

# HOUSE BILL 892

B3

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CF SB 736

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By: **St. Mary's County Delegation**

Introduced and read first time: February 6, 2017

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **St. Mary's County – Public Facility Bonds**

3 FOR the purpose of authorizing and empowering the County Commissioners of St. Mary's  
4 County, from time to time, to borrow not more than \$26,300,000 in order to finance  
5 the construction, improvement, or development of certain public facilities in St.  
6 Mary's County, as herein defined, and to effect such borrowing by the issuance and  
7 sale at public or private sale of its general obligation bonds in like par amount;  
8 empowering the County to fix and determine, by resolution, the form, tenor, interest  
9 rate or rates or method of determining the same, terms, conditions, maturities, and  
10 all other details incident to the issuance and sale of the bonds; empowering the  
11 County to issue refunding bonds for the purchase or redemption of bonds in advance  
12 of maturity; empowering and directing the County to levy, impose, and collect,  
13 annually, ad valorem taxes in rate and amount sufficient to provide funds for the  
14 payment of the maturing principal of and interest on the bonds; exempting the bonds  
15 and refunding bonds and the interest thereon and any income derived therefrom  
16 from all State, county, municipal, and other taxation in the State of Maryland;  
17 providing that nothing in this Act shall prevent the County from authorizing the  
18 issuance and sale of bonds the interest on which is not excludable from gross income  
19 for federal income tax purposes; ~~making this Act subject to a certain contingency;~~  
20 and generally relating to the issuance and sale of such bonds.

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That, as used herein, the term "County" means the body politic and corporate of the State  
23 of Maryland known as the County Commissioners of St. Mary's County, and the term  
24 "construction, improvement, or development of public facilities" means the acquisition,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 alteration, construction, reconstruction, enlargement, equipping, expansion, extension,  
2 improvement, rehabilitation, renovation, upgrading, and repair of public buildings and  
3 facilities and public works projects, including, but not limited to, public works projects such  
4 as highways, roads, bridges and storm drains, public school buildings and facilities, boating  
5 facilities, shore erosion and other marine property, landfills, and recycling facilities, public  
6 operational buildings and facilities such as buildings and facilities for County  
7 administrative use, capital improvements to the Wicomico Shores Taxing District, County  
8 athletic facilities, the community college, community swimming pools, public safety, health,  
9 and social services, libraries, commuter air service facilities, refuse disposal buildings and  
10 facilities, and parks and recreation buildings and facilities, together with the costs of  
11 acquiring land or interests in land as well as any related architectural, financial, legal,  
12 planning, or engineering services.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby  
14 authorized to finance any part or all of the costs of the public facilities described in Section  
15 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or  
16 from time to time, in an amount not exceeding, in the aggregate, \$26,300,000 and to  
17 evidence such borrowing by the issuance and sale upon its full faith and credit of general  
18 obligation bonds in like par amount, which may be issued at one time or from time to time,  
19 in one or more groups or series, as the County may determine.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in  
21 accordance with a resolution of the County, which shall describe generally the construction,  
22 improvement, or development of public facilities for which the proceeds of the bond sale are  
23 intended and the amount needed for those purposes. The County shall have and is hereby  
24 granted full and complete authority and discretion in the resolution to fix and determine  
25 with respect to the bonds of any issue: the designation, date of issue, denomination or  
26 denominations, form or forms, and tenor of the bonds which, without limitation, may be  
27 issued in registered form within the meaning of § 19–204 of the Local Government Article  
28 of the Annotated Code of Maryland, as amended; the rate or rates of interest payable  
29 thereon, or the method of determining the same, which may include a variable rate; the  
30 date or dates and amount or amounts of maturity, which need not be in equal par amounts  
31 or in consecutive annual installments, provided only that no bond of any issue shall mature  
32 later than 30 years from the date of its issue; the manner of selling the bonds, which may  
33 be at either public or private sale, for such price or prices as may be determined to be in  
34 the best interests of St. Mary's County; the manner of executing and sealing the bonds,  
35 which may be by facsimile; the terms and conditions, if any, under which bonds may be  
36 tendered for payment or purchase prior to their stated maturity; the terms or conditions, if  
37 any, under which bonds may or shall be redeemed prior to their stated maturity; the place  
38 or places of payment of the principal of and the interest on the bonds, which may be at any  
39 bank or trust company within or without the State of Maryland; covenants relating to  
40 compliance with applicable requirements of federal income tax law, including (without  
41 limitation) covenants regarding the payment of rebate or penalties in lieu of rebate;  
42 covenants relating to compliance with applicable requirements of federal or state securities  
43 laws; and generally all matters incident to the terms, conditions, issuance, sale, and  
44 delivery thereof.

