

EMERGENCY BILL

B2

7lr2869

CF 7lr2868

By: Delegate Edwards

Introduced and read first time: February 14, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County - Glendale Bridge Loan of 1986, Glendale Bridge Loan of 1988, and**
3 **Garrett County - Glendale Bridge Loan of 1995**

4 FOR the purpose of amending Chapter 414 of the Acts of the General Assembly of 1986,
5 as amended by Chapter 467 of the Acts of the General Assembly of 1988 and
6 Chapter 522 of the Acts of the General Assembly of 1990, the Glendale Bridge
7 Loan of 1986, Chapter 501 of the Acts of the General Assembly of 1988, as
8 amended by Chapter 177 of the Acts of the General Assembly of 1990, the Glendale
9 Bridge Loan of 1988, and Chapter 283 of the Acts of the General Assembly of 1995,
10 the Garrett County - Glendale Bridge Loan of 1995, to remove restrictions on the
11 grantee's matching fund under these Acts in relation to federal funds assigned to
12 the State in connection with the Glendale Bridge project; making this Act an
13 emergency measure; and generally relating to funding for the Glendale Bridge
14 project in Garrett County.

15 BY repealing and reenacting, with amendments,
16 Chapter 414 of the Acts of the General Assembly of 1986, as amended by Chapter
17 467 of the Acts of the General Assembly of 1988 and Chapter 522 of the Acts
18 of the General Assembly of 1990
19 Section 1

20 BY repealing and reenacting, with amendments,
21 Chapter 501 of the Acts of the General Assembly of 1988, as amended by Chapter
22 177 of the Acts of the General Assembly of 1990
23 Section 1

24 BY repealing and reenacting, with amendments,
25 Chapter 283 of the Acts of the General Assembly of 1995
26 Section 1

27 Preamble

28 WHEREAS, In 1989, pursuant to an agreement between then Secretary of
29 Transportation Richard H. Trainor and the Garrett County Roads Department, the State
30 agreed to use State aid funds in lieu of the \$1,918,707 county federal bridge

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1 replacement/rehabilitation fund balance in order to expedite the Glendale Bridge project;
2 and

3 WHEREAS, As a result of this agreement, the federal funds were channeled
4 through the State; and

5 WHEREAS, Absent this agreement, the federal funding would have been directly
6 available to Garrett County and available to satisfy the match for State grants; and

7 WHEREAS, There never was any intent to preclude use of federal moneys to satisfy
8 the matching requirements; and

9 WHEREAS, It is necessary to clarify the application of the law in light of this
10 agreement; now, therefore,

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Chapter 414 of the Acts of 1986, as amended by Chapter 467 of the Acts of 1988 and**
14 **Chapter 522 of the Acts of 1990**

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That:

17 (1) The Board of Public Works may borrow money and incur indebtedness on
18 behalf of the State of Maryland through a State loan to be known as the Glendale Bridge
19 Loan of 1986 in the total principal amount of \$200,000. This loan shall be evidenced by
20 the issuance, sale, and delivery of State general obligation bonds authorized by a
21 resolution of the Board of Public Works and issued, sold, and delivered in accordance
22 with §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article
23 31, § 22 of the Code.

24 (2) The bonds to evidence this loan or installments of this loan may be sold as a
25 single issue, or may be consolidated and sold as part of a single issue of bonds under §
26 8-122 of the State Finance and Procurement Article.

27 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and
28 first shall be applied to the payment of the expenses of issuing, selling, and delivering the
29 bonds, unless funds for this purpose are otherwise provided, and then shall be credited on
30 the books of the Comptroller and expended, on approval by the Board of Public Works,
31 for the following public purposes, including any applicable architects' and engineers' fees:
32 as a grant to the Board of County Commissioners of Garrett County for the purpose of
33 planning, design, and construction of a replacement bridge for the Glendale Bridge over
34 Deep Creek Lake, including the costs of land acquisition and utility relocation associated
35 with the Glendale Bridge project.

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

40 (5) Prior to the payment of any funds under the provisions of this Act for the
41 purposes set forth in Section 1(3) above, the Board of County Commissioners of Garrett

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1 County shall provide at least an equal and matching fund of \$200,000. [No] EXCEPT FOR
2 FEDERAL FUNDS ASSIGNED TO THE STATE IN CONNECTION WITH THE GLENDALE
3 BRIDGE PROJECT, NO part of an applicant's matching fund may be provided, either
4 directly or indirectly, from funds of the State, whether appropriated or unappropriated.
5 No part of the fund may consist of real property, in kind contributions, or funds expended
6 prior to the effective date of this Act. In case of any dispute as to what money or assets
7 may qualify as matching funds, the Board of Public Works shall determine the matter,
8 and the Board's decision is final. The Board of County Commissioners of Garrett County
9 has until June 1, 1992, to present evidence satisfactory to the Board of Public Works that
10 the matching fund will be provided. If satisfactory evidence is presented, the Board shall
11 certify this fact to the State Treasurer and the proceeds of the loan shall be expended for
12 the purposes provided in this Act. If this evidence is not presented by June 1, 1992, the
13 proceeds of the loan shall be applied to the purposes authorized in § 8-129 of the State
14 Finance and Procurement Article.

