

HOUSE BILL 161

C8

7lr0044

By: **Chair, Economic Matters Committee (By Request – Departmental – Commerce)**

Introduced and read first time: January 19, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Commerce – Maryland Economic Development Assistance**
3 **Authority and Fund – Renaming and Restructuring**

4 FOR the purpose of renaming the Maryland Economic Development Assistance Authority
5 and the Maryland Economic Development Assistance Fund to be the Advantage
6 Maryland Fund Authority and the Advantage Maryland Fund; repealing from the
7 scope of the Authority and Fund grants to local economic development funds;
8 repealing from the scope of the Authority and Fund loans to child care facilities to
9 improve child care services; altering the scope of financial assistance provided under
10 the Fund; establishing a certain reporting requirement; authorizing the Secretary of
11 Commerce to adopt certain regulations; altering the purpose, composition, and use
12 of the Fund; altering a certain requirement of the Department of Commerce to review
13 a certain portfolio; repealing a certain reporting requirement; altering the financial
14 assistance authorized under the Fund; altering the amount of financial assistance
15 from the Fund that the Secretary may approve; altering the manner in which certain
16 recipients of financial assistance must approve financial assistance; clarifying that
17 the Department may provide financial assistance to the Maryland Economic
18 Development Corporation or a State instrumentality; altering the evidence that
19 certain recipients of financial assistance must provide; altering the application
20 requirements of an applicant for financial assistance from the Fund; repealing the
21 requirement that the Maryland Economic Development Commission make certain
22 evaluations and recommendations regarding State industry sectors; repealing the
23 requirement that the Authority consider certain recommendations of the
24 Commission; altering industry sectors eligible for financial assistance under the
25 Fund; repealing certain limits on providing financial assistance from the Fund for
26 certain entities or purposes; altering the terms and required interest rates on a loan
27 from the Fund; repealing the requirement that the Department develop a certain
28 program of financial assistance for the Brownfields Revitalization Incentive
29 Program; specifying the purpose of the Program; altering the circumstances in which
30 the Department must provide a certain notification; altering the circumstances in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



which a certain contribution of a taxing jurisdiction must be used for certain brownfields sites; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to make certain corrections; altering certain definitions; defining a certain term; making conforming changes; and generally relating to the renaming and restructuring of the Maryland Economic Development Assistance Authority and Fund.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5–301, 5–305, 5–310, 5–311, 5–313, 5–314, 5–316, 5–319 through 5–323, 5–325, 5–335, and 5–338(d)

Annotated Code of Maryland

(2008 Volume and 2016 Supplement)

BY repealing

Article – Economic Development

Section 5–302, 5–315, and 5–324; 5–329 through 5–332 and the part “Part V. Grants to Local Economic Development Funds”; and 5–342 through 5–349 and the part “Part VII. Child Care Special Loans”

Annotated Code of Maryland

(2008 Volume and 2016 Supplement)

BY adding to

Article – Economic Development

Section 5–302

Annotated Code of Maryland

(2008 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–229(c) and (g)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Economic Development

5–301.

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

(b) [“Aquaculture project” means a project that encourages innovation, expansion, and modernization of the seafood processing industry or aquaculture industry.

1 (c)] “Arts and entertainment district” means an area designated by the Secretary
2 as an arts and entertainment district under Title 4, Subtitle 7 of this article.

3 [(d)] (C) “Arts and entertainment enterprise” [means a for-profit or
4 not-for-profit entity that is:

5 (1) located in an arts and entertainment district; and

6 (2) dedicated to the visual or performing arts] **HAS THE MEANING**
7 **STATED IN § 4-701 OF THIS ARTICLE.**

8 [(e)] (D) “Arts and entertainment project” means a project that promotes or
9 enhances the development of an arts and entertainment district.

10 [(f)] (E) (1) “Associated development and carrying costs” means costs that
11 are associated with the acquisition and maintenance of an asset.

12 (2) “Associated development and carrying costs” includes:

13 (i) settlement costs;

14 (ii) insurance;

15 (iii) interest;

16 (iv) taxes;

17 (v) government fees;

18 (vi) utilities; and

19 (vii) the costs of managing and securing the asset.

20 [(g)] (F) “Authority” means the [Maryland Economic Development Assistance]
21 **ADVANTAGE MARYLAND FUND** Authority.

