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By: **Delegate Rosenberg**

Introduced and read first time: February 13, 1998

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Economic Development - Maryland Regional Economic Competitiveness Act**

3 FOR the purpose of establishing a regional economic competitiveness program in the  
4 Department of Business and Economic Development for certain purposes;  
5 establishing a Maryland Regional Economic Competitiveness Fund in the  
6 Department; providing for the administration, funding, and status of the Fund;  
7 specifying certain eligibility requirements for payments from the Fund to  
8 certain local jurisdictions or regional partnerships; authorizing the Department  
9 to determine certain priorities in determining the eligibility of local jurisdictions  
10 or regional partnerships that apply for moneys from the Fund; specifying the  
11 year in which local jurisdictions or regional partnerships are eligible to receive a  
12 certain payment; requiring the Department to make certain annual payments to  
13 certain eligible recipients; requiring certain local jurisdictions or a regional  
14 partnership to submit a certain annual report to the Department; providing for  
15 participation by a local jurisdiction in two different regional partnerships under  
16 certain circumstances; requiring certain intergovernmental cooperation among  
17 all units of State, county, and local government in the State; authorizing local  
18 jurisdictions of a regional partnership to submit certain information to the  
19 Department before submitting a certain application; requiring the Department  
20 to provide certain technical assistance and to suggest remedial action under  
21 certain circumstances and authorizing the Department to provide certain  
22 technical assistance on a certain request; authorizing the Department to adopt  
23 certain regulations; providing that a decision to fund or not to fund a certain  
24 joint activity is not subject to certain administrative actions; providing that this  
25 Act does not create a private cause of action; defining certain terms; and  
26 generally relating to regional economic development and competitiveness.

27 BY repealing and reenacting, without amendments,  
28 Article 83A - Department of Business and Economic Development  
29 Section 1-101(a) and (b)  
30 Annotated Code of Maryland  
31 (1995 Replacement Volume and 1997 Supplement)

32 BY adding to  
33 Article 83A - Department of Business and Economic Development

1 Section 6-801 through 6-812, inclusive, to be under the new subtitle "Subtitle 8.  
2 Maryland Regional Economic Competitiveness Act"  
3 Annotated Code of Maryland  
4 (1995 Replacement Volume and 1997 Supplement)

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

7 **Article 83A - Department of Business and Economic Development**

8 1-101.

9 (a) In this article the following words have the meanings indicated.

10 (b) "Department" means the Department of Business and Economic  
11 Development.

12 **SUBTITLE 8. MARYLAND REGIONAL ECONOMIC COMPETITIVENESS ACT.**

13 6-801.

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
15 INDICATED.

16 (B) "FUND" MEANS THE MARYLAND REGIONAL ECONOMIC COMPETITIVENESS  
17 FUND ESTABLISHED UNDER § 6-803 OF THIS SUBTITLE.

18 (C) "JOINT ACTIVITY" MEANS A GOVERNMENTAL FUNCTION THAT:

19 (1) IS CARRIED OUT BY, PERFORMED ON BEHALF OF, OR CONTRACTED  
20 FOR TWO OR MORE LOCAL JURISDICTIONS; AND

21 (2) INVOLVES ONE OR MORE ACTIVITIES CONCERNING:

22 (I) JOB CREATION OR ECONOMIC DEVELOPMENT;

23 (II) REVENUE SHARING OR GROWTH SHARING AGREEMENTS;

24 (III) HOUSING; OR

25 (IV) TRANSPORTATION.

26 (D) "LOCAL JURISDICTION" MEANS A COUNTY OR BALTIMORE CITY.

27 (E) "REGIONAL PARTNERSHIP" MEANS A PLANNING OR ECONOMIC  
28 DEVELOPMENT ORGANIZATION THAT IS COMPOSED OF TWO OR MORE LOCAL  
29 JURISDICTIONS THAT CARRY OUT THIS SUBTITLE.

1 6-802.

2 THE PURPOSES OF THIS SUBTITLE ARE:

3 (1) TO PROVIDE AN INCENTIVE TO LOCAL JURISDICTIONS TO EXERCISE  
4 THE STRATEGIC AND COOPERATIVE OPTIONS SPECIFIED IN THIS SUBTITLE TO  
5 ADDRESS ECONOMIC COMPETITIVENESS ISSUES FOR THE MUTUAL BENEFIT OF THE  
6 LOCAL JURISDICTIONS AND THE BENEFIT OF THE STATE; AND

7 (2) TO ENCOURAGE REGIONAL CONFIGURATIONS OF LOCAL  
8 JURISDICTIONS OF A SUFFICIENT SCALE TO ADDRESS REGIONAL ECONOMIC  
9 COMPETITIVENESS ISSUES WHILE ALSO REDUCING OR ELIMINATING REGIONAL  
10 FRAGMENTATION IN THE STATE.

