
By: **Senators Ferguson and Mooney (Frederick County Senators)**

Introduced and read first time: February 1, 1999

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 2, 1999

CHAPTER _____

1 AN ACT concerning

2 **Frederick County - Purchase or Lease of Personal Property**

3 FOR the purpose of granting Frederick County the power to purchase or lease certain
4 personal property under certain conditions; and generally relating to the
5 purchase or lease of personal property by Frederick County.

6 BY repealing and reenacting, with amendments,
7 Article 25 - County Commissioners
8 Section 9D
9 Annotated Code of Maryland
10 (1998 Replacement Volume and 1998 Supplement)

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

13 **Article 25 - County Commissioners**

14 9D.

15 (a) This section applies only to the following counties:

- 16 (1) Calvert County,
- 17 (2) Caroline County,
- 18 (3) Charles County,
- 19 (4) Dorchester County, [and]

1 (5) Garrett County, AND

2 (6) FREDERICK COUNTY.

3 (b) The county commissioners in the exercise of their borrowing powers may:

4 (1) Purchase or lease any personal property necessary or desirable for
5 the operation of their respective county, pursuant to a multiyear contract requiring
6 that the county commissioners of the purchasing or leasing county make installment
7 or rental payments during 2 or more fiscal years;

8 (2) Pay interest as part of any installment or rental payments in
9 accordance with the terms of the contract; and

10 (3) Pledge and assign the personal property purchased or leased
11 pursuant to any contract to secure the purchasing or leasing county's obligations.

12 (c) The action specified in subsection (b) of this section may be taken if the
13 following conditions are met:

14 (1) Funds sufficient to pay all amounts due under the contract during
15 the first fiscal year in which the contract is effective are or will be available and have
16 been appropriated and can be used for this purpose;

17 (2) The contract includes a termination provision which permits the
18 purchasing or leasing county to terminate the contract if funds sufficient to pay all
19 amounts due under the contract for any fiscal year are not appropriated for this
20 purpose for the fiscal year. However, the contract may provide that termination of the
21 contract shall be ineffective if the county purchases or leases personal property
22 similar or functionally related to that purchased or leased under the contract within
23 a period of time after termination, as specified in the contract;

24 (3) The contract provides that, absent a default in payment by the
25 purchasing or leasing county under the contract, any obligation to pay amounts due
26 under the contract shall be limited to funds appropriated for this purpose for that
27 fiscal year; and

28 (4) The contract provides that, in the event of default in payment by the
29 county under the contract, any obligation to pay amounts due under the contract shall
30 be limited to funds appropriated for this purpose for that fiscal year, amounts realized
31 from the personal property purchased or leased under the contract, and any other
32 funds legally available for this purpose.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 1999.

