

---

By: **Delegates Conroy, Miller, Minnick, Moe, and Wood**

Introduced and read first time: February 10, 2005

Assigned to: Economic Matters

---

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of specifying that the powers of the Maryland Economic  
4 Development Corporation may not exceed the condemnation powers of the  
5 county or municipal corporation in which the property to be taken is located; and  
6 generally relating to the powers of the Maryland Economic Development  
7 Corporation.

8 BY repealing and reenacting, with amendments,  
9 Article 83A - Department of Business and Economic Development  
10 Section 5-205  
11 Annotated Code of Maryland  
12 (2003 Replacement Volume and 2004 Supplement)

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

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

16 5-205.

17 The Corporation may:

- 18 (1) Adopt bylaws for the regulation of its affairs and the conduct of its  
19 business;
- 20 (2) Adopt an official seal and alter it at pleasure;
- 21 (3) Maintain offices at a place within the State that it designates;
- 22 (4) Apply for and accept any loans, grants, or assistance of any character  
23 from the federal government, State government, or local governments, or any private  
24 sources;
- 25 (5) Make, execute, and enter into any contracts or other legal  
26 instruments;

1 (6) Sue and be sued in its own name;

2 (7) Acquire, construct, develop, manage, market, reconstruct,  
3 rehabilitate, improve, maintain, equip, lease as lessor or as lessee, repair, and operate  
4 any project within the State of Maryland;

5 (8) Acquire, purchase, hold, lease as lessee, and use any franchise,  
6 patent, or license and any property whether real, personal, mixed, or tangible or  
7 intangible, or any interest in such property, necessary or convenient for carrying out  
8 the purposes of the Corporation;

9 (9) Sell, lease as lessor, transfer, and dispose of any property or interest  
10 in it at any time acquired by it;

11 (10) Acquire, either directly or by or through any person or political  
12 subdivision, by purchase or by gift or devise any lands, structures, property, whether  
13 real or personal, rights, rights-of-way, franchises, easements, and other interests in  
14 lands, including lands lying under water and riparian rights which are located within  
15 or without the State that it deems necessary or convenient for the construction,  
16 improvement, rehabilitation, or operation of a project, upon any terms and at any  
17 prices that it considers to be reasonable;

18 (11) Acquire real property or rights or easements in it by condemnation  
19 for projects in accordance with all laws applicable to the condemnation of property for  
20 public use; however, in exercising the power of eminent domain for any project, THE  
21 CORPORATION'S CONDEMNATION POWERS MAY NOT EXCEED THE CONDEMNATION  
22 POWERS OF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH THE PROPERTY  
23 TO BE TAKEN IS LOCATED AND the action shall be approved by resolution of the  
24 legislative body of each political subdivision in which the property to be taken is  
25 located by at least a 2/3 majority;

26 (12) Borrow money and issue bonds for the purpose of financing or  
27 refinancing all or any part of the cost of any 1 or more projects or for any other  
28 corporate purpose of the Corporation; secure the payment of such borrowing or any  
29 part by pledge of or mortgage or deed of trust on all or any part of its properties or  
30 revenues; combine projects for financing, make agreements with or for the benefit of  
31 the purchasers or holders of bonds or with others in connection with the issuance of  
32 any bonds, whether issued or to be issued, that the Corporation deems advisable; and  
33 otherwise provide for the security of such bonds and the rights of the holders of them;

34 (13) Fix, revise from time to time, and collect rates, rentals, fees, and  
35 charges for the use of or for services and facilities provided or made available by the  
36 Corporation;

37 (14) Enter with the permission of the owner upon lands, waters, or  
38 premises for the purpose of making surveys, soundings, borings, and examinations to  
39 accomplish any purpose authorized by this subtitle;

40 (15) Make loans to a person or persons:

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

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

9 (16) Create, own, control, or be a member of, a corporation, limited  
10 liability company, partnership or other person, whether operated for profit or not for  
11 profit;

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2005.