

HOUSE BILL 554

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B2

2000 Regular Session
(01r1860)

ENROLLED BILL
-- Appropriations/Budget and Taxation --

Introduced by **Delegates Paige, Kirk, V. Jones, Harrison, and C. Davis**

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.

Speaker.

CHAPTER 387

1 AN ACT concerning

2 **Creation of a State Debt - Baltimore City - St. Frances Academy**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed ~~\$800,000~~
4 \$500,000 \$300,000, the proceeds to be used as a grant to St. Frances Academy,
5 Inc. for certain development or improvement purposes; providing for
6 disbursement of the loan proceeds, subject to a requirement that the grantee
7 provide and expend a matching fund; prohibiting the use of the proceeds or any
8 of the matching funds for sectarian religious purposes; requiring the grantee to
9 grant and convey a certain easement to the Maryland Historical Trust; and
10 providing generally for the issuance and sale of bonds evidencing the loan.

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That:

13 (1) The Board of Public Works may borrow money and incur indebtedness on
14 behalf of the State of Maryland through a State loan to be known as the Baltimore
15 City - St. Frances Academy Loan of 2000 in a total principal amount equal to the
16 lesser of (i) ~~\$800,000~~ \$500,000 \$300,000, or (ii) the amount of the matching fund

1 provided in accordance with Section 1(5) below. This loan shall be evidenced by the
2 issuance, sale, and delivery of State general obligation bonds authorized by a
3 resolution of the Board of Public Works and issued, sold, and delivered in accordance
4 with §§ 8-117 through 8-124 of the State Finance and Procurement Article and
5 Article 31, § 22 of the Code.

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

9 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
10 and first shall be applied to the payment of the expenses of issuing, selling, and
11 delivering the bonds, unless funds for this purpose are otherwise provided, and then
12 shall be credited on the books of the Comptroller and expended, on approval by the
13 Board of Public Works, for the following public purposes, including any applicable
14 architects' and engineers' fees: as a grant to St. Frances Academy, Inc. (referred to
15 hereafter in this Act as "the grantee") for the planning, design, construction, and
16 capital equipping of a multipurpose community and athletic facility.

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

21 (5) Prior to the payment of any funds under the provisions of this Act for the
22 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
23 matching fund. No part of the grantee's matching fund may be provided, either
24 directly or indirectly, from funds of the State, whether appropriated or
25 unappropriated. No part of the fund may consist of real property, in kind
26 contributions, or funds expended prior to the effective date of this Act. In case of any
27 dispute as to the amount of the matching fund or what money or assets may qualify
28 as matching funds, the Board of Public Works shall determine the matter and the
29 Board's decision is final. The grantee has until June 1, 2002, to present evidence
30 satisfactory to the Board of Public Works that a matching fund will be provided. If
31 satisfactory evidence is presented, the Board shall certify this fact and the amount of
32 the matching fund to the State Treasurer, and the proceeds of the loan equal to the
33 amount of the matching fund shall be expended for the purposes provided in this Act.
34 Any amount of the loan in excess of the amount of the matching fund certified by the
35 Board of Public Works shall be canceled and be of no further effect.

36 (6) No portion of the proceeds of the loan or any of the matching funds may be
37 used for the furtherance of sectarian religious instruction, or in connection with the
38 design, acquisition, or construction of any building used or to be used as a place of
39 sectarian religious worship or instruction, or in connection with any program or
40 department of divinity for any religious denomination. Upon the request of the Board
41 of Public Works, the grantee shall submit evidence satisfactory to the Board that none
42 of the proceeds of the loan or any matching funds have been or are being used for a
43 purpose prohibited by this Act.

1 (7) (a) Prior to the issuance of the bonds, the grantee shall grant and convey
2 to the Maryland Historical Trust a perpetual preservation easement to the extent of
3 its interest:

4 (i) On the land or such portion of the land acceptable to the Trust;
5 and

6 (ii) On the exterior and interior, where appropriate, of the historic
7 structures.

8 (b) The easement must be in form and substance acceptable to the Trust
9 and the extent of the interest to be encumbered must be acceptable to the Trust.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect June 1, 2000.