

SENATE BILL 758

F5, B5

9lr2660
CF 9lr2417

By: **Senator Klausmeier**

Introduced and read first time: February 4, 2019

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Maryland Stadium Authority – Public School Construction**

3 FOR the purpose of requiring the Maryland Stadium Authority to perform certain actions;
4 authorizing the Authority to issue bonds to finance the construction of or
5 improvements to certain Baltimore County public school facilities subject to certain
6 limitations; specifying that the Authority and the Baltimore County Board of
7 Education shall be responsible for certain public school facilities construction and
8 improvement projects subject to a certain memorandum of understanding;
9 prohibiting the interference with or limitation of the powers of the Authority and the
10 Baltimore County Board except under certain circumstances; specifying that certain
11 expenses incurred by the Authority are payable only from certain funds; requiring
12 the Authority to provide certain written notice within a certain time frame;
13 specifying that certain bonds are a limited obligation of the Authority payable solely
14 from certain pledged money and are not a debt, a liability, a moral obligation, or a
15 pledge of the faith and credit or taxing power of the State, the Authority, or any other
16 governmental unit; requiring the Authority to obtain approval from the Board of
17 Public Works before each issuance of bonds to finance improvements to Baltimore
18 County public school facilities; prohibiting the total debt service from exceeding a
19 certain amount; requiring Baltimore County to deposit a certain amount of money
20 into a certain fund; requiring the Authority to transfer certain funds under certain
21 circumstances; authorizing the Authority to transfer certain funds under certain
22 circumstances; requiring the Authority to direct the State Comptroller to withhold
23 certain income tax revenues from Baltimore County and instead deposit that money
24 into a certain fund under a certain circumstance; requiring a certain joint report on
25 or before a certain date each year; providing for certain requirements for the
26 Baltimore County Board regarding certain buildable sites and certain operational
27 responsibilities; providing for the payment of certain costs; requiring the Authority,
28 Baltimore County, the Baltimore County Board, and the Interagency Commission on
29 School Construction to agree to a certain memorandum of understanding on or before
30 a certain date; prohibiting the issuance of bonds to finance improvements to
31 Baltimore County public school facilities unless the memorandum of understanding

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 is signed by certain parties; specifying the requirements of the memorandum of
2 understanding; requiring the State Superintendent of Schools to facilitate resolution
3 in the event of a dispute of certain provisions in the memorandum of understanding;
4 prohibiting the memorandum of understanding from taking effect until it is approved
5 by the Board of Public Works; establishing the Baltimore County Public School
6 Construction Financing Fund and the Baltimore County Public School Construction
7 Facilities Fund as continuing, nonlapsing funds; specifying the contents of the funds
8 and providing for the uses of the funds; exempting the funds from a certain provision
9 of law requiring interest on State money in special funds to accrue to the General
10 Fund of the State; limiting the amount of debt that may be issued by the Authority
11 to finance certain public school construction projects in Baltimore County including
12 nontax-supported debt; providing that money deposited in a certain fund may be
13 used as security for a bond issue; altering the distribution of certain State lottery
14 revenues and requiring the State Comptroller to distribute certain State lottery
15 revenues into a certain fund; requiring certain reports and notifications; defining
16 certain terms; providing for a delayed effective date for certain provisions of this Act;
17 and generally relating to public school construction.

18 BY repealing and reenacting, with amendments,

19 Article – Economic Development

20 Section 10–601, 10–620(e) and (f), 10–628(c), 10–634, and 10–658

21 Annotated Code of Maryland

22 (2018 Replacement Volume)

23 BY adding to

24 Article – Economic Development

25 Section 10–649, 10–650, 10–658, and 10–659

26 Annotated Code of Maryland

27 (2018 Replacement Volume)

28 BY repealing and reenacting, without amendments,

29 Article – State Finance and Procurement

30 Section 6–226(a)(2)(i)

31 Annotated Code of Maryland

32 (2015 Replacement Volume and 2018 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article – State Finance and Procurement

35 Section 6–226(a)(2)(ii)112. and 113.

36 Annotated Code of Maryland

37 (2015 Replacement Volume and 2018 Supplement)

38 BY adding to

39 Article – State Finance and Procurement

40 Section 6–226(a)(2)(ii)114. and 115.

41 Annotated Code of Maryland

42 (2015 Replacement Volume and 2018 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – State Government
3 Section 9–120
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2018 Supplement)
6 (As enacted by Chapters 184 and 185 of the Acts of the General Assembly of 2018)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That the Laws of Maryland read as follows:

9 **Article – Economic Development**

10 10–601.

