

HOUSE BILL 1259

B2

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By: **Delegates Taylor, Bartlett, G. Clagett, Elliott, Feldman, Kaiser, Miller, Rice, Stull, and Weldon**

Introduced and read first time: February 22, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Montgomery County – Four County Regional**
3 **Performing Arts Center**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$900,000,
5 the proceeds to be used as a grant to the Board of Directors of the Hekemian
6 Damascus Performing Arts Center, Inc. for certain development or
7 improvement purposes; providing for disbursement of the loan proceeds, subject
8 to a requirement that the grantee provide and expend a matching fund;
9 establishing a deadline for the encumbrance or expenditure of the loan
10 proceeds; and providing generally for the issuance and sale of bonds evidencing
11 the loan.

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

14 (1) The Board of Public Works may borrow money and incur indebtedness on
15 behalf of the State of Maryland through a State loan to be known as the Montgomery
16 County – Four County Regional Performing Arts Center Loan of 2007 in a total
17 principal amount equal to the lesser of (i) \$900,000 or (ii) the amount of the matching
18 fund provided in accordance with Section 1(5) below. This loan shall be evidenced by
19 the issuance, sale, and delivery of State general obligation bonds authorized by a
20 resolution of the Board of Public Works and issued, sold, and delivered in accordance
21 with §§ 8–117 through 8–124 of the State Finance and Procurement Article and
22 Article 31, § 22 of the Code.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
5 and first shall be applied to the payment of the expenses of issuing, selling, and
6 delivering the bonds, unless funds for this purpose are otherwise provided, and then
7 shall be credited on the books of the Comptroller and expended, on approval by the
8 Board of Public Works, for the following public purposes, including any applicable
9 architects' and engineers' fees: as a grant to the Board of Directors of the Hekemian
10 Damascus Performing Arts Center, Inc. (referred to hereafter in this Act as "the
11 grantee") for the acquisition, planning, and design of the Four County Regional
12 Performing Arts Center, located in Damascus.

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

17 (5) Prior to the payment of any funds under the provisions of this Act for the
18 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
19 matching fund. No part of the grantee's matching fund may be provided, either
20 directly or indirectly, from funds of the State, whether appropriated or
21 unappropriated. No part of the fund may consist of funds expended prior to the
22 effective date of this Act. The fund may consist of real property or in kind
23 contributions. In case of any dispute as to the amount of the matching fund or what
24 money or assets may qualify as matching funds, the Board of Public Works shall
25 determine the matter and the Board's decision is final. The grantee has until June 1,
26 2009, to present evidence satisfactory to the Board of Public Works that a matching
27 fund will be provided. If satisfactory evidence is presented, the Board shall certify this
28 fact and the amount of the matching fund to the State Treasurer, and the proceeds of
29 the loan equal to the amount of the matching fund shall be expended for the purposes
30 provided in this Act. Any amount of the loan in excess of the amount of the matching
31 fund certified by the Board of Public Works shall be canceled and be of no further
32 effect.

33 (6) The proceeds of the loan must be expended or encumbered by the Board
34 of Public Works for the purposes provided in this Act no later than June 1, 2014. If any
35 funds authorized by this Act remain unexpended or unencumbered after June 1, 2014,
36 the amount of the unencumbered or unexpended authorization shall be canceled and
37 be of no further effect. If bonds have been issued for the loan, the amount of
38 unexpended or unencumbered bond proceeds shall be disposed of as provided in §
39 8–129 of the State Finance and Procurement Article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2007.