
By: ~~Delegate~~ **Delegates Busch, Turner, Pendergrass, D'Amato, Clagett,
Pitkin, and V. Jones**

Introduced and read first time: February 19, 2001
Assigned to: Rules and Executive Nominations
Re-referred to: Appropriations, March 5, 2001

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 20, 2001

CHAPTER 324

1 AN ACT concerning

2 **Maryland Food Center Authority**

3 FOR the purpose of clarifying and updating provisions relating to the financing of
4 projects and developments of the Maryland Food Center Authority in furthering
5 the Authority's statutory purposes; repealing obsolete provisions of law relating
6 to the New Marsh Wholesale Produce Market Authority; modifying provisions of
7 law relating to public financing and to transfers of interest in property of the
8 Authority; repealing certain provisions of law and adding a provision of law to
9 conform to current public financing practices; clarifying provisions of law
10 relating to rates and charges of Authority facilities that are subject to bond
11 resolutions or indentures; providing for the validity and enforceability of bonds
12 issued prior to the effective date of this Act; clarifying that the Authority is
13 authorized to pledge and assign revenues and security interests, and providing
14 that a lien attaches immediately, without further action, to revenues or property
15 pledged by the Authority; defining ~~and~~, redefining, ~~and deleting~~ certain terms;
16 making stylistic changes; and generally relating to the Maryland Food Center
17 Authority.

18 BY repealing and reenacting, with amendments,
19 Article 41 - Governor - Executive and Administrative Departments
20 Section 13-102 through 13-105, 13-108 through 13-113, 13-115, and 13-117
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 2000 Supplement)

23 BY repealing

1 Article 41 - Governor - Executive and Administrative Departments
2 Section 13-106
3 Annotated Code of Maryland
4 (1997 Replacement Volume and 2000 Supplement)

5 BY adding to
6 Article 41 - Governor - Executive and Administrative Departments
7 Section 13-122 and 13-123
8 Annotated Code of Maryland
9 (1997 Replacement Volume and 2000 Supplement)

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

12 **Article 41 - Governor - Executive and Administrative Departments**

13 13-102.

14 The General Assembly of Maryland makes the following declarations as a
15 statement of its legislative intent in the enactment of this subtitle:

16 (1) The marketing of food is a matter of public interest; the maintenance
17 of wholesale market places is and has always been recognized as a public function; the
18 vast quantities of food and related food products brought annually from all parts of
19 the United States into the wholesale markets in the State are obliged to pass through
20 market facilities which are obsolete and inadequate to meet present needs; the
21 scattered locations and difficulty of access with respect to such markets constitute an
22 economic loss; the obsolescence of these markets is responsible for much of the high
23 cost of food handling and for the deterioration which takes place both within the
24 wholesale markets and between the markets and the consumer's doorstep; modern
25 consolidated facilities would result in an annual saving; there is need for a
26 consolidated wholesale food market within the State; and in spite of this great need,
27 efforts on the part of the State of Maryland, the City of Baltimore, the wholesale food
28 trade, the growers, and the transportation industry have failed to bring about the
29 creation of a satisfactory consolidation of wholesale markets.

30 (2) The construction, operation, and maintenance of wholesale markets,
31 and in particular a consolidated market for the State would require the expenditure of
32 a large sum of money; the financial systems of the political subdivisions of the State
33 are not designed to handle projects of this type on a nonprofit, self-liquidating basis,
34 and the best method of distributing responsibility for this problem and of achieving
35 the creation of a market is to create and empower a market authority as a public
36 corporation, the function of which would be to acquire land for and to construct and
37 operate [such] a market ~~CENTER DEVELOPMENT~~; and to aid and assist by the
38 making of loans and otherwise those persons engaged in the wholesale food industry
39 who wish to locate in [such] A market ~~CENTER DEVELOPMENT~~.

1 (3) The public health and safety of the citizens of the State of Maryland
2 are adversely affected by the unsafe, obsolete, and unsanitary conditions of existing
3 food markets.

4 (4) It is desirable and in the public interest that these conditions be
5 eliminated and corrected and that an economical and modern method of marketing
6 wholesale food in the State of Maryland be established by the construction of a
7 modern, sanitary, and accessible market, that may include:

8 (i) Warehouse facilities used by wholesalers or retailers principally
9 engaged in the sale of food and used for storage of food and beverages and such
10 nonfood products as may be sold from time to time in connection with the sale of food
11 at retail; and

12 (ii) Any ancillary or other appurtenant facilities that the Authority
13 determines to be advisable in order to enhance the public convenience or public
14 attractiveness of the market ~~CENTER DEVELOPMENT~~, including but not limited to
15 parking or other transportation facilities, restaurants, shops, stores, banks, or other
16 commercial enterprises generally.

17 (5) There exists a need and the opportunity to capitalize on the vast
18 resources of finfish and shellfish that can be found off Maryland's coastal waters;
19 development of the seafood industry on the Eastern Shore could provide an
20 opportunity for the State to capitalize on these resources, could create new jobs, and
21 could produce other economic benefits to the State; a centralized seafood ~~park~~
22 PROJECT is necessary for the development of these resources and the ensuing
23 economic benefits; the development of the ~~park~~ PROJECT and these resources would
24 be in the public interest and can best be accomplished through the Maryland Food
25 Center Authority.

26 (6) It ~~appears~~ IS DESIRABLE that WHEN sufficient revenue will be
27 derived from the operation of ~~the market and park~~ A PROJECT OR DEVELOPMENT to
28 amortize the cost thereof within a reasonable period, ~~and it is therefore deemed~~
29 ~~proper that the development of the market, the park, and other projects~~ COST be
30 defrayed insofar as practicable by the issuance of bonds OR OTHER DEBT
31 INSTRUMENTS payable ~~solely~~ from the revenue derived from project operations.

32 13-103.

33 (a) A body corporate and politic, to be known as "The Maryland Food Center
34 Authority" is created to be an instrumentality of the State of Maryland and a public
35 corporation by that name, style and title. It may contract and be contracted with, sue
36 and be sued, implead and be impleaded, and complain and defend in all courts.

37 (b) The Authority consists of 12 members, all of whom shall be citizens of the
38 State, one of whom shall be a resident of Howard County. The Director of Agricultural
39 Extension, State of Maryland, the Comptroller of the State, the Secretary of
40 Agriculture, and the Secretary of General Services shall be ex officio members, and
41 the tenure of their office shall coincide with the terms for which they hold the
42 designated offices. In the event of a vacancy in any of the ex officio [officers]

1 OFFICES, the seat on the Authority is to be taken by the interim or permanent
2 successor.

3 The Governor of the State of Maryland, with the advice and consent of the
4 Senate, shall appoint 5 members who shall be outstanding citizens of the State. Each
5 member, excluding the ex officio members, shall be appointed for a term of five years
6 from the dates of expiration of the member's respective term of office, except that any
7 person appointed to fill a vacancy shall serve only for the unexpired term. Any
8 member of the Authority is eligible for reappointment. The Governor, after notice in
9 writing to a member 30 days in advance of the action, may remove any member other
10 than the ex officio members for inefficiency, neglect, or misconduct. Any member so
11 notified shall be entitled to a hearing before the Governor, provided that request for a
12 hearing be made in writing to the Governor not later than ten days after receipt of the
13 notice. In the event of removal the Governor shall promptly appoint a successor.

