

BY: Senator McFadden

AMENDMENTS TO SENATE BILL NO. 154
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after “money;” insert “expanding the legislative purposes of the Maryland Economic Development Corporation to include encouraging the construction and installation of certain equipment related to certain pollution control goals and standards; altering a certain definition;”; and after line 22, insert:

“BY repealing and reenacting, without amendments,
Article 83A - Business and Economic Development
Section 5-201(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,
Article 83A - Business and Economic Development
Section 5-201(h) and 5-202(b)(1)
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“Article 83A - Department of Business and Economic Development

5-201.

(a) In this subtitle, the following words have the meanings indicated.

(Over)

(h) (1) “Project” means, except as provided in paragraph (3) of this subsection, any property, the acquisition, construction, reconstruction, equipping, expansion, extension, improvement, rehabilitation, or remodeling of which the Board of Directors of the Corporation, in its sole and absolute discretion, finds and determines by resolution will accomplish at least one of the legislative purposes listed in § 5-202(b) of this subtitle, whether the property, or any interest in the property:

(i) Is or will be used or operated for profit or not for profit;

(ii) Is or will be located on a single site or multiple sites; or

(iii) May be financed by bonds, the interest on which is exempt from federal income taxation under federal law.

(2) “Project” includes:

(i) Land or any interest in land;

(ii) Buildings, structures, machinery, equipment, furnishings, rail or motor vehicles, barges, and boats;

(iii) Real or personal property, or any combination of them, and rights related to the property, appurtenances, rights-of-way, franchises, easements, and other interests in land;

(iv) Land and facilities which are functionally related and subordinate to the project; [and]

(v) Patents, licenses, and other rights necessary or useful in the construction or operation of a project; AND

(VI) EQUIPMENT USED TO ACHIEVE STATE POLLUTION CONTROL GOALS AND STANDARDS AS REQUIRED BY:

1. REGULATIONS ADOPTED BY THE DEPARTMENT OF

THE ENVIRONMENT RELATING TO THE REDUCTION OF EMISSIONS OF NITROGEN
OXIDE, SULFUR DIOXIDE, AND MERCURY FROM POWER PLANTS IN THE STATE; OR

2. TITLE 2, SUBTITLE 10 OF THE ENVIRONMENT
ARTICLE.

(3) "Project" does not include property:

(i) That is eligible to be financed under Article 43C of the Code; and

(ii) For which any bonds issued to finance the property are payable or
guaranteed, directly or indirectly, by a "hospital", "institution for higher education", or
"noncollegiate educational institution" as these terms are defined under Article 43C, § 3 of the Code.

5-202.

(b) (1) The General Assembly declares that the legislative purposes of the
Corporation are to:

(i) Relieve conditions of unemployment in the State;

(ii) Encourage the increase of business activity and commerce and a
balanced economy in the State;

(iii) Assist in the retention of existing business activity and commerce and
in the attraction of new business activity in the State;

(iv) Promote economic development; [and]

(v) Generally promote the present and prospective health, happiness,
safety, right of gainful employment, and general welfare of the residents of each of the counties and
municipalities of the State; AND

(Over)

(VI) ENCOURAGE THE CONSTRUCTION AND INSTALLATION OF EQUIPMENT NECESSARY TO ACHIEVE STATE POLLUTION CONTROL GOALS AND STANDARDS AS REQUIRED BY:

1. REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT RELATING TO THE REDUCTION OF EMISSIONS OF NITROGEN OXIDE, SULFUR DIOXIDE, AND MERCURY FROM POWER PLANTS IN THE STATE; OR

2. TITLE 2, SUBTITLE 10 OF THE ENVIRONMENT ARTICLE.”.