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SB 320/96 - B&T

1997 Regular Session  
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**By: Senators Roesser, Ruben, Hogan, Middleton, and Forehand**

Introduced and read first time: January 31, 1997

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Montgomery County - Byron House**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,125,000,  
4 the proceeds to be used as a grant to the Board of Directors of Victory Housing,  
5 Inc. for certain acquisition, development, or improvement purposes; providing for  
6 disbursement of the loan proceeds, subject to a requirement that the grantee  
7 provide and expend a matching fund; prohibiting the grantee from using the  
8 proceeds of the loan or the matching fund for sectarian religious purposes; and  
9 providing generally 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 Montgomery  
14 County - Byron House Loan of 1997 in a total principal amount equal to the lesser of (i)  
15 \$1,125,000 or (ii) the amount of the matching fund provided in accordance with Section  
16 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State  
17 general obligation bonds authorized by a resolution of the Board of Public Works and  
18 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,  
27 for the following public purposes, including any applicable architects' and engineers' fees:  
28 as a grant to the Board of Directors of Victory Housing, Inc. (referred to hereafter in this  
29 Act as "the grantee") for the planning, design, and construction of, and for the provision  
30 of capital equipment for, an assisted living facility for frail elderly individuals, to be  
31 named Byron House and to be located in Potomac, in Montgomery County.

32 (4) An annual State tax is imposed on all assessable property in the State in rate  
33 and amount sufficient to pay the principal of and interest on the bonds, as and when due

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1 and until paid in full. The principal shall be discharged within 15 years after the date of  
2 issuance of the bonds.

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

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

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