSION, WHO SHALL NOT BE FROM THE SAME COUNTY. IF THE APPOINTING BODIES DO NOT DESIGNATE SUCH OFFICERS, THEN THE COMMISSION MAY ELECT THE CHAIRMAN AND VICE-CHAIRMAN FROM AMONG ITS MEMBERS. THE COUNTY FROM WHICH THE FIRST CHAIRMAN SHALL BE APPOINTED SHALL BE DETERMINED BY PRIORITY IN TIME AS SHOWN ON THE OFFICIAL RESOLUTION OF APPOINTMENT, OR IN CASE OF CONFLICT SHALL BE DETERMINED BY AGREEMENT BETWEEN THE TWO COUNTIES. THEREAFTER, THE OFFICE OF CHAIRMAN AND VICE-CHAIRMAN SHALL ROTATE ANNUALLY BETWEEN THE TWO COUNTIES, WITH EACH RESPECTIVE APPOINTING BODY RETAINING THE AUTHORITY TO NAME THE OFFICER FROM ITS COUNTY.

(B) THE COMMISSION SHALL ALSO ELECT A SECRETARY AND A TREASURER WHO MAY OR MAY NOT BE MEMBERS OF THE COMMISSION, AS THE COMMISSION IN ITS DISCRETION MAY DETERMINE. THE OFFICES OF SECRETARY AND TREASURER MAY BE HELD BY THE SAME PERSON. SUBJECT TO THE PROVISIONS OF SECTION 5 (A) AND SECTION 6 (A), EACH OFFICER OF THE COMMISSION SHALL SERVE FOR A TERM OF ONE YEAR AND SHALL BE ELIGIBLE FOR RE-DESIGNATION OR RE-ELECTION.

7. *Compensation and Expenses of Commissioners*

*The Commissioners shall not receive any compensation for their services, but each Commissioner shall be reimbursed for his necessary and proper expenses incurred in the performance of his duties as such.*

COMMISSIONERS OTHER THAN THOSE WHO ARE MEMBERS OF THE GOVERNING BODIES OF THE RESPECTIVE COUNTIES, SHALL RECEIVE FIFTY DOLLARS (\$50.00) PER DIEM COMPENSATION FOR EACH DAY IN WHICH THEY ATTEND A MEETING OR BUSINESS OF THE COMMISSION FOR WHICH OFFICIAL MINUTES ARE KEPT; PROVIDED THAT IN NO EVENT SHALL A COMMISSIONER RECEIVE MORE THAN \$50 FOR ANY DAY, BUT EVERY COMMISSIONER SHALL BE REIMBURSED FOR HIS NECESSARY AND PROPER EXPENSES INCURRED IN THE PERFORMANCE OF HIS DUTIES AS A COMMISSIONER SEPARATE FROM THE PER DIEM COMPENSATION.

8. *Quorum and Action by the Commission*

*A majority of the Commission shall constitute a quorum. The affirmative vote of a majority of the Commission, which majority shall include at least two members appointed by each County, shall be necessary to take any action.*

9. *Meetings of the Commission*

*Meetings of the Commission shall be held at such places and at such times as the Commission shall from time to time prescribe.*

*Meetings of the Commission, except executive sessions, shall be open to the public. Public hearings shall be held upon at least thirty days' notice, said notice to be given by publication in at least one newspaper printed and published in Montgomery County and one newspaper printed and published in Prince George's County.*

#### 10. Conflict of Interests

*No Commissioner, nor any other officer, employee, agent or consultant shall have any interest in any person or company engaged in the business of providing public transportation in the District or within the metropolitan area in which the District is located, or in the manufacture or sale of passenger transportation equipment or facilities. No Commissioner nor any agent, officer, employee or consultant thereof, shall contract with the District or be interested in, either directly or indirectly, any contract with the District or in the sale of any property, either real or personal, to the District. Any violation of this provision shall be a misdemeanor and punished as provided by law.*

