

SENATE BILL 502

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B4

1999 Regular Session
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CF 9r1039

By: **Senators Van Hollen, Frosh, Ruben, Hogan, Roesser, Teitelbaum, and Forehand**

Introduced and read first time: February 5, 1999
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Bethesda Academy of the Performing Arts Loan of**
3 **1997**

4 FOR the purpose of amending Chapter 289 of the Acts of the General Assembly of
5 1997, the Bethesda Academy of the Performing Arts Loan of 1997, to extend the
6 time by which the recipient shall provide the matching funds and to alter the
7 purposes for which the proceeds of the bonds shall be used.

8 BY repealing and reenacting, with amendments,
9 Chapter 289 of the Acts of the General Assembly of 1997
10 Section 1

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

13 **Chapter 289 of the Acts of 1997**

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

16 (1) The Board of Public Works may borrow money and incur indebtedness on
17 behalf of the State of Maryland through a State loan to be known as the Montgomery
18 County - Bethesda Academy of the Performing Arts Loan of 1997 in a total principal
19 amount equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund
20 provided in accordance with Section 1(5) below. This loan shall be evidenced by the
21 issuance, sale, and delivery of State general obligation bonds authorized by a
22 resolution of the Board of Public Works and issued, sold, and delivered in accordance
23 with §§ 8-117 through 8-124 of the State Finance and Procurement Article and
24 Article 31, § 22 of the Code.

25 (2) The bonds to evidence this loan or installments of this loan may be sold as
26 a single issue or may be consolidated and sold as part of a single issue of bonds under
27 § 8-122 of the State Finance and Procurement Article.

1 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
2 and first shall be applied to the payment of the expenses of issuing, selling, and
3 delivering the bonds, unless funds for this purpose are otherwise provided, and then
4 shall be credited on the books of the Comptroller and expended, on approval by the
5 Board of Public Works, for the following public purposes, including any applicable
6 architects' and engineers' fees: as a grant to the Board of Directors of the Bethesda
7 Academy of the Performing Arts, Inc. (referred to hereafter in this Act as "the
8 grantee") for the [repair, renovation, and capital equipping of a small performing arts
9 theater, to be located in a former storefront in the White Flint Mall in Montgomery
10 County] PLANNING, DESIGN, CONSTRUCTION, RECONSTRUCTION, AND CAPITAL
11 EQUIPPING OF THE IMAGINATION STAGE AND SCHOOL OF THE PERFORMING ARTS,
12 LOCATED BETWEEN DEL RAY AND AUBURN AVENUES IN BETHESDA IN
13 MONTGOMERY COUNTY.

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

18 (5) Prior to the payment of any funds under the provisions of this Act for the
19 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
20 matching fund. No part of the grantee's matching fund may be provided, either
21 directly or indirectly, from funds of the State, whether appropriated or
22 unappropriated. No part of the fund may consist of real property, in kind
23 contributions, or funds expended prior to the effective date of this Act. In case of any
24 dispute as to the amount of the matching fund or what money or assets may qualify
25 as matching funds, the Board of Public Works shall determine the matter and the
26 Board's decision is final. The grantee has until June 1, [1999] 2001, to present
27 evidence satisfactory to the Board of Public Works that a matching fund will be
28 provided. If satisfactory evidence is presented, the Board shall certify this fact and
29 the amount of the matching fund to the State Treasurer, and the proceeds of the loan
30 equal to the amount of the matching fund shall be expended for the purposes provided
31 in this Act. Any amount of the loan in excess of the amount of the matching fund
32 certified by the Board of Public Works shall be canceled and be of no further effect.

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