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CF 6r2382

By: Delegates Walkup, W. Baker, and Guns

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Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 1996

CHAPTER _____

1 AN ACT concerning

2 Creation of a State Debt - Benedictine School for Exceptional Children

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$150,000, the
4 proceeds to be used as a grant to the Benedictine School for Exceptional Children
5 ~~in Caroline 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; providing that no proceeds of a loan
8 or any matching funds may be used for religious purposes; and providing generally
9 for the issuance and sale of bonds evidencing the loan.

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

12 (1) The Board of Public Works may borrow money and incur indebtedness on
13 behalf of the State of Maryland through a State loan to be known as the Benedictine
14 School for Exceptional Children Loan of 1996 in a total principal amount equal to the
15 lesser of (i) \$150,000 or (ii) the amount of the matching fund provided in accordance with
16 Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of
17 State general obligation bonds authorized by a resolution of the Board of Public Works
18 and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of the State
19 Finance and Procurement Article and Article 31, § 22 of the Code.

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

23 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and
24 first shall be applied to the payment of the expenses of issuing, selling, and delivering the
25 bonds, unless funds for this purpose are otherwise provided, and then shall be credited on
26 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 Benedictine School for Exceptional Children (known hereafter in this
3 Act as "the grantee") for the repair and renovation of the Benedictine School for
4 Exceptional Children in Caroline County, including replacement of roofs, road
5 resurfacing and repair, and groundwater drainage improvements, and for the installation
6 of air-conditioning in the Academic Hall.

7 (4) An annual State tax is imposed on all assessable property in theState in rate
8 and amount sufficient to pay the principal of and interest on the bondsas and when due
9 and until paid in full. The principal shall be discharged within 15 years after the date of
10 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 andexpend a matching
13 fund. No part of the grantee's matching fund may be provided, either directly or
14 indirectly, from funds of the State, whether appropriated or unappropriated. No part of
15 the fund may consist of real property, in kind contributions, or funds expended prior to
16 the effective date of this Act. In case of any dispute as to the amountof the matching
17 fund or what money or assets may qualify as matching funds, the Board of Public Works
18 shall determine the matter and the Board's decision is final. The grantee has until June 1,
19 1998, to present evidence satisfactory to the Board of Public Works that a matching fund
20 will be provided. If satisfactory evidence is presented, the Board shall certify this fact and
21 the amount of the matching fund to the State Treasurer, and the proceeds of the loan
22 equal to the amount of the matching fund shall be expended for the purposes provided in
23 this Act. Any amount of the loan in excess of the amount of the matching fund certified
24 by the Board of Public Works shall be canceled and be of no further effect.

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 June 1, 1996.