#### 11. Functions of the Commission

*Any other provision of law to the contrary notwithstanding, the Commission shall:*

*(a) cooperate and participate, in accordance with the processes and procedures hereinafter provided, with an Authority to be created by interstate compact between Maryland, Virginia and the District of Columbia, in the formulation by that Authority of that portion of its transit plan relating to the transit facilities and services to be provided within the District and in the revision and amendment thereof from time to time;*

*(b) negotiate with the Authority, the Northern Virginia Transportation District and the District of Columbia an agreement for the allocation among such governments and the District of the costs to be incurred by the Authority in providing transit facilities and service; and*

*(c) provide, in the manner hereinafter set forth, funds to meet the obligations allocated to the District pursuant to such agreement.*

#### 12. Authorization to Enter into Contracts with Authority

*(a) The District is hereby authorized to enter into contracts or agreements with the Authority pursuant to which the Authority undertakes to provide the transit facilities and services to the District, specified in a mass transit plan adopted by the Authority, in consideration for the undertaking by the District to contribute, such **sums** as shall be agreed upon, to the capital required for the construction and/or acquisition of such transit facilities, for debt service requirements and for meeting expenses and obligations incurred in the operation of such facilities. The District shall not enter into any such contracts or agreements with respect to transit facilities and service in either Montgomery or Prince George's Counties unless ~~the County Council of Montgomery County and the Board of County Commissioners of Prince George's County adopt~~ **THE GOVERNING BODY OF THE AFFECTED COUNTY ADOPTS** a resolution approving the transit facilities and service*

proposed to be provided in its County ~~and~~, the terms and provisions of the contract or agreement. AND THE ALLOCATION BETWEEN THE COUNTIES OF THE OBLIGATIONS CREATED BY SUCH CONTRACT OR AGREEMENT. *The failure of one of said Counties to grant such approval shall not preclude the District from entering into such a contract or agreement for transit facilities and service to be provided to the other of the said Counties, if said County grants the required approvals.* THE PROVISIONS OF SECTION 8 HEREOF TO THE CONTRARY NOTWITHSTANDING, THE COMMISSION MAY AUTHORIZE SUCH A CONTRACT OR ~~ARRANGEMENT~~ AGREEMENT UPON THE UNANIMOUS APPROVAL OF THE THREE COMMISSIONERS APPOINTED FROM THE COUNTY GRANTING THE REQUISITE APPROVALS AND SAID THREE COMMISSIONERS SHALL CONSTITUTE A QUORUM OF THE COMMISSION FOR THE PURPOSES OF CONSIDERING SUCH A CONTRACT OR AGREEMENT.

(b) ~~The Commission~~ DISTRICT is authorized and empowered from time to time to enter into contracts or agreements, as set forth in paragraph (a) of this Section 12, in such amounts as it may deem necessary to provide transit facilities and service to the District, but the aggregate obligations under such contracts or agreements which may be outstanding at any one time shall not exceed such per centum of the total assessable basis of all property assessed for county taxation purposes within the District as shall be specified by further law. The District shall not enter into any such contracts or agreements until such further legislation is enacted.

#### 13. Guarantee by Counties of Obligations of District

*The obligations imposed upon the District by the contracts or agreements provided for in Section 12 (a) hereof shall be guaranteed by Montgomery and Prince George's Counties in the ratio that the cost of transit facilities located in each County bears to the total cost of transit facilities located in both counties* THE PROPORTIONS AGREED TO IN THE ALLOCATIONS APPROVED UNDER PARAGRAPH (A) OF SECTION 12. *The guarantee shall be made by resolution of the County Council of Montgomery County and of the Board of County Commissioners of Prince George's County and shall be evidenced by the endorsement of the guarantee on the face of the contract or agreement, said endorsement to be signed on behalf of each County by the Secretary or Clerk of the County Council or Board of County Commissioners, or by any officer designated for such purpose by the County Council or the Board of County Commissioners.*

