

SENATE BILL 112

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B3

2001 Regular Session  
1r1039

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By: **Senators Baker and Hooper**

Introduced and read first time: January 15, 2001

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Caroline County - The Benedictine School**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$248,000,  
4 the proceeds to be used as a grant to the Board of Directors of Benedictine  
5 Programs and Services, Inc. for certain development or improvement purposes;  
6 prohibiting the use of the proceeds of the sale of the bonds and the matching  
7 fund for religious purposes; providing for disbursement of the loan proceeds,  
8 subject to a requirement that the grantee provide and expend a matching fund;  
9 and 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 Caroline  
14 County - The Benedictine School Loan of 2001 in a total principal amount equal to  
15 the lesser of (i) \$248,000 or (ii) the amount of the matching fund provided in  
16 accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale,  
17 and delivery of State general obligation bonds authorized by a resolution of the Board  
18 of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through  
19 8-124 of the State 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  
21 a 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  
24 and first shall be applied to the payment of the expenses of issuing, selling, and  
25 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
26 shall be credited on the books of the Comptroller and expended, on approval by the  
27 Board of Public Works, for the following public purposes, including any applicable  
28 architects' and engineers' fees: as a grant to the Board of Directors of Benedictine  
29 Programs and Services, Inc. (referred to hereafter in this Act as "the grantee") for the  
30 acquisition of land for, for the planning, design, construction, and capital equipping of  
31 a new group home for, and for the relocation, renovation, repair, reconstruction, and

1 capital equipping of existing facilities at, The Benedictine School, a school for children  
2 and young adults with disabilities, located in Ridgley, Maryland.

3 (4) An annual State tax is imposed on all assessable property in the State in  
4 rate and amount sufficient to pay the principal of and interest on the bonds, as and  
5 when due and until paid in full. The principal shall be discharged within 15 years  
6 after the date of 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  
9 matching fund. No part of the grantee's matching fund may be provided, either  
10 directly or indirectly, from funds of the State, whether appropriated or  
11 unappropriated. No part of the fund may consist of real property or in kind  
12 contributions. The fund may consist of funds expended prior to the effective date of  
13 this Act. In case of any dispute as to the amount of the matching fund or what money  
14 or assets may qualify as matching funds, the Board of Public Works shall determine  
15 the matter and the Board's decision is final. The grantee has until June 1, 2003, to  
16 present evidence satisfactory to the Board of Public Works that a matching fund will  
17 be provided. If satisfactory evidence is presented, the Board shall certify this fact and  
18 the amount of the matching fund to the State Treasurer, and the proceeds of the loan  
19 equal to the amount of the matching fund shall be expended for the purposes provided  
20 in this Act. Any amount of the loan in excess of the amount of the matching fund  
21 certified by the Board of Public Works shall be canceled and be of no further effect.

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 June 1, 2001.