

SENATE BILL 274

C8, Q2

9lr0244
CF 9lr0247

By: **The President (By Request – Administration)**

Introduced and read first time: January 23, 2009

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Tax Increment Financing and Special Taxing Districts – Transit-Oriented**
3 **Development**

4 FOR the purpose of authorizing certain counties and municipal corporations to finance
5 the costs of public improvements located in or supporting a transit-oriented
6 development and owned by the Maryland Economic Development Corporation, the
7 State, or certain other governmental units; authorizing certain counties and
8 municipal corporations to designate special taxing districts, create special funds
9 and provide for the levy of certain taxes and to pledge tax increment revenue
10 pertaining to a development district to secure payment of obligations issued by the
11 Corporation for infrastructure improvements located in or supporting a
12 transit-oriented development; authorizing certain counties and municipal
13 corporations to pledge under an agreement that amounts deposited in any special
14 fund be paid to secure bonds issued by the Corporation for certain purposes;
15 authorizing certain counties and municipal corporations through the levy of certain
16 tax revenues, to fund the costs of infrastructure improvements, or operation and
17 maintenance of those infrastructure improvements, located in or supporting a
18 transit-oriented development; authorizing certain counties and municipal
19 corporations to use certain alternative local tax revenues for tax increment
20 financing in connection with a certain transit-oriented development; adding a
21 certain county to the list of counties authorized to exercise certain powers
22 concerning the creation of special taxing districts; providing for the construction of
23 this Act; making the provisions of this Act severable; defining certain terms; and
24 generally relating to the use of special, ad valorem, tax increment, and alternative
25 local tax revenues by certain counties and municipal corporations.

26 BY renumbering

27 Article – Economic Development

28 Section 12–201(j), (k), (l), (m), (n), and (o), respectively

29 to be Section 12–201(k), (l), (m), (n), (o), and (p), respectively

30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Volume)

2 BY repealing and reenacting, with amendments,
3 Article 23A – Corporations – Municipal
4 Section 44A(a), (b), (e), and (f)
5 Annotated Code of Maryland
6 (2005 Replacement Volume and 2008 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article 23A – Corporations – Municipal
9 Section 44A(d)
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 24 – Political Subdivisions – Miscellaneous Provisions
14 Section 9–1301(a), (b), (c)(2), (f), (g), and (l)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2008 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article 24 – Political Subdivisions – Miscellaneous Provisions
19 Section 9–1301(c)(1) and (e)(3)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2008 Supplement)

22 BY adding to
23 Article – Economic Development
24 Section 12–201(j) and (q)
25 Annotated Code of Maryland
26 (2008 Volume)

27 BY repealing and reenacting, with amendments,
28 Article – Economic Development
29 Section 12–209 and 12–210
30 Annotated Code of Maryland
31 (2008 Volume)

32 BY repealing and reenacting, without amendments,
33 Article – Transportation
34 Section 7–101(m)
35 Annotated Code of Maryland
36 (2008 Replacement Volume)

37 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
38 MARYLAND, That Section(s) 12–201(j), (k), (l), (m), (n), and (o), respectively, of
39 Article – Economic Development of the Annotated Code of Maryland be renumbered to
40 be Section(s) 12–201(k), (l), (m), (n), (o), and (p), respectively.

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

3 **Article 23A – Corporations – Municipal**

4 44A.

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

6 (2) “Bond” means a revenue bond, note, or other similar instrument
7 issued by a municipal corporation in accordance with this section.

8 (3) “Cost” includes the cost of:

9 (i) Construction, reconstruction, and renovation, and
10 acquisition of all lands, structures, property, real or personal, rights, rights-of-way,
11 franchises, easements, and interests acquired or to be acquired by the [municipal
12 corporation] **MARYLAND ECONOMIC DEVELOPMENT CORPORATION, THE STATE,**
13 **ANY UNIT OR DEPARTMENT OR POLITICAL SUBDIVISION OF THE STATE,** or any
14 other governmental unit having jurisdiction over the infrastructure improvement;

15 (ii) All machinery and equipment including machinery and
16 equipment needed to expand or enhance municipal services to the special taxing
17 district;

18 (iii) Financing charges and interest prior to and during
19 construction, and, if deemed advisable by the municipal corporation, for a limited
20 period after completion of the construction, interest and reserves for principal and
21 interest, including costs of municipal bond insurance and any other type of financial
22 guaranty and costs of issuance;

23 (iv) Extensions, enlargements, additions, and improvements;

24 (v) Architectural, engineering, financial, and legal services;

25 (vi) Plans, specifications, studies, surveys, and estimates of cost
26 and of revenues;

27 (vii) Administrative expenses necessary or incident to
28 determining to proceed with the infrastructure improvements; and

29 (viii) Other expenses as may be necessary or incident to the
30 construction, acquisition, and financing of the infrastructure improvements.

