

Chapter 426

(Senate Bill 735)

AN ACT concerning

St. Mary's County – Metropolitan Commission – Authority to Borrow Money

FOR the purpose of requiring the Board of County Commissioners of St. Mary's County, when the St. Mary's County Metropolitan Commission plans to borrow any money, to review and approve any loan application before the Commission submits the loan application to a lender; ~~authorizing the Board to direct certain repayment of loans under certain circumstances;~~ and generally relating to the authority to borrow money of the St. Mary's County Metropolitan Commission.

BY repealing and reenacting, with amendments,
 The Public Local Laws of St. Mary's County
 Section 113-2
 Article 19 – Public Local Laws of Maryland
 (2007 Edition and October 2014 Supplement, as amended)

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

Article 19 – St. Mary's County

113-2.

A. The members of the Commission are a body politic and corporate, by the name of the "St. Mary's County Metropolitan Commission" (referred to elsewhere in this chapter as the "Commission"), with the right to use a common seal, to sue and be sued and to do any and all other corporate acts for the purpose of carrying out the provisions of this chapter, including, without limiting the generality of the foregoing, the right and power to make and enter into all contracts or agreements as the Commission determines with the Federal government, the State of Maryland or any agency or instrumentality of either thereof or with any municipal corporation, county, private corporation, copartnership, association or individual, on terms and conditions which the Commission approves, relating to the performance of the Commission's duties, the execution of its rights and powers, the use by the Federal government, the State government or any Federal or State agency, municipal corporation, county or private entity or individual of any water supply or sewerage system constructed or acquired by the Commission under this chapter or the services therefrom or the facilities thereof or the use by the Commission of any water supply or sewerage systems owned or operated other than by the Commission.

B. Whenever it is deemed necessary by the Commission to take or acquire any land, structure or buildings, or any streambed, waterway, water rights or watershed, either in fee or as an easement, within or outside of St. Mary's County, for the construction,

extension or maintenance of any water main, sewer or appurtenance thereof, or any sewage treatment plant, reservoir, water treatment plant, storage tank or pumping station, or for the execution by the Commission of any other power or function vested in it by this chapter, the Commission may purchase it from the owners or, failing to agree with the owner or owners thereof, may condemn it by proceedings in the Circuit Court for the county in which the land, structures or buildings, streambed, waterway, water rights or watershed is located, as are provided for condemnation of land by public service corporations in the Public General Laws of Maryland. The Commission may likewise condemn the interest of any tenant, lessee or other person having any right or interest in the land, structures or buildings, streambed, waterway, water rights or watershed. At any time after ten (10) days after the return and recordation of the verdict or award in the proceedings, the Commission may enter and take possession of the property so condemned, upon first paying to the Clerk of the Court the amount of the award and all costs taxed to that date, notwithstanding any appeal or further proceedings upon the part of the defendant. At the time of payment, however, the Commission shall give its corporate undertaking to abide by and fulfill any judgment in such appeal or further proceedings.

C. ~~(1)~~ WHEN THE COMMISSION PLANS TO BORROW ANY MONEY, THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SHALL REVIEW AND APPROVE ANY LOAN APPLICATION BEFORE THE COMMISSION SUBMITS THE LOAN APPLICATION TO A LENDER.

~~(2) IF THE COMMISSION HAS NOT EFFECTIVELY OBLIGATED THE MONEY IN A TIMELY MANNER, THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY DIRECT PARTIAL OR COMPLETE REPAYMENT OF LOANS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 4, 2017.