
By: Prince George's County Delegation

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Revenue Authority of Prince George's County**
3 **PG 421-96**

4 FOR the purpose of authorizing Prince George's County to establish the Revenue
5 Authority of Prince George's County; specifying the purposes, legal status, powers,
6 duties, and requirements applicable to the Authority; providing for the membership,
7 officers, and employees of the Authority; authorizing the Authority to issue certain
8 bonds and other evidences of indebtedness; providing for certain exemptions from
9 taxation; specifying the authority of the County concerning the Authority; providing
10 certain penalties for violations of the regulations of the Authority; providing for the
11 disposition of the assets and obligations of the Authority on termination of the
12 Authority; defining certain terms; and generally relating to the establishment of a
13 certain revenue authority by Prince George's County.

14 BY adding to

15 The Public Local Laws of Prince George's County
16 Section 21A-101 through 21A-112, inclusive, to be under the new subtitle "Subtitle
17 21A. Revenue Authority"
18 Article 17 - Public Local Laws of Maryland
19 (1991 Edition and 1994 Supplement, as amended)

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

22 **Article 17 - Prince George's County**

23 SUBTITLE 21A. REVENUE AUTHORITY.

24 21A-101.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (B) "AUTHORITY" MEANS THE REVENUE AUTHORITY ESTABLISHED UNDER §
28 21A-102 OF THIS SUBTITLE.

1 (C) "BOND" OR "BONDS" MEANS REVENUE BONDS OR NOTES, INCLUDING,
2 WITHOUT LIMITATION, BOND ANTICIPATION NOTES AND NOTES IN THE NATURE OF
3 COMMERCIAL PAPER, OR OTHER INSTRUMENTS, CERTIFICATES, OR EVIDENCES OF
4 OBLIGATION ISSUED AND SOLD OR OFFERED FOR SALE BY THE AUTHORITY,
5 INCLUDING REFUNDING OBLIGATIONS.

6 (D) "COST" MEANS THE COST OF OR EXPENSE ASSOCIATED WITH:

7 (1) ALL LAND, PROPERTY, RIGHTS, EASEMENTS, FRANCHISES, AND
8 LICENSES OR INTERESTS THEREIN DEEMED NECESSARY FOR ANY PROJECT;

9 (2) ALL LABOR, MATERIALS, MACHINERY, FURNISHINGS, AND
10 EQUIPMENT;

11 (3) FINANCING CHARGES;

12 (4) ESTABLISHMENT OF RESERVES;

13 (5) INTEREST PRIOR TO AND DURING CONSTRUCTION AND FOR A
14 REASONABLE PERIOD AFTER COMPLETION OF CONSTRUCTION;

15 (6) ENGINEERING, ARCHITECTURAL, AND LEGAL SERVICES;

16 (7) PLANS, SPECIFICATIONS, SURVEYS, ESTIMATES OF COST AND OF
17 REVENUES, AND OTHER EXPENSES NECESSARY OR INCIDENT TO DETERMINING THE
18 FEASIBILITY OR PRACTICALITY OF ANY PROJECT;

19 (8) ADMINISTRATIVE EXPENSES;

20 (9) WORKING CAPITAL; AND

21 (10) OTHER EXPENSES AS MAY BE NECESSARY OR INCIDENT TO THE
22 CONSTRUCTION, RECONSTRUCTION, RENOVATION, REMODELING, IMPROVEMENT,
23 EQUIPPING, FURNISHING, MAINTENANCE, ACQUISITION, OPERATION, OR
24 FINANCING OR REFINANCING OF A PROJECT, INCLUDING, THE PURCHASE,
25 REMODELING, RENOVATION, OR RECONSTRUCTION OF ANY EXISTING FACILITY
26 ACQUIRED BY THE AUTHORITY AS A PROJECT AND PLACING A PROJECT IN
27 OPERATION.

28 (E) "COUNTY" MEANS PRINCE GEORGE'S COUNTY, MARYLAND.

29 (F) "LOCAL LAW" MEANS A LEGISLATIVE ACT OF THE COUNTY.

30 (G) "PROJECT" MEANS ANY STRUCTURE, FACILITY, OR UNDERTAKING, OR
31 ANY COMBINATION THEREOF OF A SIMILAR CLASS OR CHARACTER, WHICH THE
32 AUTHORITY IS AUTHORIZED TO CONSTRUCT, RECONSTRUCT, REMODEL,
33 RENOVATE, IMPROVE, EQUIP, FURNISH, MAINTAIN, ACQUIRE, OPERATE, CONTROL,
34 REGULATE, FINANCE, OR REFINANCE.

