

EMERGENCY BILL

B2

7lr2869

CF 7lr2868

By: Delegate Edwards

Introduced and read first time: February 14, 1997

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 1997

CHAPTER ____

1 AN ACT concerning

2 **Garrett County - Glendale Bridge Loan of 1986, 1988, and**
3 **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~~ State aid in lieu of federal funds appropriated in connection with the
13 Glendale Bridge project; making this Act an emergency measure; and generally
14 relating to funding for the Glendale Bridge 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

2

1 Section 1

2 Preamble

3 WHEREAS, In 1989, pursuant to an agreement between then Secretary of
4 Transportation Richard H. Trainor and the Garrett County Roads Department, the State
5 agreed to use State aid funds in lieu of the \$1,918,707 county federal bridge
6 replacement/rehabilitation fund balance in order to expedite the Glendale Bridge project;
7 and

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

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

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

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

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

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

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That:

22 (1) The Board of Public Works may borrow money and incur indebtedness on
23 behalf of the State of Maryland through a State loan to be known as the Glendale Bridge
24 Loan of 1986 in the total principal amount of \$200,000. This loan shall be evidenced by
25 the issuance, sale, and delivery of State general obligation bonds authorized by a
26 resolution of the Board of Public Works and issued, sold, and delivered in accordance
27 with §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article
28 31, § 22 of the Code.

29 (2) The bonds to evidence this loan or installments of this loan may be sold as a
30 single issue, or may be consolidated and sold as part of a single issue of bonds under §
31 8-122 of the State Finance and Procurement Article.

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

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

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

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

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 24 MARYLAND, That:

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

32 (2) The bonds to evidence this loan or installments of this loan may be sold as a
 33 single issue, or may be consolidated and sold as part of a single issue of bonds under §
 34 8-122 of the State Finance and Procurement Article.

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

4

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

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

22 **Chapter 283 of the Acts of 1995**

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 24 MARYLAND, That:

25 (1) The Board of Public Works may borrow money and incur indebtedness on
 26 behalf of the State of Maryland through a State loan to be known as the Garrett County
 27 - Glendale Bridge Loan of 1995 in a total principal amount equal to the lesser of (i)
 28 \$400,000 or (ii) the amount of the matching fund provided in accordance with Section
 29 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State
 30 general obligation bonds authorized by a resolution of the Board of Public Works and
 31 issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of the State
 32 Finance and Procurement Article and Article 31, § 22 of the Code.

33 (2) The bonds to evidence this loan or installments of this loan may be sold as a
 34 single issue or may be consolidated and sold as part of a single issue of bonds under §
 35 8-122 of the State Finance and Procurement Article.

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

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

5 (5) Prior to the payment of any funds under the provisions of this Act for the
6 purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching
7 fund. [No] EXCEPT FOR ~~FEDERAL FUNDS ASSIGNED TO THE STATE~~ STATE AID IN
8 LIEU OF FEDERAL FUNDS APPROPRIATED IN CONNECTION WITH THE GLENDALE
9 BRIDGE PROJECT, NO part of the grantee's matching fund may be provided, either
10 directly or indirectly, from funds of the State, whether appropriated or unappropriated.
11 No part of the fund may consist of real property, in kind contributions, or funds expended
12 prior to the effective date of this Act. In case of any dispute as to the amount of the
13 matching fund or what money or assets may qualify as matching funds, the Board of
14 Public Works shall determine the matter and the Board's decision is final. The grantee
15 has until June 1, 1997, to present evidence satisfactory to the Board of Public Works that
16 a matching fund will be provided. If satisfactory evidence is presented, the Board shall
17 certify this fact and the amount of the matching fund to the State Treasurer, and the
18 proceeds of the loan equal to the amount of the matching fund shall be expended for the
19 purposes provided in this Act. Any amount of the loan in excess of the amount of the
20 matching fund certified by the Board of Public Works shall be canceled and be of no
21 further effect.

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

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