

SENATE BILL 388

B2

7lr1601
CF HB 314

By: **Caroline County Senators**

Introduced and read first time: January 26, 2017

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Caroline County – Benedictine School**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$300,000, the
4 proceeds to be used as a grant to the Board of Trustees of the Benedictine School for
5 Exceptional Children Foundation, Inc. for certain development or improvement
6 purposes; providing for disbursement of the loan proceeds, subject to a requirement
7 that the grantee provide and expend a matching fund; prohibiting the use of the loan
8 proceeds or matching fund for sectarian religious purposes; establishing a deadline
9 for the 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 MARYLAND,
12 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 Caroline County –
15 Benedictine School Loan of 2017 in a total principal amount equal to the lesser of (i)
16 \$300,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5)
17 below. This loan shall be evidenced by the issuance, sale, and delivery of State general
18 obligation bonds authorized by a resolution of the Board of Public Works and issued, sold,
19 and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance
20 and Procurement Article.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the following public purposes, including any applicable architects' and engineers' fees: as a
2 grant to the Board of Trustees of the Benedictine School for Exceptional Children
3 Foundation, Inc. (referred to hereafter in this Act as "the grantee") for the acquisition,
4 planning, design, construction, repair, renovation, reconstruction, site improvement, and
5 capital equipping of the Benedictine School, located in Caroline County.

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

10 (5) Prior to the payment of any funds under the provisions of this Act for the
11 purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching
12 fund. No part of the grantee's matching fund may be provided, either directly or indirectly,
13 from funds of the State, whether appropriated or unappropriated. No part of the fund may
14 consist of real property, in kind contributions, or funds expended prior to the effective date
15 of this Act. In case of any dispute as to the amount of the matching fund or what money or
16 assets may qualify as matching funds, the Board of Public Works shall determine the
17 matter and the Board's decision is final. The grantee has until June 1, 2019, to present
18 evidence satisfactory to the Board of Public Works that a matching fund will be provided.
19 If satisfactory evidence is presented, the Board shall certify this fact and the amount of the
20 matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of
21 the matching fund shall be expended for the purposes provided in this Act. Any amount of
22 the loan in excess of the amount of the matching fund certified by the Board of Public Works
23 shall be canceled and be of no further effect.

24 (6) No portion of the proceeds of the loan or any of the matching funds may be
25 used for the furtherance of sectarian religious instruction, or in connection with the design,
26 acquisition, or construction of any building used or to be used as a place of sectarian
27 religious worship or instruction, or in connection with any program or department of
28 divinity for any religious denomination. Upon the request of the Board of Public Works, the
29 grantee shall submit evidence satisfactory to the Board that none of the proceeds of the
30 loan or any matching funds have been or are being used for a purpose prohibited by this
31 Act.

32 (7) The proceeds of the loan must be expended or encumbered by the Board of
33 Public Works for the purposes provided in this Act no later than June 1, 2024. If any funds
34 authorized by this Act remain unexpended or unencumbered after June 1, 2024, the
35 amount of the unencumbered or unexpended authorization shall be canceled and be of no
36 further effect. If bonds have been issued for the loan, the amount of unexpended or
37 unencumbered bond proceeds shall be disposed of as provided in § 8-129 of the State
38 Finance and Procurement Article.

39 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
40 1, 2017.