

HOUSE BILL 1568

B2, P3

9lr3473
CF SB 1060

By: **Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy**

Rules suspended

Introduced and read first time: March 17, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Obligation Bonds – Method of Sale by Board of Public Works**

3 FOR the purpose of stating that it is the policy of the State that the preferred method
4 of sale of general obligation bonds of the State by the Board of Public Works is
5 by public, competitive sale; authorizing the Board of Public Works to sell
6 general obligation bonds by private, negotiated sale if the Board makes certain
7 determinations; adding tax credit forms to the kinds of forms in which State
8 bonds are to be issued; providing for the construction of this Act; and generally
9 relating to the sale of general obligation bonds of the State.

10 BY repealing and reenacting, with amendments,
11 Article – State Finance and Procurement
12 Section 8–121(a) and 8–124
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2008 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – State Finance and Procurement**

18 8–121.

19 (a) By resolution, the Board may specify the form in which State bonds are to
20 be issued, including:

21 (1) a coupon form;

22 (2) a capital appreciation form;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) a variable interest rate form;

2 (4) **A TAX CREDIT FORM;**

3 (5) a form that qualifies as a registered form under §§ **54A**, 103, and
4 149 of the Internal Revenue Code or a regulation proposed or adopted under those
5 sections; and

6 [(5)] (6) any other registered form.

7 8–124.

8 (A) **SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS**
9 **SECTION, IT IS THE POLICY OF THE STATE THAT THE PREFERRED METHOD OF**
10 **SALE OF GENERAL OBLIGATION BONDS OF THE STATE BY THE BOARD IS BY**
11 **PUBLIC, COMPETITIVE SALE.**

12 (B) **THE BOARD MAY OFFER THE SALE OF GENERAL OBLIGATION BONDS**
13 **OF THE STATE AT A PRIVATE, NEGOTIATED SALE, BUT ONLY IF THE BOARD**
14 **DETERMINES THAT:**

15 (1) **EXTRAORDINARY CREDIT MARKET CONDITIONS EXIST THAT**
16 **WARRANT THE USE OF THE METHOD AUTHORIZED BY THIS SUBSECTION**
17 **INSTEAD OF THE METHOD STATED IN SUBSECTION (A) OF THIS SECTION; AND**

18 (2) **THE TERMS AND CONDITIONS FOR THE SALE OF GENERAL**
19 **OBLIGATION BONDS OF THE STATE, INCLUDING PRICE, INTEREST RATES, AND**
20 **PAYMENT DATES, ACHIEVED THROUGH A PRIVATE, NEGOTIATED SALE ARE**
21 **MORE ADVANTAGEOUS TO THE STATE THAN THE TERMS AND CONDITIONS FOR**
22 **THE SALE THAT CAN BE ACHIEVED BY A PUBLIC, COMPETITIVE SALE.**

23 (C) Whenever the Board receives no bids or rejects all bids for the State
24 bonds offered at a public, **COMPETITIVE** sale, the Board may sell some or all of the
25 State bonds at a private, **NEGOTIATED** sale, on the [best] terms **AND CONDITIONS,**
26 **INCLUDING [for] price, interest rates, and payment dates, THAT THE BOARD**
27 **DETERMINES TO BE THE MOST ADVANTAGEOUS TO THE STATE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may
29 be construed to affect or impair the validity of any tax credit bond that was issued by
30 the State prior to the effective date of this Act, and the validity of the tax credit bonds
31 issued before the effective date of this Act are hereby ratified, confirmed, and
32 approved.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2009.