

SENATE BILL 661

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B2

1999 Regular Session  
9lr2339  
CF 9lr1752

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By: **Senator Miller**  
Introduced and read first time: February 11, 1999  
Assigned to: Rules  
Re-referred to: Budget and Taxation, February 16, 1999

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: April 1, 1999

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Creation of a State Debt - Prince George's County - Top Banana Home**  
3 **Delivered Groceries, Inc.**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed ~~\$130,000~~  
5 \$120,000, the proceeds to be used as a grant to the Board of Directors of Top  
6 Banana Home Delivered Groceries, Inc. for certain development or improvement  
7 purposes; providing for disbursement of the loan proceeds, subject to a  
8 requirement that the grantee provide and expend a matching fund; 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 Prince  
14 George's County - Top Banana Home Delivered Groceries, Inc. Loan of 1999 in a total  
15 principal amount equal to the lesser of (i) ~~\$130,000~~ \$120,000 or (ii) the amount of the  
16 matching fund provided in accordance with Section 1(5) below. This loan shall be  
17 evidenced by the issuance, sale, and delivery of State general obligation bonds  
18 authorized by a resolution of the Board of Public Works and issued, sold, and  
19 delivered in accordance with §§ 8-117 through 8-124 of the State Finance and  
20 Procurement Article and Article 31, § 22 of the Code.

21 (2) The bonds to evidence this loan or installments of this loan may be sold as  
22 a single issue or may be consolidated and sold as part of a single issue of bonds under  
23 § 8-122 of the State Finance and Procurement Article.

1 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
2 and first shall be applied to the payment of the expenses of issuing, selling, and  
3 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
4 shall be credited on the books of the Comptroller and expended, on approval by the  
5 Board of Public Works, for the following public purposes, including any applicable  
6 architects' and engineers' fees: as a grant to the Board of Directors of Top Banana  
7 Home Delivered Groceries, Inc. (referred to hereafter in this Act as "the grantee") for  
8 the acquisition, renovation, repair, construction, reconstruction, and capital  
9 equipping of the old Brandywine Post Office, including the installation of a new roof,  
10 construction of a three bay garage and an enclosed loading dock, and expansion of  
11 administrative office space.

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

16 (5) Prior to the payment of any funds under the provisions of this Act for the  
17 purposes set forth in Section 1(3) above, the grantee shall provide and expend a  
18 matching fund. No part of the grantee's matching fund may be provided, either  
19 directly or indirectly, from funds of the State, whether appropriated or  
20 unappropriated. No part of the fund may consist of real property, ~~in kind~~  
21 ~~contributions~~, or funds expended prior to the effective date of this Act. The fund may  
22 consist of in kind contributions. In case of any dispute as to the amount of the  
23 matching fund or what money or assets may qualify as matching funds, the Board of  
24 Public Works shall determine the matter and the Board's decision is final. The  
25 grantee has until June 1, 2001, to present evidence satisfactory to the Board of Public  
26 Works that a matching fund will be provided. If satisfactory evidence is presented, the  
27 Board shall certify this fact and the amount of the matching fund to the State  
28 Treasurer, and the proceeds of the loan equal to the amount of the matching fund  
29 shall be expended for the purposes provided in this Act. Any amount of the loan in  
30 excess of the amount of the matching fund certified by the Board of Public Works  
31 shall be canceled and be of no further effect.

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