1 The bonds may be made redeemable before maturity, at the option of the County, at  
2 such price or prices and under such terms and conditions as may be fixed by the County  
3 prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to  
4 the bond resolution. The bonds may be issued in registered form and provision may be made  
5 for the registration of the principal only. In case any officer whose signature appears on  
6 any bond ceases to be such officer before the delivery thereof, such signature shall  
7 nevertheless be valid and sufficient for all purposes as if he had remained in office until  
8 such delivery. The bonds and the issuance and sale thereof shall be exempt from the  
9 provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code  
10 of Maryland, as amended.

11 The County may enter into agreements with agents, banks, fiduciaries, insurers, or  
12 others for the purpose of enhancing the marketability of any security for the bonds and for  
13 the purpose of securing any tender option that may be granted to holders of the bonds, all  
14 as may be determined and presented in the aforesaid resolution, which may (but need not)  
15 state as security for the performance by the County of any monetary obligations under such  
16 agreements the same security given by the County to bondholders for the performance by  
17 the County of its monetary obligations under the bonds.

18 If the County determines in the resolution to offer any of the bonds by solicitation of  
19 competitive bids at public sale, the resolution shall fix the terms and conditions of the public  
20 sale and shall adopt a form of notice of sale, which shall outline the terms and conditions,  
21 and a form of advertisement, which shall be published in one or more daily or weekly  
22 newspapers having a general circulation in the County and which may also be published in  
23 one or more journals having a circulation primarily among banks and investment bankers.  
24 At least one publication of the advertisement shall be made not less than 10 days before  
25 the sale of the bonds.

26 Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall  
27 be made to the Treasurer of St. Mary's County or such other official of St. Mary's County  
28 as may be designated to receive such payment in a resolution passed by the County before  
29 such delivery.

30 SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale  
31 of bonds shall be used and applied exclusively and solely for the acquisition, construction,  
32 improvement, or development of public facilities for which the bonds are sold. If the  
33 amounts borrowed shall prove inadequate to finance the projects described in the  
34 resolution, the County may issue additional bonds with the limitations hereof for the  
35 purpose of evidencing the borrowing of additional funds for such financing, provided the  
36 resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of  
37 the sale of any issue of bonds exceed the amount needed to finance the projects described  
38 in the resolution, the excess funds so borrowed and not expended shall be applied to the  
39 payment of the next principal maturity of the bonds or to the redemption of any part of the  
40 bonds which have been made redeemable or to the purchase and cancellation of bonds,  
41 unless the County shall adopt a resolution allocating the excess funds to the acquisition,  
42 construction, improvement, or development of other public facilities, as defined and within  
43 the limits set forth in this Act.

1 SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized  
2 shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit  
3 and unlimited taxing power of the County to the payment of the maturing principal of and  
4 interest on the bonds as and when they become payable. In each and every fiscal year that  
5 any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem  
6 taxes upon all the assessable property within the corporate limits of the County in rate and  
7 amount sufficient to provide for or assure the payment, when due, of the principal of and  
8 interest on all the bonds maturing in each such fiscal year and, in the event the proceeds  
9 from the taxes so levied in any such fiscal year shall prove inadequate for such payment,  
10 additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency.  
11 The County may apply to the payment of the principal of and interest on any bonds issued  
12 hereunder any funds received by it from the State of Maryland, the United States of  
13 America, any agency or instrumentality thereof, or from any other source, if such funds are  
14 granted for the purpose of assisting the County in financing the acquisition, construction,  
15 improvement, or development of the public facilities defined in this Act and, to the extent  
16 of any such funds received or receivable in any fiscal year, the taxes that are required to be  
17 levied under this Act may be reduced accordingly.