#### 14. Levy of Taxes

(a) *For the purposes of (1) meeting the liability of the District, if any, under the contracts or agreements provided for in Section 12 (a) hereof, (2) retiring Revenue Anticipation Notes, authorized to be issued by Section 16 herein, and the payment of interest thereon, and (3) providing funds for the administrative and other expenses and obligations of the District, there shall be levied against all the assessable property within the District, by the County Council and Board of County Commissioners of Montgomery and Prince George's Counties, respectively, annually, a tax sufficient to*

meet these obligations and expenses as they mature or become payable, said tax to be determined, levied, collected and paid over in the following manner: At least thirty days before the tax levying period of each year, the respective County Council and Board of County Commissioners shall certify to the Commission, by Counties, the whole valuation of assessable property within the District. The Commission shall then determine the amounts necessary to be raised by each County for the ensuing year for the purposes specified herein, which amounts shall be determined by ~~the ratio that the cost of transit facilities located in each County bears to the total cost of transit facilities located in both counties,~~ THE ALLOCATION OF OBLIGATIONS AGREED TO UNDER PARAGRAPH (A) OF SECTION 12, except that the administrative expenses of the Commission shall be borne by each county, as set forth in Section 15 of this Act. After deducting all amounts in hand available for such purposes, if any, it shall determine the number of cents per \$100 necessary for each County to raise the said amounts and shall so certify to both the County Council and the Board of County Commissioners. The said County Council and Board of County Commissioners in their next annual levy shall levy said tax on all land and improvements and any other property assessed for County tax purposes within the District, which tax shall be levied and collected as County taxes now are or may be hereafter by law levied and collected, and have the same priority rights, bear the same interest and penalties and in every respect be treated the same as county taxes. The tax so levied, for the ensuing year shall be collected by the respective tax collecting authorities, and every sixty days they shall remit the whole amount of tax collected to the Commission.

#### 15. Administrative Expenses of the Commission

The Commission annually shall submit to the County Council of Montgomery County and to the Board of County Commissioners of Prince George's County a budget of its requirements for administrative expenses for the next ensuing year. There shall be included in said budget as an expense of the District, the Maryland share of the expenses of the Joint Commission to Consider Matters Relating to Passenger Carrier Facilities in the Washington Metropolitan Area, which Joint Commission has been empowered by Joint Resolution of the General Assembly of Maryland to negotiate an interstate compact between Maryland, Virginia and the District of Columbia dealing with transportation. The obligation of Montgomery and Prince George's Counties, AFTER BUDGET APPROVAL, to appropriate for the administrative budget of the Commission shall be allocated between such Counties upon the basis of population as reflected by the latest population statistics of the Bureau of the Census. Upon the request of either County, the Commission shall make the allocation upon estimates of population prepared in a manner approved by the Commission. Such budget shall be limited solely to the administrative expenses of the Commission and shall not include any funds for construction or acquisition of transit facilities or performing of transit service. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE RESPECTIVE GOVERNING BODIES SHALL HAVE THE RIGHT TO REVIEW AND TO APPROVE IN WHOLE OR IN PART THE ADMINISTRATIVE BUDGET OF THE COMMISSION, AND THE AGREEMENT OF THE GOVERNING BODIES OF BOTH COUNTIES SHALL BE



NECESSARY BEFORE THE COMMISSION'S ADMINISTRATIVE BUDGET MAY BE REDUCED.