22 [(h)] (G) “Brownfields Revitalization Incentive Program” means the program in
23 the Department that provides financial assistance from the Fund for the redevelopment of
24 qualified brownfields sites, as provided in Part VI of this subtitle.

25 [(i)] (H) (1) “Brownfields site” means a property that:

26 (i) is located in a county or municipal corporation that elects to
27 participate in the Brownfields Revitalization Incentive Program in accordance with §
28 5-336 of this subtitle; and

(ii) is:

1. an eligible property, as defined in § 7–501 of the Environment Article, that is owned or operated by an inculpable person, as defined in § 7–501 of the Environment Article; or

2. a property where there is a release, discharge, or threatened release of oil, as defined in § 4–401 of the Environment Article, that is subject to Title 4 of the Environment Article.

(2) “Brownfields site” does not include property that is owned or operated by:

(i) a responsible person as defined in § 7–201 of the Environment Article; or

(ii) a person responsible for the discharge, as defined in § 4–401 of the Environment Article.

[(j)] “Child care facility” means a facility that is required to be licensed as a child care center under Title 5, Subtitle 5, Part VII of the Family Law Article.

(k) “Child care special loan” means a direct loan to expand or improve child care services at a child care facility, as provided in Part VII of this subtitle.]

[(l)] (I) “Corporation” means the Maryland Economic Development Corporation.

(J) “ELIGIBLE INDUSTRY SECTOR” MEANS AN INDUSTRY SECTOR THAT IS DETERMINED BY THE AUTHORITY UNDER § 5–321 OF THIS SUBTITLE TO BE ELIGIBLE FOR FINANCIAL ASSISTANCE UNDER THIS SUBTITLE.

[(m)] (K) “Financial assistance” means a grant, loan, or investment provided under this subtitle.

[(n)] (L) “Fund” means the [Maryland Economic Development Assistance] **ADVANTAGE MARYLAND** Fund.

[(o)] “Local economic development fund” means a revolving, nonlapsing fund that one or more local governments establish for economic development in the areas under their jurisdiction.

(p) “Local economic development opportunity” means a project that:

(1) is determined by the Department or Authority to provide a valuable economic development opportunity to the jurisdiction in which the project is located; and

1 (2) is a priority for and endorsed by the governing body of that jurisdiction.]

2 ~~[(q)]~~ **(M)** “Local government” means:

3 (1) a county;

4 (2) a municipal corporation;

5 (3) a designated agency or instrumentality of a county; or

6 (4) a designated agency or instrumentality of a municipal corporation.

7 ~~[(r)]~~ **(N)** “Qualified brownfields site” means a brownfields site that is determined
8 by the Department to be eligible for financial assistance under this subtitle.

9 ~~[(s)]~~ “Qualified distressed county project” means a project that a local government
10 or the Corporation carries out in a qualified distressed county.]

11 ~~[(t)]~~ **(O)** “Responsible person” has the meaning stated in § 7–201 of the
12 Environment Article.

13 ~~[(u)]~~ “Significant strategic economic development opportunity” means a project
14 that is determined by the Department or Authority to provide a valuable economic
15 development opportunity of statewide, regional, or strategic industry impact.

16 (v) “Specialized economic development opportunity” means:

17 (1) an aquaculture project;

18 (2) an arts and entertainment enterprise;

19 (3) an arts and entertainment project;

20 (4) the redevelopment of a qualified brownfields site; or

21 (5) a project to create or expand a child care facility.]

22 ~~[(w)]~~ **(P)** “Working capital” means money to be used for current operations of a
23 business.

24 [5–302.

25 Assistance for a qualified distressed county project is available to a qualified
26 distressed county under this subtitle only if:

(1) the county has developed a local strategic plan for economic development in consultation with the municipal corporations located in the county, if any;

(2) the county has submitted the plan to the Secretary for approval; and

(3) the Secretary has approved the plan.]

5-302.

(A) IN ACCORDANCE WITH § 2.5-109 OF THIS ARTICLE, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT ON THE ECONOMIC BENEFITS GAINED BY THE STATE FROM THE FINANCIAL ASSISTANCE PROVIDED UNDER THIS SUBTITLE.

(B) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

5-305.

There is [a Maryland Economic Development Assistance] **AN ADVANTAGE MARYLAND FUND** Authority in the Department.

5-310.

There is [a Maryland Economic Development Assistance] **AN ADVANTAGE MARYLAND** Fund in the Department.

5-311.