35 21A-102.

36 (A) THE GOVERNING BODY OF THE COUNTY IS AUTHORIZED TO CREATE, BY
37 LOCAL LAW, A BODY CORPORATE AND POLITIC AND A UNIT OF THE COUNTY
38 KNOWN AS THE "REVENUE AUTHORITY OF PRINCE GEORGE'S COUNTY".

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1 (B) THE AUTHORITY SHALL BE CREATED WHEN THE COUNTY:

2 (1) PASSES LOCAL LAWS PROVIDING AND CONSTITUTING THE TERMS
3 OF THE CHARTER FOR THE AUTHORITY; AND

4 (2) FILES THE CHARTER WITH:

5 (I) THE DEPARTMENT OF ASSESSMENTS AND TAXATION;

6 (II) THE DEPARTMENT OF LEGISLATIVE REFERENCE; AND

7 (III) THE SECRETARY OF STATE.

8 (C) THE COUNTY MAY:

9 (1) AMEND THE AUTHORITY'S CHARTER THROUGH LOCAL LAW IF THE
10 AMENDMENTS ARE FILED WITH THE DEPARTMENT OF ASSESSMENTS AND
11 TAXATION, THE DEPARTMENT OF LEGISLATIVE REFERENCE, AND THE SECRETARY
12 OF STATE;

13 (2) CHANGE THE STRUCTURE, ORGANIZATION, PROGRAM, POWERS, OR
14 ACTIVITY OF THE AUTHORITY UNLESS THE CHANGE WOULD IMPAIR THE
15 AUTHORITY'S OBLIGATIONS UNDER A CONTRACT OR AGREEMENT THE AUTHORITY
16 ENTERED INTO BEFORE THE CHANGE; AND

17 (3) TERMINATE THE AUTHORITY UNLESS THE TERMINATION WOULD
18 IMPAIR THE AUTHORITY'S OBLIGATIONS UNDER A CONTRACT OR AGREEMENT THE
19 AUTHORITY ENTERED INTO BEFORE THE TERMINATION.

20 21A-103.

21 (A) THE AUTHORITY MAY CONSTRUCT, RECONSTRUCT, REMODEL,
22 RENOVATE, IMPROVE, EQUIP, FURNISH, MAINTAIN, ACQUIRE (BY PURCHASE, LEASE,
23 OR OTHER LEGAL MEANS), OPERATE, CONTROL, REGULATE, AND FINANCE OR
24 REFINANCE PROJECTS DEVOTED WHOLLY OR PARTIALLY FOR PUBLIC USES, GOOD,
25 OR GENERAL WELFARE.

26 (B) PROJECTS AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION MAY
27 INCLUDE:

28 (1) PROJECTS TO STIMULATE EMPLOYMENT OR ECONOMIC GROWTH IN
29 THE COUNTY;

30 (2) STADIUMS AND RECREATIONAL FACILITIES;

31 (3) HOUSING PROJECTS;

32 (4) HEALTH AND WELFARE FACILITIES;

33 (5) TRANSPORTATION FACILITIES AND SYSTEMS;

34 (6) LAND AND BUILDINGS TO BE OCCUPIED BY GOVERNMENTAL OR
35 EDUCATIONAL AGENCIES; AND

36 (7) OTHER PROJECTS AUTHORIZED BY LOCAL LAW.

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1 21A-104.

2 (A) (1) THE AUTHORITY SHALL CONSIST OF NOT LESS THAN FIVE
3 MEMBERS.

4 (2) THE NUMBER OF MEMBERS OF THE AUTHORITY MAY BE GREATER
5 THAN FIVE IF AUTHORIZED BY LOCAL LAW.

6 (B) THE RESIDENCY REQUIREMENTS, MEANS OF APPOINTMENT AND
7 REMOVAL, QUALIFICATIONS, AND TERMS OF OFFICE OF THE MEMBERS OF THE
8 AUTHORITY SHALL BE SPECIFIED BY LOCAL LAW.

9 (C) THE OFFICERS AND EMPLOYEES OF THE AUTHORITY SHALL BE
10 APPOINTED AND REMOVED AS SPECIFIED BY LOCAL LAW.