16. *Revenue Anticipation Certificates of Indebtedness*

(a) *The Commission is authorized and empowered from time to time during any fiscal year to borrow such sums of money on promissory notes, to be known as Revenue Anticipation Certificates of Indebtedness, to bear interest not exceeding six (6%) per centum per annum, and to be signed by the Chairman and the Secretary or Treasurer of the Commission, as may be necessary to meet the liability of the District under the contracts or agreements provided for in Section 12 (a) hereof and to provide funds for the administrative and other expenses and obligations of the District. The Commission is authorized from time to time to reissue or renew its Revenue Anticipation Certificates of Indebtedness at the same or a greater rate of interest not exceeding six (6%) per centum per annum. All monies so borrowed within any fiscal year shall be repaid during the next succeeding fiscal year from the proceeds of its tax and other revenues received by the Commission during such next succeeding fiscal year. Said notes shall be guaranteed as to payment of principal and interest by the County Council of Montgomery County and by the Board of County Commissioners of Prince George's County, which guarantee shall be endorsed on each of said notes. The guarantee shall be made by resolution of the County Council of Montgomery County and the Board of County Commissioners of Prince George's County and shall be evidenced by the endorsement of the guarantee on each of said notes, said endorsement to be signed on behalf of each County by the Secretary or Clerk of the County Council or Board of County Commissioners or by any officer designated for such purposes by the County Council or the Board of County Commissioners. In the event of any liability under the above guarantee, such liability for each County shall be in the ratio that the cost of transit facilities located in each County bears to the total cost of transit facilities located in both Counties* PROPORTION AGREED TO IN THE ALLOCATIONS APPROVED UNDER PARAGRAPH (A) OF SECTION 12, except any notes issued to provide funds for administrative expenses of the Commission shall be borne by each of the Counties upon the basis of population, as set forth in Section 15, above.

(b) *The notes hereby authorized, and the interest payable thereon, in the hands of the persons entitled thereto from time to time, shall be and remain forever exempt from all state, county and municipal taxation of every kind and nature whatsoever, in the State of Maryland.*

17. *Additional Powers and Duties of ~~Commission~~ THE DISTRICT*

*Without in any manner limiting or restricting the general powers created by this subtitle, the ~~Commission~~ DISTRICT shall have power:*

- (a) *To adopt and have a common seal and to alter the same at pleasure;*
- (b) *To sue and be sued;*
- (c) *To make rules and regulations for the conduct of its business;*

*(d) To make and enter into all contracts or agreements, as the Commission may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this subtitle.*

(D) SUBJECT TO THE PROVISIONS OF SECTION 12 (A) HEREOF AND SUBJECT TO THE REVIEW AND APPROVAL IN WHOLE OR IN PART BY THE RESPECTIVE GOVERNING BODIES OF THE COUNTIES, TO MAKE AND ENTER INTO ALL CONTRACTS OR AGREEMENTS AS THE COMMISSION MAY DETERMINE WHICH ARE NECESSARY OR INCIDENTAL TO THE PERFORMANCE OF ITS DUTIES AND TO THE EXECUTION OF THE POWERS GRANTED UNDER THIS SUBTITLE.

*(e) To accept loans and grants of money or materials or property at any time from the United States of America or the State of Maryland or any agency or instrumentality thereof;*

*(f) In the name of the ~~Commission~~ DISTRICT, and on its behalf, to acquire, hold and dispose of its contract or other revenues:*

*(g) To exercise any power usually possessed by private corporations, including the right to expend, solely from funds provided under the authority of this subtitle, such funds as may be considered by the Commission to be advisable or necessary in the performance of its duties and functions;*

*(h) To employ engineers, attorneys, such other professional experts and consultants and such general and clerical employees as may be deemed necessary, and to prescribe their powers and duties and fix their compensation. The Commission shall not establish any merit, retirement or pension systems and the County Council of Montgomery County and the Board of County Commissioners of Prince George's County are hereby authorized, subject to appropriate agreements with the Commission, to include employees of the District in the retirement or pension system of either County, as may be agreed upon;*

*(i) To do and perform any acts and things authorized by this subtitle under, through, or by means of its own officers, agents and employees, or by contracts with any persons; and*

*(j) To execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the ~~Commission~~ DISTRICT or to carry out the powers expressly given in this subtitle.*

