

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 716
Economic Matters

(Delegate Minnick, *et al.*)

Maryland Economic Development Corporation - Condemnation of Property

This bill repeals the authority of the Maryland Economic Development Authority (MEDCO) to acquire real property or rights or easements in real property by condemnation.

Fiscal Summary

State Effect: None. MEDCO has never used eminent domain authority for its projects in its 18-year history.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: MEDCO is authorized to use eminent domain to acquire real property or rights or easements in real property for projects, subject to approval by two-thirds of the legislative body of each political subdivision in which the property is to be taken. Under the State constitution, property can only be condemned for a public use. Pursuant to Chapter 338 of 2001, MEDCO projects can include the acquisition, construction, expansion, rehabilitation, or remodeling of any property that the MEDCO board of directors determines, at its sole discretion, will accomplish one of the following legislative purposes:

- relieving conditions of unemployment in the State;
- encouraging the increase of business activity and commerce;

- assisting with retention of existing business and attraction of new business activity; and
- promoting economic development and generally promoting the health, happiness, right to gainful employment, and general welfare of the residents of each county and municipality.

Background: In 1984, the General Assembly approved the creation of MEDCO to boost development in neglected areas of the State and specifically to redevelop an unused property in Western Maryland. MEDCO is governed by a 12-member board of directors of State officials and private business owners who are appointed by the Governor with the advice and consent of the Senate. Its original role was to develop vacant industrial sites that failed to attract private investment and help State and local economic development agencies modernize, retain, and attract businesses. Examples of MEDCO projects include construction of manufacturing plants for Human Genome Sciences, Inc. in Rockville and General Motors in Baltimore County and development of the Rocky Gap golf resort in Allegany County.

Additional Comments: The Department of Legislative Services advises that MEDCO relies on its own revenues to support its activities and does not receive any appropriations from the General Assembly. Therefore, any additional costs or limits on potential projects that would occur because it lacked condemnation authority would not affect the State.

Additional Information

Prior Introductions: The House passed an identical bill (HB 71) in the 2002 session; the Budget and Taxation Committee held a hearing but took no action on it.

Cross File: None.

Information Source(s): Department of Business and Economic Development, Department of Legislative Services

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