

SENATE BILL 659

Unofficial Copy  
B2

1999 Regular Session  
9r2279  
CF 9r1574

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By: **Senators Ferguson and Mooney (Frederick County Senators)**  
Introduced and read first time: February 11, 1999  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Frederick County - Delaplaine Visual Arts Center**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$75,000, the  
4 proceeds to be used as a grant to the Frederick Arts Center Foundation for  
5 certain development or improvement purposes; providing for disbursement of  
6 the loan proceeds, subject to a requirement that the grantee provide and expend  
7 a matching fund; requiring the grantee to grant and convey a certain easement  
8 to the Maryland Historical Trust; and providing generally for the issuance and  
9 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 Frederick  
14 County - Delaplaine Visual Arts Center Loan of 1999 in a total principal amount  
15 equal to the lesser of (i) \$75,000 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 Frederick Arts Center Foundation  
29 (referred to hereafter in this Act as "the grantee") for the repair, renovation,  
30 construction, reconstruction, final site improvements and capital equipping of the  
31 Delaplaine Visual Arts Center.

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

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

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

23 (i) On the land or such portion of the land acceptable to the Trust;  
24 and

25 (ii) On the exterior and interior, where appropriate, of the historic  
26 structures.

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

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