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**By: Delegates Hurson, Grosfeld, Billings, Goldwater, Genn, and Kopp**

Introduced and read first time: January 31, 1997

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Montgomery County - Air Rights Building Tunnel**

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 County Executive and County Council of  
5 Montgomery County for certain acquisition, 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; and providing generally for  
8 the 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 Montgomery  
13 County - Air Rights Building Tunnel Loan of 1997 in a total principal amount equal to  
14 the lesser of (i) \$300,000 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,  
26 for the following public purposes, including any applicable architects' and engineers' fees:  
27 as a grant to the County Executive and County Council of Montgomery County (referred  
28 to hereafter in this Act as "the grantee") for the renovation and repair of the tunnel  
29 under the Air Rights Building on Wisconsin Avenue.

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

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

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