11 (a) In this subtitle the following words have the meanings indicated.

12 (b) “Authority” means the Maryland Stadium Authority.

13 (c) “Authority affiliate” means a for–profit or nonprofit entity in which the
14 Authority directly or indirectly owns any membership interest or equity interest.

15 (d) “Baltimore City” means, as the context requires:

16 (1) the geographic area of the City of Baltimore; or

17 (2) the Mayor and City Council of Baltimore.

18 (e) “Baltimore City Board of School Commissioners” means the Baltimore City
19 Board of School Commissioners of the Baltimore City Public School System established
20 under § 3–108.1 of the Education Article.

21 (f) “Baltimore City Public School Construction Facilities Fund” means the
22 Baltimore City Public School Construction Facilities Fund established under § 10–657 of
23 this subtitle.

24 (g) “Baltimore City Public School Construction Financing Fund” means the
25 Baltimore City Public School Construction Financing Fund established under § 10–656 of
26 this subtitle.

27 (h) “Baltimore City public school facility” means a property primarily used for
28 educational instruction that:

29 (1) is held in trust by Baltimore City or the Baltimore City Board of School
30 Commissioners for the benefit of the Baltimore City Public School System; and

31 (2) is designated for improvement under the memorandum of

1 understanding between the Authority, Baltimore City, the Baltimore City Board of School
2 Commissioners, and the Interagency Commission on School Construction entered into in
3 accordance with § 10–646 of this subtitle.

4 (i) “Baltimore City public school site” means the site of any Baltimore City public
5 school facility.

6 (j) (1) “Baltimore Convention facility” means:

7 (i) a convention center, trade show facility, meeting hall, or other
8 structure in Baltimore City used to hold conventions, trade shows, meetings, displays, or
9 similar events; and

10 (ii) offices, parking lots or garages, access roads, hotels, restaurants,
11 railroad sidings, and any other structures, improvements, equipment, furnishings, or other
12 property functionally related to the facilities described in item (i) of this paragraph.

13 (2) “Baltimore Convention facility” includes the following, if used, useful,
14 or usable in the future as, or in connection with, a Baltimore Convention facility:

15 (i) land, structures, equipment, property, property rights, property
16 appurtenances, rights-of-way, franchises, easements, and other interests in land;

17 (ii) land and facilities that are functionally related to a Baltimore
18 Convention facility; and

19 (iii) patents, licenses, and other rights necessary or useful to
20 construct or operate a Baltimore Convention facility.

21 (k) “Baltimore Convention Fund” means the Baltimore Convention Financing
22 Fund established under § 10–651 of this subtitle.

23 (l) “Baltimore Convention site” means the site of the Baltimore Convention
24 Center located in Baltimore City at the address generally known as 1 West Pratt Street,
25 identified in the State Department of Assessments and Taxation Real Property database
26 as tax identification number Ward 22, Section 01, Block 0682, Lots 001 and 001A.

27 **(M) “BALTIMORE COUNTY” MEANS, AS THE CONTEXT REQUIRES:**

28 **(1) THE GEOGRAPHIC AREA OF BALTIMORE COUNTY; OR**

29 **(2) THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE**
30 **COUNTY.**

31 **(N) “BALTIMORE COUNTY BOARD” MEANS THE BALTIMORE COUNTY**
32 **BOARD OF EDUCATION ESTABLISHED UNDER TITLE 3 OF THE EDUCATION ARTICLE.**

1 **(O) “BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION FACILITIES**
2 **FUND” MEANS THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION**
3 **FACILITIES FUND ESTABLISHED UNDER § 10–659 OF THIS SUBTITLE.**