11 (D) THE EXERCISE OF ALL POWERS, AUTHORITY, RIGHTS, AND OBLIGATIONS
12 OF THE AUTHORITY SHALL BE AS SPECIFIED BY LOCAL LAW AND BY THIS SUBTITLE.

13 (E) AN ACT OF THE AUTHORITY MAY NOT BE CHALLENGED ON THE BASIS OF
14 THE ABSENCE OF QUALIFICATIONS OF A MEMBER OF THE AUTHORITY IF THE
15 MEMBER:

16 (1) HAS BEEN APPOINTED BY THE APPROPRIATE AUTHORITY
17 DESIGNATED BY LOCAL LAW; AND

18 (2) HAS TAKEN THE OATH OF OFFICE.

19 21A-105.

20 (A) SUBJECT TO LOCAL LAW, THE AUTHORITY MAY:

21 (1) ACQUIRE, PURCHASE, OR OTHERWISE OBTAIN, HOLD, AND USE ANY
22 PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY
23 INTEREST THEREIN;

24 (2) LEASE AS LESSEE ANY PROPERTY, REAL, PERSONAL, OR MIXED,
25 TANGIBLE OR INTANGIBLE, OR ANY INTEREST THEREIN;

26 (3) LEASE AS LESSOR ANY PROJECT OR PART OF ANY PROJECT,
27 WHETHER WHOLLY OR PARTIALLY COMPLETED, AND ANY PROPERTY, REAL,
28 PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST THEREIN, AT
29 ANY TIME ACQUIRED BY THE AUTHORITY;

30 (4) MORTGAGE OR OTHERWISE PLEDGE OR ENCUMBER ANY
31 PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY
32 INTEREST THEREIN, OF THE AUTHORITY; AND

33 (5) SELL, TRANSFER, OR CONVEY ANY PROJECT OR ANY PROPERTY,
34 WHETHER REAL, PERSONAL, MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST
35 THEREIN, ACQUIRED OR CONSTRUCTED BY THE AUTHORITY AT ANY TIME.

36 (B) THE AUTHORITY MAY ACCEPT GRANTS FROM, MAKE LOANS TO, AND
37 ENTER INTO CONTRACTS WITH ANY FEDERAL, STATE, OR LOCAL AGENCY OR ANY
38 PRIVATE ENTITY.

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1 (C) THE AUTHORITY MAY ESTABLISH, IMPOSE, AND COLLECT TOLLS, RATES,
2 RENTALS, FEES, AND CHARGES RELATING TO ITS PROJECTS AND PROPERTY.

3 (D) SUBJECT TO PUBLIC GENERAL LAW AND LOCAL LAW, THE AUTHORITY
4 HAS ALL OTHER POWERS NECESSARY OR CONVENIENT TO CARRY OUT THE
5 PURPOSES OF THE AUTHORITY.

6 (E) THE BUDGETARY AND FINANCIAL PROCEDURES OF THE AUTHORITY
7 SHALL BE SET BY LOCAL LAW.

8 (F) NO PROVISIONS OF THE CHARTER OF THE COUNTY OR OTHER COUNTY
9 LAW REGARDING THE DUTIES, POWERS, OR ORGANIZATION OF THE AUTHORITY
10 APPLY TO THE AUTHORITY, UNLESS THE COUNTY EXPRESSLY PROVIDES BY LOCAL
11 LAW THAT THE CHARTER PROVISION OR OTHER COUNTY LAW APPLIES TO THE
12 AUTHORITY.

13 21A-106.

14 THE AUTHORITY MAY NOT BE DEEMED A MUNICIPAL CORPORATION AS
15 DEFINED IN ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND.

16 21A-107.

17 (A) THE AUTHORITY MAY MAKE RULES AND REGULATIONS FOR THE
18 OPERATION AND USE OF PROPERTY AND PROJECTS UNDER ITS JURISDICTION IN
19 THE MANNER PROVIDED BY LOCAL LAW.

20 (B) ANY VIOLATION OF THE RULES AND REGULATIONS DULY ADOPTED BY
21 THE AUTHORITY IS A MISDEMEANOR AND IS PUNISHABLE BY A FINE NOT TO
22 EXCEED \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 180 DAYS OR BOTH.

23 21A-108.

24 (A) THE AUTHORITY MAY ISSUE BONDS FOR THE PURPOSE OF FINANCING OR
25 REFINANCING, IN WHOLE OR IN PART, THE COST OF ANY ONE OR MORE OF THE
26 PROJECTS UNDERTAKEN BY THE AUTHORITY.

