

The reference to "units" is substituted for the former reference to "departments and agencies" for consistency within this article. See General Revisor's Note to article.

The reference to "duties" is substituted for the former reference to "responsibilities" for consistency within this article.

Defined terms: "Council" § 13-1001
"State" § 9-101

13-1011. DISSOLUTION.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE DISSOLUTION OF THE COUNCIL.

(B) DISPOSAL OF ASSETS BY COUNCIL.

AFTER PROVIDING FOR THE PAYMENT OF EACH LIABILITY OF THE COUNCIL, THE COUNCIL, AS THE COUNCIL DETERMINES, SHALL DISPOSE OF ITS ASSETS EXCLUSIVELY:

(1) FOR THE PURPOSES OF THE COUNCIL; OR

(2) TO ANY ORGANIZATION THAT QUALIFIES UNDER § 501(c)(3) OF THE INTERNAL REVENUE CODE.

(C) DISPOSAL OF REMAINDER BY CIRCUIT COURT.

THE CIRCUIT COURT OF THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE COUNCIL IS LOCATED, BY JUDICIAL ACTION, SHALL DISPOSE OF ANY PROPERTY REMAINING AFTER DISPOSAL UNDER SUBSECTION (B) OF THIS SECTION EXCLUSIVELY FOR A PURPOSE OF THE COUNCIL OR TO THE COUNTIES IN THE REGION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 20D, § 1-103(b).

The reference to disposal of remaining property "by judicial action" is added to avoid the implication that the court could dispose of the property on its own initiative without a case before it, in violation of Md. Decl. of Rights, Art. 8. See 89 Op. Att'y Gen. 222 (2004).

The Economic Development Article Review Committee notes, for the consideration of the General Assembly, that as a legislatively chartered corporation, the Council may only be dissolved by action of the General Assembly. Accordingly, any legislation to dissolve the Council could specify a different disposition of assets than that specified in this section. Also, conditions specified for grants of property other than State and local moneys to the Council, such as federal funds, may require that those assets be dealt with differently than this section appears to require. See 89 Op. Att'y Gen. 222 (2004).