4 **(P) “BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION FINANCING**
5 **FUND” MEANS THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION**
6 **FINANCING FUND ESTABLISHED UNDER § 10–658 OF THIS SUBTITLE.**

7 **(Q) “BALTIMORE COUNTY PUBLIC SCHOOL FACILITY” MEANS A PROPERTY**
8 **PRIMARILY USED FOR EDUCATION INSTRUCTION THAT:**

9 **(1) IS HELD IN A TRUST BY BALTIMORE COUNTY OR THE BALTIMORE**
10 **COUNTY BOARD FOR THE BENEFIT OF THE BALTIMORE COUNTY PUBLIC SCHOOL**
11 **SYSTEM; AND**

12 **(2) IS DESIGNATED FOR IMPROVEMENT UNDER THE MEMORANDUM**
13 **OF UNDERSTANDING BETWEEN THE AUTHORITY, BALTIMORE COUNTY, THE**
14 **BALTIMORE COUNTY BOARD, AND THE INTERAGENCY COMMISSION ON SCHOOL**
15 **CONSTRUCTION ENTERED INTO IN ACCORDANCE WITH § 10–650 OF THIS SUBTITLE.**

16 **(R) “BALTIMORE COUNTY PUBLIC SCHOOL SITE” MEANS THE SITE OF ANY**
17 **BALTIMORE COUNTY PUBLIC SCHOOL FACILITY.**

18 **[(m)] (S) “Bond” includes a note, an interim certificate, refunding bond, and any**
19 **other evidence of obligation issued under this subtitle.**

20 **[(n)] (T) “Camden Yards” means the area comprising approximately 85 acres in**
21 **Baltimore City bounded by Camden Street on the north, Russell Street on the west, Ostend**
22 **Street on the south, and Howard Street and Interstate 395 on the east.**

23 **[(o)] (U) “Camden Yards Fund” means the Camden Yards Financing Fund**
24 **established under § 10–652 of this subtitle.**

25 **[(p)] (V) “Convention facility” means the Baltimore Convention facility, the**
26 **Montgomery County Conference facility, and the Ocean City Convention facility.**

27 **[(q)] (W) “Facility” means:**

28 (1) a structure or other improvement developed at Camden Yards;

29 (2) a convention facility;

30 (3) the Hippodrome Performing Arts facility;

1 (4) a sports facility; [or]

2 (5) a Baltimore City public school facility; **OR**

3 **(6) A BALTIMORE COUNTY PUBLIC SCHOOL FACILITY.**

4 **[(r)] (X)** “Governmental unit” means a county, a municipal corporation, a unit
5 of State or local government, or any other public body created under State or local law.

6 **[(s)] (Y)** (1) “Hippodrome Performing Arts facility” means the performing
7 arts center facility located at the Hippodrome Performing Arts site.

8 (2) “Hippodrome Performing Arts facility” includes, at the Hippodrome
9 Performing Arts site:

10 (i) the Hippodrome theater and offices;

11 (ii) food service facilities; and

12 (iii) any other functionally related property, structures,
13 improvements, furnishings, or equipment.

14 **[(t)] (Z)** “Hippodrome Performing Arts Fund” means the Hippodrome
15 Performing Arts Financing Fund established under § 10–653 of this subtitle.

16 **[(u)] (AA)** “Hippodrome Performing Arts site” means the site of the
17 France–Merrick Performing Arts Center located in Baltimore City at the address generally
18 known as:

19 (1) 12 North Eutaw Street Building, identified in the State Department of
20 Assessments and Taxation Real Property database as tax identification number Ward 04,
21 Section 08, Block 0631, Lot 001; and

22 (2) 401 West Fayette Street, identified in the State Department of
23 Assessments and Taxation Real Property database as tax identification number Ward 04,
24 Section 08, Block 0631, Lot 013.

25 **[(v)] (BB)** “Improve” means to add, alter, construct, equip, expand, extend,
26 improve, install, reconstruct, rehabilitate, remodel, or repair.

27 **[(w)] (CC)** “Improvement” means addition, alteration, construction, equipping,
28 expansion, extension, improvement, installation, reconstruction, rehabilitation,
29 remodeling, or repair.

