

## EMERGENCY BILL

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CF 7lr2869

**By: Senator Hafer**

Introduced and read first time: February 14, 1997

Assigned to: Rules

Re-referred to: Budget and Taxation, February 24, 1997

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 1997

## CHAPTER \_\_\_\_\_

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~~ 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,

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1 Chapter 283 of the Acts of the General Assembly of 1995  
2 Section 1

3 Preamble

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

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

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

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

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

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

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

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

23 (1) The Board of Public Works may borrow money and incur indebtedness on  
24 behalf of the State of Maryland through a State loan to be known as the Glendale Bridge  
25 Loan of 1986 in the total principal amount of \$200,000. This loan shall be evidenced by  
26 the issuance, sale, and delivery of State general obligation bonds authorized by a  
27 resolution of the Board of Public Works and issued, sold, and delivered in accordance  
28 with §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article  
29 31, § 22 of the Code.

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

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

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1 Deep Creek Lake, including the costs of land acquisition and utility relocation associated  
 2 with the Glendale Bridge project.

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

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

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

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 26 MARYLAND, That:

27 (1) The Board of Public Works may borrow money and incur indebtedness on  
 28 behalf of the State of Maryland through a State loan to be known as the Glendale Bridge  
 29 Loan of 1988 in the total principal amount of \$200,000. This loan shall be evidenced by  
 30 the issuance, sale, and delivery of State general obligation bonds authorized by a  
 31 resolution of the Board of Public Works and issued, sold, and delivered in accordance  
 32 with §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article  
 33 31, § 22 of the Code.

34 (2) The bonds to evidence this loan or installments of this loan may be sold as a  
 35 single issue, or may be consolidated and sold as part of a single issue of bonds under §  
 36 8-122 of the State Finance and Procurement Article.

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

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1 over Deep Creek Lake, including the costs of land acquisition and utility relocation  
2 associated with the Glendale Bridge project.

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

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

24 **Chapter 283 of the Acts of 1995**

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That:

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

35 (2) The bonds to evidence this loan or installments of this loan may be sold as a  
36 single issue or may be consolidated and sold as part of a single issue of bonds under §  
37 8-122 of the State Finance and Procurement Article.

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

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1 for the Glendale Bridge over Deep Creek Lake in Garrett County, including any land  
2 acquisition and relocation of utilities necessitated by the construction of the new bridge.

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

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

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

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