The [purposes] **PURPOSE** of the Fund [are to:

(1) expand employment opportunities in the State by providing financial assistance to businesses that are engaged in eligible industry sectors, including financial assistance for:

(i) aquaculture projects;

(ii) arts and entertainment enterprises;

(iii) arts and entertainment projects; and

(iv) creation and expansion of child care facilities;

(2) provide financial assistance for the redevelopment of qualified brownfields sites;

(3) provide financial assistance to local governments and the Corporation for economic development projects; and

(4) provide grants to local economic development funds] **IS TO EXPAND EMPLOYMENT OPPORTUNITIES IN THE STATE BY PROVIDING FINANCIAL ASSISTANCE TO BUSINESSES, LOCAL GOVERNMENTS, STATE INSTRUMENTALITIES, AND INDIVIDUALS CARRYING OUT PROJECTS IN ELIGIBLE INDUSTRY SECTORS.**

5–313.

The Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) money made available to the Fund through federal programs or private contributions;

(3) repayments of principal and interest from loans made from the Fund;

(4) proceeds from the sale, disposition, lease, or rental of collateral related to financial assistance provided by the Department under this subtitle;

(5) application or other fees paid to the Fund to process requests for financial assistance **OR TO CLOSE OR COLLECT FINANCIAL ASSISTANCE;**

(6) recovery of an investment made by the Department in a business, including an arrangement under which part of the investment is recovered through:

(i) a requirement that the Department receive a proportion of cash flow, commissions, royalties, or license fees;

(ii) the repurchase from the Department of any of its investment interest; or

(iii) the sale of an appreciated asset;

(7) repayments received from recipients of conditional grants from the Department;

(8) money collected under § 9–229 of the Tax – Property Article;

(9) repayments on or recoveries from financial assistance provided from the former:

(i) Brownfields Revitalization Incentive Fund;

(ii) Child Care Facilities Direct Loan Fund;

- (iii) Child Care Special Loan Fund;
- (iv) Maryland Industrial and Commercial Redevelopment Fund;
- (v) Maryland Industrial Land Fund;
- (vi) Maryland Seafood and Aquaculture Loan Fund; [and]
- (vii) Smart Growth Economic Development Infrastructure Fund; and
- (VIII) MARYLAND ECONOMIC DEVELOPMENT ASSISTANCE FUND;**

AND

- (10) any other money made available to the Fund.

5–314.

- (a) The Department may use money in the Fund to:

- (1) provide financial assistance to eligible applicants; and
- (2) pay expenses for administrative, actuarial, legal, and technical services for the Fund.

- (b) The Department periodically shall review its portfolio in an effort to ensure[:

- (1)] the equitable distribution among the counties of money from the Fund[;
- (2) adequate funding for qualified distressed county projects; and

- (3) that no particular qualified distressed county benefits disproportionately from financial assistance to qualified distressed counties under this subtitle].

[5–315.

In accordance with § 2.5–109 of this article, the Department shall report on the number, amount, use, and economic benefits of financial assistance provided under this subtitle.]

5–316.

Financial assistance is deemed authorized under this subtitle if it was provided, or approved to be provided, from the following programs that have been incorporated into the Fund:

- (1) the Brownfields Revitalization Incentive Fund;
- (2) the Child Care Facilities Direct Loan Fund;
- (3) the Child Care Special Loan Fund;
- (4) the Maryland Industrial and Commercial Redevelopment Fund;
- (5) the Maryland Industrial Land Act;
- (6) the Maryland Seafood and Aquaculture Loan Fund; [and]
- (7) the Smart Growth Economic Development Infrastructure Fund; AND
- (8) THE MARYLAND ECONOMIC DEVELOPMENT ASSISTANCE FUND.**

5–319.

(a) (1) Financial assistance from the Fund not exceeding [\$2,500,000] **\$4,000,000** may be approved by the Secretary.

(2) [Except as provided in paragraph (3) of this subsection, financial] **FINANCIAL** assistance from the Fund exceeding [\$2,500,000] **\$4,000,000** requires approval by the Authority.

[(3) For a qualified distressed county project, the Secretary may approve financial assistance exceeding \$2,500,000.]

(b) [Except as provided in subsection (a)(3) of this section, with] **WITH** respect to requests for financial assistance exceeding [\$2,500,000] **\$4,000,000**:

(1) the Department shall evaluate the requests; and

(2) the Authority shall:

(i) evaluate the requests that have first been evaluated by the Department;

(ii) determine whether to approve the requests; and

(iii) set the terms and conditions of the financial assistance.