14 (c) Immediately after appointment, the members of the Authority shall enter
15 upon their duties. The Authority shall elect one of its members as chairman and
16 another as vice-chairman, and it shall also elect a secretary-treasurer, who may or
17 may not be a member of the Authority. Seven members of the Authority constitute a
18 quorum. Action shall be by majority vote, each member, including ex officio members,
19 being entitled to one vote. No vacancy in the Authority impairs the right of a quorum
20 to exercise all of the rights and perform all of the duties of the Authority. The
21 members of the Authority shall be reimbursed for expenses incurred in the
22 performance of their duties in accordance with the Standard State Travel
23 Regulations. Members other than ex officio may be paid such per diem compensation
24 for their services, not exceeding \$1,000 each year, as the Authority may establish.
25 However, the reimbursement shall be made and the compensation shall be paid solely
26 from funds provided under the authority of this subtitle.

27 (d) Meetings of the Authority shall be held at least quarterly and shall be
28 called by written notice to each member at least ten days in advance of the meeting.
29 The Authority shall make necessary rules and regulations for its own government.
30 The Authority may delegate to one or more of its members, or to its officers, agents,
31 and employees, whatever powers and duties it deems proper, but no contract is
32 binding on the Authority unless approved or authorized by a majority of the members
33 of the Authority.

34 (e) When all of the bonds of the Authority are paid and retired, and when all
35 of the interest on and principal of all bonds issued by the Authority has been paid or
36 provision for the payment has been made, AND WHEN ALL OTHER
37 PROJECT-FINANCING DEBT OF THE AUTHORITY HAS BEEN REPAID, in the event that
38 the State shall have levied and collected any State tax for the payment of interest on
39 and principal of the bonds pursuant to the provisions of § 13-110, the Authority shall
40 pay over to the Comptroller of the State out of DEVELOPMENT AND project revenues,
41 after deduction for the cost of maintaining, repairing and operating [the]
42 DEVELOPMENTS OR [project] PROJECTS, including reserves for such purposes and
43 for replacements, depreciation, and necessary extensions, the amount of any taxes
44 levied and collected by the State for the payment of interest on and principal of the
45 bonds. [In the event the Authority acquires the property of the New Marsh Wholesale

1 Produce Market Authority and assumes all the duties, obligations and liabilities
 2 thereof as provided in § 13-106 of this subtitle, the Authority shall pay over to the
 3 Comptroller of the State of Maryland out of project revenues the amount of any taxes
 4 levied and collected by the State under Chapter 845 of the Laws of Maryland of 1957
 5 for the payment of interest on and the principal of the bonds issued by the New Marsh
 6 Wholesale Produce Market Authority.] The payments to the State shall be without
 7 interest and shall be made within 60 days after the end of each fiscal year of the
 8 Authority which begins after the year in which all of the bonds ~~have~~ AND OTHER
 9 PROJECT-FINANCING DEBT OF THE AUTHORITY HAVE been paid and retired, or in
 10 which provision for such payment has been made, until all of the State tax has been
 11 repaid to the State.

12 13-104.

13 As used in this subtitle the words and terms listed in this section and used in
 14 their place have the meaning indicated unless the context shall indicate another or
 15 different meaning or intent.

16 (1) "Authority" means the Maryland Food Center Authority, created by §
 17 13-103 of this subtitle.

18 (2) "CENTER" MEANS THE MARYLAND FOOD CENTER ~~AND ANY OTHER~~
 19 ~~MULTIPROJECT DEVELOPMENT ESTABLISHED BY THE AUTHORITY WITHIN THE~~
 20 ~~STATE.~~

21 [(2)] (3) "Cost of DEVELOPMENTS OR projects" means the purchase
 22 price, the cost of all land, property rights, easements, and franchises, deemed
 23 necessary for the construction and establishment of [the market, the park, or other]
 24 DEVELOPMENTS OR projects, the cost of relocation of wholesale food dealers or
 25 tenants referred to in § 13-105(8) of this subtitle, the cost of all labor, materials,
 26 machinery and equipment including expenses of relocating public utility facilities
 27 referred to in § 13-105(5) of this subtitle, etc., financing charges, interest prior to and
 28 during construction, cost of engineering, architectural and legal services, plans,
 29 specifications, surveys, estimates of costs and of revenues, other expenses necessary
 30 or incident to determining the feasibility or practicability of such construction,
 31 administrative expense and such other expenses as may be necessary or incident to
 32 the financing herein authorized and to the construction and establishment of
 33 DEVELOPMENTS OR projects; and the placing of them in operation.

34 [(3)] (4) "Current expenses" means the Authority's reasonable and
 35 necessary current expenses of maintaining, repairing, and operating DEVELOPMENTS
 36 OR projects and includes, without limiting the generality of the foregoing, all
 37 administrative expenses, insurance premiums, engineering expenses relating to
 38 operation and maintenance, legal expenses, charges of the paying agents, any taxes
 39 which may be lawfully imposed on the Authority or its income or operations or the
 40 property under its control and reserves for those taxes, and any payments in lieu of
 41 taxes, ordinary and usual expenses of maintenance and repair which may include
 42 expenses not annually recurring, expenses incurred in the exercise and the
 43 performance of its powers and duties under the provisions of this subtitle, and any

1 other expenses required to be paid by the Authority under the provisions of any trust
 2 agreement securing revenue bonds or by law.

3 (5) ~~(4)~~ "DEVELOPMENT" MEANS THE CENTER, ~~THE PARK A~~
 4 COMMERCIAL SEAFOOD DEVELOPMENT, AND ANY OTHER MULTIPROJECT FOOD OR
 5 AGRICULTURALLY RELATED REAL ESTATE DEVELOPMENTS UNDERTAKEN BY THE
 6 AUTHORITY TO FURTHER THE PURPOSES OF THIS SUBTITLE.

7 ~~(H)~~ "DEVELOPMENT" DOES DO NOT INCLUDE THE DEVELOPMENT
 8 OF AQUACULTURE DEVELOPMENTS OR PROJECTS FOR THE COMMERCIAL REARING
 9 OF FINFISH, SHELLFISH, OR AQUATIC PLANTS.

10 [(4)] (6) "Food" shall be liberally construed and means agricultural and
 11 other edible food products, including, but not limited to, seafood, eggs, butter, cheese,
 12 poultry, fruits, vegetables, meats, meat products, and floricultural and horticultural
 13 products, in packaged or fresh form.

14 [(5) "Market" means the Maryland Food Center and any other market to
 15 be established by the Authority within the State, including all ancillary or other
 16 appurtenant facilities that the Authority determines to be advisable in order to
 17 enhance the public convenience or public attractiveness of the market, including but
 18 not limited to parking or other transportation facilities, restaurants, shops, stores,
 19 banks, or other commercial enterprises generally.]

