

# SENATE BILL 861

B3

(11r2824)

## ENROLLED BILL

— Budget and Taxation/Appropriations —

Introduced by **Senator Bailey**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

### 2 **St. Mary's County – Public Facilities Bond**

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 \$30,000,000 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 ~~paramount~~ par  
8 amount; empowering the County to fix and determine, by resolution, the form, tenor,  
9 interest rate or rates or method of determining the same, terms, conditions,  
10 maturities, and all other details incident to the issuance and sale of the bonds;  
11 empowering the County to issue refunding bonds for the purchase or redemption of  
12 bonds in advance of maturity; empowering and directing the County to levy, impose,  
13 and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds  
14 for the payment of the maturing principal of and interest on the bonds; exempting  
15 the bonds and refunding bonds and the interest thereon and any income derived

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 therefrom from all State, county, municipal, and other taxation in the State of  
2 Maryland; providing that nothing in this Act shall prevent the County from  
3 authorizing the issuance and sale of bonds the interest on which is not excludable  
4 from gross income for federal income tax purposes; and generally relating to the  
5 issuance and sale of such bonds.

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

7 That, as used herein, the term “County” means the body politic and corporate of the State  
8 of Maryland known as the County Commissioners of St. Mary’s County, and the term  
9 “construction, improvement, or development of public facilities” means the acquisition,  
10 alteration, construction, reconstruction, enlargement, equipping, expansion, extension,  
11 improvement, rehabilitation, renovation, upgrading, and repair of public buildings and  
12 facilities and public works projects, including, but not limited to, public works projects such  
13 as highways, roads, bridges and storm drains, public school buildings and facilities, boating  
14 facilities, shore erosion and other marine property, landfills, and recycling facilities, public  
15 operational buildings and facilities such as buildings and facilities for County  
16 administrative use, capital improvements to the Wicomico Shores Taxing District, County  
17 athletic facilities, the community college, community swimming pools, public safety, health,  
18 and social services, libraries, commuter air service facilities, refuse disposal buildings and  
19 facilities, and parks and recreation buildings and facilities, together with the costs of  
20 acquiring land or interests in land as well as any related architectural, financial, legal,  
21 planning, or engineering services.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby

23 authorized to finance any part or all of the costs of the public facilities described in Section  
24 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or  
25 from time to time, in an amount not exceeding, in the aggregate, \$30,000,000, and to  
26 evidence such borrowing by the issuance and sale upon its full faith and credit of general  
27 obligation bonds in like ~~paramount~~ par amount, which may be issued at one time or from  
28 time to time, in one or more groups or series, as the County may determine.

29 SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in

30 accordance with a resolution of the County, which shall describe generally the construction,  
31 improvement, or development of public facilities for which the proceeds of the bond sale are  
32 intended and the amount needed for those purposes. The County shall have and is hereby  
33 granted full and complete authority and discretion in the resolution to fix and determine  
34 with respect to the bonds of any issue: the designation, date of issue, denomination or  
35 denominations, form or forms, and tenor of the bonds which, without limitation, may be  
36 issued in registered form within the meaning of § 19–204 of the Local Government Article  
37 of the Annotated Code of Maryland, as amended; the rate or rates of interest payable  
38 thereon, or the method of determining the same, which may include a variable rate; the  
39 date or dates and amount or amounts of maturity, which need not be in equal par amounts  
40 or in consecutive annual installments, provided only that no bond of any issue shall mature  
41 later than 30 years from the date of its issue; the manner of selling the bonds, which may  
42 be at either public or private sale, for such price or prices as may be determined to be in  
43 the best interests of St. Mary’s County; the manner of executing and sealing the bonds,  
44 which may be by facsimile; the terms and conditions, if any, under which bonds may be

1 tendered for payment or purchase prior to their stated maturity; the terms or conditions, if  
2 any, under which bonds may or shall be redeemed prior to their stated maturity; the place  
3 or places of payment of the principal of and the interest on the bonds, which may be at any  
4 bank or trust company within or without the State of Maryland; covenants relating to  
5 compliance with applicable requirements of federal income tax law, including (without  
6 limitation) covenants regarding the payment of rebate or penalties in lieu of rebate;  
7 covenants relating to compliance with applicable requirements of federal or state securities  
8 laws; and generally all matters incident to the terms, conditions, issuance, sale, and  
9 delivery thereof.

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

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

27 If the County determines in the resolution to offer any of the bonds by solicitation of  
28 competitive bids at public sale, the resolution shall fix the terms and conditions of the public  
29 sale and shall adopt a form of notice of sale, which shall outline the terms and conditions,  
30 and a form of advertisement, which shall be published in one or more daily or weekly  
31 newspapers having a general circulation in the County and which may also be published in  
32 one or more journals having a circulation primarily among banks and investment bankers.  
33 At least one publication of the advertisement shall be made not less than 10 days before  
34 the sale of the bonds.

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

39 SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale  
40 of bonds shall be used and applied exclusively and solely for the acquisition, construction,  
41 improvement, or development of public facilities for which the bonds are sold. If the  
42 amounts borrowed shall prove inadequate to finance the projects described in the

1 resolution, the County may issue additional bonds with the limitations hereof for the  
2 purpose of evidencing the borrowing of additional funds for such financing, provided the  
3 resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of  
4 the sale of any issue of bonds exceed the amount needed to finance the projects described  
5 in the resolution, the excess funds so borrowed and not expended shall be applied to the  
6 payment of the next principal maturity of the bonds or to the redemption of any part of the  
7 bonds which have been made redeemable or to the purchase and cancellation of bonds,  
8 unless the County shall adopt a resolution allocating the excess funds to the acquisition,  
9 construction, improvement, or development of other public facilities, as defined and within  
10 the limits set forth in this Act.

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

28 SECTION 6. AND BE IT FURTHER ENACTED, That the County is further  
29 authorized and empowered, at any time and from time to time, to issue its bonds in the  
30 manner hereinabove described for the purpose of refunding, by payment at maturity or  
31 upon purchase or redemption, any bonds issued hereunder. The validity of any such  
32 refunding bonds shall in no way be dependent upon or related to the validity or invalidity  
33 of the obligations so refunded. The powers herein granted with respect to the issuance of  
34 bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be  
35 issued by the County in such an amount as shall be necessary for the purpose of providing  
36 it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the  
37 purpose of providing it with funds to purchase in the open market any of its outstanding  
38 bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it  
39 with funds for the redemption prior to maturity of any outstanding bonds issued hereunder  
40 which are, by their terms, redeemable, for the purpose of providing it with funds to pay  
41 interest on any outstanding bonds issued hereunder prior to their payment at maturity of  
42 purchase or redemption in advance of maturity, or for the purpose of providing it with funds  
43 to pay any redemption or purchase premium in connection with the refunding of any of its  
44 outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds

1 shall be segregated and set apart by the County as a separate trust fund to be used solely  
2 for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

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

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

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

32 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 June 1, 2021.