

SENATE BILL 375

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B2

2002 Regular Session  
2lr0902  
CF 2lr1363

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By: **Senators Hoffman, Blount, Bromwell, Della, Hafer, Hogan, Hooper,  
Kasemeyer, Kelley, Mitchell, and Van Hollen**

Introduced and read first time: January 29, 2002

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Baltimore City - Baltimore Clayworks**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000,  
4 the proceeds to be used as a grant to the Board of Directors of Baltimore  
5 Clayworks, Inc. for certain development or improvement purposes; providing for  
6 disbursement of the loan proceeds, subject to a requirement that the grantee  
7 provide and expend a matching fund; requiring the grantee to grant and convey  
8 a certain easement to the Maryland Historical Trust; and providing generally for  
9 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 Baltimore  
14 City - Baltimore Clayworks Loan of 2002 in a total principal amount equal to the  
15 lesser of (i) \$250,000 or (ii) the amount of the matching fund provided in accordance  
16 with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and  
17 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  
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 Directors of Baltimore  
29 Clayworks, Inc. (referred to hereafter in this Act as "the grantee") for the  
30 construction, repair, and renovation of the two historic buildings located on Smith  
31 Avenue in Baltimore, to include the construction of new studios, expansion of

1 classroom facilities, exterior renovation, and the addition of elevators to both  
2 buildings.

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 real property. The fund may  
12 consist of in kind contributions or funds expended prior to the effective date of this  
13 Act. In case of any dispute as to the amount of the matching fund or what money or  
14 assets may qualify as matching funds, the Board of Public Works shall determine the  
15 matter and the Board's decision is final. The grantee has until June 1, 2004, to  
16 present evidence satisfactory to the Board of Public Works that a matching fund will  
17 be 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 (6) (a) Prior to the issuance of the bonds, the grantee shall grant and convey  
23 to the Maryland Historical Trust a perpetual preservation easement to the extent of  
24 its interest:

25 (i) On the land or such portion of the land acceptable to the Trust;  
26 and

27 (ii) On the exterior and interior, where appropriate, of the historic  
28 structures.

29 (b) If the grantee or beneficiary of the grant holds a lease on the land  
30 and structures, the Trust may accept an easement on the leasehold interest.

31 (c) The easement must be in form and substance acceptable to the Trust and  
32 any liens or encumbrances against the land or the structures must be acceptable to  
33 the Trust.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 June 1, 2002.