20 ~~[(6)] (7) "Park" means a commercial seafood development located at an~~
 21 ~~appropriate site that may be established [hereunder, and includes all appurtenant~~
 22 ~~facilities and services] UNDER THIS SUBTITLE.~~

23 [(7) (i) "Project" means the market, the park and other food or
 24 agriculturally related real estate developments undertaken by the Authority in
 25 furtherance of the purposes of this subtitle.]

26 ~~(8)~~ (7) (I) "PROJECT" MEANS ~~AN INDIVIDUAL~~ ANY FACILITY,
 27 OPERATION, OR PORTION OF A DEVELOPMENT UNDERTAKEN BY THE AUTHORITY TO
 28 FURTHER THE PURPOSES OF THIS SUBTITLE.

29 (II) 1. "PROJECT" INCLUDES, WITHOUT LIMITATION:

30 A. A MARKET, A FOOD HANDLING, PROCESSING, STORAGE OR
 31 DISTRIBUTION FACILITY, OR A COMMERCIAL SEAFOOD FACILITY OR OPERATION;
 32 AND

33 B. ANY ANCILLARY OR OTHER APPURTENANT FACILITY AND
 34 SERVICES THAT THE AUTHORITY DETERMINES TO BE ADVISABLE TO ENHANCE THE
 35 PUBLIC CONVENIENCE OR PUBLIC ATTRACTIVENESS OF A DEVELOPMENT OR
 36 PROJECT, INCLUDING PARKING OR OTHER TRANSPORTATION FACILITIES,
 37 RESTAURANTS, SHOPS, STORES, BANKS, OR OTHER COMMERCIAL ENTERPRISES.

38 2. "PROJECT" ALSO INCLUDES:

1 A. THE LAND, BUILDINGS, STRUCTURES, MACHINERY,
2 EQUIPMENT, FURNISHINGS, RAIL OR MOTOR VEHICLES, BARGES, AND BOATS WITHIN
3 A DEVELOPMENT OR PROJECT;

4 B. THE REAL OR PERSONAL PROPERTIES AND RIGHTS
5 WITHIN A DEVELOPMENT OR PROJECT; AND

6 C. THE LAND AND FACILITIES THAT ARE FUNCTIONALLY
7 RELATED TO A DEVELOPMENT OR PROJECT.

8 [(ii)] (III) "Project" does not include the development of aquaculture
9 DEVELOPMENTS OR projects for the commercial rearing of finfish, shellfish, or
10 aquatic plants.

11 [(8)] ~~(9)~~ (8) "Seafood" includes edible and inedible fish and shellfish.

12 13-105.

13 The Authority shall have perpetual existence and may:

14 (1) Adopt a seal and alter the same at its pleasure;

15 (2) Acquire, hold and dispose of real and personal property for its
16 corporate purposes;

17 (3) (i) Develop, establish, construct, erect, acquire, own, repair,
18 remodel, add to, extend, improve, equip, operate, and maintain DEVELOPMENTS AND
19 projects in the State and pay the cost of DEVELOPMENTS AND projects, including
20 parking and other ancillary facilities appurtenant thereto, including improvements of
21 portions of any waterways thereat [solely] from the proceeds of bonds of the
22 Authority or FUNDS otherwise available or to become available under the provisions
23 of this subtitle, or from such proceeds and any grant from the United States of
24 America or the State or any agency or instrumentality of either. The Authority shall
25 not be subject to the provisions of Article 78A of the Annotated Code of Maryland
26 (1957 Edition) as amended, the provisions of Title 2, Subtitles 4 and 5, Title 4,
27 Subtitles 7 and 8, §§ 8-127, 8-128, and 8-129, Part V of Title 8, Subtitle 1, and Title
28 10 and Division II of the State Finance and Procurement Article, and shall have the
29 right to construct DEVELOPMENTS AND projects without obtaining the consent of any
30 department, division, commission, board, bureau or agency of the State and without
31 any other proceedings or the happening of any other conditions or things than those
32 proceedings, conditions, or things which are specifically required by this subtitle;
33 except that: 1. the Authority shall, where required by this subtitle, obtain the
34 approval of the political subdivision where [the project] A DEVELOPMENT is located,
35 obtain all applicable licenses and permits, and follow the required procedures; 2. a
36 DEVELOPMENT OR project shall be subject to all applicable laws and regulations of
37 the Secretary of Health and Mental Hygiene and shall be subject to all zoning and
38 subdivision regulations of the political subdivision in which the DEVELOPMENT OR
39 project is located; 3. construction of a [project] DEVELOPMENT may not begin unless
40 a comprehensive study establishes that the construction and operation of the
41 [project] DEVELOPMENT would be both economically and environmentally sound; 4.

1 except for the Maryland Food Center, construction of a [park or other food or
2 agriculturally related real estate] development undertaken by the Authority may not
3 begin unless: a. an analysis of the economic benefits of the proposed [project]
4 DEVELOPMENT is submitted, subject to § 2-1246 of the State Government Article, to
5 the Legislative Policy Committee and the Department of Legislative Services; and b.
6 the Legislative Policy Committee has an opportunity to comment within 45 days of
7 receipt of the proposal; 5. all plans and any issue of bonds for the financing of [the
8 facilities] A DEVELOPMENT OR PROJECT of the Authority shall first be submitted to
9 and be approved prior to the sale thereof by resolution of the Board of Public Works;
10 and 6. all other plans, contracts, and leases, acquiring, transferring, or conveying
11 REAL property shall have the approval of the Board of Public Works;

12 (ii) In carrying out its duties and responsibilities, the Authority
13 shall comply with Title 14, Subtitle 3 of the State Finance and Procurement Article
14 and the minimum minority business participation requirements enumerated therein.
15 In addition, the Authority shall take affirmative steps to include minority businesses
16 in its markets ~~and the park~~ to at least the same extent as required by Title 14,
17 Subtitle 3 of the State Finance and Procurement Article;

18 (4) Make contracts and leases and execute all instruments necessary or
19 convenient, including contracts or leases with respect to the construction, operation,
20 maintenance, management, and use of the facilities of DEVELOPMENTS AND projects,
21 concessions, stalls, auction house, docking facilities, or other facilities, on such terms
22 and for such of its corporate purposes as the Authority deems advisable; all contracts
23 for the construction of the facilities of a DEVELOPMENT OR project shall be made only
24 after the solicitation of sealed bids except where the facilities are to be constructed on
25 land which has been either leased or sold by the Authority to a private entity or
26 entities;

27 (5) Acquire in its own name, by purchase, on such terms and conditions
28 and in such manner as it deems proper, or by condemnation and in accordance with
29 and subject to the provisions of any and all existing laws applicable to the
30 condemnation of property for public use, real property or rights or easements therein
31 or thereover or franchises or licenses convenient for its corporate purposes; and use
32 the property so long as its corporate existence continues; and lease or make contracts
33 with respect to the use of the property or dispose thereof in any manner it deems to
34 the best advantage of a DEVELOPMENT OR project; but the Authority is under no
35 obligation to accept and pay for any property, rights, or easements acquired under
36 this subtitle except from the funds provided under the authority of this subtitle. In
37 any proceedings to condemn, such orders may be made by the court having
38 jurisdiction of the suit, action or proceedings as may be just to the Authority and to
39 the owners of the property to be condemned; and if the Authority deems it expedient
40 to establish or construct a DEVELOPMENT OR project on any lands, streets, alleys, or
41 public places, the title to which shall then be in any political subdivision in the State,
42 the subdivision, through its proper officials, may either lease to the Authority under
43 such terms as may be mutually acceptable or may convey title to such lands, streets,
44 alleys, or public places to the Authority upon payment to the political subdivision of
45 the reasonable value of the lands, the value to be determined by the Authority and by
46 the proper officials of the political subdivision involved; the payment to be in cash or

