

HOUSE BILL 289

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SB 182/98 - B&T

1999 Regular Session
9r1055
CF 9r0890

By: **Delegates Cryor, Barkley, Carlson, Kagan, Kopp, La Vay, Shriver, and Stern**

Introduced and read first time: February 4, 1999

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Montgomery County - Germantown Cultural Arts**
3 **Center**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$700,000,
5 the proceeds to be used as a grant to the Board of Trustees of the Germantown
6 Cultural Arts Center, Inc. for certain acquisition, development, or improvement
7 purposes; providing for disbursement of the loan proceeds, subject to a
8 requirement that the grantee provide and expend a matching fund; and
9 providing 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 - Germantown Cultural Arts Center Loan of 1999 in a total principal amount
15 equal to the lesser of (i) \$700,000 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
18 of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through
19 8-124 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
21 a 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
24 and first shall be applied to the payment of the expenses of issuing, selling, and
25 delivering the bonds, unless funds for this purpose are otherwise provided, and then
26 shall be credited on the books of the Comptroller and expended, on approval by the
27 Board of Public Works, for the following public purposes, including any applicable
28 architects' and engineers' fees: as a grant to the Board of Trustees of the Germantown
29 Cultural Arts Center, Inc. (referred to hereafter in this Act as "the grantee") for the
30 planning, design, and construction of, and for the provision of capital equipment for, a
31 multiarts facility, in which there will be community programs in the performing arts,

1 visual arts, and art education, to be located in the 19700 block of Germantown Road
2 in Germantown, Maryland.

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

7 (5) Prior to the payment of any funds under the provisions of this Act for the
8 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
9 matching fund. No part of the grantee's matching fund may be provided, either
10 directly or indirectly, from funds of the State, whether appropriated or
11 unappropriated. No part of the fund may consist of in kind contributions. The fund
12 may consist of real property or funds expended prior to the effective date of this Act.
13 In case of any dispute as to the amount of the matching fund or what money or assets
14 may qualify as matching funds, the Board of Public Works shall determine the matter
15 and the Board's decision is final. The grantee has until June 1, 2001, to present
16 evidence satisfactory to the Board of Public Works that a matching fund will be
17 provided. If satisfactory evidence is presented, the Board shall certify this fact and
18 the amount of the matching fund to the State Treasurer, and the proceeds of the loan
19 equal to the amount of the matching fund shall be expended for the purposes provided
20 in this Act. Any amount of the loan in excess of the amount of the matching fund
21 certified by the Board of Public Works shall be canceled and be of no further effect.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 1999.