31 (4) **“MEDCO OBLIGATION” MEANS ANY BOND, NOTE, OR OTHER**
32 **SIMILAR INSTRUMENT THAT THE MARYLAND ECONOMIC DEVELOPMENT**

1 **CORPORATION ISSUES UNDER AUTHORITY OTHER THAN THIS SECTION TO**
 2 **FINANCE THE PURPOSES SPECIFIED IN SUBSECTION (B)(2) OR (D)(3) OF THIS**
 3 **SECTION ONLY WITH RESPECT TO INFRASTRUCTURE IMPROVEMENTS LOCATED**
 4 **IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT.**

5 **(5) "TRANSIT-ORIENTED DEVELOPMENT" HAS THE MEANING**
 6 **STATED IN § 7-101 OF THE TRANSPORTATION ARTICLE.**

7 (b) (1) Subject to the provisions of this section, and for the purpose stated
 8 in paragraph (2) of this subsection, each municipal corporation in the State may:

9 (i) Create a special taxing district;

10 (ii) Levy ad valorem or special taxes; and

11 (iii) Issue bonds and other obligations.

12 (2) (I) The purpose of the authority granted under paragraph (1) of
 13 this subsection is to provide financing, refinancing, or reimbursement for the cost of
 14 the design, construction, establishment, extension, alteration, or acquisition of
 15 adequate storm drainage systems, sewers, water systems, roads, bridges, culverts,
 16 tunnels, streets, sidewalks, lighting, parking, parks and recreation facilities, libraries,
 17 schools, and other infrastructure improvements as necessary, whether situated within
 18 the special taxing district or the municipal corporation or outside of the municipal
 19 corporation if notification is given to the governmental unit having jurisdiction over
 20 the infrastructure improvement and if the infrastructure improvement is reasonably
 21 related to other infrastructure improvements within the special taxing district, for the
 22 development and utilization of the land, each with respect to any defined geographic
 23 region within the municipal corporation.

24 **(II) THE AUTHORITY GRANTED UNDER PARAGRAPH (1)(I)**
 25 **AND (II) OF THIS SUBSECTION ALSO MAKES AVAILABLE A SOURCE OF FUNDING**
 26 **FOR PAYMENT OF COSTS OF:**

27 **1. INFRASTRUCTURE IMPROVEMENTS LOCATED IN**
 28 **OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT; AND**

29 **2. OPERATION AND MAINTENANCE OF**
 30 **INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A**
 31 **TRANSIT-ORIENTED DEVELOPMENT.**

32 (d) (1) Bonds shall be payable from the special fund required under
 33 subsection (e) of this section.

34 (2) The governing body of a municipal corporation that issues bonds
 35 under this section may also:

- 1 (i) Establish sinking funds;
- 2 (ii) Establish debt service reserve funds;
- 3 (iii) Pledge other assets and revenues towards the payments of
- 4 the principal and interest; or
- 5 (iv) Provide for municipal bond insurance or any other type of
- 6 financial guaranty of the bonds.

7 (3) All proceeds received from any bonds issued and sold shall be

8 applied solely to pay the cost of infrastructure improvements, including:

- 9 (i) Costs of design, construction, establishment, extension,
- 10 alteration, or acquisition of infrastructure improvements;
- 11 (ii) Costs of issuing bonds;
- 12 (iii) Payment of the principal and interest on loans, money
- 13 advances, or indebtedness incurred by a municipal corporation for any of the purposes
- 14 stated in subsection (b)(2) of this section, including the refunding of bonds previously
- 15 issued under this section; and
- 16 (iv) Funding of a debt service reserve fund or payment of
- 17 interest prior to, during, or for a limited period of time after construction.