1 in bonds of the Authority at par; provided that the political subdivision upon the
2 approval of the board of estimates, in the case of the City of Baltimore, or of the
3 county commissioners or other officials proper under the circumstances, may lease or
4 convey without consideration to the Authority any real or personal property owned by
5 it and suitable for use by the Authority for the purposes set out in this subtitle; and
6 provided further that all public utility facilities, whether publicly or privately owned
7 or operated, occupying such lands, streets, alleys, or public places, first have been
8 removed or relocated at the Authority's expense; and provided further that the powers
9 herein contained and conferred in this paragraph shall not be exercised nor applicable
10 to the acquisition of any site for the establishment or construction of [the projects] A
11 DEVELOPMENT, nor shall [the projects] A DEVELOPMENT be established or
12 constructed unless the site therefor shall have been first approved, in the case of the
13 City of Baltimore, by the board of estimates, or in the case of any other political
14 subdivision, the county commissioners or county executive as the case may be;

15 (6) Sell or lease, or otherwise transfer or convey in any manner deemed
16 appropriate by the Authority, any land or property now or hereafter owned by it to
17 carry out the purposes of this subtitle; but if any such land or property is sold to any
18 legal entity for any such purpose, the purchaser of the land or property shall pay to
19 the Authority or the State an amount of money at least equal to the full appraised
20 value of the land or property, and if any such land or property is leased by the
21 Authority to any legal entity for any of the purposes hereinbefore mentioned, the
22 lessee shall pay annually to the Authority an amount of money equal to the
23 reasonable rental value of the land or property. If any such land or property is sold as
24 aforesaid and land or property is then conveyed to the Authority as security for a loan
25 made by the Authority to the purchaser under the provisions of this subtitle, the
26 purchaser shall be subject to State and local property taxes on such land or property
27 from the date of such sale;

28 (7) Use the proceeds of bonds of the Authority, or funds otherwise
29 available or to become available under the provisions of this subtitle, or such proceeds
30 and any other grant from the United States of America or the State, or any agency or
31 instrumentality of either, for the purposes contemplated by the provisions of this
32 subtitle; or finance any private, public, or quasi-public corporation, partnership,
33 association, person, or other legal entity in carrying out such purposes, either on land
34 or property that is owned or otherwise held or controlled by the Authority or State, or
35 on, under, or in any land or property owned or otherwise held or controlled by any
36 private, public or quasi-public corporation, partnership, association, person, or other
37 legal entity and charge to and equitably apportion between such private, public or
38 quasi-public corporation, partnership, association, person, or other legal entity all or
39 a portion of the Authority's administrative costs and expenses incurred in its exercise
40 of the powers and duties conferred by this subtitle. However, if the Authority finances
41 any private, public or quasi-public corporation, partnership, association, person or
42 other legal entity to carry out the purposes of this subtitle as hereinabove provided,
43 no part of the proceeds shall be expended for actually constructing, erecting, altering,
44 expanding, improving, or equipping any building, structure, or facility for the
45 purposes contemplated by this subtitle (as distinguished from funds which are
46 necessary to be expended in connection with the acquisition of land or property or the
47 preparation of plans or the employment of assistants, aides, or employees of the

1 Authority, or other matters or things which are usually and generally preliminary to
2 the commencement of actual construction work) until the Authority, with the approval
3 of the Board of Public Works of the State, has entered into a binding contract with the
4 private, public, or quasi-public corporation, partnership, association, person or other
5 legal entity secured to the satisfaction of the Board of Public Works under the terms
6 of which the private, public, or quasi-public corporation, partnership, association,
7 person, or other legal entity is obligated to pay to the Authority or its designee a sum
8 to provide for the payment of (i) the interest upon the bonds sold pursuant to the
9 provisions of this subtitle as the interest falls due, (ii) the principal of the bonds as it
10 falls due, (iii) the necessary fiscal agency charges for paying principal and interest
11 and any charges or fees fixed by the Authority for its administrative costs and
12 expenses, and (iv) any premium upon bonds retired by call or purchased as provided
13 in this subtitle. In addition, the legal entity shall pay to the State of Maryland, or any
14 of its political subdivisions, the amount of State and local property taxes as the same
15 accrue from the time of the transfer of the property to such legal entity;

16 (8) Assist wholesale food dealers and tenants who wish to locate or
17 relocate their operations in a DEVELOPMENT OR project. In furtherance of such
18 power, the Authority may acquire, by negotiation and purchase, the land, buildings,
19 structures, facilities, equipment, leases, or any interest therein, and may pay all or a
20 part of reasonable moving expenses for personal property necessary to be moved in
21 the relocation or location of those dealers and tenants who, in the best judgment of
22 the Authority, afford the greatest opportunity of success for a project OR
23 DEVELOPMENT, and which expenses of acquisition, location, or relocation the
24 Authority, in the responsible exercise of its discretion, believes it has the most
25 favorable opportunity of regaining;

26 (9) Appoint and dismiss officers, agents and employees, including, but
27 not limited to, engineering, architectural, fiscal, and construction experts and
28 attorneys, and fix their compensation;

29 (10) Borrow money for any of its corporate purposes including the power
30 to mortgage or further encumber its property as security for such loan and issue
31 negotiable bonds as hereinafter provided in this subtitle; all money and funds of the
32 Authority may be invested; all interest earned and all other income from any
33 investments shall be credited to the Authority;

34 (11) Receive appropriate gifts, contributions of money, supplies, goods,
35 and services, or loans thereof, and may accept appropriations, allotments, and loans
36 of funds from the State of Maryland, the United States of America, any federal
37 corporation or agency and any municipal corporation or political subdivision of the
38 State of Maryland[; but the bonds of the Authority shall be a primary lien upon the
39 revenues of the Authority, and any loan or appropriation from the federal, State or
40 municipal government shall be secondary];

41 (12) Exercise any power usually possessed by private corporations in
42 performing similar functions, which is not in conflict with the Constitution and the
43 laws of this State;

1 (13) Acquire, construct, maintain, equip, and operate any wharves, docks,
2 piers, quays, and other structures, and any facilities necessary for commerce,
3 including the dredging of approaches;

4 (14) Adopt reasonable rules and regulations concerning the use of streets,
5 alleys, driveways, docking slips, and establishing parking areas on the Authority's
6 property and relating to the safety and welfare of persons using the Authority's
7 property, provided the rules and regulations are made in accordance with the laws
8 and ordinances governing city, county, and local jurisdictions where the [market and
9 the park are] DEVELOPMENT IS located; and

10 (15) Do all things necessary and convenient to carry out the powers
11 expressly granted by this subtitle.

12 [13-106.