30 **[(x)] (DD)** “Montgomery County” includes the Montgomery County Revenue
31 Authority.

1 **[(y)] (EE)** (1) “Montgomery County Conference facility” means the Conference
2 Center facility located at the Montgomery County Conference site used for conferences,
3 trade shows, meetings, displays, or similar events.

4 (2) “Montgomery County Conference facility” includes, at the Montgomery
5 County Conference site, offices, parking lots and garages, access roads, food service
6 facilities, and other functionally related property, structures, improvements, furnishings,
7 or equipment.

8 (3) “Montgomery County Conference facility” does not include the privately
9 owned hotel adjacent to the Montgomery County Conference Center.

10 **[(z)] (FF)** “Montgomery County Conference Fund” means the Montgomery
11 County Conference Financing Fund established under § 10–654 of this subtitle.

12 **[(aa)] (GG)** “Montgomery County Conference site” means the site of the
13 Montgomery County Conference Center located in Rockville at the address generally
14 known as 5701 Marinelli Road, identified in the State Department of Assessments and
15 Taxation Real Property database as tax identification number District 04, Account Number
16 03392987.

17 **[(bb)] (HH)** (1) “Ocean City Convention facility” means:

18 (i) a convention center, trade show facility, meeting hall, or other
19 structure in Ocean City used to hold conventions, trade shows, meetings, displays, or
20 similar events; and

21 (ii) offices, parking lots or garages, access roads, food service
22 facilities, and any other structures, improvements, equipment, furnishings, or other
23 property functionally related to the facilities described in item (i) of this paragraph.

24 (2) “Ocean City Convention facility” includes the following, if used, useful,
25 or usable in the future as, or in connection with, an Ocean City Convention facility:

26 (i) land, structures, equipment, property, property rights, property
27 appurtenances, rights-of-way, franchises, easements, and other interests in land;

28 (ii) land and facilities that are functionally related to an Ocean City
29 Convention facility; and

30 (iii) patents, licenses, and other rights necessary or useful to
31 construct or operate an Ocean City Convention facility.

32 **[(cc)] (II)** “Ocean City Convention Fund” means the Ocean City Convention
33 Financing Fund established under § 10–655 of this subtitle.

1 ~~[(dd)]~~ **(JJ)** “Ocean City Convention site” means the site of the Ocean City
2 Convention Center located in Ocean City at the address generally known as 4001 Coastal
3 Highway, identified in the State Department of Assessments and Taxation Real Property
4 database as tax identification numbers District 10, Account Number 055237; District 10,
5 Account Number 066301; District 10, Account Number 247942; and District 10, Account
6 Number 280346.

7 ~~[(ee)]~~ **(KK)** (1) “Sports facility” means:

8 (i) a stadium primarily for professional football, major league
9 professional baseball, or both, in the Baltimore metropolitan region, as defined in § 13–301
10 of this article;

11 (ii) practice fields or other areas where professional football or major
12 league professional baseball teams practice or perform; and

13 (iii) offices for professional football and major league professional
14 baseball teams or franchises.

15 (2) “Sports facility” includes parking lots, garages, and any other property
16 adjacent and directly related to an item listed in paragraph (1) of this subsection.

17 ~~[(ff)]~~ **(LL)** “Tax supported debt” has the meaning stated in § 8–104 of the State
18 Finance and Procurement Article.

19 10–620.

20 (e) (1) This subsection does not apply to the Camden Yards site, Baltimore
21 Convention site, Ocean City Convention site, Hippodrome Performing Arts site, or any
22 Baltimore City **OR BALTIMORE COUNTY** public school site.

23 (2) The Authority and any Authority affiliate is subject to applicable
24 planning, zoning, and development regulations to the same extent as a private commercial
25 or industrial enterprise.

