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By: **Delegates Haynes, Kirk, and Paige**

Introduced and read first time: February 1, 2006

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Baltimore City - Institute of Notre Dame**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,000,000,  
4 the proceeds to be used as a grant to the Board of Directors of the Institute of  
5 Notre Dame, Inc. for certain development or improvement purposes; providing  
6 for disbursement of the loan proceeds, subject to a requirement that the grantee  
7 provide and expend a matching fund; prohibiting the loan proceeds or the  
8 matching fund from being used for sectarian religious purposes; establishing a  
9 deadline for the encumbrance or expenditure of the loan proceeds; and providing  
10 generally for the issuance and sale of bonds evidencing the loan.

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That:

13 (1) The Board of Public Works may borrow money and incur indebtedness on  
14 behalf of the State of Maryland through a State loan to be known as the Baltimore  
15 City - Institute of Notre Dame Loan of 2006 in a total principal amount equal to the  
16 lesser of (i) \$1,000,000 or (ii) the amount of the matching fund provided in accordance  
17 with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and  
18 delivery of State general obligation bonds authorized by a resolution of the Board of  
19 Public Works and issued, sold, and delivered in accordance with §§ 8-117 through  
20 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

21 (2) The bonds to evidence this loan or installments of this loan may be sold as  
22 a single issue or may be consolidated and sold as part of a single issue of bonds under  
23 § 8-122 of the State Finance and Procurement Article.

24 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
25 and first shall be applied to the payment of the expenses of issuing, selling, and  
26 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
27 shall be credited on the books of the Comptroller and expended, on approval by the  
28 Board of Public Works, for the following public purposes, including any applicable  
29 architects' and engineers' fees: as a grant to the Board of Directors of the Institute of  
30 Notre Dame, Inc. (referred to hereafter in this Act as "the grantee") for the planning,  
31 design, construction, renovation, reconstruction, and capital equipping of the

1 auditorium and classrooms for a fine arts program expansion, located on Aisquith  
2 Street in Baltimore City.

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 in kind contributions, or funds  
12 expended prior to the effective date of this Act. The fund may consist of real property.  
13 In case of any dispute as to the amount of the matching fund or what money or assets  
14 may qualify as matching funds, the Board of Public Works shall determine the matter  
15 and the Board's decision is final. The grantee has until June 1, 2008, to present  
16 evidence satisfactory to the Board of Public Works that a matching fund will be  
17 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) No portion of the proceeds of the loan or any of the matching funds may be  
23 used for the furtherance of sectarian religious instruction, or in connection with the  
24 design, acquisition, or construction of any building used or to be used as a place of  
25 sectarian religious worship or instruction, or in connection with any program or  
26 department of divinity for any religious denomination. Upon the request of the Board  
27 of Public Works, the grantee shall submit evidence satisfactory to the Board that none  
28 of the proceeds of the loan or any matching funds have been or are being used for a  
29 purpose prohibited by this Act.

30 (7) The proceeds of the loan must be expended or encumbered by the Board of  
31 Public Works for the purposes provided in this Act no later than June 1, 2013. If any  
32 funds authorized by this Act remain unexpended or unencumbered after June 1,  
33 2013, the amount of the unencumbered or unexpended authorization shall be  
34 canceled and be of no further effect. If bonds have been issued for the loan, the  
35 amount of unexpended or unencumbered bond proceeds shall be disposed of as  
36 provided in § 8-129 of the State Finance and Procurement Article.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 June 1, 2006.