13 (a) The New Marsh Wholesale Produce Market Authority, as the same was
14 created by Chapter 662 of the Laws of Maryland of 1955 and amended by Chapter 845
15 of the Laws of Maryland of 1957, shall transfer to the Authority all of the land,
16 buildings, structures, facilities, equipment and other property acquired by the New
17 Marsh Produce Authority pursuant to the provisions of said Chapter 662 and Chapter
18 845; and upon such transfer the Authority shall assume and be charged with all of the
19 duties, obligations and liabilities, whether publicly or privately owned or operated,
20 occupying such Produce Market Authority, including the lease with the Mayor and
21 City Council of Baltimore for the land now being used for an abandoned motor vehicle
22 facility, and the New Marsh Wholesale Produce Market Authority shall cease to exist.
23 Immediately following the completion of such transfer the Authority shall make or
24 cause to be made an investigation and determination as to the feasibility and
25 economics of expanding the operations and facilities of the New Marsh Wholesale
26 Produce Market at its present location so as to accommodate additional wholesale
27 produce merchants, including those who are presently or who have in the past
28 operated their businesses in other areas of the City of Baltimore; provided, however,
29 that prior to undertaking any expansion of the operations and facilities of the New
30 Marsh Wholesale Produce Market at its present location for the above-stated
31 purpose, the determinations and any recommendations made as a result of such
32 investigation shall be submitted by the Authority to the Department of General
33 Services, the Department of Planning and to the Board of Public Works for the
34 respective approval of each. The Authority with the approval of the Board of Public
35 Works may sell, lease or otherwise dispose of the land, buildings, structures, facilities,
36 equipment and other property so acquired for such consideration and in such manner
37 as is in the best interest of the State of Maryland and the Authority; provided that the
38 proceeds derived from any such sale, lease or other conveyance shall first be
39 dedicated to the payment of the interest on and the principal of the outstanding bonds
40 of the New Marsh Wholesale Produce Market Authority and that any proceeds
41 remaining after the payment of such interest and principal shall be paid to the State
42 of Maryland in reimbursement of the amount of any taxes levied and collected by the
43 State of Maryland for the payment of interest on and principal of the bonds issued by
44 the New Marsh Wholesale Produce Market Authority. Nothing contained in this
45 subtitle is intended to relieve the State of Maryland of its obligations to the holders of

1 the bonds issued by the New Marsh Wholesale Produce Market Authority as said
2 obligations were imposed by Chapter 845 of the Laws of Maryland of 1957. In the
3 event of any sale, lease, reversion or disposal of the property of the Authority as
4 provided in this subtitle, the property shall not be used for a period of fifty years
5 thereafter for a wholesale fresh fruit and vegetable market or for the wholesale
6 distribution of food products.

7 (b) All persons, partnerships, corporations or other legal entities which are
8 tenants of the New Marsh Wholesale Produce Market Authority at the time of the
9 establishment of the market have an option to relocate in the market established
10 pursuant to the provisions of this subtitle. Such tenants who elect to relocate in said
11 market shall be entitled to lease from the Authority, and the Authority shall lease to
12 such tenants facilities comparable in size and kind to those occupied by such tenants
13 in the New Marsh Wholesale Produce Market. Nothing in this subsection precludes or
14 affects the right of any other dealer, vendor, bank or any other business normally
15 associated with the wholesale food business to bid for the right to lease and/or operate
16 facilities in such new market as may be constructed.

17 (c) Upon the closing of the New Marsh Wholesale Produce Market, the title to
18 all of the property of the New Marsh Wholesale Produce Market Authority, as
19 conveyed by the Mayor and City Council of Baltimore to the New Marsh Wholesale
20 Produce Market Authority pursuant to Ordinance No. 1019, approved July 11, 1957,
21 shall revert to the Mayor and City Council of Baltimore. In the event that the title to
22 the property of the New Marsh Wholesale Produce Market Authority reverts to the
23 Mayor and City Council of Baltimore as provided in this section, the Mayor and City
24 Council shall pay to the State of Maryland the fair market value for purposes other
25 than as a wholesale fresh fruit and vegetable market or for wholesale distribution of
26 food products of any new construction or improvements made to the property of the
27 Authority after July 1, 1972.]

28 13-108.

29 The political subdivisions of the State in which a DEVELOPMENT OR project is
30 located may vacate any or all streets, alleys, or other public places required to assure
31 proper operation of the DEVELOPMENT OR project and the full and complete
32 utilization of its facilities, and may grant to the Authority the exclusive right to use
33 the vacated streets, alleys, or other public places for the purpose of the
34 DEVELOPMENT OR project, subject to such terms and conditions and in such manner
35 as the political subdivisions and the Authority may lawfully agree upon.

36 13-109.

37 The State or any of its political subdivisions in which a DEVELOPMENT OR
38 project is located may provide for cleaning the DEVELOPMENT OR project and for the
39 removal and disposition of refuse from any areas of the DEVELOPMENT OR project,
40 subject to such terms and conditions and in such manner as the Authority and the
41 State or the political subdivisions may lawfully agree upon.

1 13-110.

2 (a) The Board of Public Works shall, upon recommendation of the Authority
3 and upon submission of a plan established to the satisfaction of the Board of adequate
4 support and participation in the market by the food industry, by resolution or
5 resolutions duly adopted, issue a State loan to be known as "The Greater Baltimore
6 Region Consolidated Wholesale Food Market Loan" evidenced by certificates of
7 indebtedness issued at one time, or in series from time to time, in an aggregate
8 principal amount not exceeding \$4,000,000 for the purpose of providing funds for use
9 by the Authority in carrying out the purposes of this subtitle. The certificates
10 evidencing said loan may be issued all at one time or, in groups, from time to time, as
11 hereinafter provided. All of said certificates evidencing said loan, or any group
12 thereof, shall be issued according to what is known as the serial annuity plan so
13 worked out as to discharge the principal represented by said certificates within 15
14 years from the time of its issue; provided, however, that it shall not be necessary to
15 provide for the redemption of any part of the principal represented by any certificates
16 for the first 2 years from the time of the issuance of said certificates.

17 (b) The Board of Public Works shall, and it is hereby authorized and
18 empowered to, pass a resolution or resolutions, from time to time, determining and
19 setting forth:

20 (1) The proportion of the total loan authorized by this section which shall
21 be issued at any particular time.

22 (2) The form of the certificates representing the loan or any part so
23 authorized to be issued at any particular time, including any interest coupons to be
24 attached thereto, and provisions for the issuance of certificates in registered form,
25 provisions for the registration of any coupon certificates as to principal of loan, and
26 for the reconversion into coupon certificates of any certificates registered as to
27 principal.

28 (3) The denomination or denominations of the certificates to be issued at
29 any particular time, which may not be less than \$100 but may be in sums of \$100 or
30 any suitable multiple thereof, and the place or places of payment of principal and
31 interest thereof.

32 (4) The rate or rates of interest of the certificates to be issued at any
33 particular time not exceeding in any case 4 1/2 percent per annum, payable
34 semiannually.

35 (5) The date of the certificates issued at any particular time, and within
36 the limits prescribed by Article III, § 34 of the Constitution of Maryland, the
37 redemption dates of said certificates.