11 6-803.

12 (A) THERE IS A MARYLAND REGIONAL ECONOMIC COMPETITIVENESS FUND  
13 IN THE DEPARTMENT.

14 (B) THE PURPOSE OF THE FUND IS TO ENCOURAGE AND REWARD REGIONAL  
15 JOINT ACTIVITIES AS SPECIFIED IN THIS SUBTITLE.

16 (C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

17 (D) THE FUND CONSISTS OF SUCH MONEYS AS ARE APPROPRIATED BY THE  
18 GENERAL ASSEMBLY AND RECEIVED FROM ANY OTHER LAWFUL SOURCE.

19 (E) ON A DATE DETERMINED BY THE DEPARTMENT, THE DEPARTMENT SHALL  
20 DISTRIBUTE THE MONEYS IN THE FUND IN ANNUAL INSTALLMENTS TO:

21 (1) LOCAL JURISDICTIONS THAT QUALIFY UNDER § 6-804 OF THIS  
22 SUBTITLE; OR

23 (2) REGIONAL PARTNERSHIPS THAT QUALIFY UNDER § 6-804 OF THIS  
24 SUBTITLE.

25 (F) (1) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT TO §  
26 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

27 (2) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED  
28 OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND  
29 TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SUBTITLE.

30 6-804.

31 (A) TO QUALIFY FOR A PAYMENT FROM THE FUND, AN APPLICATION SHALL  
32 BE SUBMITTED TO THE DEPARTMENT BY:

33 (1) TWO OR MORE LOCAL JURISDICTIONS JOINTLY; OR

34 (2) A REGIONAL PARTNERSHIP.

1 (B) AT THE TIME OF APPLICATION, THE LOCAL JURISDICTIONS OR A  
2 REGIONAL PARTNERSHIP SHALL HAVE DEVELOPED AND FORMALLY ADOPTED A  
3 PLAN THAT ESTABLISHES CLEAR, MEASURABLE OUTCOMES THAT THE LOCAL  
4 JURISDICTIONS OR REGIONAL PARTNERSHIP SHALL USE TO ASSESS PROGRESS  
5 WITHIN THE LOCAL JURISDICTIONS OR REGIONAL PARTNERSHIP TO ADDRESS THE  
6 ECONOMIC COMPETITIVENESS OF THE LOCAL JURISDICTIONS OR REGIONAL  
7 PARTNERSHIP AND THE DELIVERY OF PROPOSED JOINT ACTIVITIES.

8 6-805.

9 IN DETERMINING THE ELIGIBILITY OF LOCAL JURISDICTIONS OR A REGIONAL  
10 PARTNERSHIP FOR A PAYMENT FROM THE FUND FOR A JOINT ACTIVITY, THE  
11 DEPARTMENT MAY DETERMINE PRIORITIES BASED ON:

12 (1) THE SIGNIFICANCE OF THE JOINT ACTIVITY AS MEASURED BY:

13 (I) THE AMOUNT OF FISCAL RESOURCES COMMITTED TO THE  
14 JOINT ACTIVITY; OR

15 (II) THE EXTENT OF REGIONAL EFFORT INVOLVED IN DEVELOPING  
16 THE JOINT ACTIVITY;

17 (2) THE NUMBER OF LOCAL JURISDICTIONS THAT PARTICIPATE IN THE  
18 JOINT ACTIVITY;

19 (3) THE COMPLEXITY OF THE JOINT ACTIVITY; OR

20 (4) THE GENERAL IMPACT OF THE JOINT ACTIVITY ON RELATIONS  
21 BETWEEN OR AMONG AFFECTED LOCAL JURISDICTIONS.

22 6-806.

23 (A) THE YEAR IN WHICH LOCAL JURISDICTIONS OR A REGIONAL  
24 PARTNERSHIP IS ELIGIBLE FOR A PAYMENT FROM THE FUND IS THE FISCAL YEAR OF  
25 THE STATE NEXT AFTER THE CALENDAR YEAR IN WHICH THE JOINT ACTIVITY  
26 QUALIFIES FOR THE PAYMENT.

27 (B) THE DEPARTMENT ANNUALLY SHALL MAKE PAYMENTS FROM THE FUND  
28 TO ELIGIBLE LOCAL JURISDICTIONS AND ELIGIBLE REGIONAL PARTNERSHIPS.

29 6-807.

