

# HOUSE BILL 230

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CF 9lr0776

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By: **Delegate Donoghue**

Introduced and read first time: January 28, 2009

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Washington County – Barbara Ingram School for**  
3 **the 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 Hagerstown  
6 Neighborhood Development Partnership, 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 requiring the grantee to grant and convey a certain easement to the Maryland  
10 Historical Trust; establishing a deadline for the encumbrance or expenditure of  
11 the loan proceeds; and providing generally for the issuance and sale of bonds  
12 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 Washington  
17 County – Barbara Ingram School for the Arts Loan of 2009 in a total principal amount  
18 equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided in  
19 accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale,  
20 and delivery of State general obligation bonds authorized by a resolution of the Board  
21 of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through  
22 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

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

26 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
27 and first shall be applied to the payment of the expenses of issuing, selling, and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
2 shall be credited on the books of the Comptroller and expended, on approval by the  
3 Board of Public Works, for the following public purposes, including any applicable  
4 architects' and engineers' fees: as a grant to the Board of Directors of the Hagerstown  
5 Neighborhood Development Partnership, Inc. (referred to hereafter in this Act as "the  
6 grantee") for the repair, renovation, reconstruction, and capital equipping of the  
7 Barbara Ingram School for the Arts, located in Hagerstown.

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

12 (5) Prior to the payment of any funds under the provisions of this Act for the  
13 purposes set forth in Section 1(3) above, the grantee shall provide and expend a  
14 matching fund. No part of the grantee's matching fund may be provided, either  
15 directly or indirectly, from funds of the State, whether appropriated or  
16 unappropriated. The fund may consist of real property, in kind contributions, or funds  
17 expended prior to the effective date of this Act. In case of any dispute as to the amount  
18 of the matching fund or what money or assets may qualify as matching funds, the  
19 Board of Public Works shall determine the matter and the Board's decision is final.  
20 The grantee has until June 1, 2011, to present evidence satisfactory to the Board of  
21 Public Works that a matching fund will be provided. If satisfactory evidence is  
22 presented, the Board shall certify this fact and the amount of the matching fund to the  
23 State Treasurer, and the proceeds of the loan equal to the amount of the matching  
24 fund shall be expended for the purposes provided in this Act. Any amount of the loan  
25 in excess of the amount of the matching fund certified by the Board of Public Works  
26 shall be canceled and be of no further effect.

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

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

32 (ii) On the exterior and interior, where appropriate, of the  
33 historic 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  
37 Trust and any liens or encumbrances against the land or the structures must be  
38 acceptable to the Trust.

39 (7) The proceeds of the loan must be expended or encumbered by the Board  
40 of Public Works for the purposes provided in this Act no later than June 1, 2016. If any

1 funds authorized by this Act remain unexpended or unencumbered after June 1, 2016,  
2 the amount of the unencumbered or unexpended authorization shall be canceled and  
3 be of no further effect. If bonds have been issued for the loan, the amount of  
4 unexpended or unencumbered bond proceeds shall be disposed of as provided in §  
5 8–129 of the State Finance and Procurement Article.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 June 1, 2009.