18 (e) (1) **(I)** [Before issuing these bonds, the] **THE** governing body of the

19 municipal corporation [shall] **MAY**:

20 [(i)] **1.** Designate by resolution an area or areas as a special

21 taxing district;

22 [(ii)] **2.** Subject to paragraph (2) of this subsection, adopt a

23 resolution creating a special fund with respect to the special taxing district; and

24 [(iii)] **3.** Provide for the levy of an ad valorem or special tax on

25 all real and personal property within the special taxing district at a rate or amount

26 designed to provide adequate revenues to pay the principal of, interest on, and

27 redemption premium, if any, on the bonds, to replenish any debt service reserve fund,

28 and for any other purpose related to the ongoing expenses of or security for the bonds,

29 **AND, AS THE GOVERNING BODY OF THE MUNICIPAL CORPORATION DETERMINES**

30 **AND UNDER AN AGREEMENT DESCRIBED IN SUBSECTION (G)(3) OF THIS**

31 **SECTION TO:**

32 **A. PAY COSTS OF INFRASTRUCTURE IMPROVEMENTS**

33 **LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT;**

1 **B. PAY COSTS OF OPERATION AND MAINTENANCE OF**
 2 **INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A**
 3 **TRANSIT-ORIENTED DEVELOPMENT; OR**

4 **C. SECURE PAYMENT BY THE MUNICIPAL**
 5 **CORPORATION OF ITS OBLIGATIONS UNDER THE AGREEMENT.**

6 (II) Ad valorem taxes shall be levied in the same manner, upon
 7 the same assessments, for the same period or periods, and as of the same date or dates
 8 of finality as are now or may hereafter be prescribed for general ad valorem tax
 9 purposes within the district[, and shall be discontinued when all of the bonds have
 10 been paid in full]. Special taxes shall be levied pursuant to subsection (n) of this
 11 section.

12 (III) Special taxes shall be levied pursuant to subsection (n) of
 13 this section.

14 (2) The resolution creating a special fund under paragraph [(1)(ii)]
 15 **(1)(I)2** of this subsection shall:

16 (i) Pledge to the special fund the proceeds of the ad valorem or
 17 special tax to be levied as provided under paragraph [(1)(iii)] **(1)(I)3** of this
 18 subsection; and

19 (ii) Require that the proceeds from the tax be paid into the
 20 special fund.

21 (f) **(1) [When] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 22 **SUBSECTION, WHEN** no bonds authorized by this section **AND NO MEDCO**
 23 **OBLIGATIONS DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION** are
 24 outstanding with respect to a special taxing district, and the governing body of the
 25 municipal corporation [so] determines[,] **NOT TO USE MONEYS IN THE SPECIAL**
 26 **FUND FOR THE PAYMENT OF COSTS OF INFRASTRUCTURE IMPROVEMENTS**
 27 **LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR THE**
 28 **PAYMENT OF COSTS OF OPERATION AND MAINTENANCE OF INFRASTRUCTURE**
 29 **IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED**
 30 **DEVELOPMENT:**

31 **(I) THE SPECIAL TAXING DISTRICT SHALL BE TERMINATED;**
 32 **AND**

33 **(II) ANY moneys REMAINING** in the special fund **ON THE DATE**
 34 **OF TERMINATION OF THE SPECIAL TAXING DISTRICT** may be paid to the general
 35 fund of the municipal corporation.

1 **(2) WHEN NO BONDS AUTHORIZED BY THIS SECTION ARE**
2 **OUTSTANDING WITH RESPECT TO A SPECIAL TAXING DISTRICT, AND THE**
3 **GOVERNING BODY OF THE MUNICIPAL CORPORATION SO DETERMINES, MONEYS**
4 **IN THE SPECIAL FUND MAY BE:**

