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By: **Senator Kasemeyer**

Introduced and read first time: March 1, 2006

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Baltimore County - Western Family Branch YMCA**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$500,000,  
4 the proceeds to be used as a grant to the Board of Directors of the YMCA of  
5 Central Maryland, Inc. for certain development or improvement purposes;  
6 providing for disbursement of the loan proceeds, subject to a requirement that  
7 the grantee provide and expend a matching fund; prohibiting the use of the loan  
8 proceeds or the matching fund for sectarian religious purposes; establishing a  
9 deadline for the encumbrance or expenditure of the loan proceeds; and providing  
10 generally for the issuance and sale of bonds evidencing the loan.

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

13 (1) The Board of Public Works may borrow money and incur indebtedness on  
14 behalf of the State of Maryland through a State loan to be known as the Baltimore  
15 County - Western Family Branch YMCA Loan of 2006 in a total principal amount  
16 equal to the lesser of (i) \$500,000 or (ii) the amount of the matching fund provided in  
17 accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale,  
18 and delivery of State general obligation bonds authorized by a resolution of the Board  
19 of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through  
20 8-124 of the State Finance and 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.

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

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

5 (5) Prior to the payment of any funds under the provisions of this Act for the  
6 purposes set forth in Section 1(3) above, the grantee shall provide and expend a  
7 matching fund. No part of the grantee's matching fund may be provided, either  
8 directly or indirectly, from funds of the State, whether appropriated or  
9 unappropriated. No part of the fund may consist of real property, in kind  
10 contributions, or funds expended prior to the effective date of this Act. In case of any  
11 dispute as to the amount of the matching fund or what money or assets may qualify  
12 as matching funds, the Board of Public Works shall determine the matter and the  
13 Board's decision is final. The grantee has until June 1, 2008, to present evidence  
14 satisfactory to the Board of Public Works that a matching fund will be provided. If  
15 satisfactory evidence is presented, the Board shall certify this fact and the amount of  
16 the matching fund to the State Treasurer, and the proceeds of the loan equal to the  
17 amount of the matching fund shall be expended for the purposes provided in this Act.  
18 Any amount of the loan in excess of the amount of the matching fund certified by the  
19 Board of Public Works shall be canceled and be of no further effect.

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

28 (7) The proceeds of the loan must be expended or encumbered by the Board of  
29 Public Works for the purposes provided in this Act no later than June 1, 2013. If any  
30 funds authorized by this Act remain unexpended or unencumbered after June 1,  
31 2013, the amount of the unencumbered or unexpended authorization shall be  
32 canceled and be of no further effect. If bonds have been issued for the loan, the  
33 amount of unexpended or unencumbered bond proceeds shall be disposed of as  
34 provided in § 8-129 of the State Finance and Procurement Article.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 June 1, 2006.