26 (f) The Authority shall:

27 (1) in cooperation with Baltimore City, appoint a task force that includes
28 residents and business and institutional representatives from the area adjacent to Camden
29 Yards to review the schematic, preliminary, and final plans for facilities at Camden Yards;

30 (2) submit schematic plans for development of Camden Yards and the
31 Baltimore Convention site to Baltimore City for review and comment before acquiring any
32 property;

33 (3) with respect to Camden Yards, the Baltimore Convention facility, and

1 the Hippodrome Performing Arts facility, submit preliminary and final plans to Baltimore
2 City for review and comment;

3 (4) with respect to Camden Yards, the Baltimore Convention facility, and
4 the Hippodrome Performing Arts facility, participate in the design review processes of
5 Baltimore City; [and]

6 (5) with respect to a Baltimore City public school facility, perform the
7 actions required under §§ 10–645, 10–646, 10–656, and 10–657 of this subtitle; AND

8 (6) WITH RESPECT TO A BALTIMORE COUNTY PUBLIC SCHOOL
9 FACILITY, PERFORM THE ACTIONS REQUIRED UNDER §§ 10–649, 10–650, 10–658,
10 AND 10–659 OF THIS SUBTITLE.

11 10–628.

12 (c) (1) Unless authorized by the General Assembly, the Board of Public Works
13 may not approve an issuance by the Authority of bonds, whether taxable or tax exempt,
14 that constitute tax supported debt or nontax supported debt if, after issuance, there would
15 be outstanding and unpaid more than the following face amounts of the bonds for the
16 purpose of financing acquisition, construction, renovation, and related expenses for
17 construction management, professional fees, and contingencies in connection with:

18 (i) the Baltimore Convention facility – \$55,000,000;

19 (ii) the Hippodrome Performing Arts facility – \$20,250,000;

20 (iii) the Montgomery County Conference facility – \$23,185,000;

21 (iv) the Ocean City Convention facility – \$17,340,000; [and]

22 (v) Baltimore City public school facilities – \$1,100,000,000; AND

23 (VI) BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES –
24 \$750,000,000.

25 (2) (i) The limitation under paragraph (1)(i) of this subsection applies
26 to the aggregate principal amount of bonds outstanding as of June 30 of any year.

27 (ii) Refunded bonds may not be included in the determination of an
28 outstanding aggregate amount under this paragraph.

29 10–634.

30 (a) A pledge by the Authority of revenues or money deposited in the Baltimore
31 City Public School Construction Financing Fund OR THE BALTIMORE COUNTY PUBLIC

1 **SCHOOL CONSTRUCTION FINANCING FUND** as security for an issue of bonds is valid
2 and binding from when the pledge is made.

3 (b) (1) The revenues or money deposited in the Baltimore City Public School
4 Construction Financing Fund **OR IN THE BALTIMORE COUNTY PUBLIC SCHOOL**
5 **CONSTRUCTION FINANCING FUND** that are pledged are immediately subject to the lien
6 of the pledge without any physical delivery or further act.

7 (2) The lien of any pledge is valid and binding against any person having a
8 claim against the Authority in tort, contract, or otherwise, regardless of whether the person
9 has notice of the lien.

10 (c) Notwithstanding any other provision of law, in order to perfect a lien on
11 pledged revenues or money deposited in the Baltimore City Public School Construction
12 Financing Fund **OR THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION**
13 **FINANCING FUND** against a third person, it is not necessary to file or record any document
14 adopted or entered into by the Authority in any public record other than in the records of
15 the Authority.

16 **10-649.**

17 (A) (1) **EXCEPT AS AGREED TO IN THE MEMORANDUM OF**
18 **UNDERSTANDING UNDER § 10-650 OF THIS SUBTITLE, THE AUTHORITY SHALL**
19 **COMPLY WITH THIS SECTION AND § 5-303 OF THE EDUCATION ARTICLE TO FINANCE**
20 **IMPROVEMENTS TO A BALTIMORE COUNTY PUBLIC SCHOOL FACILITY.**

