

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 190

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, before “altering” insert “permitting a loan under the Maryland Industrial Land Act and a loan or grant from the Maryland Industrial and Commercial Redevelopment Fund to be made to an entity other than a political subdivision; requiring that a certain percentage of a loan to an entity other than a political subdivision be guaranteed by a political subdivision; allowing the Secretary to eliminate, under certain circumstances, the requirement that a loan under the Maryland Industrial and Commercial Redevelopment Fund be guaranteed by a political subdivision;”; in line 6, after “the” insert “Maryland Industrial Land Act and the”; in line 7, after the first “the” insert “Maryland Industrial Land Act and the”; in line 12, after “Fund;” insert “making stylistic changes;”; and strike in its entirety line 17 and substitute “Section 5-103, 5-703(b), (c), (d), and (e), 5-704(a) and (c), 5-705(a), (c), (d)(1), and (f), 5-706, 5-707, 5-708, 5-709(b), (c), and (f)(1), 5-710, 5-712, 5-715, 5-801, 5-802, 5-803(a) and (c), 5-804, 5-805, and 5-806”.

AMENDMENT NO. 2

On page 2, after line 11, insert:

“5-703.

(b) “BORROWER” MEANS A POLITICAL SUBDIVISION OR PRIVATE ENTITY THAT BORROWS FUNDS UNDER THIS SUBTITLE.

(C) “County” includes the City of Baltimore.

[(c)] (D) “Department” means the Department of Business and Economic Development.

[(d)](E) “Political subdivision” or “subdivision” means:

(Over)

(1) A county; [or]

(2) A municipal corporation subject to the provisions of Article XI-E of the Maryland Constitution; OR

(3) THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, PROVIDING THE SECRETARY DETERMINES THAT:

(I) A COUNTY'S OR A MUNICIPAL CORPORATION'S PLEDGE OF FULL FAITH AND CREDIT WOULD NOT BE FISCALLY PRUDENT DUE TO THE COUNTY'S OR MUNICIPAL CORPORATION'S FINANCIAL SITUATION;

(II) THE PROJECT CONSTITUTES A SIGNIFICANT ECONOMIC DEVELOPMENT OPPORTUNITY FOR THE STATE; AND

(III) THE PROJECT'S EXPECTED REVENUE SUPPORTS THE REQUESTED FINANCING.

[(e)](F) "Secretary" means the Secretary of Business and Economic Development.

5-704.

(a) Any [political subdivision of the State] BORROWER desiring to acquire land under this section shall make application for each project to the Secretary. The application shall describe the project in such manner and detail as the Secretary may, by regulation, determine, and shall include, without limitation:

(1) A full description of the land and its characteristics;

(2) A complete statement as to why the land is particularly suited to industry, and what particular industry or industries it is best suited to;

(3) A statement of the likelihood of any particular industry or industrial concern being interested in the land in the near future;

(4) A description of the zoning, sanitary and other appropriate laws and regulations applicable to the land, and whether any changes therein are contemplated by the applicant;

(5) Whether the applicant has adopted or developed a general industrial land acquisition plan, and, if so, a complete description of the plan and how the project applied for relates to the plan;

(6) Appraisals by two qualified appraisers approved by the Secretary of the current market value of the land;

(7) A description of employment and unemployment conditions in the subdivision and in the particular area in which the land is located, including the rate of unemployment, if available, and any anticipated developments which may affect the rate of unemployment in the near future; and

(8) Whether there is a shortage of industrial land in the subdivision and in the particular area in which the land is located.

(c) (1) Upon approval of a loan, the Secretary shall enter into a loan agreement with the [borrowing subdivision] BORROWER.

(2) Each loan agreement shall include:

(i) A provision for payments of interest only for a period not to exceed 5 years from the date of the loan;

(ii) A provision for payments of principal and interest, in accordance with an amortization schedule that the Secretary approves, for not more than a 40-year period from the end of the interest only payment period;

(iii) A provision for an interest rate that equals:

1. The net interest cost of the most recent sale of State general obligation bonds before the date of the loan plus 1/8 of 1 percent, for a loan made from sources other than State general obligation bond proceeds;

2. For a loan made from the proceeds of a State general obligation

(Over)

bond issue either:

A. The net interest cost of the sale of State general obligation bonds out of which the loan is made plus 1/8 of 1 percent; or

B. The maximum interest rate permitted under applicable federal tax law or required pursuant to resolutions of the Board of Public Works adopted in connection with the issuance of the State general obligation bonds out of which the loan is made;

