



SPONSOR: Sen. Ennis & Rep. Carson
Sen. Cook; Reps. Hall-Long, Thornburg

DELAWARE STATE SENATE

144th GENERAL ASSEMBLY

SENATE BILL NO. 301
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 176, VOLUME 74, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE MUNICIPAL CHARTER OF THE TOWN OF SMYRNA GRANTING THE TOWN THE POWERS TO IMPLEMENT MUNICIPAL TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS AS PERMITTED BY CHAPTERS 17 AND 18 OF TITLE 22 OF THE DELAWARE CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 176, Volume 74, Laws of Delaware, as amended, by adding a new paragraph to Section 4.2 thereof to read as follows:

"4.2.48. In addition to all other powers the Town Council of the Town of Smyrna may have, and notwithstanding any limitation of law, the Town Council of the Town of Smyrna shall have all powers and may undertake all actions for the purposes set forth in, and in accordance with chapter 17, Title 22 of the Delaware Code relating to the Municipal Tax Increment Financing Act, and with Chapter 18 relating to Special Development Districts. Notwithstanding anything to the contrary contained in Section 1801(2)(a) and (b) of Title 22 of the Delaware Code, the machinery and equipment financed pursuant to the Municipal Tax Increment Financing section or the Special Development Districts of 4.2.48 of Chapter 176, Volume 24, Laws of Delaware may include the machinery and equipment needed to expand or enhance services provided by the Town of Smyrna, or the State of Delaware or any agency or instrumentality thereof, or any County, local political subdivision, instrumentality, agency, body politic, utility district or similar entity within the State of Delaware, to a TIF District or a Special Development District. All provisions of Sections 10 and 13 and any other section of this Charter limiting the amounts of indebtedness to be incurred or taxes to be levied by the Town Council of the Town of Smyrna shall not apply to any indebtedness incurred or any special ad valorem taxes, special taxes, or ad valorem taxes levied pursuant to or in connection with

16 the exercise of such powers. Bonds are non-recourse to the Town and shall only be paid from Tax Increment
17 Financing (TIF) or Special Development Districts (SDD) assessments permitted by 22 Del. C. Chapters 17 and 18, and
18 from (i) voluntary contributions by entities exempt from taxation and assessment for public purposes under 9 Del. C.
19 §8105, (ii) bond proceeds on deposit in debt service reserve funds and other funds established under an indenture for
20 such bonds, (iii) proceeds of any tax or monition sales (including accrued interest and penalties) properly allocable to
21 unpaid TIF or SDD assessments, and (iv) any interest earnings on any of the foregoing. These bonds are non-recourse
22 to property owners who purchase subject to a TIF or SDD. Property owners who purchase subject to a TIF or SDD
23 shall only be responsible for TIF or SDD obligations determined by the individual assessment of their property.".

24 Section 2. Amend Chapter 176, Volume 74, Laws of Delaware, as amended, by adding a new subsection to
25 Section 11 thereof to read as follows:

26 "11.6 The provisions of this section and of Section 12 of this Charter apply to all special ad valorem taxes
27 and special taxes levied by the Town Council of the Town of Smyrna pursuant to Section 4.2.48 of this Charter,
28 provided that all references in this section and in Section 12 to an Annual Tax List or Taxes shall, for all purposes
29 relating to such special ad valorem taxes and special taxes, be deemed to refer to the tax list showing the amounts of
30 special ad valorem taxes or special taxes levied against the real property within a special development district.".

31 Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid,
32 such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid
33 provision or applications, and to that end the provisions of this Act are declared severable.