(c) (1) [Except as provided in paragraph (2) of this subsection, financial] **FINANCIAL** assistance provided to a local government [or the Corporation] for a project shall be approved by a formal resolution of[

(i) the governing body of the [jurisdiction in which the project is located; or] **LOCAL GOVERNMENT.**

[(ii)] (2) FINANCIAL ASSISTANCE PROVIDED TO THE CORPORATION OR A STATE INSTRUMENTALITY FOR A PROJECT SHALL BE APPROVED BY A FORMAL RESOLUTION OF THE [if the recipient of the financial assistance is the Corporation, its] board of directors OF THE CORPORATION OR STATE INSTRUMENTALITY.

[(2) If the recipient of the financial assistance is the Corporation for a qualified distressed county project, the financial assistance shall be approved by formal resolutions of both the board of directors of the Corporation and the governing body of the jurisdiction in which the project is located.]

(3) A project that is funded by a grant from the Fund to a local government or the Corporation, and carried out by the local government or the Corporation, shall be consistent with the strategy or plan for economic development of the county or municipal corporation in which the project is located.

(4) If the Department provides financial assistance to a local government, **THE CORPORATION, OR A STATE INSTRUMENTALITY** for a project, an interest in that project is later transferred to a third party, and the transfer of the interest is financed by the local government, **THE CORPORATION, OR A STATE INSTRUMENTALITY:**

(i) the local government, **THE CORPORATION, OR THE STATE INSTRUMENTALITY** may assign the financing documents to the Department as a repayment of or return on the Department's financial assistance to the local government; and

(ii) the assignment may not be considered a new financing under this subtitle.

(d) [For a local economic development opportunity, the local government of the jurisdiction in which the project is located] **AN ENTITY, AN INDIVIDUAL, THE CORPORATION, OR A STATE INSTRUMENTALITY THAT RECEIVES FINANCIAL ASSISTANCE** shall provide:

(1) [a formal resolution of] **AN ENDORSEMENT BY THE CHIEF EXECUTIVE OFFICER OR** the governing body of the jurisdiction in which the project is located [that endorses] **OF** the financial assistance to be provided from the Fund; and

(2) as determined by the Department or Authority to evidence the support of the local government for the project:

(i) a guarantee, secured by the full faith and credit of the county or municipal corporation in which the project is located, of all or part of the financial assistance to be provided by the Fund;

(ii) the financing of part of the costs of the project equal to at least 10% of the financial assistance to be provided from the Fund; or

(iii) both.

5–320.

(a) To be eligible for financial assistance from the Fund, an applicant shall be[:

(1) a local economic development fund that meets the criteria set forth in Part V of this subtitle; or

(2)] an individual, private business, not-for-profit entity, or local government, or the Corporation **OR STATE INSTRUMENTALITY** that intends to use the requested financial assistance for a project that:

[(i)] **(1)** [except as provided in subsection (b) of this section,] is in an eligible industry sector under § 5–321 of this subtitle; and

[(ii)] **(2)** has a strong potential for expanding or retaining employment opportunities in the State.

(b) [A project need not be in an eligible industry sector if the applicant:

(1) is located in a qualified distressed county; or

(2) (i) is a local government or the Corporation; and

(ii) does not intend to use the financial assistance to carry out a project that benefits a particular private sector entity.

(c)] In form and content acceptable to the Department, an applicant for financial assistance from the Fund shall submit to the Department an application [that contains:

(1) the information that the Department or Authority considers necessary to evaluate the request for financial assistance; and

(2) for a qualified distressed county project:

(i) a marketing plan designed to market the project to prospective businesses;

(ii) a statement of planned marketing expenditures as a percent of the total financial assistance amount requested; and

(iii) a plan for the project that is consistent with the county's local strategic economic development plan as to the location and type of project].

5–321.

(a) (1) [After consulting with the Department and the Department of Labor, Licensing, and Regulation, each year the Maryland Economic Development Commission shall:

(i) evaluate the potential employment and economic growth of Maryland's industry sectors; and

(ii) recommend eligible industry sectors to the Authority.

(2)] Each year the Authority shall[:

(i) consider the recommendation of the Maryland Economic Development Commission; and

(ii)] establish a list of industry sectors that will be eligible for financial assistance from the Fund.

[(3)] (2) In determining whether an applicant is engaged in an eligible industry sector, the Department shall consider the definitions set forth in the North American Industry Classification System.