(iv) A provision that requires the [borrowing subdivision] BORROWER to give the Secretary at least 30 days prior written notice of any proposed sale, lease, or conveyance and that requires that prior written approval of the Secretary before the sale, lease, or conveyance, which approval the Secretary shall grant unless the sale, lease, or conveyance violates a provision of the loan agreement or is clearly inconsistent with the purposes of this subtitle; and

(v) A provision that requires, on sale of any portion of the land, prepayment of the principal of the loan from the sale proceeds in an amount that equals the amount of the original loan multiplied by the proportion of the land sold to the amount of land which remains when any land reserved for use by an entire industrial park is subtracted from the total land for which the loan was made originally and a provision for reducing the amortization payments accordingly.

(3) The loan agreement may contain regulatory and security provisions.”.

AMENDMENT NO. 3

On page 2, after line 12, insert:

“(a) Any [political subdivision of the State] BORROWER may apply to the Secretary for a loan to finance, with respect to an industrial park project described in the application, any one or more of the following industrial park project costs:

(1) Planning and/or engineering study costs;

(2) Land acquisition;

(3) Water distribution, sewer collection and other utility lines, unless and except to

the extent that any such costs are or will be borne by a public utility;

(4) Access and internal roads;

(5) Street lighting;

(6) Installation of rail spurs, unless and except to the extent that any such costs are or will be borne by a railroad;

(7) Costs unique to a specialized industrial park, including, without limitation, items such as bulkheading, docks and aircraft runways or aprons;

(8) Site preparation, such as clearing and grading;

(9) Rehabilitation of existing buildings to make them suitable for manufacturing, assembly, fabricating, processing, warehousing, research and development, or office use. Such buildings may be intended for multitenant or single tenant occupancy;

(10) Demolition, provided that it is done in conjunction with new construction financed under this subtitle; and

(11) For a vertical industrial park, which is a structure suited for multitenant, primarily industrial use, new construction.

(c) The Secretary, upon receipt of an application and after such investigation as he deems advisable, may approve a loan of up to fifty percent of the anticipated project cost, as determined by the Secretary, but not exceeding \$1,500,000 for any one project. In judging whether or not to approve a loan and the amount of a loan, the Secretary shall consider and determine in addition to those factors set forth in § 5-704(b) of this subtitle, (i) whether the [subdivision] BORROWER has available and committed toward the project sufficient funds to finance its share of the anticipated project costs; provided, however, that the Secretary may consider in lieu of funds on hand official and noncontingent commitments of funds from federal agencies, financial institutions, or other reliable sources; and provided further that the Secretary may grant a conditional approval for a period

(Over)

not exceeding two years in any case where application for all or part of the balance of the required funds has been made to a federal agency, financial institution, or other reliable source and additional time is required for affirmative action on the application, and (ii) the [subdivision] BORROWER has presented evidence demonstrating its ability to carry out and complete the project as planned.

(d) (1) Upon approval of a loan, the Secretary shall enter into a loan agreement with the [borrowing subdivision] BORROWER.”.

AMENDMENT NO. 4

On page 2, in lines 15 and 17, in each instance, strike “borrowing subdivision” and substitute “BORROWER”; in lines 18 and 19, in each instance, strike “subdivision” and substitute “BORROWER”.

AMENDMENT NO. 5

On page 2, after line 22, insert:

“5-706.

(a) (1) In this section, the following words have the meanings indicated.

(2) “Project costs” may include planning and engineering studies, land acquisition, site preparation, and all construction costs.

(3) “Shell building” means a basic structure of flexible design or a rehabilitated building, erected on land owned or controlled by the [political subdivision] BORROWER, for eventual sale or lease to a purchaser or tenant requiring facilities for manufacturing, assembling, fabricating, processing, warehousing, research and development, or office use.

(b) Any [political subdivision] BORROWER may apply to the Secretary for a loan to finance project costs of a shell building project. The application shall describe the project in the manner and detail required by the Secretary and shall include the information set forth in § 5-704(a) of this subtitle as it relates to the shell building project, and a complete breakdown of the anticipated cost of the project.

(c) In determining whether or not to approve a loan and the amount of the loan, the Secretary shall consider those factors set forth in § 5-704(b) of this subtitle as they relate to the shell building project. After the investigation he considers necessary, the Secretary may approve a loan of all or any part of the project costs, not to exceed \$2,000,000.

