

SENATE BILL 315

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B2

2004 Regular Session
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By: **Senators Munson, Hafer, and Mooney**
Introduced and read first time: February 2, 2004
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Washington County - Aspiring to Serve the**
3 **Community**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$200,000,
5 the proceeds to be used as a grant to the Board of Directors of Aspiring to Serve,
6 Inc. for certain development or improvement purposes; providing for
7 disbursement of the loan proceeds, subject to a requirement that the grantee
8 provide and expend a matching fund; establishing a deadline for the
9 encumbrance or expenditure of the loan proceeds; prohibiting the use of the loan
10 proceeds or the matching fund for sectarian religious purposes; and providing
11 generally for the issuance and sale of bonds evidencing the loan.

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

14 (1) The Board of Public Works may borrow money and incur indebtedness on
15 behalf of the State of Maryland through a State loan to be known as the Washington
16 County - Aspiring to Serve the Community Loan of 2004 in a total principal amount
17 equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided in
18 accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale,
19 and delivery of State general obligation bonds authorized by a resolution of the Board
20 of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through
21 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

22 (2) The bonds to evidence this loan or installments of this loan may be sold as
23 a single issue or may be consolidated and sold as part of a single issue of bonds under
24 § 8-122 of the State Finance and Procurement Article.

25 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
26 and first shall be applied to the payment of the expenses of issuing, selling, and
27 delivering the bonds, unless funds for this purpose are otherwise provided, and then
28 shall be credited on the books of the Comptroller and expended, on approval by the
29 Board of Public Works, for the following public purposes, including any applicable
30 architects' and engineers' fees: as a grant to the Board of Directors of Aspiring to
31 Serve, Inc. (referred to hereafter in this Act as "the grantee") for the construction and

1 renovation of a building to serve as a homeless shelter and rental space for nonprofit
2 organizations providing social services, located in Hagerstown.

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 funds expended prior to the
12 effective date of this Act. The fund may consist of real property or in kind
13 contributions. In case of any dispute as to the amount of the matching fund or what
14 money or assets may qualify as matching funds, the Board of Public Works shall
15 determine the matter and the Board's decision is final. The grantee has until June 1,
16 2006, to present evidence satisfactory to the Board of Public Works that a matching
17 fund will be provided. If satisfactory evidence is presented, the Board shall certify this
18 fact and the amount of the matching fund to the State Treasurer, and the proceeds of
19 the loan equal to the amount of the matching fund shall be expended for the purposes
20 provided in this Act. Any amount of the loan in excess of the amount of the matching
21 fund certified by the Board of Public Works shall be canceled and be of no further
22 effect.

23 (6) The proceeds of the loan must be expended or encumbered by the Board of
24 Public Works for the purposes provided in this Act no later than June 1, 2011. If any
25 funds authorized by this Act remain unexpended or unencumbered after June 1, 2011,
26 the amount of the unencumbered or unexpended authorization shall be canceled and
27 be of no further effect. If bonds have been issued for the loan, the amount of
28 unexpended or unencumbered bond proceeds shall be disposed of as provided in §
29 8-129 of the State Finance and Procurement Article.

30 (7) No portion of the proceeds of the loan or any of the matching funds may be
31 used for the furtherance of sectarian religious instruction, or in connection with the
32 design, acquisition, or construction of any building used or to be used as a place of
33 sectarian religious worship or instruction, or in connection with any program or
34 department of divinity for any religious denomination. Upon the request of the Board
35 of Public Works, the grantee shall submit evidence satisfactory to the Board that none
36 of the proceeds of the loan or any matching funds have been or are being used for a
37 purpose prohibited by this Act.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 June 1, 2004.