27 (B) (1) THE BONDS:

28 (I) SHALL NOT CONSTITUTE A DEBT OF THE COUNTY OR A
29 PLEDGE OF THE FAITH AND CREDIT OF THE COUNTY, OF THE STATE, OR OF ANY
30 POLITICAL SUBDIVISION OF THE STATE; AND

31 (II) SHALL NOT BE CONSIDERED OBLIGATIONS OF THE COUNTY
32 FOR PURPOSES OF ANY DEBT LIMITATION IMPOSED ON THE COUNTY UNDER ANY
33 CONSTITUTIONAL, STATUTORY, OR CHARTER PROVISION.

34 (2) THE BONDS, THE BORROWING WHICH THEY REPRESENT, AND THE
35 PROJECT THE COST OF WHICH IS BEING FINANCED OR REFINANCED, ARE NOT
36 SUBJECT TO ANY REFERENDUM REQUIREMENTS OF THE CHARTER OF THE COUNTY.

37 (C) BY RESOLUTION, THE AUTHORITY MAY DETERMINE ALL MATTERS WITH
38 RESPECT TO THE ISSUANCE, SALE, DELIVERY, AND PAYMENT OF THE BONDS,
39 INCLUDING THE ISSUE DATE OR DATES, MATURITY OR MATURITIES, INTEREST

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1 RATE OR RATES, TERMS, FORM OR FORMS, DENOMINATION OR DENOMINATIONS,
2 MANNER OF EXECUTION, PLACE OR PLACES OF PAYMENT, SOURCE OR SOURCES OF
3 PAYMENT, REDEMPTION, REFUNDING, SALE PRICE, MANNER OF SALE, AND
4 SECURITY FOR THE BONDS.

5 (D) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS
6 SECTION, AND TO THE EXTENT NOT INCONSISTENT WITH ANY CONSTITUTIONAL OR
7 CHARTER PROVISION OR PUBLIC GENERAL LAW, ANY ISSUE OF BONDS MAY BE
8 GUARANTEED, IN WHOLE OR IN PART, AS TO PAYMENT OF PRINCIPAL, INTEREST, OR
9 ANY REDEMPTION PREMIUM, BY AND UPON THE FULL FAITH AND CREDIT OF THE
10 COUNTY.

11 (2) THE GUARANTEE OF THE COUNTY CONCERNING THE PAYMENT OF
12 THE PRINCIPAL OF, OR INTEREST OR REDEMPTION PREMIUM ON ANY BONDS IS NOT
13 SUBJECT TO ANY REFERENDUM REQUIREMENTS OF THE CHARTER OF THE COUNTY.

14 (E) THE BONDS, THE TRANSFER OF THE BONDS, THE INTEREST PAYABLE ON
15 THE BONDS, AND ANY INCOME DERIVED FROM THE BONDS, INCLUDING ANY PROFIT
16 REALIZED IN THE SALE OR EXCHANGE OF THE BONDS, SHALL BE EXEMPT AT ALL
17 TIMES FROM TAXATION BY THE STATE OR BY ANY OF ITS COUNTIES, MUNICIPAL
18 CORPORATIONS, OR PUBLIC AGENCIES OF ANY KIND.

19 (F) THE BONDS ARE EXEMPT FROM THE PROVISIONS OF ARTICLE 31, §§ 9
20 THROUGH 11 OF THE CODE.

21 (G) (1) A PLEDGE BY THE AUTHORITY OF REVENUES AS SECURITY FOR AN
22 ISSUE OF BONDS SHALL BE VALID AND BINDING FROM THE TIME THE PLEDGE IS
23 MADE.

24 (2) REVENUES PLEDGED BY THE AUTHORITY ARE SUBJECT
25 IMMEDIATELY TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR
26 FURTHER ACT.

27 (3) THE LIEN OF ANY PLEDGE IS VALID AND BINDING AGAINST ANY
28 PERSON HAVING ANY CLAIM OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE
29 AGAINST THE AUTHORITY, WHETHER OR NOT THE PERSON HAS NOTICE OF THE
30 LIEN.