(d) On approval of a loan, the Secretary shall enter into a loan agreement with the [borrowing political subdivision] BORROWER providing for payment of interest only, at a rate determined by the Secretary in accordance with § 5-704(c)(2)(iii) of this subtitle, beginning on the date of the loan and continuing for a period not to exceed two years after that date. On sale of the shell building, the [political subdivision] BORROWER shall repay the entire amount of the loan. Subject to the required repayment in the event of a sale, the principal balance of the loan remaining at the end of the interest only payment period shall be amortized over a period not exceeding 25 years in accordance with an amortization schedule approved by the Secretary. The [borrowing subdivision] BORROWER shall give to the Secretary at least 30 days advance notice and obtain his written approval of any sale or lease. The loan agreement may contain regulatory and security provisions.

(e) (1) The loan agreement shall be recorded among the land records of the political subdivision in which the project is located and shall constitute a lien on the land and the improvements.

(2) Paragraph (1) of this subsection does not apply if a federally funded contract, grant, loan, project, or reimbursement prohibits the placement of a lien on the land or improvements that a [political subdivision] BORROWER includes in a loan agreement made under this section.

5-707.

(a) (1) In this section, the following words have the meanings indicated.

(2) “Incubator” means any building of flexible design, owned or controlled by a [political subdivision] BORROWER, for eventual lease to multiple new businesses which share support services and facilities.

(Over)

(3) “New businesses” are businesses which have been in existence for no longer than 3 years.

(4) “Project costs” may include planning and engineering studies, design and engineering services, and building acquisition and building rehabilitation.

(5) “State-financed research” means research financed in part with the assistance of the State.

(b) Any [political subdivision] BORROWER may apply to the Secretary for a loan to finance project costs of rehabilitation of existing buildings for incubators.

(c) The application shall describe the project in such manner and detail as the Secretary may, by regulation, determine and shall include the information set forth in § 5-704(a) of this subtitle as it relates to the incubator project, and a complete breakdown of the anticipated costs of the project.

(d) In determining whether or not to approve a loan and the amount of the loan, the Secretary shall consider those factors set forth in § 5-704(b) of this subtitle as they relate to the incubator project.

(e) After the investigation the Secretary considers necessary, the Secretary may approve a loan of all or any part of the project costs, not to exceed \$1,500,000 for any 1 incubator, except that in the case of an incubator for which the [political subdivision] BORROWER has an executed lease agreement acceptable to the Secretary with at least 1 new business which will be conducting State-financed research as a tenant of the incubator, the loan amount under this subsection shall not exceed \$2,500,000.

(f) On approval of the loan, the Secretary shall enter into a loan agreement with the [borrowing political subdivision] BORROWER providing for:

(1) Payment of interest only, at a rate determined by the Secretary in accordance with § 5-704(c)(2)(iii) of this subtitle, beginning on the date of the loan and continuing for a period not to exceed 2 years after that date;

(2) Payments of principal and interest, in accordance with an amortization schedule approved by the Secretary, for a period not to exceed 25 years from the end of the interest only payment period;

(3) Repayment of the entire amount due under the loan in the event of sale of the incubator;

(4) At least 30 days' advance notice to the Secretary by the [political subdivision] BORROWER of any proposed sale or lease of the incubator;

(5) The [political subdivision] BORROWER obtaining the Secretary's written approval of any such sale or lease; and

(6) Regulatory or security provisions, as the Secretary deems appropriate.

(g) The loan agreement shall be recorded among the land records of the political subdivision IN WHICH THE PROJECT IS LOCATED and shall constitute a lien on the land and improvements.”.

AMENDMENT NO. 6

On page 2, in line 26, strike “borrowing subdivision” and substitute “BORROWER”; in line 28, strike “borrowing”; and in line 29, strike “subdivision” and substitute “BORROWER”.

AMENDMENT NO. 7

On page 2, after line 33, insert:

“5-709.

(b) Subject to the provisions of this section, any [political subdivision] BORROWER may apply for and the Secretary may approve a loan to finance any portion of the project costs of an access road, a utility line, or both.

(c) (1) To apply for assistance, a [political subdivision] BORROWER shall submit an

(Over)

application to the Department.

(2) In the manner and detail required by the Secretary, the application shall:

(i) Explain the need for the project for which assistance is requested; and

(ii) State the amount and type of assistance requested for the project.