21 (2) **THE AUTHORITY AND THE BALTIMORE COUNTY BOARD, AS**
22 **AGREED TO IN THE MEMORANDUM OF UNDERSTANDING UNDER § 10-650 OF THIS**
23 **SUBTITLE AND SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, SHALL BE**
24 **RESPONSIBLE FOR SCHOOL FACILITIES CONSTRUCTION AND IMPROVEMENTS**
25 **FINANCED WITH THE PROCEEDS OF BONDS ISSUED UNDER THIS SUBTITLE IN**
26 **ACCORDANCE WITH THE BALTIMORE COUNTY PUBLIC SCHOOLS' EDUCATIONAL**
27 **FACILITIES MASTER PLAN, WHICH MAY BE AMENDED FROM TIME TO TIME IN**
28 **ACCORDANCE WITH PARAMETERS ESTABLISHED FOR REVIEW AND COMMENT IN THE**
29 **MEMORANDUM OF UNDERSTANDING ESTABLISHED UNDER § 10-650 OF THIS**
30 **SUBTITLE.**

31 (3) (I) **EXCEPT AS AGREED TO IN THE MEMORANDUM OF**
32 **UNDERSTANDING UNDER § 10-650 OF THIS SUBTITLE AND SUBJECT TO**
33 **SUBPARAGRAPH (II) OF THIS PARAGRAPH, A POWER GRANTED TO THE AUTHORITY**
34 **UNDER THIS SUBTITLE MAY NOT IN ANY WAY INTERFERE WITH THE ENUMERATED**
35 **POWERS OF THE BALTIMORE COUNTY BOARD UNDER TITLE 3 OF THE EDUCATION**
36 **ARTICLE.**

1 **(II) THE POWERS OF THE BALTIMORE COUNTY BOARD MAY NOT**
2 **LIMIT THE ABILITY OF THE AUTHORITY TO CARRY OUT ITS OBLIGATIONS UNDER**
3 **THIS SUBTITLE WITH RESPECT TO IMPROVEMENT OF BALTIMORE COUNTY PUBLIC**
4 **SCHOOL FACILITIES AND THE FINANCING RELATED TO THE IMPROVEMENTS.**

5 **(B) (1) THE AUTHORITY MAY NOT USE ANY CURRENT SOURCES OF**
6 **FUNDS, WHETHER APPROPRIATED OR NONBUDGETED, TO PAY FOR ANY COSTS OR**
7 **EXPENSES RELATED TO FINANCING IMPROVEMENTS TO BALTIMORE COUNTY**
8 **PUBLIC SCHOOL FACILITIES.**

9 **(2) THE SOLE SOURCE OF PAYMENT FOR ANY COSTS OR EXPENSES**
10 **RELATED TO FINANCING IMPROVEMENTS TO BALTIMORE COUNTY PUBLIC SCHOOL**
11 **FACILITIES SHALL BE THE MONEY ON DEPOSIT IN THE BALTIMORE COUNTY PUBLIC**
12 **SCHOOL CONSTRUCTION FACILITIES FUND AND THE BALTIMORE COUNTY PUBLIC**
13 **SCHOOL CONSTRUCTION FINANCING FUND AND BOND PROCEEDS HELD UNDER A**
14 **TRUST AGREEMENT.**

15 **(C) AT LEAST 45 DAYS BEFORE SEEKING APPROVAL OF THE BOARD OF**
16 **PUBLIC WORKS FOR EACH BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES BOND**
17 **ISSUE, THE AUTHORITY SHALL PROVIDE TO THE FISCAL COMMITTEES OF THE**
18 **GENERAL ASSEMBLY WRITTEN NOTICE OF:**

19 **(1) THE AGGREGATE AMOUNT OF FUNDS NEEDED FOR THE RELEVANT**
20 **BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES TO BE FINANCED WITH THE**
21 **PROPOSED BONDS, INCLUDING A LIST OF THE FACILITIES TO BE IMPROVED;**

22 **(2) THE ANTICIPATED TOTAL DEBT SERVICE FOR THE PROPOSED**
23 **BOND ISSUE; AND**

24 **(3) THE ANTICIPATED TOTAL DEBT SERVICE WHEN COMBINED WITH**
25 **THE DEBT SERVICE FOR ALL PRIOR OUTSTANDING BOND ISSUES FOR BALTIMORE**
26 **COUNTY PUBLIC SCHOOL FACILITIES.**