5 **(I) USED FOR ANY PURPOSES DESCRIBED IN THIS SECTION;**

6 **(II) ACCUMULATED FOR PAYMENT OF DEBT SERVICE ON**
7 **BONDS SUBSEQUENTLY ISSUED UNDER THIS SECTION;**

8 **(III) USED TO PAY OR REIMBURSE THE MUNICIPAL**
9 **CORPORATION FOR DEBT SERVICE THAT THE MUNICIPAL CORPORATION IS**
10 **OBLIGATED TO PAY OR HAS PAID, EITHER AS A GENERAL OR A LIMITED**
11 **OBLIGATION, ON MEDCO OBLIGATIONS, OR ANY BOND, NOTE, OR OTHER**
12 **SIMILAR INSTRUMENT ISSUED BY THE STATE, OR ANY UNIT, DEPARTMENT, OR**
13 **POLITICAL SUBDIVISION OF THE STATE, THE PROCEEDS OF WHICH HAVE BEEN**
14 **USED FOR ANY OF THE PURPOSES SPECIFIED IN THIS SECTION; OR**

15 **(IV) PAID TO THE MUNICIPAL CORPORATION TO PROVIDE**
16 **FUNDS TO BE USED FOR ANY LEGAL PURPOSES AS THE GOVERNING BODY OF**
17 **THE MUNICIPAL CORPORATION MAY DETERMINE.**

18 **(3) (I) A MUNICIPAL CORPORATION THAT HAS CREATED A**
19 **SPECIAL FUND FOR A SPECIAL TAXING DISTRICT MAY PLEDGE UNDER AN**
20 **AGREEMENT THAT AMOUNTS DEPOSITED TO THE SPECIAL FUND SHALL, AS THE**
21 **GOVERNING BODY OF THE MUNICIPAL CORPORATION MAY DETERMINE, BE PAID**
22 **OVER TO:**

23 **1. SECURE PAYMENT ON MEDCO OBLIGATIONS;**

24 **2. PROVIDE FOR THE PAYMENT OF COSTS OF**
25 **INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A**
26 **TRANSIT-ORIENTED DEVELOPMENT; AND**

27 **3. PROVIDE FOR THE PAYMENT OF COSTS OF**
28 **OPERATION AND MAINTENANCE OF INFRASTRUCTURE IMPROVEMENTS**
29 **LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT.**

30 **(II) THE AGREEMENT SHALL:**

31 **1. BE AUTHORIZED BY ORDINANCE OR RESOLUTION**
32 **OF THE MUNICIPAL CORPORATION;**

1 **2. BE IN WRITING;**

2 **3. BE EXECUTED ON BEHALF OF THE MUNICIPAL**
3 **CORPORATION MAKING THE PLEDGE, THE MARYLAND ECONOMIC**
4 **DEVELOPMENT CORPORATION, AND THE OTHER PERSONS OR ENTITIES THAT**
5 **THE GOVERNING BODY OF THE MUNICIPAL CORPORATION DETERMINES; AND**

6 **4. RUN TO THE BENEFIT OF AND BE ENFORCEABLE**
7 **ON BEHALF OF THE HOLDERS OF ANY MEDCO OBLIGATIONS SECURED BY THE**
8 **AGREEMENT.**

9 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

10 9–1301.

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

12 (2) (i) “Bond” means a special obligation bond, revenue bond, note,
13 or other similar instrument issued by the county in accordance with this section.

14 (ii) “Bond” includes a special obligation bond, revenue bond,
15 note, or similar instrument issued by the revenue authority of Prince George’s County.

16 (3) “Cost” includes the cost of:

17 (i) Construction, reconstruction, and renovation, and
18 acquisition of all lands, structures, real or personal property, rights, rights-of-way,
19 franchises, easements, and interests acquired or to be acquired by the [county]
20 **MARYLAND ECONOMIC DEVELOPMENT CORPORATION, OR THE STATE, ANY**
21 **UNIT OR DEPARTMENT OR POLITICAL SUBDIVISION OF THE STATE, OR ANY**
22 **OTHER GOVERNMENTAL UNIT HAVING JURISDICTION OF THE INFRASTRUCTURE**
23 **IMPROVEMENT;**

24 (ii) All machinery and equipment including machinery and
25 equipment needed to expand or enhance county services to the special taxing district;

26 (iii) Financing charges and interest prior to and during
27 construction, and, if deemed advisable by the county, for a limited period after
28 completion of the construction, interest and reserves for principal and interest,
29 including costs of municipal bond insurance and any other type of financial guaranty
30 and costs of issuance;

31 (iv) Extensions, enlargements, additions, and improvements;

32 (v) Architectural, engineering, financial, and legal services;

1 (vi) Plans, specifications, studies, surveys, and estimates of cost
2 and of revenues;

3 (vii) Administrative expenses necessary or incident to
4 determining to proceed with the infrastructure improvements; and

5 (viii) Other expenses as may be necessary or incident to the
6 construction, acquisition, and financing of the infrastructure improvements.

