

**HB0406/903591/1**

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 406  
(First Reading File Bill)

On page 1, in line 8, after “requirements;” insert “providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;”; and after line 20 insert:

“BY adding to

Article – Economic Development

Section 5-107

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5-319(c)

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (H.B. 1050) of the Acts of the General Assembly of 2008)”.

On page 7, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Economic Development

**5-107.**

(Over)

**THE DEPARTMENT MAY TAKE ALL REASONABLE ACTIONS TO PROTECT THE INTERESTS OF THE DEPARTMENT IN ITS INVESTMENTS, COLLATERAL, LOANS, GRANTS, AND OTHER PROPERTY OR INTERESTS RELATING TO FINANCING TRANSACTIONS, INCLUDING EXPENDING FUNDS FROM ITS GENERAL AND SPECIAL FUNDS TO ACQUIRE, DISPOSE OF, OPERATE, PROTECT, ENHANCE, OR MAINTAIN COLLATERAL OR LIENS.**

5-319.

(c) (1) Except as provided in paragraph (2) of this subsection, financial assistance provided to a local government or the Corporation for a project shall be approved by a formal resolution of:

(i) the governing body of the jurisdiction in which the project is located; or

(ii) if the recipient of the financial assistance is the Corporation, its board of directors.

(2) If the recipient of the financial assistance is the Corporation for a qualified distressed county project, the financial assistance shall be approved by formal resolutions of both the board of directors of the Corporation and the governing body of the jurisdiction in which the project is located.

(3) A project that is funded by a grant from the Fund to a local government or the Corporation, and carried out by the local government or the Corporation, shall be consistent with the strategy or plan for economic development of the county or municipal corporation in which the project is located.

**(4) IF THE DEPARTMENT PROVIDES FINANCIAL ASSISTANCE TO A LOCAL GOVERNMENT FOR A PROJECT, AN INTEREST IN THAT PROJECT IS LATER**

**TRANSFERRED TO A THIRD PARTY, AND THE TRANSFER OF THE INTEREST IS FINANCED BY THE LOCAL GOVERNMENT:**

**(I) THE LOCAL GOVERNMENT MAY ASSIGN THE FINANCING DOCUMENTS TO THE DEPARTMENT AS A REPAYMENT OF OR RETURN ON THE DEPARTMENT'S FINANCIAL ASSISTANCE TO THE LOCAL GOVERNMENT; AND**

**(II) THE ASSIGNMENT MAY NOT BE CONSIDERED A NEW FINANCING UNDER THIS SUBTITLE.**

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter (H.B. 1050) of the Acts of the General Assembly of 2008. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.”;

in line 3, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, subject to the provisions of Section 3 of this Act.”.