27 **(D) (1) A BOND ISSUED TO FINANCE IMPROVEMENTS TO A BALTIMORE**
28 **COUNTY PUBLIC SCHOOL FACILITY:**

29 **(I) IS A LIMITED OBLIGATION OF THE AUTHORITY PAYABLE**
30 **SOLELY FROM MONEY PLEDGED BY THE AUTHORITY TO THE PAYMENT OF THE**
31 **PRINCIPAL OF AND THE PREMIUM AND INTEREST ON THE BOND OR MONEY MADE**
32 **AVAILABLE TO THE AUTHORITY FOR THAT PURPOSE;**

33 **(II) IS NOT A DEBT, A LIABILITY, OR A PLEDGE OF THE FAITH**
34 **AND CREDIT OF THE TAXING POWER OF THE STATE, THE AUTHORITY, OR OTHER**

1 GOVERNMENTAL UNIT; AND

2 (III) MAY NOT GIVE RISE TO ANY PECUNIARY LIABILITY OF THE
3 STATE, THE AUTHORITY, OR OTHER GOVERNMENTAL UNIT.

4 (2) THE ISSUANCE OF A BOND TO FINANCE IMPROVEMENTS TO A
5 BALTIMORE COUNTY PUBLIC SCHOOL FACILITY IS NOT DIRECTLY, INDIRECTLY, OR
6 CONTINGENTLY A MORAL OR OTHER OBLIGATION OF THE STATE, THE AUTHORITY,
7 OR OTHER GOVERNMENTAL UNIT TO LEVY OR PLEDGE ANY TAX OR TO MAKE AN
8 APPROPRIATION TO PAY THE BOND.

9 (3) EACH BOND SHALL STATE ON ITS FACE THE PROVISIONS OF
10 PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

11 (E) BEFORE EACH ISSUANCE OF BONDS TO FINANCE IMPROVEMENTS TO A
12 BALTIMORE COUNTY PUBLIC SCHOOL FACILITY, THE AUTHORITY SHALL OBTAIN
13 THE APPROVAL OF THE BOARD OF PUBLIC WORKS OF THE PROPOSED BOND ISSUE.

14 (F) THE TOTAL DEBT SERVICE FOR ANY BOND ISSUE, WHEN ADDED TO ALL
15 PRIOR OUTSTANDING BOND ISSUES RELATED TO IMPROVEMENTS TO BALTIMORE
16 COUNTY PUBLIC SCHOOL FACILITIES, MAY NOT EXCEED THE TOTAL AMOUNT OF THE
17 FUNDS PROVIDED UNDER § 9-120(B)(1)(IV) OF THE STATE GOVERNMENT ARTICLE
18 AND THE FUNDS PROVIDED UNDER SUBSECTION (G) OF THIS SECTION.

19 (G) (1) BEGINNING JULY 1, 2020, AND CONTINUING UNTIL THE BONDS
20 THAT HAVE BEEN ISSUED TO FINANCE IMPROVEMENTS TO BALTIMORE COUNTY
21 PUBLIC SCHOOL FACILITIES ARE NO LONGER OUTSTANDING AND UNPAID,
22 BALTIMORE COUNTY SHALL DEPOSIT AT LEAST THE AMOUNT AGREED TO UNDER
23 THE MEMORANDUM OF UNDERSTANDING UNDER § 10-650 OF THIS SUBTITLE INTO
24 THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION FINANCING FUND.

25 (2) IF THE FUNDS DEPOSITED INTO THE BALTIMORE COUNTY
26 PUBLIC SCHOOL CONSTRUCTION FINANCING FUND ARE LESS THAN THE AMOUNT
27 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

28 (I) THE AUTHORITY SHALL TRANSFER MONEY HELD IN
29 RESERVE FOR BALTIMORE COUNTY IN THE BALTIMORE COUNTY PUBLIC SCHOOL
30 CONSTRUCTION FACILITIES FUND TO THE BALTIMORE COUNTY PUBLIC SCHOOL
31 CONSTRUCTION FINANCING FUND IN AN AMOUNT EQUAL TO THE LESSER OF:

