

# SENATE BILL 88

R7

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(PRE-FILED)

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By: **Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)**

Requested: November 13, 2013

Introduced and read first time: January 8, 2014

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Transportation – Special Bonds and Borrowing –**  
3 **Revenue-Backed Bonds**

4 FOR the purpose of authorizing the Department of Transportation, by resolution of  
5 the Secretary of Transportation, to borrow funds to finance the costs of  
6 transportation facilities, evidence certain borrowing by the issuance and sale of  
7 certain bonds, and pledge and use a certain dedicated revenue source for the  
8 payment of certain principal of and interest on certain bonds; prohibiting the  
9 use of certain State tax revenues to support payment of principal of or interest  
10 on certain bonds; authorizing a certain trust agreement to pledge or assign  
11 certain revenue; prohibiting a certain trust agreement from pledging or  
12 assigning certain State tax revenues; altering the purpose for which the  
13 Department may issue certain bonds and borrow certain funds; and generally  
14 relating to the financing of costs of transportation facilities.

15 BY repealing and reenacting, with amendments,  
16 Article – Transportation  
17 Section 3-601 and 3-606(a)  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2013 Supplement)

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

22 **Article – Transportation**

23 3-601.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In order to utilize to the greatest extent possible the benefits of available  
2 financial resources relating to transportation purposes, including federal grants, loans,  
3 **TRANSPORTATION FACILITY REVENUE SOURCES**, and other programs, the  
4 Department from time to time may issue its bonds and otherwise borrow funds, as  
5 provided in this subtitle, to finance the costs of transportation facilities.

6 (b) The Department may apply for any financial assistance in support of  
7 projects deemed appropriate by the Secretary.

8 (c) The Department may undertake the following actions and do all things  
9 necessary and appropriate consistent with such actions to utilize the available  
10 resources specified in subsection (a) of this section:

11 (1) Pledge and use existing and anticipated federal funds paid to or  
12 expected to be paid to the Department for transportation purposes for the payment of  
13 the principal of and interest on the Department's bonds or other debt obligations  
14 issued under this subtitle to finance the costs of transportation facilities; and

15 (2) (i) Borrow funds from the federal government or its agencies,  
16 and evidence such borrowing with a promissory note or other evidence of obligation;

17 (ii) Borrow funds from a nongovernment lender if the loan is  
18 guaranteed by the federal government or its agencies; and

19 (iii) 1. Use the proceeds of the loans described in items (i)  
20 and (ii) of this paragraph in connection with transportation facilities including use of  
21 the proceeds to pay the costs of financing transportation facilities and the payment of  
22 debt service on the Department's bonds issued in connection with such transportation  
23 facilities;

24 2. Repay the loans with revenues attributable to the  
25 transportation facilities being financed; and

26 3. Pledge revenues attributable to the transportation  
27 facilities being financed in order to secure the Department's obligations to the federal  
28 government or its agencies or a nongovernment lender in connection with the loans.

29 (d) If the Department intends to pledge any future federal aid from any  
30 source to support repayment of bonds issued under this subtitle:

31 (1) The aggregate principal amount of debt issued under this subtitle  
32 or Title 4, Subtitle 3 of this article that is secured by a pledge of future federal aid may  
33 not exceed \$750,000,000;

34 (2) The date of maturity may not be later than 12 years after the date  
35 of issue;

1           (3) Notwithstanding § 3–215(d) of this title, if future federal aid is  
2 insufficient to pay the principal of and interest on the bonds issued under this subtitle  
3 when due, the tax levied under § 3–215 of this title, to the extent the proceeds of such  
4 tax are not necessary to provide the sinking fund required under § 3–215(c) of this  
5 title, is irrevocably pledged to the payment of the principal of and interest on the  
6 bonds issued under this subtitle as they become due and payable;

7           (4) The lien of the pledge under item (3) of this subsection shall at all  
8 times be subordinate to the lien of the pledge of such tax under § 3–215(d) of this title  
9 to the payment of principal of and interest on consolidated transportation bonds; and

10           (5) No part of the tax levied under § 3–215 of this title may be  
11 repealed, diminished, or applied to any other purpose until:

12                   (i) The bonds issued under this subtitle and interest on them  
13 have become due and fully paid; or

14                   (ii) Adequate and complete provision for payment of the  
15 principal and interest has been made.

16           **(E) (1) BY RESOLUTION OF THE SECRETARY, THE DEPARTMENT MAY:**

17                   **(I) BORROW FUNDS TO FINANCE THE COSTS OF**  
18 **TRANSPORTATION FACILITIES;**

19                   **(II) EVIDENCE THE BORROWING BY THE ISSUANCE AND**  
20 **SALE OF REVENUE–BACKED BONDS; AND**

21                   **(III) PLEDGE AND USE A DEDICATED REVENUE SOURCE,**  
22 **WHICH MAY INCLUDE REVENUES ATTRIBUTABLE TO THE TRANSPORTATION**  
23 **FACILITIES BEING FINANCED, FOR THE PAYMENT OF THE PRINCIPAL OF AND**  
24 **INTEREST ON THE DEPARTMENT’S REVENUE–BACKED BONDS DESCRIBED IN**  
25 **THIS SUBSECTION.**

26           **(2) PAYMENT OF THE PRINCIPAL OF OR INTEREST ON**  
27 **REVENUE–BACKED BONDS ISSUED UNDER THIS SUBTITLE MAY NOT BE**  
28 **SUPPORTED DIRECTLY OR INDIRECTLY BY STATE TAX REVENUES PLEDGED TO**  
29 **MEET DEBT SERVICE ON CONSOLIDATED TRANSPORTATION BONDS AS**  
30 **PRESCRIBED UNDER § 3–215 OF THIS TITLE.**

31 3–606.

32           (a) (1) Bonds issued under this subtitle may be secured by a trust  
33 agreement between the Department and a corporate trustee, which may be any trust  
34 company or bank having trust powers within or without the State.

1           (2)    The trust agreement may pledge or assign [all]:

2                    (I)    **ALL** or any part of the existing and anticipated federal  
3 funds paid to or expected to be paid to the Department for transportation purposes;  
4 **OR**

5                    (II) **REVENUE FROM A DEDICATED REVENUE SOURCE,**  
6 **WHICH MAY INCLUDE REVENUES ATTRIBUTABLE TO THE TRANSPORTATION**  
7 **FACILITIES BEING FINANCED.**

8                    (3)    **THE TRUST AGREEMENT MAY NOT PLEDGE OR ASSIGN ANY**  
9 **STATE TAX REVENUES PLEDGED TO MEET DEBT SERVICE ON CONSOLIDATED**  
10 **TRANSPORTATION BONDS AS PRESCRIBED UNDER § 3-215 OF THIS TITLE.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2014.