38 The resolution authorizing the issuance of said loan or any portion thereof shall
39 set forth in detail the dates when any of the certificates representing said loan or any
40 portion thereof are to be redeemed and the amount to be redeemed upon such dates,
41 respectively, according to the serial annuity plan applied to said loan as a whole or to
42 the group of certificates evidencing a part of said loan issued at a particular time, as

1 the case may be. Said loan and certificates and every part thereof and the interest
2 payable thereon shall be and remain exempt from State, county and municipal
3 taxation.

4 (c) The Board of Public Works is hereby authorized and directed to have
5 prepared proper certificates of indebtedness of the State in good and sufficient form to
6 aggregate the amount of \$4,000,000, as evidence of such loan; such certificates of
7 indebtedness shall bear date as of the time of their issue as provided in subsection (b)
8 of this section. Each of said certificates shall be signed and countersigned in the
9 manner prescribed by § 3 of Article VI of the Constitution of Maryland.

10 (d) In order to provide for the selling of the certificates of indebtedness
11 aforesaid, to be issued under the provisions of this section, the Board of Public Works
12 is hereby directed to advertise once before the said certificates of indebtedness or any
13 part thereof shall be issued, in 2 newspapers published in the City of Baltimore and in
14 such other manner as the Board of Public Works in its discretion may determine, that
15 the Treasurer of the State will be in readiness at a time within 20 days after the
16 expiration of said notice to receive sealed bids at such place or places as may be
17 named in said respective advertisements for certificates of indebtedness issued under
18 the provisions of the section, under such regulations as may be made in the discretion
19 of the Board of Public Works; and the accrued interest between the date of the
20 certificates of indebtedness and the time of sale and delivery of and payments for said
21 certificates of indebtedness shall be adjusted with the purchaser thereof under such
22 regulations as may be made in the discretion of the Board of Public Works; and upon
23 the day and at the time mentioned in said advertisement as the time for receipt of
24 bids for the said certificates of indebtedness, they shall receive such sealed bids for
25 the purchase of as many of such certificates of indebtedness as may be mentioned or
26 designated in said advertisements; and on the opening of such sealed bids, as many of
27 said certificates of indebtedness as have been so bid for shall be awarded by the Board
28 of Public Works, to the highest responsible bidder or bidders therefor for cash, if the
29 prices bid are adequate, in the judgment of the Board of Public Works, and when 2 or
30 more responsible bidders have made bids resulting in the same net interest cost to the
31 State and such bids are the highest then such bonds shall be awarded by lot to one of
32 such responsible bidders; or if any insufficient price be bid for them, they may be
33 subsequently disposed of under the direction of the Board of Public Works at a private
34 sale upon the best terms they can obtain for the same; provided they shall not be sold
35 at a private sale for less than par and accrued interest.

36 (e) That so much thereof as may be necessary, shall be paid by the Treasurer
37 of the State upon the warrant of the Comptroller out of the proceeds of the sale of said
38 certificates of indebtedness for the payment of the expense of engraving, printing and
39 other outlays connected with the issue of the loan hereby authorized, and for the
40 payment of the advertising directed by this section, and all other incidental expenses
41 connected with the execution of its provisions in connection with said loan. The
42 balance of the proceeds of certificates of indebtedness issued under the provisions of
43 this section shall be paid to the State Treasurer and shall be paid out by the State
44 Treasurer upon the order of the Authority, and upon warrants of the State
45 Comptroller, solely for the purposes set forth in this subtitle.

1 (f) Until all of the interest on and principal of any certificates of indebtedness
2 issued under this subtitle have been paid in full, there is hereby levied and imposed
3 an annual State tax on each \$100 of assessable property at the rate to be determined
4 in the following manner: On or before May 1 in each taxable year, the Board of Public
5 Works shall certify to the governing bodies of each of the counties and Baltimore City
6 the rate of State tax on each \$100 of assessable property necessary to produce
7 revenues to meet all interest and principal which will be payable to the close of the
8 next ensuing taxable year on all certificates theretofore issued or theretofore
9 authorized by resolution of the Board of Public Works to be issued, and the governing
10 bodies of each of the counties and Baltimore City shall forthwith levy and collect such
11 tax at such rate. All matters committed by this subtitle to the discretion of the Board
12 of Public Works shall be determined by a majority of said Board.

13 (g) In anticipation of the receipt of the proceeds of the sale of the certificates of
14 indebtedness authorized by this section, the Authority may borrow money at one time
15 or from time to time for the purpose for which said certificates of indebtedness are to
16 be issued, and to provide funds for paying the current expenses of the Authority prior
17 to the time when moneys will be available for such purpose under the provisions of
18 this section, and issue its anticipation notes for the moneys so borrowed. Such notes
19 may be renewed or extended from time to time. All such notes shall be signed by the
20 State Treasurer and by the chairman of the Authority or with a facsimile signature of
21 said chairman and countersigned by the State Comptroller, and a facsimile of the
22 official seal of the Authority shall be imprinted on the notes and attested by the
23 secretary-treasurer of the Authority. Upon the issuance of said certificates of
24 indebtedness a sufficient amount of the proceeds thereof (excluding accrued interest)
25 shall be applied to the payment of such notes.

26 (h) After all principal of and interest on all revenue bonds issued under the
27 authority of § 13-111 of this subtitle shall have been paid in full, and DEVELOPMENT
28 OR project revenues are no longer obligated in whole or in part to the payment
29 thereof, AND IF THE AUTHORITY HAS NO OTHER PROJECT-FINANCING DEBT
30 OUTSTANDING THAT IS SECURED BY PROJECT REVENUES, the Authority shall
31 continue to remain in existence, and shall thenceforth pay over to the Comptroller of
32 the State of Maryland out of DEVELOPMENT OR project revenues the amount of any
33 taxes levied and collected by the State of Maryland under subsection (f) of this section
34 for the payment of interest on and principal of the general obligation bonds
35 authorized by this section[]; and further provided that in the event the Authority
36 acquires the property of the New Marsh Wholesale Produce Market Authority and
37 assumes all the duties, obligations and liabilities thereof as provided in § 13-106 of
38 this subtitle, the Authority shall continue to hold all of its property and shall continue
39 to remain in existence as aforesaid until it has paid over to the Comptroller of the
40 State of Maryland out of project revenues as aforesaid the amount of any taxes levied
41 and collected by the State of Maryland under Chapter 845 of the Laws of Maryland of
42 1957 for the payment of interest on and the principal of the bonds issued by the New
43 Marsh Wholesale Produce Market Authority].

1 13-111.

2 (a) The Authority may provide by resolution for the issuance at one time, or in
3 series from time to time, of negotiable revenue bonds of the Authority in an amount
4 not to exceed \$25,000,000 in the aggregate, for the purpose of paying all or a part of
5 the cost of DEVELOPMENTS OR projects, and for all other purposes set out in this
6 subtitle. Such bonds [and any interest coupons to be attached] shall be executed in
7 such manner as determined by the Authority.

