
By: **Delegates Madaleno, Gutierrez, and Lawton**

Introduced and read first time: February 10, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Montgomery County - Circle Manor**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,600,000,
4 the proceeds to be used as a grant to the Mayor and Town Council of the Town of
5 Kensington 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; establishing a deadline for the
8 encumbrance or expenditure of the loan proceeds; requiring the grantee to grant
9 and convey a certain easement to the Maryland Historical Trust; 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 Montgomery
15 County - Circle Manor Loan of 2006 in a total principal amount equal to the lesser of
16 (i) \$1,600,000 or (ii) the amount of the matching fund provided in accordance with
17 Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of
18 State general obligation bonds authorized by a resolution of the Board of Public
19 Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of
20 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 Mayor and Town Council of the Town
30 of Kensington (referred to hereafter in this Act as "the grantee") for the acquisition of
31 Circle Manor, to be preserved as an historic property and to be used to provide
32 services to the community, located in Kensington.

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 or in kind
10 contributions. The fund may consist of funds expended prior to the effective date of
11 this Act. In case of any dispute as to the amount of the matching fund or what money
12 or assets may qualify as matching funds, the Board of Public Works shall determine
13 the matter and the Board's decision is final. The grantee has until June 1, 2008, to
14 present evidence satisfactory to the Board of Public Works that a matching fund will
15 be provided. If satisfactory evidence is presented, the Board shall certify this fact and
16 the amount of the matching fund to the State Treasurer, and the proceeds of the loan
17 equal to the amount of the matching fund shall be expended for the purposes provided
18 in this Act. Any amount of the loan in excess of the amount of the matching fund
19 certified by the Board of Public Works shall be canceled and be of no further effect.

20 (6) The proceeds of the loan must be expended or encumbered by the Board of
21 Public Works for the purposes provided in this Act no later than June 1, 2013. If any
22 funds authorized by this Act remain unexpended or unencumbered after June 1,
23 2013, the amount of the unencumbered or unexpended authorization shall be
24 canceled and be of no further effect. If bonds have been issued for the loan, the
25 amount of unexpended or unencumbered bond proceeds shall be disposed of as
26 provided in § 8-129 of the State Finance and Procurement Article.

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

30 (i) On the land or such portion of the land acceptable to the Trust;
31 and

32 (ii) On the exterior and interior, where appropriate, of the historic
33 structures.

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

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

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