

HOUSE BILL 71

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C8

2002 Regular Session  
2lr0860

(PRE-FILED)

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By: ~~Delegate Minnick~~ Delegates Minnick, DeCarlo, Arnick, Morhaim,  
Busch, Donoghue, Eckardt, Fulton, Harrison, Kach, Kirk, Krysiak, La  
Vay, McHale, Moe, Pendergrass, Pielke, and Walkup

Requested: November 9, 2001  
Introduced and read first time: January 9, 2002  
Assigned to: Economic Matters

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: February 5, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Economic Development Corporation - Condemnation of Property**

3 FOR the purpose of repealing a provision of law authorizing the Maryland Economic  
4 Development Authority to acquire real property or rights or easements by  
5 condemnation under certain circumstances; and generally relating to the  
6 Maryland Economic Development Corporation.

7 BY repealing and reenacting, with amendments,  
8 Article 83A - Department of Business and Economic Development  
9 Section 5-205  
10 Annotated Code of Maryland  
11 (1998 Replacement Volume and 2001 Supplement)

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

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

15 5-205.

16 The Corporation may:

17 (1) Adopt bylaws for the regulation of its affairs and the conduct of its  
18 business;

- 1 (2) Adopt an official seal and alter it at pleasure;
- 2 (3) Maintain offices at a place within the State that it designates;
- 3 (4) Apply for and accept any loans, grants, or assistance of any character  
4 from the federal government, State government, or local governments, or any private  
5 sources;
- 6 (5) Make, execute, and enter into any contracts or other legal  
7 instruments;
- 8 (6) Sue and be sued in its own name;
- 9 (7) Acquire, construct, develop, manage, market, reconstruct,  
10 rehabilitate, improve, maintain, equip, lease as lessor or as lessee, repair, and operate  
11 any project within the State of Maryland;
- 12 (8) Acquire, purchase, hold, lease as lessee, and use any franchise,  
13 patent, or license and any property whether real, personal, mixed, or tangible or  
14 intangible, or any interest in such property, necessary or convenient for carrying out  
15 the purposes of the Corporation;
- 16 (9) Sell, lease as lessor, transfer, and dispose of any property or interest  
17 in it at any time acquired by it;
- 18 (10) Acquire, either directly or by or through any person or political  
19 subdivision, by purchase or by gift or devise any lands, structures, property, whether  
20 real or personal, rights, rights-of-way, franchises, easements, and other interests in  
21 lands, including lands lying under water and riparian rights which are located within  
22 or without the State that it deems necessary or convenient for the construction,  
23 improvement, rehabilitation, or operation of a project, upon any terms and at any  
24 prices that it considers to be reasonable;
- 25 [(11) Acquire real property or rights or easements in it by condemnation  
26 for projects in accordance with all laws applicable to the condemnation of property for  
27 public use; however, in exercising the power of eminent domain for any project, the  
28 action shall be approved by resolution of the legislative body of each political  
29 subdivision in which the property to be taken is located by at least a 2/3 majority;]
- 30 [(12)] (11) Borrow money and issue bonds for the purpose of financing or  
31 refinancing all or any part of the cost of any 1 or more projects or for any other  
32 corporate purpose of the Corporation; secure the payment of such borrowing or any  
33 part by pledge of or mortgage or deed of trust on all or any part of its properties or  
34 revenues; combine projects for financing, make agreements with or for the benefit of  
35 the purchasers or holders of bonds or with others in connection with the issuance of  
36 any bonds, whether issued or to be issued, that the Corporation deems advisable; and  
37 otherwise provide for the security of such bonds and the rights of the holders of them;

1            [(13)]    (12)    Fix, revise from time to time, and collect rates, rentals, fees,  
2 and charges for the use of or for services and facilities provided or made available by  
3 the Corporation;

4            [(14)]    (13)    Enter with the permission of the owner upon lands, waters, or  
5 premises for the purpose of making surveys, soundings, borings, and examinations to  
6 accomplish any purpose authorized by this subtitle;

7            [(15)]    (14)    Make loans to a person or persons:

8                    (i)        For the purpose of financing or refinancing, in whole or in part,  
9 the acquisition, construction, reconstruction, equipping, expansion, extension,  
10 improvement, rehabilitation, or remodeling of a project; and

11                   (ii)        To refund outstanding bonds, mortgages, advances, loans, or  
12 other obligations made or given by the person or persons for the purpose of financing  
13 or refinancing, in whole or in part, the acquisition, construction, reconstruction,  
14 equipping, expansion, extension, improvement, rehabilitation, or remodeling of a  
15 project;

16            [(16)]    (15)    Create, own, control, or be a member of, a corporation, limited  
17 liability company, partnership or other person, whether operated for profit or not for  
18 profit;

19            [(17)]    (16)    Exercise any power usually possessed by private corporations in  
20 performing similar functions, which is not in conflict with the Constitution and the  
21 laws of this State; and

22            [(18)]    (17)    Do all things necessary and convenient to carry out the powers  
23 expressly granted by this subtitle.

24        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2002.