

HOUSE BILL 388

Unofficial Copy  
B2

2001 Regular Session  
(11r0778)

**ENROLLED BILL**  
-- Appropriations/Budget and Taxation --

Introduced by **Delegates Barve, Kagan, and Gordon**

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 \_\_\_\_\_

1 AN ACT concerning

2 **Creation of a State Debt - Montgomery County - Penn Place**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed ~~\$250,000~~  
4 ~~\$200,000~~ \$100,000, the proceeds to be used for a grant to the Mayor and City  
5 Council of Garrett Park for certain development or improvement purposes;  
6 providing for disbursement of the loan proceeds, subject to a requirement that  
7 the grantee provide and expend a matching fund; requiring the grantee to grant  
8 and convey a certain easement to the Maryland Historical Trust; and providing  
9 generally for the issuance and sale of bonds evidencing the loan.

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

12 (1) The Board of Public Works may borrow money and incur indebtedness on  
13 behalf of the State of Maryland through a State loan to be known as the Montgomery  
14 County - Penn Place Loan of 2001 in a total principal amount equal to the lesser of (i)  
15 ~~\$250,000~~ ~~\$200,000~~ \$100,000 or (ii) the amount of the matching fund provided in  
16 accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale,

1 and delivery of State general obligation bonds authorized by a resolution of the Board  
2 of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through  
3 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

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

7 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
8 and first shall be applied to the payment of the expenses of issuing, selling, and  
9 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
10 shall be credited on the books of the Comptroller and expended, on approval by the  
11 Board of Public Works, for the following public purposes, including any applicable  
12 architects' and engineers' fees: as a grant to the Mayor and City Council of Garrett  
13 Park (referred to hereafter in this Act as "the grantee") for the repair, renovation,  
14 reconstruction, and capital equipping of Penn Place in Garrett Park.

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

19 (5) Prior to the payment of any funds under the provisions of this Act for the  
20 purposes set forth in Section 1(3) above, the grantee shall provide and expend a  
21 matching fund. No part of the grantee's matching fund may be provided, either  
22 directly or indirectly, from funds of the State, whether appropriated or  
23 unappropriated. No part of the fund may consist of real property, in kind  
24 contributions, or funds expended prior to the effective date of this Act. In case of any  
25 dispute as to the amount of the matching fund or what money or assets may qualify  
26 as matching funds, the Board of Public Works shall determine the matter and the  
27 Board's decision is final. The grantee has until June 1, 2003, to present evidence  
28 satisfactory to the Board of Public Works that a matching fund will be provided. If  
29 satisfactory evidence is presented, the Board shall certify this fact and the amount of  
30 the matching fund to the State Treasurer, and the proceeds of the loan equal to the  
31 amount of the matching fund shall be expended for the purposes provided in this Act.  
32 Any amount of the loan in excess of the amount of the matching fund certified by the  
33 Board of Public Works shall be canceled and be of no further effect.

34 (6) (a) Prior to the issuance of the bonds, the grantee shall grant and convey  
35 to the Maryland Historical Trust a perpetual preservation easement to the extent of  
36 its interest:

37 (i) On the land or such portion of the land acceptable to the Trust;  
38 and

39 (ii) On the exterior and interior, where appropriate, of the historic  
40 structures.

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

1           **(b)**     *If the grantee or beneficiary of the grant holds a lease on the land and*  
2 *structures, the Trust may accept an easement on the leasehold interest.*

3           **(c)**     *The easement must be in form and substance acceptable to the Trust*  
4 *and any liens or encumbrances against the land or the structures must be acceptable to*  
5 *the Trust.*

6       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect June 1, 2001.