

# SENATE BILL 230

R2, L6, P1

11r0040

(PRE-FILED)

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By: **Chair, Finance Committee (By Request – Departmental – Transportation)**

Requested: September 22, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Port Administration – Land Acquisition and Payment to Counties**

3 FOR the purpose of reducing the number of days that political subdivisions have to respond  
4 to a request by the Maryland Port Administration to acquire property in the political  
5 subdivision before the political subdivision's approval is deemed given; limiting the  
6 length of time the Administration and a county may agree to the Administration  
7 paying the county a stated sum in place of certain taxes or assessments or making  
8 certain voluntary contributions; repealing a requirement that Anne Arundel County  
9 hold a public hearing before approving a request by the Administration to acquire  
10 certain interests in land or improvements on land in the county; authorizing Anne  
11 Arundel County to hold a certain hearing; and generally relating to the acquisition  
12 and ownership of certain property by the Administration.

13 BY repealing and reenacting, with amendments,  
14 Article – Transportation  
15 Section 6–304, 6–308, and 6–309  
16 Annotated Code of Maryland  
17 (2020 Replacement Volume)

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

20 **Article – Transportation**

21 6–304.

22 (a) The Administration may not acquire by purchase or condemnation any  
23 property located in any political subdivision of this State without the prior approval of the  
24 political subdivision, as provided for in this section.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Approval required by this section shall be obtained as follows:

2 (1) If the property is located in a county other than Baltimore City and not  
3 in any municipal corporation, from the county;

4 (2) If the property is located in a municipal corporation within any county,  
5 both from the mayor and council, by whatever name known, of the municipal corporation  
6 and from the county; and

7 (3) If the property is located in Baltimore City, from the Board of Estimates  
8 of Baltimore City.

9 (c) If the Administration makes a written request for approval of the appropriate  
10 body, the approval required by this section is deemed to be given unless the Administration  
11 is notified in writing to the contrary within [90] 30 days after it makes the request.

12 (d) This section does not affect the right of the Administration to acquire an option  
13 or institute any condemnation proceedings for later acquisition of the property once the  
14 approval required by this section is obtained.

15 6-308.

16 (a) In this section, "cargo handling facilities" includes any one or more or  
17 combination of lands, piers, docks, wharves, warehouses, sheds, transit sheds, elevators,  
18 compressors, refrigerated storage plants, buildings, structures, and other facilities,  
19 appurtenances, and equipment useful or designed for use in connection with the handling,  
20 storing, loading, or unloading of freight and any other personal property at marine  
21 terminals.

22 (b) (1) Except as otherwise provided in this subsection, each county retains the  
23 right to impose annual taxes on land and improvements on land acquired and developed in  
24 the political subdivision by the Administration. The Administration is subject also to all  
25 benefit assessments, including any sewer and water charges that may be levied by  
26 operation of law.

27 (2) The right to impose taxes does not apply to any land or improvements  
28 acquired from the county, to any cargo handling facilities owned or leased, as lessor or  
29 lessee, by the Administration, or to any land used only in conjunction with these cargo  
30 handling facilities. From the date any of this property is purchased, erected, constructed,  
31 or leased, it is exempt from all property taxes and benefit assessments to their owner, to  
32 the Administration, and to the lessees of the Administration.

33 (3) The right to impose taxes does not apply to the international trade  
34 center described in § 6-101(e)(4) of this title, which trade center is exempt from all property  
35 taxes and benefit assessments to the Administration.

36 (c) The Administration and the county may make any agreements **FOR A TERM**

1 **NOT TO EXCEED 3 YEARS:**

2 (1) For the Administration to pay to the county a stated sum in place of any  
3 taxes or benefit assessments to which the Administration is subject; or

4 (2) For voluntary contributions as to tax-exempt property.

5 (d) (1) Each lease of a cargo handling facility for a term of more than 1 year,  
6 including renewal options, that is made between the Administration and a lessee engaged  
7 in business for profit shall contain a provision requiring the lessee to pay to the  
8 Administration annually, except to the extent that the improvements are taxed to the  
9 lessee, a sum of money computed on the basis of the full cash value of the leased land and  
10 improvements on it multiplied by the assessment percentage under § 8-103(c)(1) of the Tax  
11 – Property Article, multiplied by the current State and local real estate tax rates.

12 (2) The supervisor of assessments of the county in which the leased land is  
13 located shall cooperate with the Administration in establishing the full cash value of the  
14 leased land and improvements on it.

15 (e) The Administration may not acquire on a lease-back basis any land or  
16 improvement on it without the prior consent of the political subdivision in which the land  
17 or improvements are located.

18 (f) This section does not affect any agreement made before June 1, 1966, between  
19 the Administration and any county as to tax exemptions or payments in place of taxes or  
20 benefit assessments.

21 6-309.

22 (a) Notwithstanding any other provision of this title, this section controls as to  
23 Anne Arundel County.

24 (b) (1) **(I)** The Administration may not acquire any interest in land or  
25 improvements on land in Anne Arundel County without the prior approval of the county[,  
26 given after a public hearing].

27 **(II) ANNE ARUNDEL COUNTY MAY HOLD A PUBLIC HEARING**  
28 **BEFORE GIVING THE APPROVAL REQUIRED UNDER THIS SUBSECTION.**

29 (2) This subsection does not affect the right of the Administration to  
30 acquire an option for later acquisition of the property or improvements once the approval  
31 required by this subsection is obtained.

32 (3) If the Administration makes a written request for approval of the  
33 county, the approval required by this subsection is deemed to be given unless the  
34 Administration is notified in writing to the contrary within [90] **30** days after it makes the

1 request.

2 (c) Anne Arundel County retains the right to impose taxes on any land and  
3 improvements on land acquired under this title in Anne Arundel County by the  
4 Administration or any other person.

5 (d) The Administration and Anne Arundel County may make any agreements  
6 **FOR A TERM NOT TO EXCEED 3 YEARS** for the Administration to pay to the county a  
7 stated sum in place of any of these taxes.

8 (e) This section shall be strictly construed.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2021.