#### 18. Planning Process and Procedure

*(a) In performing the duties imposed upon it by Section 11 (a) of this subtitle, the Commission shall use its best efforts to assure that the mass transit plan adopted by the Authority shall be coordinated with*

*(1) other plans and programs affecting transportation in the District, in order to achieve a balanced system of transportation utilizing each mode to its best advantage; and*

*(2) the general development plans for Montgomery and Prince George's Counties and for all cities and towns located in such Counties exercising planning powers.*

(b) *Such coordination of planning shall be achieved, as follows:*

(1) *It shall be the duty and responsibility of each member of the Commission to serve as the liaison between the Commission, and the County by which he was appointed AND THE CITIES AND TOWNS LOCATED THEREIN and those members of the Commission who are also members of the Authority shall provide liaison between the Commission and the Authority to the end that the Commission, its component governments THE COUNTIES, CITIES AND TOWNS EMBRACED WITHIN THE DISTRICT and such Authority, shall be continuously, comprehensively, and mutually advised of plans, policies and actions requiring consideration in the planning for transit and in the development of planned transit facilities-;*

(2) *Cooperate with and participate in any continuous, comprehensive, transportation planning process cooperatively established by the State Roads Commission of Maryland and the Counties and cities embraced within the District to meet the planning standards now or hereafter prescribed by the Federal-Aid Highway Acts; and*

(3) *To the extent not inconsistent with or in duplication of the planning process specified in Subparagraph (2) of this Paragraph (b), cooperate with the Maryland-National Capital Park and Planning Commission, MARYLAND STATE PLANNING DEPARTMENT, the National Capital Regional Planning Council, the Washington Metropolitan Council of Governments, the Washington Metropolitan Area Transit Commission and the Maryland State Roads Commission. Such cooperation shall include the creation, as necessary, of technical committees composed of personnel concerned with planning and collection and analysis of data relative to decision-making in the transportation planning process.*

(4) *Any provision herein to the contrary notwithstanding, the Commission shall comply with the provisions of Acts of General Assembly 1959, Chapter 780, Section 67, with respect to the referral to the Maryland-National Capital Park and Planning Commission of the projects therein specified.*

#### 19. *Records and Reports*

(a) *The Commission shall keep and preserve complete and accurate accounts and records of all monies received and disbursed by it and of all of its business and operations and of all property and funds owned or managed by it or under its control.*

(b) *On or before the first day of December in each year, the Commission shall make an annual report of the activities of the District for the preceding fiscal year to the County Council of Montgomery County and to the Board of County Commissioners of Prince George's County. Each such report shall include a complete operating and financial statement covering the operations of the District during the year. The Commission shall cause an audit to be made of the books and accounts of the District at least once in each year by certified public accountants and the cost thereof shall be treated as an item of administrative expense.*

#### 20. *Tax Exemption*

*The exercise of the powers granted by this subtitle is in all respects for the benefit of the people of the State of Maryland and of the*

*District and is a public purpose and the District and the Commission will be performing an essential governmental function in the exercise of the powers conferred by this Act. Accordingly, the District shall not be required to pay taxes or assessments upon any property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities or upon any revenues therefrom and the property and the income derived therefrom shall be exempt from all state, county and local taxation.*

**21. Enlargement of and Withdrawal From District**

(a) *The geographical area embraced within the District may be enlarged to include any additional county, or part thereof, upon such terms and conditions, consistent with the provisions of this subtitle, as may be agreed upon by the Commission and such additional county and in conformance with the following procedures. The governing body of the county desiring to be included in the District shall adopt an ordinance or resolution, as may be appropriate, specifying the area of the county to be included and a statement that a contract or agreement between the county and the Commission DISTRICT, specifying the terms and conditions of admittance to the District has been executed. The ordinance or resolution to which shall be attached a certified copy of said contract shall be filed with the Commission. Upon such filing the District shall thereupon be enlarged to embrace the county or the portion thereof specified in the contract.*

