

# SENATE BILL 439

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CF 3lr2315

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By: **Senator Pinsky**

Introduced and read first time: January 30, 2013

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Prince George’s County – Berwyn Heights Town**  
3 **Administration Building and Senior Center Power Improvements**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$80,000, the  
5 proceeds to be used as a grant to the Mayor and Town Council of Berwyn  
6 Heights for certain development or improvement purposes; providing for  
7 disbursement of the loan proceeds, subject to a requirement that the grantee  
8 provide and expend a matching fund; establishing a deadline for the  
9 encumbrance or expenditure of the loan proceeds; and providing generally for  
10 the issuance and sale of bonds evidencing the loan.

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

13 (1) The Board of Public Works may borrow money and incur indebtedness on  
14 behalf of the State of Maryland through a State loan to be known as the Prince  
15 George’s County – Berwyn Heights Town Administration Building and Senior Center  
16 Power Improvements Loan of 2013 in a total principal amount equal to the lesser of (i)  
17 \$80,000 or (ii) the amount of the matching fund provided in accordance with Section  
18 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State  
19 general obligation bonds authorized by a resolution of the Board of Public Works and  
20 issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State  
21 Finance and Procurement Article and Article 31, § 22 of the Code.

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

25 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
26 and first shall be applied to the payment of the expenses of issuing, selling, and  
27 delivering the bonds, unless funds for this purpose are otherwise provided, and then

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 shall be credited on the books of the Comptroller and expended, on approval by the  
2 Board of Public Works, for the following public purposes, including any applicable  
3 architects' and engineers' fees: as a grant to the Mayor and Town Council of Berwyn  
4 Heights (referred to hereafter in this Act as "the grantee") for the capital equipping of  
5 the Berwyn Heights Town Administration Building and the Senior Center by the  
6 acquisition of emergency generators for those buildings, located in Berwyn Heights.

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

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

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

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