15 **Chapter 501 of the Acts of 1988, as amended by Chapter 177 of the Acts of 1990**

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That:

18 (1) The Board of Public Works may borrow money and incur indebtedness on
19 behalf of the State of Maryland through a State loan to be known as the Glendale Bridge
20 Loan of 1988 in the total principal amount of \$200,000. This loan shall be evidenced by
21 the issuance, sale, and delivery of State general obligation bonds authorized by a
22 resolution of the Board of Public Works and issued, sold, and delivered in accordance
23 with §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article
24 31, § 22 of the Code.

25 (2) The bonds to evidence this loan or installments of this loan may be sold as a
26 single issue, or may be consolidated and sold as part of a single issue of bonds under §
27 8-122 of the State Finance and Procurement Article.

28 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and
29 first shall be applied to the payment of the expenses of issuing, selling, and delivering the
30 bonds, unless funds for this purpose are otherwise provided, and then shall be credited on
31 the books of the Comptroller and expended, on approval by the Board of Public Works,
32 for the following public purposes, including any applicable architects' and engineers' fees:
33 as a grant to the Board of County Commissioners of Garrett County for the purpose of
34 the planning, design, and construction of a replacement bridge for the Glendale Bridge
35 over Deep Creek Lake, including the costs of land acquisition and utility relocation
36 associated with the Glendale Bridge project.

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

41 (5) Prior to the payment of any funds under the provisions of this Act for the
42 purposes set forth in Section 1(3) above, the Board of County Commissioners of Garrett
43 County shall provide at least an equal and matching fund of \$200,000. [No] EXCEPT FOR
44 FEDERAL FUNDS ASSIGNED TO THE STATE IN CONNECTION WITH THE GLENDALE

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1 BRIDGE PROJECT, NO part of an applicant's matching fund may be provided, either
2 directly or indirectly, from funds of the State, whether appropriated or unappropriated.
3 No part of the fund may consist of real property, in kind contributions, or funds expended
4 prior to the effective date of this Act. In case of any dispute as to what money or assets
5 may qualify as matching funds, the Board of Public Works shall determine the matter,
6 and the Board's decision is final. The Board of County Commissioners of Garrett County
7 has until June 1, 1992, to present evidence satisfactory to the Board of Public Works that
8 the matching fund will be provided. If satisfactory evidence is presented, the Board shall
9 certify this fact to the State Treasurer and the proceeds of the loan shall be expended for
10 the purposes provided in this Act. If this evidence is not presented by June 1, 1992, the
11 proceeds of the loan shall be applied to the purposes authorized in § 8-129 of the State
12 Finance and Procurement Article.

13 **Chapter 283 of the Acts of 1995**

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That:

16 (1) The Board of Public Works may borrow money and incur indebtedness on
17 behalf of the State of Maryland through a State loan to be known as the Garrett County
18 - Glendale Bridge Loan of 1995 in a total principal amount equal to the lesser of (i)
19 \$400,000 or (ii) the amount of the matching fund provided in accordance with Section
20 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State
21 general obligation bonds authorized by a resolution of the Board of Public Works and
22 issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of the State
23 Finance and Procurement Article and Article 31, § 22 of the Code.

24 (2) The bonds to evidence this loan or installments of this loan may be sold as a
25 single issue or may be consolidated and sold as part of a single issue of bonds under §
26 8-122 of the State Finance and Procurement Article.

27 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and
28 first shall be applied to the payment of the expenses of issuing, selling, and delivering the
29 bonds, unless funds for this purpose are otherwise provided, and then shall be credited on
30 the books of the Comptroller and expended, on approval by the Board of Public Works,
31 for the following public purposes, including any applicable architects' and engineers' fees:
32 as a grant to the County Commissioners of Garrett County (referred to hereafter in this
33 Act as "the grantee") for the planning, design, and construction of a replacement bridge
34 for the Glendale Bridge over Deep Creek Lake in Garrett County, including any land
35 acquisition and relocation of utilities necessitated by the construction of the new bridge.

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

40 (5) Prior to the payment of any funds under the provisions of this Act for the
41 purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching
42 fund. [No] EXCEPT FOR FEDERAL FUNDS ASSIGNED TO THE STATE IN CONNECTION
43 WITH THE GLENDALE BRIDGE PROJECT, NO part of the grantee's matching fund may be
44 provided, either directly or indirectly, from funds of the State, whether appropriated or

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1 unappropriated. No part of the fund may consist of real property, in kind contributions,
2 or funds expended prior to the effective date of this Act. In case of any dispute as to the
3 amount of the matching fund or what money or assets may qualify as matching funds, the
4 Board of Public Works shall determine the matter and the Board's decision is final. The
5 grantee has until June 1, 1997, to present evidence satisfactory to the Board of Public
6 Works that a matching fund will be provided. If satisfactory evidence is presented, the
7 Board shall certify this fact and the amount of the matching fund to the State Treasurer,
8 and the proceeds of the loan equal to the amount of the matching fund shall be expended
9 for the purposes provided in this Act. Any amount of the loan in excess of the amount of
10 the matching fund certified by the Board of Public Works shall be canceled and be of no
11 further effect.

12 (6) The Maryland Department of Transportation shall provide a \$500,000 grant
13 and a \$500,000 interest-free loan to the grantee to support this project. The Department
14 of Natural Resources shall provide any technical or in kind assistance requested by the
15 grantee or the Maryland Department of Transportation for this project.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
17 measure, is necessary for the immediate preservation of the public health and safety, has
18 been passed by a ye and nay vote supported by three-fifths of all the members elected to
19 each of the two Houses of the General Assembly, and shall take effect from the date it is
20 enacted.