(3) The application also shall include a certification by the [political subdivision] BORROWER that the project for which assistance is requested would serve a manufacturing, processing, or other industrial establishment that has been constructed or will be constructed.

(f) (1) Before making a loan that has been approved by the Secretary under this section, the Department shall enter into a loan agreement with the [borrowing political subdivision] BORROWER.

5-710.

Notwithstanding any other provision of this subtitle, the Secretary may approve loans in the following amounts for projects within an enterprise zone designated under § 5-402 of this article:

(1) For any loan to acquire land under § 5-704 OF THIS SUBTITLE, up to 100 percent of the current market value of the land, as determined by [him] THE SECRETARY, but not exceeding \$1,000,000 for any one project;

(2) For any loan to finance industrial park project costs under § 5-705 OF THIS SUBTITLE, up to 50 percent of the anticipated project costs, as determined by the Secretary, but not exceeding \$2,000,000 for any one project;

(3) For any loan to finance project costs of a shell building project under § 5-706 OF THIS SUBTITLE, all or any part of the project costs, not to exceed \$2,500,000;

(4) For any loan for the purpose of acquiring options to purchase prospective industrial land sites or industrial park sites under § 5-708 OF THIS SUBTITLE, a loan not exceeding \$100,000 and on [an equal] A TEN PERCENT matching basis with funds of the [borrowing

subdivision] BORROWER.”.

AMENDMENT NO. 8

On page 2, in line 35, after “[A]” insert “(A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBSECTION,”; in the same line, after “PERCENT” insert “OF THE INITIAL PRINCIPAL BALANCE”; in line 36, strike “borrowing” and substitute “POLITICAL”; in line 36, after “subdivision” insert “IN WHICH THE PROJECT IS LOCATED”; in line 38, after “provided” insert “EITHER”; in the same line, strike “agreement” and substitute “DOCUMENT BETWEEN THE DEPARTMENT AND A BORROWING POLITICAL SUBDIVISION OR, WHEN THE POLITICAL SUBDIVISION IS NOT THE BORROWER, IN A GUARANTEE AGREEMENT BETWEEN THE DEPARTMENT AND A POLITICAL SUBDIVISION”; in line 39, after “to”, insert “OR GUARANTEE BY”.

On page 3, after line 7, insert:

“(B) THE SECRETARY MAY INCREASE THE PERCENT OF THE INITIAL PRINCIPAL BALANCE OF A LOAN MADE UNDER THIS SUBTITLE THAT CONSTITUTES A GENERAL OBLIGATION OF THE SUBDIVISION IN WHICH THE PROJECT IS LOCATED IF THE SECRETARY DETERMINES THAT THE REQUESTED FINANCING IS NOT SUFFICIENTLY SUPPORTED BY:

(1) THE QUALITY OF THE BORROWER'S CREDIT; OR

(2) THE EXPECTED REVENUE OF THE PROJECT.”.

AMENDMENT NO. 9

On page 3, in line 9, after “Any” insert “INVESTMENT EARNINGS OF THE FUND, AND ANY”; strike beginning with “THAT” in line 28 down through “ASSISTANCE” in line 29 and substitute “IN WHICH THE PROJECT IS LOCATED”.

AMENDMENT NO. 10

On page 3, after line 29, insert:

(Over)

“5-801.

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

(B) “APPLICANT” MEANS A POLITICAL SUBDIVISION OR PRIVATE ENTITY THAT IS APPLYING FOR A LOAN OR GRANT UNDER THIS SUBTITLE.

[(b)] (C) “Department” means the Department of Business and Economic Development.

[(c)] (D) (1) “Eligible project cost” means the cost of planning, developing, executing, and making operative an industrial or commercial redevelopment project.

(2) “Eligible project cost” includes:

(i) The cost of purchasing, leasing, condemning, or otherwise acquiring land or other property, or an interest in them, in the designated project area or as necessary for a right-of-way or other easement to or from the project area;

(ii) The cost incurred in connection with or incidental to acquisition and management of the land, property, or interest;

(iii) The cost incurred for or in connection with the relocation and moving of persons or other legal entities displaced by the acquisition;

(iv) The cost of development or redevelopment, including:

1. The comprehensive renovation or rehabilitation of the land, property, or interest in them; and

2. The disposition of land or other property for these purposes;

(v) The cost of demolishing, removing, relocating, renovating, altering, constructing, reconstructing, installing, or repairing any land or any building, street, highway, alley, utility, service, or other structure or improvement;

(vi) The cost incurred for or incidental to doing anything enumerated in this paragraph, including the cost and expense of securing:

1. Administrative, appraisal, economic, and environmental analysis;

2. Engineering service;

3. Planning service;

4. Design service;

5. Architectural service;

6. Surveying service; and

7. Other professional service.

[(d)] (E) "Fund" means the Industrial and Commercial Redevelopment Fund.