7 (4) In Prince George's County, "cost" includes the cost of renovation,
8 rehabilitation, and repair of existing buildings, internal and external structural
9 systems, elevators, facades, mechanical systems and components, and security
10 systems.

11 (5) **"MEDCO OBLIGATION" MEANS ANY BOND, NOTE, OR OTHER**
12 **SIMILAR INSTRUMENT THAT THE MARYLAND ECONOMIC DEVELOPMENT**
13 **CORPORATION ISSUES UNDER AUTHORITY OTHER THAN THIS SECTION TO**
14 **FINANCE THE PURPOSES SPECIFIED IN SUBSECTION (C)(2) OR (E)(3) OF THIS**
15 **SECTION ONLY WITH RESPECT TO INFRASTRUCTURE IMPROVEMENTS LOCATED**
16 **IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT.**

17 (6) **"TRANSIT-ORIENTED DEVELOPMENT" HAS THE MEANING**
18 **STATED IN § 7-101 OF THE TRANSPORTATION ARTICLE.**

19 (b) This section applies only to Anne Arundel County, **BALTIMORE**
20 **COUNTY**, Calvert County, Cecil County, Charles County, Garrett County, Harford
21 County, Howard County, Prince George's County, St. Mary's County, Washington
22 County, and Wicomico County.

23 (c) (1) Subject to the provisions of this section, and for the purpose stated
24 in paragraph (2) of this subsection, the county may:

25 (i) Create a special taxing district;

26 (ii) Levy ad valorem or special taxes; and

27 (iii) Issue bonds and other obligations.

28 (2) (I) The purpose of the authority granted under paragraph (1) of
29 this subsection is to provide financing, refinancing, or reimbursement for the cost of
30 the design, construction, establishment, extension, alteration, or acquisition of
31 adequate storm drainage systems, sewers, water systems, roads, bridges, culverts,
32 tunnels, streets, sidewalks, lighting, parking, parks and recreation facilities, libraries,
33 schools, transit facilities, solid waste facilities, and other infrastructure improvements
34 as necessary, whether situated within the special taxing district or outside the special
35 taxing district if the infrastructure improvement is reasonably related to other

1 infrastructure improvements within the special taxing district, for the development
 2 and utilization of the land, each with respect to any defined geographic region within
 3 the county.

4 **(II) THE AUTHORITY GRANTED UNDER PARAGRAPH (1)(I)**
 5 **AND (II) OF THIS SUBSECTION ALSO MAKES AVAILABLE A SOURCE OF FUNDING**
 6 **FOR PAYMENT OF COSTS OF:**

7 **1. INFRASTRUCTURE IMPROVEMENTS LOCATED IN**
 8 **OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT; AND**

9 **2. OPERATION AND MAINTENANCE OF**
 10 **INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A**
 11 **TRANSIT-ORIENTED DEVELOPMENT.**

12 (e) (3) All proceeds received from any bonds issued and sold shall be
 13 applied solely to pay the cost of infrastructure improvements, including:

14 (i) Costs of design, construction, establishment, extension,
 15 alteration, or acquisition of infrastructure improvements;

16 (ii) Costs of issuing bonds;

17 (iii) Payment of the principal and interest on loans, money
 18 advances, or indebtedness incurred by the county for any of the purposes stated in
 19 subsection (c)(2) of this section, including the refunding of bonds previously issued
 20 under this section; and

21 (iv) Funding of a debt service reserve fund or payment of
 22 interest prior to, during, or for a limited period of time after construction.

