

SENATE BILL 763

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B2  
SB 144/02 - B&T

2004 Regular Session  
4r2766  
CF 4r2974

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By: **Senator Astle**

Introduced and read first time: February 12, 2004

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Anne Arundel County - Maryland Hall for the**  
3 **Creative Arts**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000,  
5 the proceeds to be used as a grant to the Board of Directors of the Maryland Hall  
6 for the Creative Arts, Inc. for certain development or improvement purposes;  
7 providing for disbursement of the loan proceeds, subject to a requirement that  
8 the grantee provide and expend a matching fund; requiring the grantee and the  
9 Board of Education of Anne Arundel County to grant and convey a certain  
10 easement to the Maryland Historical Trust; establishing a deadline for the  
11 encumbrance or expenditure of the loan proceeds; and providing generally for  
12 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 Anne Arundel  
17 County - Maryland Hall for the Creative Arts Loan of 2004 in a total principal  
18 amount equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund  
19 provided in accordance with Section 1(5) below. This loan shall be evidenced by the  
20 issuance, sale, and delivery of State general obligation bonds authorized by a  
21 resolution of the Board of Public Works and issued, sold, and delivered in accordance  
22 with §§ 8-117 through 8-124 of the State Finance and Procurement Article and  
23 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 the Maryland

1 Hall for the Creative Arts, Inc. (referred to hereafter in this Act as "the grantee") for  
2 the continued renovation and rehabilitation of Maryland Hall for the Creative Arts  
3 located at 801 Chase Street in Annapolis.

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

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

23 (6) (a) Prior to the issuance of the bonds, the grantee and the Board of  
24 Education of Anne Arundel County shall grant and convey to the Maryland Historical  
25 Trust a perpetual preservation easement to the extent of its interest:

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

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

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

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

35 (7) The proceeds of the loan must be expended or encumbered by the Board of  
36 Public Works for the purposes provided in this Act no later than June 1, 2011. If any  
37 funds authorized by this Act remain unexpended or unencumbered after June 1, 2011,  
38 the amount of the unencumbered or unexpended authorization shall be canceled and  
39 be of no further effect. If bonds have been issued for the loan, the amount of  
40 unexpended or unencumbered bond proceeds shall be disposed of as provided in §  
41 8-129 of the State Finance and Procurement Article.

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