31 (4) NOTWITHSTANDING ANY PROVISION OF PUBLIC GENERAL OR
32 PUBLIC LOCAL LAW, PERFECTION AGAINST THIRD PARTIES OF A LIEN OF A PLEDGE
33 BY THE AUTHORITY OF ITS REVENUES DOES NOT REQUIRE THE FILING OR
34 RECORDING OF A RESOLUTION, TRUST AGREEMENT, FINANCING STATEMENT,
35 CONTINUATION, OR OTHER STATEMENT OR INSTRUMENT ADOPTED OR ENTERED
36 INTO BY THE AUTHORITY IN ANY PUBLIC RECORD OTHER THAN THE RECORDS OF
37 THE AUTHORITY.

38 21A-109.

39 AS SPECIFIED BY LOCAL LAW, AND TO THE EXTENT NOT INCONSISTENT WITH
40 ANY CONSTITUTIONAL OR CHARTER PROVISION OR ANY PUBLIC GENERAL OR
41 PUBLIC LOCAL LAW, THE COUNTY MAY:

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1 (1) ASSIGN, PLEDGE, GRANT, CONTRIBUTE, OR PROVIDE TO THE
2 AUTHORITY ANY TAXES, RATES, RENTALS, FEES, CHARGES, OR OTHER FUNDS HELD
3 OR RECEIVABLE BY THE COUNTY FOR ANY PURPOSE, INCLUDING AS ADDITIONAL
4 SECURITY FOR ANY BONDS OF THE AUTHORITY; AND

5 (2) (I) ADVANCE AMOUNTS TO THE AUTHORITY FOR ANY PURPOSE,
6 INCLUDING PAYMENT OF PRELIMINARY EXPENDITURES RELATING TO ANY
7 PROJECT OF THE AUTHORITY OR FOR DEFICIENCIES IN DEBT SERVICE
8 REQUIREMENTS; AND

9 (II) PROVIDE FOR THE REPAYMENT OR FORGIVENESS OF THE
10 ADVANCES.

11 21A-110.

12 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE AND TO THE
13 EXTENT NOT INCONSISTENT WITH ANY CONSTITUTIONAL OR CHARTER PROVISION
14 OR ANY PUBLIC GENERAL OR PUBLIC LOCAL LAW, THE AUTHORITY, AS PROVIDED
15 BY LOCAL LAW, MAY:

16 (1) RECEIVE AND APPLY TO ITS CORPORATE PURPOSES AND PROJECTS
17 ANY GRANTS, CONTRIBUTIONS, PLEDGES, LOANS, OR OTHER AMOUNTS FROM THE
18 STATE, THE COUNTY, THE FEDERAL GOVERNMENT, ANY OTHER GOVERNMENTAL
19 UNIT, OR ANY PUBLIC OR PRIVATE ENTITY OR PARTY; AND

20 (2) TO THE EXTENT NOT INCONSISTENT WITH ANY CONTRACT,
21 INSTRUMENT, OR LAW RELATING TO A GRANT, CONTRIBUTION, PLEDGE, LOAN, OR
22 OTHER AMOUNT, PLEDGE THE RECEIPTS AS SECURITY FOR ANY OF ITS BONDS.

23 21A-111.

24 (A) THE PROPERTY OWNED OR CONTROLLED BY, AND THE REVENUES OF,
25 THE AUTHORITY ARE EXEMPT FROM TAXATION OF EVERY KIND BY THE STATE OR
26 BY ANY OF ITS POLITICAL SUBDIVISIONS, MUNICIPAL CORPORATIONS, OR PUBLIC
27 UNITS.

28 (B) THE AUTHORITY MAY REQUIRE A PAYMENT IN LIEU OF TAXES FROM
29 ANY USER OR LESSEE OF ANY PROPERTY OR PRODUCT OF THE AUTHORITY.

30 21A-112.

31 (A) THE NET EARNINGS OF THE AUTHORITY, APART FROM THOSE
32 NECESSARY TO PAY DEBT SERVICE OR TO IMPLEMENT THE PURPOSES OF THIS
33 SUBTITLE, MAY NOT INURE TO THE BENEFIT OF ANY PERSON OTHER THAN THE
34 COUNTY.

35 (B) ON TERMINATION OF THE AUTHORITY, ALL RIGHTS AND TITLE TO ALL
36 ASSETS OF THE AUTHORITY SHALL VEST IN, AND ALL OBLIGATIONS AND ASSETS OF
37 THE AUTHORITY SHALL BE TRANSFERRED TO AND BE ASSUMED BY, THE COUNTY.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 June 1, 1996.