23 (f) (1) **(I)** [Before issuing these bonds, the] **THE** governing body of the
 24 county [shall] **MAY**:

25 [(i)] **1.** Designate by resolution an area or areas as a special
 26 taxing district;

27 [(ii)] **2.** Subject to paragraph (2) of this subsection, adopt a
 28 resolution creating a special fund with respect to the special taxing district; and

29 [(iii)] **3.** Provide for the levy of an ad valorem or special tax on
 30 all real and personal property within the special taxing district at a rate or amount
 31 designed to provide adequate revenues to pay the principal of, interest on, and
 32 redemption premium, if any, on the bonds, to replenish any debt service reserve fund,
 33 and for any other purpose related to the ongoing expenses of or security for the bonds,

1 **AND, AS THE GOVERNING BODY OF THE COUNTY DETERMINES AND UNDER AN**
 2 **AGREEMENT DESCRIBED IN SUBSECTION (G)(3) OF THIS SECTION, TO:**

3 **A. PAY COSTS OF INFRASTRUCTURE IMPROVEMENTS**
 4 **LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT;**

5 **B. COSTS OF OPERATION AND MAINTENANCE OF**
 6 **INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A**
 7 **TRANSIT-ORIENTED DEVELOPMENT; OR**

8 **C. SECURE PAYMENT BY THE MUNICIPAL**
 9 **CORPORATION OF ITS OBLIGATIONS UNDER THE AGREEMENT.**

10 (II) Ad valorem taxes shall be levied in the same manner, upon
 11 the same assessments, for the same period or periods, and as of the same date or dates
 12 of finality as are now or may hereafter be prescribed for general ad valorem tax
 13 purposes within the district[, and shall be discontinued when all of the bonds have
 14 been paid in full].

15 (III) Special taxes shall be levied pursuant to subsection (o) of
 16 this section.

17 (2) The resolution creating a special fund under paragraph [(1)(ii)]
 18 **(1)(I)2** of this subsection shall:

19 (i) Pledge to the special fund the proceeds of the ad valorem or
 20 special tax to be levied as provided under paragraph [(1)(iii)] **(1)(I)3** of this
 21 subsection; and

22 (ii) Require that the proceeds from the tax be paid into the
 23 special fund.

24 (g) (1) Except as provided in paragraph (2) of this subsection, when no
 25 bonds authorized by this section **AND NO MEDCO OBLIGATIONS DESCRIBED IN**
 26 **PARAGRAPH (3) OF THIS SUBSECTION** are outstanding with respect to a special
 27 taxing district **AND THE GOVERNING BODY OF THE COUNTY DETERMINES NOT TO**
 28 **USE MONEYS IN THE SPECIAL FUND FOR PAYMENT OF COSTS OF**
 29 **INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A**
 30 **TRANSIT-ORIENTED DEVELOPMENT, OR THE PAYMENT OF COSTS OF**
 31 **OPERATION AND MAINTENANCE OF INFRASTRUCTURES IMPROVEMENTS**
 32 **LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT:**

33 (i) The special taxing district shall be terminated; and

1 (ii) Any moneys remaining in the special fund on the date of
 2 termination of the special taxing district shall be paid to the general fund of the
 3 county.

4 (2) When no bonds authorized by this section are outstanding with
 5 respect to a special taxing district in Prince George's County and the [Prince George's
 6 County Council] **GOVERNING BODY OF THE COUNTY** so determines, moneys in the
 7 special fund may be:

8 (i) Used for any of the purposes described in this section;

9 (ii) Accumulated for payment of debt service on bonds
 10 subsequently issued under this section;

11 (iii) Used to pay or reimburse the county for debt service [which]
 12 **THAT** the county is obligated to pay or has [paid (whether such obligation is] **PAID,**
 13 **EITHER AS A** general or [limited] **LIMITED OBLIGATION** on bonds issued by the
 14 State of Maryland, any agency, department or political subdivision thereof, or the
 15 revenue authority of Prince George's County, **MEDCO OBLIGATIONS, OR ANY**
 16 **BOND, NOTE, OR OTHER SIMILAR INSTRUMENT ISSUED BY THE STATE, OR ANY**
 17 **UNIT, DEPARTMENT, OR POLITICAL SUBDIVISION OF THE STATE,** the proceeds of
 18 which have been used for any of the purposes specified in this section; or

19 (iv) Paid to the county to provide funds to be used for any legal
 20 purpose as [may be determined by] the **GOVERNING BODY OF THE** county **MAY**
 21 **DETERMINE.**

