

# HOUSE BILL 457

B2

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CF 3lr0775

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By: **Howard County Delegation**

Introduced and read first time: January 28, 2013

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Howard County – Middle Patuxent Environmental**  
3 **Area**

4 **Ho. Co. 1–13**

5 FOR the purpose of authorizing the creation of a State Debt not to exceed \$150,000,  
6 the proceeds to be used as a grant to the County Executive and County Council  
7 of Howard County for certain development or improvement purposes; providing  
8 for disbursement of the loan proceeds, subject to a requirement that the grantee  
9 provide and expend a matching fund; establishing a deadline for the  
10 encumbrance or expenditure of the loan proceeds; and providing generally for  
11 the issuance and sale of bonds evidencing the loan.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That:

14 (1) The Board of Public Works may borrow money and incur indebtedness on  
15 behalf of the State of Maryland through a State loan to be known as the Howard  
16 County – Middle Patuxent Environmental Area Loan of 2013 in a total principal  
17 amount equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund  
18 provided in accordance with Section 1(5) below. This loan shall be evidenced by the  
19 issuance, sale, and delivery of State general obligation bonds authorized by a  
20 resolution of the Board of Public Works and issued, sold, and delivered in accordance  
21 with §§ 8–117 through 8–124 of the State Finance and Procurement Article and  
22 Article 31, § 22 of the Code.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3)     The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
2 and first shall be applied to the payment of the expenses of issuing, selling, and  
3 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
4 shall be credited on the books of the Comptroller and expended, on approval by the  
5 Board of Public Works, for the following public purposes, including any applicable  
6 architects' and engineers' fees: as a grant to the County Executive and County Council  
7 of Howard County (referred to hereafter in this Act as "the grantee") for the planning,  
8 design, construction, repair, renovation, reconstruction, and capital equipping of a  
9 restroom, storage building, and staging area at Middle Patuxent Environmental Area,  
10 located in Clarksville.

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

15           (5)     Prior to the payment of any funds under the provisions of this Act for the  
16 purposes set forth in Section 1(3) above, the grantee shall provide and expend a  
17 matching fund. No part of the grantee's matching fund may be provided, either  
18 directly or indirectly, from funds of the State, whether appropriated or  
19 unappropriated. No part of the fund may consist of real property or funds expended  
20 prior to the effective date of this Act. The fund may consist of in kind contributions. In  
21 case of any dispute as to the amount of the matching fund or what money or assets  
22 may qualify as matching funds, the Board of Public Works shall determine the matter  
23 and the Board's decision is final. The grantee has until June 1, 2015, to present  
24 evidence satisfactory to the Board of Public Works that a matching fund will be  
25 provided. If satisfactory evidence is presented, the Board shall certify this fact and the  
26 amount of the matching fund to the State Treasurer, and the proceeds of the loan  
27 equal to the amount of the matching fund shall be expended for the purposes provided  
28 in this Act. Any amount of the loan in excess of the amount of the matching fund  
29 certified by the Board of Public Works shall be canceled and be of no further effect.

30           (6)     The proceeds of the loan must be expended or encumbered by the Board  
31 of Public Works for the purposes provided in this Act no later than June 1, 2020. If any  
32 funds authorized by this Act remain unexpended or unencumbered after June 1, 2020,  
33 the amount of the unencumbered or unexpended authorization shall be canceled and  
34 be of no further effect. If bonds have been issued for the loan, the amount of  
35 unexpended or unencumbered bond proceeds shall be disposed of as provided in  
36 § 8-129 of the State Finance and Procurement Article.

37           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 June 1, 2013.