

CF 7lr1567

By: Senator Hughes

Introduced and read first time: January 31, 1997

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: March 18, 1997

CHAPTER ____

1 AN ACT concerning

2 **Franciscan Center Loan of 1994**

3 FOR the purpose of amending Chapter 198 of the Acts of the General Assembly of 1994,
4 the Franciscan Center Loan of 1994, as amended by Chapter 452 of the Acts of the
5 General Assembly of 1996; altering the address of the project for which the
6 proceeds of the bonds will be used; and extending the time by which the grantee
7 shall provide a matching fund.

8 BY repealing and reenacting, with amendments,
9 Chapter 198 of the Acts of the General Assembly of 1994, as amended by Chapter
10 452 of the Acts of the General Assembly of 1996
11 Section 1

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Chapter 198 of the Acts of 1994, as amended by Chapter 452 of the Acts of 1996**

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That:

17 (1) The Board of Public Works may borrow money and incur indebtedness on
18 behalf of the State of Maryland through a State loan to be known as the Franciscan
19 Center Loan of 1994 in a total principal amount equal to the lesser of (i) \$800,000 or (ii)
20 the amount of the matching fund provided in accordance with Section 1(5) below. This
21 loan shall be evidenced by the issuance, sale, and delivery of State general obligation
22 bonds authorized by a resolution of the Board of Public Works and issued, sold, and
23 delivered in accordance with §§ 8-117 through 8-124 of the State Finance and
24 Procurement Article and Article 31, § 22 of the Code.

1 (2) The bonds to evidence this loan or installments of this loan may be sold as a
2 single issue or may be consolidated and sold as part of a single issue of bonds under §
3 8-122 of the State Finance and Procurement Article.

4 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and
5 first shall be applied to the payment of the expenses of issuing, selling, and delivering the
6 bonds, unless funds for this purpose are otherwise provided, and then shall be credited on
7 the books of the Comptroller and expended, on approval by the Board of Public Works,
8 for the following public purposes, including any applicable architects' and engineers' fees:
9 as a grant to the Board of Directors of the Franciscan Center, Inc. for the repair,
10 renovation, rehabilitation, and expansion of, and for the provision of capital equipment
11 for, the Franciscan Center, a facility providing food and clothes for the poor, to be
12 located at [2214 Maryland Avenue] 101 WEST 23RD STREET in Baltimore.

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

17 (5) (a) The Board of Directors of the Franciscan Center, Inc. shall provide and
18 expend a matching fund.

19 (b) No part of an applicant's matching fund may be provided, either directly
20 or indirectly, from funds of the State, whether appropriated or unappropriated. No part
21 of the fund may consist of real property or in kind contributions. The fund may consist of
22 funds expended prior to the effective date of this Act. In case of any dispute as to the
23 amount of the matching fund or what money or assets may qualify as matching funds, the
24 Board of Public Works shall determine the matter and the Board's decision is final.

25 (c) The applicant shall present evidence to the satisfaction of the Board of
26 Public Works of the provision and expenditure of the matching fund, and the Board of
27 Public Works shall disburse the proceeds of the grant under the provisions of this Act for
28 the purposes set forth in section 1(3) above, both to be done in installments.

29 (d) As the applicant provides and expends an installment of the matching
30 fund, the Board of Public Works shall disburse an installment of the proceeds of the grant
31 equal to the portion of the matching fund presented at that time by the applicant.

32 (e) Each installment of the matching fund shall be \$400,000.

33 (f) This method of presentation of the matching fund in installments and of
34 the disbursement of the proceeds of the loan in installments that are equal to each
35 presentation of the matching fund shall continue until the first to occur of the
36 disbursement of the total amount of the grant or June 1, [1997] 1998.

37 (g) The Board of Directors of the Franciscan Center, Inc. has until June 1,
38 [1997] 1998, to present the final evidence satisfactory to the Board of Public Works that
39 the total matching fund will be provided. If satisfactory evidence is presented, the Board
40 shall certify this fact, the amount of the final installment of the matching fund, and the
41 amount of the total matching fund to the State Treasurer, and the final proceeds of the
42 loan equal to the final installment of the matching fund shall be expended for the
43 purposes provided in this Act. Any amount of the loan in excess of the amount of the

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1 matching fund certified by the Board of Public Works shall be canceled and be of no
2 further effect.

3 (6) No portion of the proceeds of the loan or any of the matching funds may be
4 used for the furtherance of sectarian religious instruction, or in connection with the
5 design, acquisition, or construction of any building used or to be used as a place of
6 sectarian religious worship or instruction, or in connection with any program or
7 department of divinity for any religious denomination. Upon the request of the Board of
8 Public Works, the Board of Directors of the Franciscan Center, Inc. shall submit evidence
9 satisfactory to the Board that none of the proceeds of the loan or any matching funds has
10 been or is being used for a purpose prohibited by this Act.

11 (7) (a) Prior to the issuance of the bonds, the Board of Directors of the
12 Franciscan Center, Inc. shall grant and convey to the Maryland Historical Trust a
13 perpetual preservation easement to the extent of its interest:

14 (i) On the land or such portion of the land acceptable to the Trust;
15 and

16 (ii) On the exterior and interior, where appropriate, of the historic
17 structures.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 June 1, 1997.