(b) [(1)] For the purpose of providing financial assistance under this subtitle, the following are deemed to be in eligible industry sectors:

[(i) aquaculture projects;]

[(ii)](1) arts and entertainment enterprises;

[(iii)] (2) arts and entertainment projects;

[(iv)] (3) redevelopment of qualified brownfields sites;

[(v) creation or expansion of child care facilities;]

[(vi)] (4) projects in areas that are declared to be federal disaster areas within 1 year before the Department receives an application for financial assistance under this subtitle; and

1 [(vii)] **(5)** [feasibility studies] **STRATEGIC PLANS FOR ECONOMIC**
2 **DEVELOPMENT.**

3 [(2) The requirements specifically imposed on significant strategic economic
4 development opportunities and local economic development opportunities under this
5 subtitle do not apply to the items listed in paragraph (1) of this subsection.]

6 5–322.

7 (a) Financial assistance from the Fund may be used only to finance costs incurred
8 for:

9 (1) construction or acquisition of a building or real property, and associated
10 development and carrying costs;

11 (2) construction, acquisition, or installation of equipment, furnishings,
12 fixtures, leasehold improvements, site improvements, or infrastructure improvements,
13 including rail line enhancements on or to the site of an economic development project, and
14 associated development and carrying costs;

15 (3) working capital [for significant strategic economic development
16 opportunities, arts and entertainment enterprises, or arts and entertainment projects];

17 (4) redevelopment of qualified brownfields sites;

18 (5) [subject to § 5–325(b)(3) of this subtitle, construction, purchase, or
19 renovation of real property, fixtures, or equipment related to a child care facility;

20 (6) if supported by a resolution adopted by the governing body of the
21 jurisdiction in which a project may be located, feasibility studies;

22 (7)] subject to § [5–325(b)(4)] **5–325(B)(3)** of this subtitle, preparation of a
23 county’s or municipal corporation’s strategy or plan for economic development; and

24 [(8)] **(6)** a project intended to assist businesses in areas that are declared
25 to be federal disaster areas, but only if the Department receives an application for financial
26 assistance within 1 year after the declaration of the federal disaster area.

27 (b) Financial assistance from the Fund may not be used to refinance existing debt.

28 5–323.

29 Financial assistance from the Fund may not exceed [the lesser of:

30 (1)] \$10,000,000[; or

(2) 20% of the Fund balance] **PER PROJECT.**

[5-324.

(a) Each subsection of this section is subject to § 5-323 of this subtitle.

(b) If the Department or Authority determines a project to be a significant strategic economic development opportunity, the Department or Authority may provide a loan from the Fund for the project to an individual, private business, not-for-profit entity, or the Corporation in an amount not exceeding \$10,000,000.

(c) If the Department or Authority determines a project to be a local economic development opportunity, the Department or Authority may provide financial assistance from the Fund for the project to an individual, private business, not-for-profit entity, or the Corporation in an amount not exceeding:

(1) \$5,000,000 for a loan or investment; and

(2) \$2,000,000 for a grant.

(d) (1) Financial assistance provided to a local government or the Corporation to finance a project may be:

(i) in the form of a grant, loan, or investment; and

(ii) except as provided in paragraph (2) of this subsection, in an amount not exceeding \$3,000,000.

(2) Financial assistance for a qualified distressed county project may be in an amount determined by the Department.

(3) A grant to a local economic development fund is subject to the requirements of Part V of this subtitle.

(e) Financial assistance for a specialized economic development opportunity may be:

(1) provided to an individual, private business, not-for-profit entity, or local government, or the Corporation;

(2) in the form of a grant, loan, or investment; and

(3) in an amount determined by the Department or Authority.]

5-325.

(a) Subject to the restrictions of this subtitle, the Department or Authority may impose the terms and conditions on financial assistance from the Fund as either considers appropriate.

(b) (1) Except as provided in paragraph (2)[, (3), or (4)] **OR (3)** of this subsection, financial assistance from the Fund may not exceed 70% of the total costs of the project being financed.

