

# HOUSE BILL 271

B2

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By: **Delegates Kaiser, Luedtke, Zucker, Arora, Cullison, and Kramer**

Introduced and read first time: January 31, 2011

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Montgomery County – Renovation of Falling Green**  
3 **at OBG Park**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$350,000,  
5 the proceeds to be used as a grant to the Board of Directors of the Olney Boys  
6 and Girls Community Sports Association, Inc. for certain development or  
7 improvement purposes; providing for disbursement of the loan proceeds, subject  
8 to a requirement that the grantee provide and expend a matching fund;  
9 establishing a deadline for the encumbrance or expenditure of the loan  
10 proceeds; and providing generally for the issuance and sale of bonds evidencing  
11 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 – Renovation of Falling Green at OBG Park Loan of 2011 in a total principal  
17 amount equal to the lesser of (i) \$350,000 or (ii) the amount of the matching fund  
18 provided in accordance with Section 1(5) below. This loan shall be evidenced by the  
19 issuance, sale, and delivery of State general obligation bonds authorized by a  
20 resolution of the Board of Public Works and issued, sold, and delivered in accordance  
21 with §§ 8–117 through 8–124 of the State Finance and Procurement Article and  
22 Article 31, § 22 of the Code.

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

26 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
27 and first shall be applied to the payment of the expenses of issuing, selling, and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
2 shall be credited on the books of the Comptroller and expended, on approval by the  
3 Board of Public Works, for the following public purposes, including any applicable  
4 architects' and engineers' fees: as a grant to the Board of Directors of the Olney Boys  
5 and Girls Community Sports Association, Inc. (referred to hereafter in this Act as "the  
6 grantee") for the construction of the historic "Falling Green" at the Olney Boys and  
7 Girls Community Park, located in Olney.

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. The fund may consist of real property, in kind contributions, or funds  
17 expended prior to the effective date of this Act. In case of any dispute as to the amount  
18 of the matching fund or what money or assets may qualify as matching funds, the  
19 Board of Public Works shall determine the matter and the Board's decision is final.  
20 The grantee has until June 1, 2013, to present evidence satisfactory to the Board of  
21 Public Works that a matching fund will be provided. If satisfactory evidence is  
22 presented, the Board shall certify this fact and the amount of the matching fund to the  
23 State Treasurer, and the proceeds of the loan equal to the amount of the matching  
24 fund shall be expended for the purposes provided in this Act. Any amount of the loan  
25 in excess of the amount of the matching fund certified by the Board of Public Works  
26 shall be canceled and be of no further effect.

27 (6) The proceeds of the loan must be expended or encumbered by the Board  
28 of Public Works for the purposes provided in this Act no later than June 1, 2018. If any  
29 funds authorized by this Act remain unexpended or unencumbered after June 1, 2018,  
30 the amount of the unencumbered or unexpended authorization shall be canceled and  
31 be of no further effect. If bonds have been issued for the loan, the amount of  
32 unexpended or unencumbered bond proceeds shall be disposed of as provided in  
33 § 8-129 of the State Finance and Procurement Article.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 June 1, 2011.