

HOUSE BILL 495

B2

4r2035
CF SB 352

By: **Delegates Cullison, Arora, and Kramer**

Introduced and read first time: January 29, 2014

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Montgomery County – Melvin J. Berman Hebrew**
3 **Academy**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$32,500, the
5 proceeds to be used as a grant to the Board of Directors of the Melvin J. Berman
6 Hebrew Academy for certain development or improvement purposes; providing
7 for disbursement of the loan proceeds, subject to a requirement that the grantee
8 provide and expend a matching fund; prohibiting the use of the loan proceeds or
9 matching fund for sectarian religious purposes; establishing a deadline for the
10 encumbrance or expenditure of the loan proceeds; and providing generally for
11 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 Montgomery
16 County – Melvin J. Berman Hebrew Academy Loan of 2014 in a total principal amount
17 equal to the lesser of (i) \$32,500 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 and 8–131.2 of the State Finance and Procurement Article.

22 (2) The bonds to evidence this loan or installments of this loan may be sold
23 as a single issue or may be consolidated and sold as part of a single issue of bonds
24 under § 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 shall be credited on the books of the Comptroller and expended, on approval by the
2 Board of Public Works, for the following public purposes, including any applicable
3 architects' and engineers' fees: as a grant to the Board of Directors of the Melvin J.
4 Berman Hebrew Academy (referred to hereafter in this Act as "the grantee") for the
5 acquisition, planning, design, construction, repair, renovation, reconstruction, and
6 capital equipping of the Melvin J. Berman Hebrew Academy, including restoring the
7 track and field, and installing a fitness circuit, located in Montgomery County.

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

12 (5) Prior to the payment of any funds under the provisions of this Act for the
13 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
14 matching fund. No part of the grantee's matching fund may be provided, either
15 directly or indirectly, from funds of the State, whether appropriated or
16 unappropriated. No part of the fund may consist of funds expended prior to the
17 effective date of this Act. The fund may consist of real property or in kind
18 contributions. In case of any dispute as to the amount of the matching fund or what
19 money or assets may qualify as matching funds, the Board of Public Works shall
20 determine the matter and the Board's decision is final. The grantee has until June 1,
21 2016, to present evidence satisfactory to the Board of Public Works that a matching
22 fund will be provided. If satisfactory evidence is presented, the Board shall certify this
23 fact and the amount of the matching fund to the State Treasurer, and the proceeds of
24 the loan equal to the amount of the matching fund shall be expended for the purposes
25 provided in this Act. Any amount of the loan in excess of the amount of the matching
26 fund certified by the Board of Public Works shall be canceled and be of no further
27 effect.

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

36 (7) The proceeds of the loan must be expended or encumbered by the Board
37 of Public Works for the purposes provided in this Act no later than June 1, 2021. If any
38 funds authorized by this Act remain unexpended or unencumbered after June 1, 2021,
39 the amount of the unencumbered or unexpended authorization shall be canceled and
40 be of no further effect. If bonds have been issued for the loan, the amount of
41 unexpended or unencumbered bond proceeds shall be disposed of as provided in
42 § 8-129 of the State Finance and Procurement Article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2014.