

SENATE BILL 894

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B2

2000 Regular Session
0lr3071

By: **Senators Miller, Blount, Hoffman, and Middleton**

Introduced and read first time: March 3, 2000

Assigned to: Rules

Re-referred to: Budget and Taxation, March 6, 2000

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2000

CHAPTER _____

1 AN ACT concerning

2 **Creation of a State Debt - Aging School Program - Qualified Zone Academy**
3 **Bonds**

4 FOR the purpose of authorizing the creation of a State Debt in the amount of
5 ~~\$9,800,000~~ \$9,828,000, the proceeds to be used as a grant to the Interagency
6 Committee on School Construction for certain development or improvement
7 purposes; providing for disbursement of the loan proceeds and the allocation of
8 funds to eligible school systems, subject to a requirement that the grantee
9 ~~provide and expend~~ document the provision of a required Federal matching
10 fund; authorizing the Board of Public Works to sell certain bonds at certain
11 sales; and providing generally for the issuance and sale of bonds evidencing the
12 loan.

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That:

15 (1) The Board of Public Works may borrow money and incur indebtedness on
16 behalf of the State of Maryland through a State loan to be known as the Aging School
17 Program - Qualified Zone Academy Bonds Loan of 2000 in a total principal amount of
18 ~~\$9,800,000~~ \$9,828,000. This loan shall be evidenced by the issuance, sale, and
19 delivery of State general obligation qualified zone academy bonds, as defined in §
20 1397E(d)(1) of the Internal Revenue Code of the United States, as amended,
21 authorized by a resolution of the Board of Public Works and issued, sold, and
22 delivered in accordance with §§ 8-117 through 8-124 of the State Finance and
23 Procurement Article, Article 31, § 22 of the Code, and § 1397E of the Internal Revenue
24 Code, as amended.

1 (2) The bonds to evidence this loan or installments of this loan may be sold as
2 a single issue or may be consolidated and sold as part of a single issue of bonds under
3 § 8-122 of the State Finance and Procurement Article. Notwithstanding § 8-123 of
4 the State Finance and Procurement Article, the Board of Public Works may sell the
5 bonds authorized herein at one or more private sales that best meet the terms and
6 conditions of sale set by the Board.

7 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
8 and first shall be applied to the payment of the expenses of issuing, selling, and
9 delivering the bonds, unless funds for this purpose are otherwise provided, and then
10 shall be credited on the books of the Comptroller, and held separately in a qualified
11 zone academy bond account, and expended, on approval by the Board of Public Works,
12 for the following public purposes, ~~including any applicable architects' and engineers'~~
13 ~~fees:~~ as a grant to the Interagency Committee on School Construction (referred to
14 hereafter in this Act as "the grantee") for the allocation to eligible school systems
15 under the Aging School Program for the renovation, repair, and capital equipping
16 improvements of qualified zone academies, as defined in § 1397E(d)(4)(A) of the
17 Internal Revenue Code, as amended, and in accordance with the Aging Schools School
18 Program of the Interagency Committee on School Construction, as provided under §
19 5-303 of the Education Article of the Annotated Code of Maryland.

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

24 (5) (a) The grantee shall ~~provide and expend~~ document the provision of a
25 matching fund as provided in this paragraph.

26 (b) No part of the ~~grantee's~~ matching fund may be provided, either
27 directly or indirectly, from funds of the State, whether appropriated or
28 unappropriated. No part of the fund may consist of real property. The fund shall
29 consist of private business contributions, which may consist of funds or in kind
30 contributions, as required under § 1397E(d)(2) of the Internal Revenue Code, as
31 amended. In case of any dispute as to ~~the amount of the matching fund or what~~
32 ~~money or assets may qualify as matching funds,~~ the Board of Public Works shall
33 determine the matter and the Board's decision is final.

34 (c) The grantee shall present evidence to the satisfaction of the Board of
35 Public Works of the provision and ~~expenditure~~ documentation of the matching fund,
36 and the Board of Public Works shall authorize the disbursement of the proceeds of the
37 grant under the provisions of this Act for the purposes set forth in Section 1(3) above.

38 (d) As the grantee ~~provides and expends~~ documents the provision of the
39 matching fund and meets other requirements of § 1397E of the Internal Revenue
40 Code, as amended, the Board of Public Works shall authorize the disbursement of an
41 installment of the proceeds of the grant in proportion to the matching fund ~~presented~~
42 documented at that time by the grantee.

1 (e) This method of ~~presentation~~ documentation of the matching fund
2 shall continue until the first to occur of the disbursement of the total amount of the
3 grant or June 1, 2002.

4 (f) The grantee has until June 1, 2002, to present the final evidence
5 satisfactory to the Board of Public Works that the total matching fund will be
6 provided and documented. If satisfactory evidence is presented, the Board shall
7 certify this fact, ~~the amount of the final installment of the matching fund, and the~~
8 ~~amount of the total matching fund~~ to the State Treasurer, and the final proceeds of
9 the loan equal proportional to the final installment of the matching fund shall be
10 expended for the purposes provided in this Act. After June 1, 2002, any amount of the
11 loan ~~in excess of the amount of the matching fund certified by the Board of Public~~
12 ~~Works that has not been authorized by the Board of Public Works for disbursement~~
13 shall be canceled and be of no further effect.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect June 1, 2000.