30 (A) THIS SECTION APPLIES TO LOCAL JURISDICTIONS OR A REGIONAL  
31 PARTNERSHIP THAT THE DEPARTMENT DETERMINES TO BE ELIGIBLE FOR A  
32 PAYMENT FROM THE FUND.

33 (B) ON OR BEFORE A DATE DETERMINED BY THE DEPARTMENT, LOCAL  
34 JURISDICTIONS OR A REGIONAL PARTNERSHIP SHALL SUBMIT AN ANNUAL REPORT  
35 TO THE DEPARTMENT THAT INCLUDES AT A MINIMUM A DESCRIPTION OF THE  
36 PROGRESS OF THE LOCAL JURISDICTIONS OR REGIONAL PARTNERSHIP IN:

1 (1) IMPROVING THE ECONOMIC COMPETITIVENESS OF THE LOCAL  
2 JURISDICTIONS OR REGIONAL PARTNERSHIP IN ACCORDANCE WITH THIS SUBTITLE;  
3 AND

4 (2) ADDRESSING THE CRITICAL ISSUES OF ECONOMIC  
5 COMPETITIVENESS IDENTIFIED IN THE PLAN FOR THE LOCAL JURISDICTIONS OR  
6 REGIONAL PARTNERSHIP SUBMITTED UNDER § 6-804(B) OF THIS SUBTITLE.

7 6-808.

8 A LOCAL JURISDICTION MAY PARTICIPATE IN TWO DIFFERENT REGIONAL  
9 PARTNERSHIPS, IF BOTH REGIONAL PARTNERSHIPS AGREE ON A CLEAR METHOD OF  
10 DIVIDING THE POPULATION OF THE LOCAL JURISDICTION THAT SEEKS  
11 PARTICIPATION FOR PURPOSES OF DISTRIBUTION OF PAYMENTS IN THE FUND.

12 6-809.

13 (A) ALL UNITS OF STATE, COUNTY, AND LOCAL GOVERNMENT IN THE STATE  
14 SHALL MAKE AVAILABLE THE INFORMATION AND ASSISTANCE THAT THE  
15 DEPARTMENT REQUIRES IN EXERCISING ITS FUNCTIONS UNDER THIS SUBTITLE.

16 (B) (1) BEFORE SUBMITTING AN APPLICATION TO THE DEPARTMENT  
17 UNDER § 6-804 OF THIS SUBTITLE, LOCAL JURISDICTIONS OR A REGIONAL  
18 PARTNERSHIP MAY SUBMIT FOR REVIEW BY THE DEPARTMENT INFORMATION  
19 ABOUT:

20 (I) THE PROPOSED STRUCTURE AND MEMBERSHIP OF A REGIONAL  
21 PARTNERSHIP;

22 (II) THE PLAN REQUIRED TO BE SUBMITTED UNDER § 6-804 OF THIS  
23 SUBTITLE; OR

24 (III) BOTH.

25 (2) IF THE DEPARTMENT DETERMINES THAT THE INFORMATION  
26 SUBMITTED BY LOCAL JURISDICTIONS OR A REGIONAL PARTNERSHIP UNDER  
27 PARAGRAPH (1) OF THIS SUBSECTION DOES NOT COMPLY WITH THIS SUBTITLE OR  
28 WITH REGULATIONS THE DEPARTMENT ADOPTS TO CARRY OUT THIS SUBTITLE, THE  
29 DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE AND SUGGEST REMEDIAL  
30 ACTION TO THE LOCAL JURISDICTIONS OR REGIONAL PARTNERSHIP.

31 (C) AT ANY TIME ON REQUEST BY LOCAL JURISDICTIONS OR A REGIONAL  
32 PARTNERSHIP, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE  
33 LOCAL JURISDICTIONS OR REGIONAL PARTNERSHIP CONCERNING  
34 IMPLEMENTATION OF THIS SUBTITLE.

35 6-810.

36 THE DEPARTMENT MAY ADOPT ANY REGULATION NECESSARY TO CARRY OUT  
37 THIS SUBTITLE.

1 6-811.

2 (A) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A PRIVATE CAUSE OF  
3 ACTION FOR ANY PERSON, LOCAL JURISDICTION, OR REGIONAL PARTNERSHIP.

4 (B) A DECISION TO FUND OR NOT TO FUND A JOINT ACTIVITY UNDER THIS  
5 SUBTITLE IS NOT SUBJECT TO TITLE 10, SUBTITLE 2 (ADMINISTRATIVE PROCEDURE  
6 ACT - CONTESTED CASES) OF THE STATE GOVERNMENT ARTICLE.

7 6-812.

8 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND REGIONAL ECONOMIC  
9 COMPETITIVENESS ACT".

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1998.