8 (b) The bonds shall be dated, shall bear interest at such rate or rates, payable
9 semiannually, and shall mature at such time or times not exceeding 40 years from the
10 date or dates of their respective issues as may be determined by the Authority, and
11 may be made redeemable before maturity, at the option of the Authority, at such price
12 or prices and under such terms and conditions as may be fixed by the Authority prior
13 to the issuance of the bonds. The principal of and the interest on such bonds may be
14 made payable in any lawful medium [and shall be payable solely from the funds
15 provided by this subtitle for such payment].

16 (c) Revenue bonds issued under the provisions of this section shall not be
17 deemed to constitute a debt of the State or of any political subdivision thereof or a
18 pledge of the faith and credit of the State or of any such political subdivision, but the
19 bonds shall be payable solely from the funds herein provided therefor from
20 DEVELOPMENT OR project revenues. All revenue bonds shall contain on the face
21 thereof a statement to the effect that neither the Authority nor the State nor any
22 political subdivision thereof is obligated to pay the principal or the interest thereon
23 except from DEVELOPMENT OR project revenues PLEDGED TO THE PAYMENT OF THE
24 BONDS.

25 (d) The Authority shall determine the form of the revenue bonds[, including
26 any interest coupons to be attached thereto], the manner of executing the bonds, the
27 denomination or denominations of the bonds, and the place or places of payment of
28 principal and interest thereof, which may be a bank or trust company within or
29 without the State.

30 (e) The revenue bonds [and any interest coupons to be attached thereto] shall
31 be executed in such manner as may be determined by the Authority. If any officer
32 whose signature or facsimile thereof appears on any bond [or coupon] ceases to be
33 such officer before the delivery of bonds, the signature or facsimile thereof shall
34 nevertheless be valid and sufficient for all purposes the same as if he had remained in
35 office until the delivery.

36 (f) All revenue bonds issued under the provisions of this section have and are
37 hereby declared to have, as between successive holders, all the qualities and incidents
38 of negotiable instruments under the negotiable instruments law section of the
39 Uniform Commercial Code of this State. [Provisions may be made for the registration
40 of any of the bonds in the name of the owner as to principal alone and also as to both
41 principal and interest, and for the issuance of new coupon bonds in exchange for
42 bonds registered as to both principal and interest.]

1 (g) The revenue bonds shall be sold by the Authority, at public or private sale,
2 in such manner and for such price as it may determine to be for its best interests.
3 None of the provisions of §§ 8-206 and 8-208 of the State Finance and Procurement
4 Article have any application to the bonds hereby authorized and such bonds are
5 explicitly exempted therefrom.

6 (h) If the proceeds of the revenue bonds, by error of calculation or otherwise,
7 are less than the amount required for the purpose for which bonds are authorized,
8 additional bonds may be issued to provide the amount of the deficit, and unless
9 otherwise provided by the authorizing resolution or in the trust indenture hereinafter
10 mentioned, the additional bonds shall be deemed to be of the same issue and [shall]
11 MAY be entitled to payment from the same funds without preference or priority of the
12 bonds first issued for such purposes. [If the proceeds of the bonds shall exceed the
13 amount required, the surplus shall be paid into the sinking fund hereinafter provided
14 for the payment of the principal of and interest on the bonds.]

15 (i) Prior to the preparation of definitive revenue bonds, the Authority, under
16 the restrictions, may issue temporary revenue bonds [with or without coupons],
17 exchangeable for definitive bonds upon the issuance of the latter. The Authority also
18 may provide for the replacement of any bonds which become mutilated or are
19 destroyed or lost. The bonds may be issued without an election or any other
20 proceedings or the happening of any conditions or things other than those
21 proceedings, conditions, and things specified and required by this subtitle.

22 (j) A resolution providing for the issuance of revenue bonds also may provide
23 for the issuance of additional bonds and may limit the amount by the resolution or
24 trust indenture, for the purpose of paying the cost of any extensions, additions, and
25 improvements which thereafter become necessary; the additional bonds may be sold
26 from time to time in the manner hereinabove provided and shall be deemed a part of
27 the original issue authorized by the resolution, and shall be issued under such
28 restrictions and limitations as prescribed by the resolution or trust indenture[; but
29 the additional bonds shall rank equally and on a parity with the other bonds
30 authorized thereby].

31 (k) The Authority may provide by resolution for the issuance of its revenue
32 refunding bonds for the purpose of refunding any bonds then outstanding and issued
33 under the provisions of this section. The issuance of such refunding bonds, the details
34 thereof, the rights of the holders thereof, and the duties of the Authority in respect to
35 them shall be governed by the provisions of this section insofar as applicable. The
36 refunding bonds shall mature at such time or times not exceeding 40 years from the
37 date or dates of their respective issues as determined by the Authority.

38 (l) The Authority may provide by resolution for the issuance of a single issue
39 of its revenue bonds for the combined purposes of (1) paying the cost of any
40 improvement, extension, enlargement, or reconstruction of a DEVELOPMENT OR
41 project and (2) refunding its bonds theretofore issued for such DEVELOPMENT OR
42 project and then outstanding and which shall then have matured or be subject to
43 redemption or can be acquired for retirement. The revenue refunding bonds shall

1 mature at such time or times not exceeding 40 years from the date or dates of their
2 respective issues as may be determined by the Authority.

3 (m) All moneys received from any revenue bonds issued and sold under the
4 provisions of this section shall be applied solely for the purposes for which the bonds
5 are authorized or to [the sinking] A RESERVE fund created for the payment of the
6 bonds, and there is created and granted a lien upon such moneys until so applied in
7 favor of the holders of the bonds or paid to the trustee hereinafter provided for the
8 bonds.

9 (n) In the discretion of the Authority, the revenue bonds may be secured by a
10 trust indenture by and between the Authority and a corporate trustee, which may be
11 any trust company or bank having the powers of a trust company within or outside of
12 the State. Such trust indenture may pledge or assign [all] revenues to be received
13 from the DEVELOPMENT OR project, but it shall not convey or mortgage the
14 DEVELOPMENT OR project or any part or parts thereof except with the express
15 consent of the Board of Public Works. The trust indenture may provide that any
16 money realized from the sale or the disposition of any of the land, buildings,
17 structures, facilities, equipment and other property of a DEVELOPMENT OR project
18 may be used to pay the interest on and principal of the revenue bonds. Either the
19 resolution providing for the issuance of bonds or the trust indenture may contain
20 provisions for protecting and enforcing the rights and remedies of the bondholders as
21 reasonable and proper, not in violation of law, including covenants setting forth the
22 duties of the Authority in relation to the construction, acquisition, improvement,
23 installation, maintenance, operation, repairs, and insurance of the DEVELOPMENT OR
24 project and the custody, safeguarding, and application of all moneys; and may provide
25 that the DEVELOPMENT OR project be constructed and paid for under the supervision
26 and approval of consulting engineers employed or designated by the Authority and
27 satisfactory to the original purchasers of the bonds issued hereunder; and may
28 further provide that the security given by contractors and by any depository of the
29 proceeds of the bonds or revenues of the DEVELOPMENT OR project or other moneys
30 pertaining thereto be satisfactory to the purchasers. It shall be lawful for any bank or
31 trust company incorporated under the laws of this State to act as depository of the
32 proceeds of the bonds or revenue and to furnish such indemnity bonds or to pledge
33 such securities as may be required by the Authority.

