

HOUSE BILL 1430

B2
HB 385/08 – APP

9lr3194

By: **Delegate Donoghue**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Washington County – Museum of Fine Arts**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$150,000,
4 the proceeds to be used as a grant to the Board of Trustees of the Washington
5 County Museum of Fine Arts, Inc. for certain development or improvement
6 purposes; providing for disbursement of the loan proceeds, subject to a
7 requirement that the grantee provide and expend a matching fund; requiring
8 the grantee to grant and convey a certain easement to the Maryland Historical
9 Trust; 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 Washington
16 County – Museum of Fine Arts Loan of 2009 in a total principal amount equal to the
17 lesser of (i) \$150,000 or (ii) the amount of the matching fund provided in accordance
18 with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and
19 delivery of State general obligation bonds authorized by a resolution of the Board of
20 Public Works and issued, sold, and delivered in accordance with §§ 8–117 through
21 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

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

25 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
26 and first shall be applied to the payment of the expenses of issuing, selling, and
27 delivering the bonds, unless funds for this purpose are otherwise provided, and then

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 shall be credited on the books of the Comptroller and expended, on approval by the
2 Board of Public Works, for the following public purposes, including any applicable
3 architects' and engineers' fees: as a grant to the Board of Trustees of the Washington
4 County Museum of Fine Arts, Inc. (referred to hereafter in this Act as "the grantee")
5 for the planning, design, construction, renovation, and capital equipping of a courtyard
6 and building for the Museum of Fine Arts, located in Hagerstown.

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

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

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

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

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

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

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

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

1 the amount of the unencumbered or unexpended authorization shall be canceled and
2 be of no further effect. If bonds have been issued for the loan, the amount of
3 unexpended or unencumbered bond proceeds shall be disposed of as provided in
4 § 8-129 of the State Finance and Procurement Article.

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