(2) Financial assistance from the Fund may constitute **UP TO** 100% of the total costs of the project being financed if[:

(i) the recipient is the Corporation; or

(ii) the financial assistance is for:

1. an arts and entertainment enterprise;

2. an arts and entertainment project; or

3. a qualified distressed county project] **THE SECRETARY DETERMINES THAT THE PROJECT'S ECONOMIC IMPACT WARRANTS A HIGHER PERCENTAGE.**

(3) [(i) Except as provided in subparagraph (ii) of this paragraph, financial assistance from the Fund:

1. may be used to finance up to 50% of the costs of construction, purchase, or renovation of real property, fixtures, or equipment related to a child care facility; but

2. may not be used for working capital, supplies, or inventory related to a child care facility.

(ii) Financial assistance from the Fund may be used to finance up to 20% of the costs described in subparagraph (i) of this paragraph incurred by a business that has received or will receive a day care loan insured by the Maryland Industrial Development Financing Authority.

(4)] Financial assistance for preparation of a strategy or plan for economic development of a county or municipal corporation may not exceed **THE LESSER OF:**

(i) 50% of the costs of preparation **OF THE STUDY;** or

(ii) \$50,000 in a 3-year period **FOR:**

1. **ANY SINGLE COUNTY OR MUNICIPAL CORPORATION;**

(2) for financing equipment, furnishings, or fixtures, the lesser of 15 years or the useful life of the asset, as determined by the Department;

(3) for financing the construction or acquisition of buildings and real property, 25 years; and

(4) for financing the redevelopment of a qualified brownfields site or a qualified distressed county project, a term approved by the Department or Authority.]

(C) THE DEPARTMENT SHALL DETERMINE THE TERMS OF ANY FINANCIAL ASSISTANCE, INCLUDING ESTABLISHING TERMS OF REPAYMENT AND INTEREST RATES OF LOANS.

(D) (1) THE DEPARTMENT MAY IMPOSE A 0% INTEREST RATE ON A LOAN FROM THE FUND.

(2) IF A BORROWER DEFAULTS ON A LOAN FROM THE FUND, THE DEPARTMENT MAY IMPOSE A DEFAULT INTEREST RATE ON THE LOAN.

5-335.

(a) There is a Brownfields Revitalization Incentive Program in the Department.

(b) The [Department shall develop a program of financial assistance, including low-interest loans and grants, to assist persons who participate in] **PURPOSE OF the Brownfields Revitalization Incentive Program IS TO PROVIDE FINANCIAL ASSISTANCE, INCLUDING LOW-INTEREST LOANS AND GRANTS, TO ASSIST PERSONS IN THE REVITALIZATION OF BROWNFIELDS SITES.**

5-338.

(d) (1) The Department shall notify the person whether the person qualifies for financial assistance for the redevelopment of a brownfields site within 30 days after the Department receives a request under subsection (c) of this section if:

(i) the Department of the Environment approves the participation in the Voluntary Cleanup Plan or a corrective action plan; and

(ii) the Department [or Authority] approves the financial assistance.

(2) The notice shall specify which of the criteria in subsection (b) of this section that the person meets.

Article – Tax – Property

9–229.

(c) For each of the 5 taxable years immediately following the first revaluation of the property after completion of a voluntary cleanup or corrective action plan of a brownfields site, each participating taxing jurisdiction where a qualified brownfields site is located shall:

(1) grant a property tax credit against the property tax imposed on the qualified brownfields site in an amount equal to 50% of the property tax attributable to the increase in the assessment of the qualified brownfields site, including improvements added to the site within the 5–year period as provided under this subsection, over the assessment of the qualified brownfields site before the voluntary cleanup; and

(2) contribute to the [Maryland Economic Development Assistance] **ADVANTAGE MARYLAND** Fund under § 5–313(8) of the Economic Development Article, 30% of the property tax attributable to the increase in the assessment of the brownfields site, including improvements added to the site within the 5–year period as provided under this subsection, over the assessment of the qualified brownfields site before the voluntary cleanup.

(g) **[A] SUBJECT TO THE AVAILABILITY OF FUNDING UNDER THE ADVANTAGE MARYLAND FUND FOR THE ASSESSMENT OR REDEVELOPMENT OF BROWNFIELDS SITES,** A taxing jurisdiction’s contribution for each qualified brownfields site to the [Maryland Economic Development Assistance] **ADVANTAGE MARYLAND** Fund under subsection (c)(2) of this section shall be used only for brownfields sites in the taxing jurisdictions that have enacted a brownfields property tax credit ordinance.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5–329 through 5–332 and the part “Part V. Grants to Local Economic Development Funds”; and 5–342 through 5–349 and the part “Part VII. Child Care Special Loans” of Article – Economic Development of the Annotated Code of Maryland be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.