34 The resolution or trust indenture may set forth the rights and remedies of the
35 bondholders and of the trustee, and may restrict the individual right of action of
36 bondholders as is customary in trust indentures securing bonds and debentures of
37 corporations. Except as in this subtitle otherwise provided, the Authority may provide
38 by resolution or by the trust indenture for the payment of the proceeds of the sale of
39 the bonds and the revenue of a DEVELOPMENT OR project to such officer, board, or
40 depository as it determines for the custody thereof, and for the method of
41 disbursement thereof, with such safeguards and restrictions as it determines. All
42 expenses incurred in carrying out such trust indenture may be treated as a part of the
43 cost of maintenance, operation and repair of a DEVELOPMENT OR project.

1 13-112.

2 (a) The Authority may fix and revise from time to time, rates or charges for
3 the use of the facilities of a DEVELOPMENT OR project, including any ancillary or
4 other appurtenant facilities, and charge and collect the same, and contract with any
5 person, partnership, or association, desiring the use of any of the facilities of a
6 DEVELOPMENT OR project or any part or parts thereof, and fix the terms, conditions,
7 and rates of charges for such use.

8 (b) The rates and charges shall be fixed and adjusted to provide [maximum]
9 APPROPRIATE revenues from a DEVELOPMENT OR project as determined by the
10 Authority, and the rates or charges shall not be subject to supervision or regulation by
11 any other commission, board, bureau, or agency of the State or any political
12 subdivision thereof, so long as the Authority is in existence. [The rates, charges, and
13 all other revenues derived from a project, except the part or parts thereof required to
14 pay the current expenses of the project and to provide reserves as provided for in the
15 resolution authorizing the issuance of the bonds or in the trust indenture, shall be set
16 aside at such regular intervals as provided in the resolution or trust indenture, in a
17 sinking fund which is hereby pledged to and charged with the payment of (1) the
18 interest upon the revenue bonds provided for in § 13-111 of this subtitle as the
19 interest falls due, (2) the principal of the revenue bonds as it falls due, (3) the
20 necessary fiscal agency charges for paying principal and interest, and (4) any
21 premium upon the revenue bonds retired by call or purchase as herein provided. The
22 use and disposition of the sinking fund shall be subject to such regulations as is
23 provided in the resolution authorizing the issuance of the revenue bonds, or in the
24 trust indenture, but except as otherwise may be provided in the resolution or trust
25 indenture, the sinking fund shall be a fund for the benefit of all revenue bonds
26 without distinction or priority of one over another. Subject to the provisions of the
27 resolution authorizing the issuance of bonds or of the trust indenture, any moneys in
28 the sinking fund in excess of an amount equal to 1 year's interest on all the revenue
29 bonds then outstanding may be applied to the purchase or redemption of revenue
30 bonds. All bonds so purchased or redeemed forthwith shall be cancelled.]

31 13-113.

32 Any holder of bonds issued under the provisions of this subtitle or of any of the
33 coupons attached thereto, and the trustee under the trust indenture, if any, except to
34 the extent the rights herein given are restricted by resolution passed before the
35 issuance of the bonds or by the trust indenture, either at law or in equity, by suit,
36 action, mandamus, or other proceedings, may protect and enforce any and all rights
37 under the laws of Maryland or granted hereunder or under the resolution or trust
38 indenture, and may enforce and compel performance of all duties required by this
39 subtitle or by the resolution or trust indenture to be performed by the Authority, the
40 State, any political subdivision thereof, or any officer thereof, including the fixing,
41 charging, and collecting of rates and charges for the use of [the] facilities [of the
42 market and the park] THAT ARE SUBJECT TO THE RESOLUTION OR TRUST
43 INDENTURE.

1 13-115.

2 The establishment of DEVELOPMENTS AND projects under the provisions of this
3 subtitle is in all respects for the benefit of the inhabitants of the State of Maryland or
4 its political subdivisions and is a public purpose, and the State of Maryland, its
5 political subdivisions, and the Authority will be performing an essential
6 governmental function in the exercise of the powers conferred by this subtitle, and
7 with the exception of State and local real estate taxes as required below, the Authority
8 shall not be required to pay any taxes or assessments upon the DEVELOPMENTS OR
9 projects, or any parts thereof, or upon its activities in the operation and maintenance
10 of the DEVELOPMENTS AND projects or upon any revenues therefrom, and the bonds
11 of the Authority issued under this subtitle, and the interest thereon are forever
12 exempt from all State, municipal, and local taxation; provided however, that
13 wherever the Authority sells or leases land or DEVELOPMENT OR project facilities to
14 any private entity or entities, such land or DEVELOPMENT OR project facilities shall
15 be subject to State and local property taxes from the time of such sale.

16 13-117.

17 The Authority shall submit annually a written statement, including a financial
18 statement covering the operation of [projects] DEVELOPMENTS to the Governor and,
19 subject to § 2-1246 of the State Government Article, to the General Assembly.

20 13-122.

21 THE VALIDITY OR ENFORCEABILITY OF ANY BONDS ISSUED BY THE AUTHORITY
22 UNDER THE PROVISIONS OF THIS SUBTITLE PRIOR TO JUNE 1, 2001 OR ANY
23 OBLIGATION OF THE AUTHORITY TO PROVIDE FOR THE PAYMENT OF PRINCIPAL AND
24 INTEREST ON THOSE BONDS MAY NOT IN ANY WAY BE IMPAIRED BY ANY
25 AMENDMENTS TO THIS SUBTITLE ENACTED ON OR AFTER JUNE 1, 2001.

26 13-123.

27 (A) THE AUTHORITY MAY PLEDGE OR ASSIGN:

28 (1) ALL OR ANY PORTION OF ITS REVENUES;

29 (2) THE AUTHORITY'S RIGHTS TO RECEIVE ITS REVENUES; OR

30 (3) MONEYS OR SECURITIES IN THE FUNDS AND ACCOUNTS
31 ESTABLISHED TO SECURE ITS BONDS AND ANY LIEN OR SECURITY INTEREST
32 GRANTED OR ASSIGNMENT MADE BY THE AUTHORITY.

33 (B) (1) ANY PLEDGE OR ASSIGNMENT UNDER SUBSECTION (A) OF THIS
34 SECTION IS VALID AND BINDING FROM THE TIME THE PLEDGE OR ASSIGNMENT IS
35 MADE.

36 (2) ANY LIEN, SECURITY INTEREST, OR ASSIGNMENT UNDER
37 SUBSECTION (A) OF THIS SECTION:

1 (I) ATTACHES IMMEDIATELY TO REVENUES OR PROPERTY
2 PLEDGED AND THEREAFTER RECEIVED BY THE AUTHORITY, WITHOUT ANY
3 PHYSICAL DELIVERY OR FURTHER ACT; AND

4 (II) IS VALID AND BINDING AGAINST ALL PERSONS HAVING CLAIMS
5 OF ANY KIND AGAINST THE AUTHORITY, WHETHER OR NOT THOSE PERSONS HAVE
6 NOTICE OF THE PLEDGE, AND WITHOUT THE RECORDING OR FILING OF ANY
7 INSTRUMENT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 June 1, 2001.