[(e)](F) "Political subdivision" includes:

(1) [a] A county or municipal corporation and its designated agency or instrumentality; AND

(2) THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, PROVIDING THE SECRETARY DETERMINES THAT:

(I) A COUNTY'S OR A MUNICIPAL CORPORATION'S PLEDGE OF FULL FAITH AND CREDIT WOULD NOT BE FISCALLY PRUDENT DUE TO THE COUNTY'S OR MUNICIPAL CORPORATION'S FINANCIAL SITUATION;

(II) THE PROJECT CONSTITUTES A SIGNIFICANT ECONOMIC DEVELOPMENT OPPORTUNITY FOR THE STATE; AND

(Over)

(III) THE PROJECT'S EXPECTED REVENUE SUPPORTS THE REQUESTED FINANCING.

[(f)] (G) "Secretary" means the Secretary of Business and Economic Development."

AMENDMENT NO. 11

On page 4, after line 14, insert:

"(a) The Department may make a loan or grant to [a political subdivision] AN APPLICANT to cover part of the eligible project costs of an industrial or commercial redevelopment project. Proceeds of a loan or grant may be:

(1) Expended directly by the [political subdivision] APPLICANT;

(2) Loaned or granted by [the] A BORROWING political subdivision; or

(3) Used by [the] A BORROWING political subdivision to guarantee loans, to a private entity which has made a firm commitment to carry out part or all of an industrial or commercial redevelopment project."

AMENDMENT NO. 12

On page 4, in line 23, strike "a political subdivision" and substitute "AN APPLICANT"; in line 37, after "issue;" insert "AND"; and in line 39, strike "; and" and substitute a period.

AMENDMENT NO. 13

On page 5, in line 1, strike "(iv) To the extent that it is to be repaid" substitute:

"(3) EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS SUBSECTION";

in line 2, strike "OBLIGATION" and substitute "INITIAL PRINCIPAL BALANCE OF A LOAN MADE UNDER THIS SUBTITLE"; in line 3, strike "subdivisions that will assure repayment" and substitute "SUBDIVISION IN WHICH THE PROJECT IS LOCATED AS PROVIDED EITHER IN

THE LOAN DOCUMENT BETWEEN THE DEPARTMENT AND A BORROWING POLITICAL SUBDIVISION OR, WHEN A POLITICAL SUBDIVISION IS NOT THE BORROWER, IN A GUARANTEE AGREEMENT BETWEEN THE DEPARTMENT AND A POLITICAL SUBDIVISION"; in line 4, after "to" insert "OR GUARANTEE BY"; after line 9, insert:

"(4) THE SECRETARY MAY INCREASE THE PERCENT OF THE INITIAL PRINCIPAL BALANCE OF A LOAN MADE UNDER THIS SUBTITLE THAT CONSTITUTES A GENERAL OBLIGATION OF THE SUBDIVISION IN WHICH THE PROJECT IS LOCATED IF THE SECRETARY DETERMINES THAT THE REQUESTED FINANCING IS NOT SUFFICIENTLY SUPPORTED BY:

(I) THE QUALITY OF THE APPLICANT'S CREDIT; OR

(II) THE EXPECTED REVENUE OF THE PROJECT.

(5) UPON APPROVAL OF THE SECRETARY, A LOAN MADE UNDER THIS SUBTITLE DOES NOT CONSTITUTE A GENERAL OBLIGATION OF THE POLITICAL SUBDIVISION IN WHICH THE PROJECT IS LOCATED IF:

(I) THE LOAN DOES NOT EXCEED \$100,000;

(II) THE POLITICAL SUBDIVISION IN WHICH THE PROJECT IS LOCATED PROVIDES CASH FUNDS FOR THE PROJECT THAT EQUALS 40 PERCENT OF THE LOAN MADE UNDER THIS SUBTITLE; AND

(III) THE SECRETARY DETERMINES THAT THE DEPARTMENT HAS ADEQUATE COLLATERAL TO SECURE THE LOAN OR THAT THE PROJECT IS EXPECTED TO GENERATE REVENUE SUFFICIENT TO REPAY THE LOAN."

