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**By: Senators Dyson and Middleton**

Introduced and read first time: February 21, 1997

Assigned to: Rules

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 1997

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

1 AN ACT concerning

**2 Creation of a State Debt - St. Mary's County - The Sotterley Plantation**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed ~~\$1,000,000~~  
 4 \$400,000, the proceeds to be used as a grant to the Board of Trustees of The  
 5 Sotterley Foundation, Inc. for certain acquisition, development, or improvement  
 6 purposes; providing for disbursement of the loan proceeds, subject to a requirement  
 7 that 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 St. Mary's  
 14 County - The Sotterley Plantation Loan of 1997 in a total principal amount equal to the  
 15 lesser of (i) ~~\$1,000,000~~ \$400,000 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,  
 17 and delivery of State general obligation bonds authorized by a resolution of the Board of  
 18 Public Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124  
 19 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

20 (2) The bonds to evidence this loan or installments of this loan may be sold as a  
 21 single issue or may be consolidated and sold as part of a single issue of bonds under §  
 22 8-122 of the State Finance and Procurement Article.

23 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and  
 24 first shall be applied to the payment of the expenses of issuing, selling, and delivering the  
 25 bonds, unless funds for this purpose are otherwise provided, and then shall be credited on

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1 the books of the Comptroller and expended, on approval by the Board of Public Works,  
 2 for the following public purposes, including any applicable architects' and engineers' fees:  
 3 as a grant to the Board of Trustees of The Sotterley Foundation, Inc. (referred to  
 4 hereafter in this Act as "the grantee") for the planning, design, repair, renovation, and  
 5 restoration of The Sotterley Plantation, including stabilization of the site, upgrading of  
 6 basic facilities and the provision of capital equipment to meet the requirements of the  
 7 Americans with Disabilities Act.

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

12 ~~(5) Prior to the payment of any funds under the provisions of this Act for the~~  
 13 ~~purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching~~  
 14 ~~fund. No part of the grantee's matching fund may be provided, either directly or~~  
 15 ~~indirectly, from funds of the State, whether appropriated or unappropriated. The fund~~  
 16 ~~may consist of real property, in kind contributions, or funds expended prior to the~~  
 17 ~~effective date of this Act. In case of any dispute as to the amount of the matching fund or~~  
 18 ~~what money or assets may qualify as matching funds, the Board of Public Works shall~~  
 19 ~~determine the matter and the Board's decision is final. The grantee has until June 1,~~  
 20 ~~1999, to present evidence satisfactory to the Board of Public Works that a matching fund~~  
 21 ~~will be provided. If satisfactory evidence is presented, the Board shall certify this fact and~~  
 22 ~~the amount of the matching fund to the State Treasurer, and the proceeds of the loan~~  
 23 ~~equal to the amount of the matching fund shall be expended for the purposes provided in~~  
 24 ~~this Act. Any amount of the loan in excess of the amount of the matching fund certified~~  
 25 ~~by the Board of Public Works shall be canceled and be of no further effect.~~

26 (5) (a) The grantee shall provide and expend a matching fund.

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

33 (c) The grantee first shall present evidence to the satisfaction of the Board  
 34 of Public Works of the provision and expenditure of the matching fund, and the Board of  
 35 Public Works then shall certify this fact and disburse the proceeds of the grant under the  
 36 provisions of this Act for the purposes set forth in Section 1(3) above in the manner  
 37 described in this Act.

38 (d) The Board of Public Works shall distribute the proceeds of the loan in  
 39 two installments, beginning after June 1, 1997 and ending before June 1, 1999. The first  
 40 installment of the proceeds of the loan shall be equal to the lesser of 50 percent of the  
 41 total amount of the proceeds of the loan or the amount of the installment of the matching  
 42 fund provided by the grantee at that time. The second installment of the proceeds of the  
 43 loan shall be equal to the amount of the second installment of the matching fund, except  
 44 that the total amount of the proceeds of the loan may not exceed \$400,000.

1                   (e) Prior to the payment of each installment of the proceeds of the loan by  
2 the Board of Public Works, the grantee shall present evidence satisfactory to the Board of  
3 Public Works that the installment of the matching fund will be provided. If satisfactory  
4 evidence is presented, the Board shall certify this fact and the amount of the installment  
5 of the matching fund to the State Treasurer, and the proceeds of the loan equal to the  
6 installment of the matching fund shall be expended for the purposes provided in this Act.  
7 After June 1, 2000, any amount of the loan in excess of the amount of the total matching  
8 fund certified by the Board of Public Works shall be canceled and be of no further effect.

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

12                               (i) On the land or such portion of the land acceptable to the Trust;  
13 and

14                               (ii) On the exterior and interior, where appropriate, of the historic  
15 structures.

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

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