18 SECTION 6. AND BE IT FURTHER ENACTED, That the County is further  
19 authorized and empowered, at any time and from time to time, to issue its bonds in the  
20 manner hereinabove described for the purpose of refunding, by payment at maturity or  
21 upon purchase or redemption, any bonds issued hereunder. The validity of any such  
22 refunding bonds shall in no way be dependent upon or related to the validity or invalidity  
23 of the obligations so refunded. The powers herein granted with respect to the issuance of  
24 bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be  
25 issued by the County in such an amount as shall be necessary for the purpose of providing  
26 it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the  
27 purpose of providing it with funds to purchase in the open market any of its outstanding  
28 bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it  
29 with funds for the redemption prior to maturity of any outstanding bonds issued hereunder  
30 which are, by their terms, redeemable, for the purpose of providing it with funds to pay  
31 interest on any outstanding bonds issued hereunder prior to their payment at maturity of  
32 purchase or redemption in advance of maturity, or for the purpose of providing it with funds  
33 to pay any redemption or purchase premium in connection with the refunding of any of its  
34 outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds  
35 shall be segregated and set apart by the County as a separate trust fund to be used solely  
36 for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

37 SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the  
38 preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable  
39 for definitive bonds when such bonds have been executed and are available for such  
40 delivery, provided, however, that any such interim certificates or temporary bonds shall be  
41 issued in all respects subject to the restrictions and requirements set forth in this Act. The  
42 County may, by appropriate resolution, provide for the replacement of any bonds issued  
43 hereunder which shall have become mutilated or lost or destroyed upon such conditions  
44 and after receiving such indemnity as the County may require.

1 SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued  
2 pursuant to the authority of this Act, their transfer, the interest payable thereon, and any  
3 income derived therefrom in the hands of the holders thereof from time to time (including  
4 any profit made in the sale thereof) shall be and are hereby declared to be at all times  
5 exempt from State, county, municipal, or other taxation of every kind and nature  
6 whatsoever within the State of Maryland. Nothing in this Act shall prevent the County  
7 from authorizing the issuance and sale of bonds the interest on which is not excludable  
8 from gross income for federal income tax purposes.

9 SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow  
10 money and issue bonds conferred on the County by this Act shall be deemed to provide an  
11 additional and alternative authority for borrowing money and shall be regarded as  
12 supplemental and additional to powers conferred upon the County by other laws and shall  
13 not be regarded as in derogation of any power now existing; and all Acts of the General  
14 Assembly of Maryland heretofore passed authorizing the County to borrow money are  
15 hereby continued to the extent that the powers contained in such Acts have not been  
16 exercised, and nothing contained in this Act may be construed to impair, in any way, the  
17 validity of any bonds that may have been issued by the County under the authority of any  
18 said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This  
19 Act, being necessary for the welfare of the inhabitants of St. Mary's County, shall be  
20 liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent  
21 with the provisions of this Act are hereby repealed to the extent of such inconsistency.

22 ~~SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
23 ~~contingent on the County Commissioners of St. Mary's County repealing the ordinance~~  
24 ~~imposing the sales and use tax on energy or fuel used or consumed in St. Mary's County~~  
25 ~~authorized under § 20-606 of the Local Government Article. If the County Commissioners~~  
26 ~~repeal the sales and use tax on or before June 1, 2022, the County Commissioners shall~~  
27 ~~deliver copy of the ordinance to the Department of Legislative Services. If the County~~  
28 ~~Commissioners do not repeal the sales and use tax on or before June 1, 2022, this Act, with~~  
29 ~~no further action required by the General Assembly, shall be null and void and of no further~~  
30 ~~force and effect. The County Commissioners, within 5 days after repealing the sales and~~  
31 ~~use tax, shall forward a copy of the ordinance to the Department of Legislative Services, 90~~  
32 ~~State Circle, Annapolis, Maryland 21401.~~

33 SECTION ~~11.~~ 10. AND BE IT FURTHER ENACTED, That, ~~subject to Section 10 of~~  
34 ~~this Act,~~ this Act shall take effect June 1, 2017.