AMENDMENT NO. 14

On page 5, before line 10, insert:

"5-804.

(a) For approval of a loan or grant by the Secretary, the [political subdivision or its development agency] APPLICANT shall file with the Department a project plan that includes:

(1) A legal description of the land within the project area;

(2) A description of the present condition and uses of the land;

(3) A description of the types and locations of land uses proposed for the project area;

(4) A description of the types and locations of present and proposed streets, sidewalks, and sanitary, utility and other facilities, and of other proposed site improvements;

(5) Statements of the present and proposed zoning classification and subdivision status of the project area and the areas adjacent to the project area;

(6) A financing plan, including a request for a loan or a grant, and an explanation of the basis for the request that particularly explains the relationship of the request to the factors that the Secretary is required to consider;

(7) An administrative plan;

(8) A marketability and proposed land-use study that appropriate appraisal reports support;

(9) Findings that:

(i) The land within the project area will be used principally for industrial or business purposes;

(ii) The plan is in accordance with the plan of development, including any comprehensive or general plan, for the political subdivision IN WHICH THE PROJECT IS LOCATED that its planning commission adopted and with the plan of development of the regional planning agency, if any, for the region within which the political subdivision is located or, if the political subdivision within a county does not have a planning commission, the plan is in accordance

with the plan of development that the county within which the political subdivision is situated adopted;

(iii) The plan is not inimical to any statewide planning program objectives of the State or any of its agencies; and

(iv) The project will contribute to the economic welfare of the political subdivision IN WHICH THE PROJECT IS LOCATED;

(10) The type of public action necessary to carry out and administer the project;

(11) An action plan and schedule for actual reuse after acquisition and clearance has been accomplished;

(12) A plan for the utilization of minority contractors and assurance of equal opportunity in employment in connection with the project;

(13) A statement of the impact of the project on the natural, historic, and social environment;

(14) Where applicable, a plan for relocating project-area occupants; and

(15) Any additional information, drawings, plans, reports, or estimates that the Department requires.

(b) As a further step towards and condition of approval of a grant OR LOAN TO AN APPLICANT by the Secretary, the general concept of the project plan, including a designation of the project area, shall be the subject of a public hearing on adequate notice and publicity and shall be endorsed by the chief executive officer of the political subdivision IN WHICH THE PROJECT IS LOCATED or, if there is no chief executive officer, by the governing body of the political subdivision.

5-805.

(Over)

(a) In approving an application for a loan or grant, the Secretary shall use as the governing criterion, the degree of desirable economic and social benefit expected to be derived per dollar of State expenditure. In applying this criterion, the Secretary shall consider at least the following factors:

(1) The population of the [applying] political subdivision IN WHICH THE PROJECT IS LOCATED and of the area affected by the project;

(2) The extent of economic and related social distress, underemployment, and unemployment in the political subdivision IN WHICH THE PROJECT IS LOCATED and of the area affected by the project and the degree to which it will be relieved by the carrying out of the project;

(3) The degree of revitalization, renovation, rehabilitation, and physical improvement to be accomplished by the project;

(4) The degree to which the project will advance statewide and/or local economic development strategies and objectives;

(5) The degree to which available sources of federal financial support have been sought and will be utilized;

(6) The degree to which local governmental sources of funding are committed to the project;

(7) The degree to which private financial resources are committed to the project;

(8) The degree to which the community directly impacted has demonstrated their commitment to the project;

(9) The likelihood of recoupment of project costs through sale or lease of redeveloped property or increased assessable base, although this factor does not preclude the use of write-downs or favorable property tax treatment for the purpose of stimulating economic and commercial activity; and

(10) The degree of assurance that the project will be completed on time and within its budget.

(b) In determining whether the expenditure of State funds shall be in the form of a loan or grant and in determining the terms of a loan, the Secretary shall consider, as additional factors:

(1) The fiscal situation of the [applying political subdivision] APPLICANT;

(2) The funds available in the Industrial and Commercial Redevelopment Fund; and

(3) The degree of State assistance needed for the project, with the objective of conserving the State's limited financial resources.”.

AMENDMENT NO. 15

On page 5, in lines 14 and 17, in each instance, strike “political subdivision” and substitute “APPLICANT”; strike beginning with “THAT” in line 24 down through “ASSISTANCE” in line 25 and substitute “IN WHICH THE PROJECT IS LOCATED”.