(b) *A county may withdraw from the District by resolution or ordinance, as may be appropriate, adopted by majority vote of the governing body thereof. The withdrawal of any county shall not be effective until the resolution or ordinance of withdrawal is filed with the Commission. The withdrawal from the District of any county shall not relieve such county from the obligation of any guarantee made by such county with respect to contracts, agreements, notes, certificate of indebtedness or other obligations of the District nor from the obligation to levy taxes and pay over to the District the proceeds therefrom for the purposes and in the manner set forth in Section 14 of this Act.*

**22. Commission and District Are Not Municipalities**

*The term "municipal corporation" in Article XI-E of the Constitution of Maryland does not embrace or include the Commission or the District. The Commission and the District cannot be classified in any group of municipal corporations as required by said Article XI-E and that Article has no application to the Commission or to the District.*

**23. Act Liberally Construed**

*This Act, by necessity for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.*

**24. Repeal of Inconsistent Laws**

*All laws or parts of laws inconsistent with or contrary to the provisions of this Act are repealed to the extent of such inconsistency.*

**25. Severability**

*If any part or parts, section, subsection, sentence, clause or phrase of this Act or the application thereof to any person or circumstance,*

*is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining portions of this Act which shall remain in force as if such Act had been passed with the unconstitutional part or parts, section, subsection, sentence, clause, phrase or such applications thereto eliminated; and the General Assembly hereby declares that it would have passed this Act if such unconstitutional part or parts, section, subsection, sentence, clause or phrase had not been included herein or if such application had not been made.*

SEC. 2. *And be it further enacted, That this Act shall take effect July 1, 1965.*

Approved May 4, 1965.

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#### CHAPTER 871

(House Bill 1090)

AN ACT to repeal and re-enact, with amendments, Sections 9 AND 10 (g) and 12 of Article 51 of the Annotated Code of Maryland (1964 Replacement Volume), title "Juries," subtitle "Qualification and Selection of Jurors," to change the selection of the grand and petit jury in Prince George's County by providing that there shall be only one drawing, and relating generally to the selection of grand and petit jurors in Prince George's County.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That Sections 9 AND 10 (g) and 12 of Article 51 of the Annotated Code of Maryland (1964 Replacement Volume), title "Juries," subtitle "Qualification and Selection of Jurors," be and they are hereby repealed and re-enacted, with amendments, to read as follows:*

9.

IT SHALL BE THE DUTY OF THE JUDGES OF THE CIRCUIT COURTS FOR EACH OF THE COUNTIES, NOT LESS THAN FIFTEEN DAYS BEFORE THE COMMENCEMENT OF EACH TERM OF THE COURT AT WHICH JURORS ARE REQUIRED TO ATTEND, IN THE PRESENCE OF SUCH PRACTICING MEMBERS OF THE BAR OF SAID COURT AS SHALL THINK PROPER TO ATTEND, NOTICE OF THE TIME AND PLACE HAVING BEEN FIRST GIVEN TO SAID BAR THROUGH THE CRIER OR CLERK OF SAID COURTS, TO PROCEED TO SELECT FROM THE LISTS LAST FURNISHED BY THE CLERKS OF THE COUNTY COMMISSIONERS PROVIDED FOR IN SECTION 6 AND FROM THE POLLBOOKS OF THE SEVERAL ELECTION DISTRICTS OF SAID COUNTIES THAT SHALL BE RETURNED AND FILED IN THE CLERK'S OFFICE OF SAID COURTS AFTER ANY GENERAL ELECTION THAT MAY BE LAST HELD PREVIOUSLY TO SUCH ELECTION OR FROM SUCH OTHER LIST OF NAMES AS THE COURT MAY FIND AVAILABLE, A PANEL TO CONSIST OF NOT LESS THAN ONE HUNDRED AND FIFTY (150) NOR MORE THAN THREE