

CF HB 1437

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**By: Senator Hafer**

Introduced and read first time: February 28, 1997

Assigned to: Rules

Re-referred to: Budget and Taxation, March 3, 1997

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 1997

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

**2 Creation of a State Debt - Allegany County - Flood Damaged Facilities**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed ~~\$500,000~~  
4 \$600,000, the proceeds to be used as a grant to the County Commissioners of  
5 Allegany County for certain acquisition, development, or improvement purposes;  
6 providing for disbursement of the loan proceeds, subject to a requirement that the  
7 grantee provide and expend a matching fund; and providing generally for the  
8 issuance and sale of bonds evidencing the loan.

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That:

11 (1) The Board of Public Works may borrow money and incur indebtedness on  
12 behalf of the State of Maryland through a State loan to be known as the Allegany County  
13 - Flood Damaged Facilities Loan of 1997 in a total principal amount equal to the lesser  
14 of (i) ~~\$500,000~~ \$600,000 or (ii) the amount of the matching fund provided in accordance  
15 with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of  
16 State general obligation bonds authorized by a resolution of the Board of Public Works  
17 and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of the State  
18 Finance and Procurement Article and Article 31, § 22 of the Code.

19 (2) The bonds to evidence this loan or installments of this loan may be sold as a  
20 single issue or may be consolidated and sold as part of a single issue of bonds under §  
21 8-122 of the State Finance and Procurement Article.

22 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and  
23 first shall be applied to the payment of the expenses of issuing, selling, and delivering the  
24 bonds, unless funds for this purpose are otherwise provided, and then shall be credited on  
25 the books of the Comptroller and expended, on approval by the Board of Public Works,

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1 for the following public purposes, including any applicable architects' and engineers' fees:  
2 as a grant to the County Commissioners of Allegany County (referred to hereafter in this  
3 Act as "the grantee") for the planning, design, repair, renovation, and reconstruction of  
4 facilities and structures damaged by recent floods in Allegany County, and for the  
5 planning, design, and construction of new structures and facilities that will provide future  
6 flood protection, the project to include stream bank stabilization and associated site and  
7 infrastructure work.

8 (4) An annual State tax is imposed on all assessable property in the State in rate  
9 and amount sufficient to pay the principal of and interest on the bonds, as and when due  
10 and until paid in full. The principal shall be discharged within 15 years after the date of  
11 issuance of the bonds.

12 (5) Prior to the payment of any funds under the provisions of this Act for the  
13 purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching  
14 fund. No part of the grantee's matching fund may be provided, either directly or  
15 indirectly, from funds of the State, whether appropriated or unappropriated. No part of  
16 the fund may consist of real property, in kind contributions, or funds expended prior to  
17 the effective date of this Act. In case of any dispute as to the amount of the matching  
18 fund or what money or assets may qualify as matching funds, the Board of Public Works  
19 shall determine the matter and the Board's decision is final. The grantee has until June 1,  
20 1999, to present evidence satisfactory to the Board of Public Works that a matching fund  
21 will be provided. If satisfactory evidence is presented, the Board shall certify this fact and  
22 the amount of the matching fund to the State Treasurer, and the proceeds of the loan  
23 equal to the amount of the matching fund shall be expended for the purposes provided in  
24 this Act. Any amount of the loan in excess of the amount of the matching fund certified  
25 by the Board of Public Works shall be canceled and be of no further effect.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 June 1, 1997.