22 (3) (I) **A COUNTY THAT HAS CREATED A SPECIAL FUND FOR A**
 23 **SPECIAL TAXING DISTRICT MAY PLEDGE, UNDER AN AGREEMENT, THAT**
 24 **AMOUNTS DEPOSITED TO THE SPECIAL FUND SHALL, AS THE GOVERNING BODY**
 25 **OF THE COUNTY MAY DETERMINE, BE PAID OVER TO:**

26 1. **SECURE PAYMENT ON MEDCO OBLIGATIONS;**

27 2. **PROVIDE FOR THE PAYMENT OF COSTS OF**
 28 **INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A**
 29 **TRANSIT-ORIENTED DEVELOPMENT; AND**

30 3. **PROVIDE FOR THE PAYMENT OF COSTS OF**
 31 **OPERATION AND MAINTENANCE OF INFRASTRUCTURE IMPROVEMENTS**
 32 **LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT.**

33 (II) **THE AGREEMENT SHALL:**

1 **1. BE AUTHORIZED BY ORDINANCE OR RESOLUTION**
 2 **OF THE COUNTY;**

3 **2. BE IN WRITING;**

4 **3. BE EXECUTED ON BEHALF OF THE COUNTY**
 5 **MAKING THE PLEDGE, THE MARYLAND ECONOMIC DEVELOPMENT**
 6 **CORPORATION, AND THE OTHER PERSONS OR ENTITIES THAT THE GOVERNING**
 7 **BODY OF THE COUNTY DETERMINES; AND**

8 **4. RUN TO THE BENEFIT OF AND BE ENFORCEABLE**
 9 **ON BEHALF OF THE HOLDERS OF ANY MEDCO OBLIGATIONS SECURED BY THE**
 10 **AGREEMENT.**

11 (1) The powers granted under this section shall be regarded as supplemental
 12 and additional to powers conferred by other laws, and may not be regarded as in
 13 derogation of any powers now existing, **INCLUDING POWERS PROVIDED IN ARTICLE**
 14 **25, ARTICLE 25A, OR ARTICLE 25B OF THE CODE.**

15 **Article – Economic Development**

16 12–201.

17 **(J) “MEDCO OBLIGATION” MEANS A BOND, NOTE, OR OTHER SIMILAR**
 18 **INSTRUMENT THAT THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION**
 19 **ISSUES UNDER AUTHORITY OTHER THAN THIS SUBTITLE TO FINANCE THE COST**
 20 **OF INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A**
 21 **TRANSIT-ORIENTED DEVELOPMENT.**

22 **(Q) “TRANSIT-ORIENTED DEVELOPMENT” HAS THE MEANING STATED**
 23 **IN § 7-101 OF THE TRANSPORTATION ARTICLE.**

24 12–209.

25 (a) Subject to subsection [(b)] (C) of this section, the special fund for the
 26 development district may be used for any of the following purposes as determined by
 27 the governing body of the political subdivision:

28 (1) a purpose specified in § 12–207 of this subtitle;

29 (2) accumulated to pay debt service on bonds to be issued later;

30 (3) payment or reimbursement of debt service, **OR PAYMENTS UNDER**
 31 **AN AGREEMENT DESCRIBED IN SUBSECTION (B) OF THIS SECTION,** that the
 32 political subdivision is obliged under a general or limited obligation to pay, or has

1 paid, on **OR RELATING TO** bonds issued by the State, a political subdivision, or the
2 revenue authority of Prince George's County if the proceeds were used for a purpose
3 specified in § 12-207 of this subtitle; or

4 (4) payment to the political subdivision for any other legal purpose.

5 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
6 **POLITICAL SUBDIVISION THAT HAS CREATED A SPECIAL FUND FOR A**
7 **DEVELOPMENT DISTRICT MAY PLEDGE UNDER AN AGREEMENT THAT AMOUNTS**
8 **DEPOSITED TO THE SPECIAL FUND SHALL BE PAID OVER TO SECURE PAYMENT**
9 **ON MEDCO OBLIGATIONS.**

10 **(2) THE AGREEMENT SHALL:**

11 **(I) BE IN WRITING;**

12 **(II) BE EXECUTED BY THE POLITICAL SUBDIVISION MAKING**
13 **THE PLEDGE, THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, AND**
14 **THE OTHER PERSONS THAT THE GOVERNING BODY OF THE POLITICAL**
15 **SUBDIVISION DETERMINES; AND**

