

HOUSE BILL 1105

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HB 1161/03 - APP

2004 Regular Session
4r2995
CF 4r2789

By: **Delegates Paige, Kirk, Haynes, and Marriott**
Introduced and read first time: February 13, 2004
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Baltimore City - Bethel A.M.E. Museum and Cyber**
3 **Community Center**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,600,000,
5 the proceeds to be used as a grant to the Board of Directors of Bethel Outreach
6 Center, Inc. for certain development or improvement purposes; providing for
7 disbursement of the loan proceeds, subject to a requirement that the grantee
8 provide and expend a matching fund; requiring the grantee to grant and convey
9 a certain easement to the Maryland Historical Trust; prohibiting the use of the
10 proceeds of the loan or the matching fund for sectarian religious purposes;
11 establishing a deadline for the encumbrance or expenditure of the loan proceeds;
12 and providing generally for the issuance and sale of bonds evidencing the loan.

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

15 (1) The Board of Public Works may borrow money and incur indebtedness on
16 behalf of the State of Maryland through a State loan to be known as the Baltimore
17 City - Bethel A.M.E. Museum and Cyber Community Center Loan of 2004 in a total
18 principal amount equal to the lesser of (i) \$1,600,000 or (ii) the amount of the
19 matching fund provided in accordance with Section 1(5) below. This loan shall be
20 evidenced by the issuance, sale, and delivery of State general obligation bonds
21 authorized by a resolution of the Board of Public Works and issued, sold, and
22 delivered in accordance with §§ 8-117 through 8-124 of the State Finance and
23 Procurement Article and Article 31, § 22 of the Code.

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

27 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
28 and first shall be applied to the payment of the expenses of issuing, selling, and
29 delivering the bonds, unless funds for this purpose are otherwise provided, and then
30 shall be credited on the books of the Comptroller and expended, on approval by the
31 Board of Public Works, for the following public purposes, including any applicable
32 architects' and engineers' fees: as a grant to the Board of Directors of Bethel Outreach

1 Center, Inc. (referred to hereafter in this Act as "the grantee") for the planning,
2 design, construction, and capital equipping of the Bethel African Methodist Episcopal
3 Museum and Cyber Community Center to show a history of the African Methodist
4 Episcopal Church and to offer programs on technology, computers, job preparation,
5 career advancement, and life skills, located in Baltimore City.

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

10 (5) Prior to the payment of any funds under the provisions of this Act for the
11 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
12 matching fund. No part of the grantee's matching fund may be provided, either
13 directly or indirectly, from funds of the State, whether appropriated or
14 unappropriated. The fund may consist of real property, in kind contributions, or funds
15 expended prior to the effective date of this Act. In case of any dispute as to the amount
16 of the matching fund or what money or assets may qualify as matching funds, the
17 Board of Public Works shall determine the matter and the Board's decision is final.
18 The grantee has until June 1, 2006, to present evidence satisfactory to the Board of
19 Public Works that a matching fund will be provided. If satisfactory evidence is
20 presented, the Board shall certify this fact and the amount of the matching fund to
21 the State Treasurer, and the proceeds of the loan equal to the amount of the matching
22 fund shall be expended for the purposes provided in this Act. Any amount of the loan
23 in excess of the amount of the matching fund certified by the Board of Public Works
24 shall be canceled and be of no further effect.

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

28 (i) On the land or such portion of the land acceptable to the Trust;
29 and

30 (ii) On the exterior and interior, where appropriate, of the historic
31 structures.

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

34 (c) The easement must be in form and substance acceptable to the Trust
35 and any liens or encumbrances against the land or the structures must be acceptable
36 to the Trust.

37 (7) No portion of the proceeds of the loan or any of the matching funds may be
38 used for the furtherance of sectarian religious instruction, or in connection with the
39 design, acquisition, or construction of any building used or to be used as a place of
40 sectarian religious worship or instruction, or in connection with any program or
41 department of divinity for any religious denomination. Upon the request of the Board
42 of Public Works, the grantee shall submit evidence satisfactory to the Board that none

1 of the proceeds of the loan or any matching funds have been or are being used for a
2 purpose prohibited by this Act.

3 (8) The proceeds of the loan must be expended or encumbered by the Board of
4 Public Works for the purposes provided in this Act no later than June 1, 2011. If any
5 funds authorized by this Act remain unexpended or unencumbered after June 1, 2011,
6 the amount of the unencumbered or unexpended authorization shall be canceled and
7 be of no further effect. If bonds have been issued for the loan, the amount of
8 unexpended or unencumbered bond proceeds shall be disposed of as provided in §
9 8-129 of the State Finance and Procurement Article.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect June 1, 2004.