16 **(III) RUN TO THE BENEFIT OF AND BE ENFORCEABLE ON**
17 **BEHALF OF THE HOLDERS OF THE MEDCO OBLIGATIONS SECURED BY THE**
18 **AGREEMENT.**

19 **[(b)] (C)** If bonds are outstanding with respect to a development district, the
20 special fund may be used as described in subsection (a) of this section in any fiscal
21 year only if:

22 (1) the balance of the special fund exceeds the unpaid debt service
23 payable on the bonds in the fiscal year; and

24 (2) the special fund is not restricted so as to prohibit the use.

25 **[(c)] (D)** The issuance of bonds pledging the full faith and credit of the
26 political subdivision shall comply with appropriate county or municipal charter
27 requirements.

28 12-210.

29 (a) (1) Subject to paragraph (2) of this subsection, the governing body of a
30 political subdivision that is not the issuer may pledge under an agreement that its
31 property taxes levied on the tax increment shall be paid into the special fund for the
32 development district.

33 (2) The agreement shall:

- 1 (i) be in writing;
- 2 (ii) be executed by the governing bodies of the issuer and the
3 political subdivision making the pledge; and
- 4 (iii) run to the benefit of and be enforceable on behalf of any
5 bondholder.

6 (b) The governing body of Prince George's County may also pledge hotel
7 rental tax revenues to the special fund.

8 (c) **THE GOVERNING BODY OF A POLITICAL SUBDIVISION, INCLUDING**
9 **THE ISSUER, MAY PLEDGE BY OR UNDER A RESOLUTION, INCLUDING BY AN**
10 **AGREEMENT WITH THE ISSUER, AS APPLICABLE, THAT ALTERNATIVE LOCAL TAX**
11 **REVENUES GENERATED WITHIN, OR THAT ARE OTHERWISE DETERMINED TO BE**
12 **ATTRIBUTABLE TO, A DEVELOPMENT DISTRICT THAT IS A TRANSIT-ORIENTED**
13 **DEVELOPMENT BE PAID, AS PROVIDED IN THE RESOLUTION, INTO THE SPECIAL**
14 **FUND TO:**

15 (1) **SECURE THE PAYMENT OF DEBT SERVICE ON BONDS OR**
16 **MEDCO OBLIGATIONS; OR**

17 (2) **BE APPLIED TO THE OTHER PURPOSES STATED IN § 12-209**
18 **OF THIS SUBTITLE.**

19 **Article – Transportation**

20 7-101.

21 (m) "Transit-oriented development" means a mix of private or public parking
22 facilities, commercial and residential structures, and uses, improvements, and
23 facilities customarily appurtenant to such facilities and uses, that:

24 (1) Is part of a deliberate development plan or strategy involving:

25 (i) Property that is adjacent to the passenger boarding and
26 alighting location of a planned or existing transit station; or

27 (ii) Property, any part of which is located within one-half mile
28 of the passenger boarding and alighting location of a planned or existing transit
29 station;

30 (2) Is planned to maximize the use of transit, walking, and bicycling
31 by residents and employees; and

1 (3) Is designated as a transit-oriented development by:

2 (i) The Secretary in consultation with the secretaries of
3 Business and Economic Development, General Services, Housing and Community
4 Development, the Environment, and Planning; and

5 (ii) The local government or multicounty agency with land use
6 and planning responsibility for the relevant area.

7 SECTION 3. AND BE IT FURTHER ENACTED, That nothing contained in
8 this Act may be construed to impair, in any way, the validity of any bonds, notes, or
9 other obligations issued under Article 23A, § 44A of the Code, Article 24, § 9–1301 of
10 the Code, or §§ 12–201 through 12–213, inclusive, of the Economic Development
11 Article or the validity of any actions taken pursuant to any such authorities.

12 SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this
13 Act or the application thereof to any person or circumstance, including any covenant,
14 agreement or action provided for herein to be performed, is held invalid for any reason
15 in a court of competent jurisdiction, the invalidity does not affect other provisions or
16 any other application of this Act which can be given effect without the invalid
17 provision or application, and for this purpose the provisions of this Act are declared
18 severable.

19 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 June 1, 2009.