32 1. THE DIFFERENCE BETWEEN THE AMOUNT REQUIRED
33 TO BE PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION AND THE ACTUAL AMOUNT
34 PAID BY BALTIMORE COUNTY; OR

1 **2. THE AMOUNT HELD IN RESERVE FOR BALTIMORE**
2 **COUNTY IN THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION FACILITIES**
3 **FUND; AND**

4 **(II) IF THE AMOUNT TRANSFERRED TO THE BALTIMORE**
5 **COUNTY PUBLIC SCHOOL CONSTRUCTION FINANCING FUND UNDER**
6 **SUBPARAGRAPH (I) OF THIS PARAGRAPH IS LESS THAN THE DIFFERENCE BETWEEN**
7 **THE AMOUNT REQUIRED TO BE PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION**
8 **AND THE ACTUAL AMOUNT PAID BY BALTIMORE COUNTY:**

9 **1. THE AUTHORITY SHALL DIRECT THE STATE**
10 **COMPTROLLER TO WITHHOLD, UNDER § 2-608 OF THE TAX – GENERAL ARTICLE,**
11 **INCOME TAX REVENUE FROM BALTIMORE COUNTY IN AN AMOUNT EQUAL TO THE**
12 **DIFFERENCE BETWEEN THE AMOUNT TRANSFERRED UNDER SUBPARAGRAPH (I) OF**
13 **THIS PARAGRAPH AND THE AMOUNT REQUIRED TO BE PAID UNDER PARAGRAPH (1)**
14 **OF THIS SUBSECTION; AND**

15 **2. THE STATE COMPTROLLER SHALL CREDIT THE**
16 **WITHHELD AMOUNT TO THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION**
17 **FINANCING FUND ON BEHALF OF BALTIMORE COUNTY.**

18 **(3) ANY MONEY DEPOSITED BY BALTIMORE COUNTY OR ON BEHALF**
19 **OF BALTIMORE COUNTY IN ACCORDANCE WITH THIS SUBSECTION IN EXCESS OF THE**
20 **AMOUNT REQUIRED SHALL BE TRANSFERRED BY THE AUTHORITY TO THE**
21 **BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND AND**
22 **HELD IN RESERVE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION AND**
23 **§ 10-659 OF THIS SUBTITLE.**

24 **(H) (1) IF THE MONEY DEPOSITED IN THE BALTIMORE COUNTY PUBLIC**
25 **SCHOOL CONSTRUCTION FINANCING FUND IN ACCORDANCE WITH SUBSECTION (G)**
26 **OF THIS SECTION IS NOT NEEDED FOR DEBT SERVICE OR DEBT SERVICE RESERVES,**
27 **THE AUTHORITY MAY TRANSFER THOSE FUNDS TO THE BALTIMORE COUNTY**
28 **PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.**

29 **(2) IF THE FUNDS ARE NEEDED FOR DEBT SERVICE OR DEBT SERVICE**
30 **RESERVES, THE AUTHORITY MAY TRANSFER MONEY IN THE BALTIMORE COUNTY**
31 **PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND TO THE BALTIMORE COUNTY**
32 **PUBLIC SCHOOL CONSTRUCTION FINANCING FUND.**

33 **(I) IN CONNECTION WITH IMPROVEMENTS TO BALTIMORE COUNTY PUBLIC**
34 **SCHOOL FACILITIES, THE BALTIMORE COUNTY BOARD SHALL:**

1 **(1) DELIVER TO THE AUTHORITY BUILDABLE SITES, READY FOR**
2 **IMPROVEMENT AND FREE FROM ANY RESTRICTIONS, EASEMENTS, IMPEDIMENTS,**
3 **HAZARDS, OR CONDITIONS THAT WOULD AFFECT THE AUTHORITY'S SCHEDULE OR**
4 **BUDGET FOR THE IMPROVEMENT TO A BALTIMORE COUNTY PUBLIC SCHOOL**
5 **FACILITY;**

6 **(2) ASSUME RESPONSIBILITY FOR THE OPERATION, MAINTENANCE,**
7 **AND REPAIRS OF EACH BALTIMORE COUNTY PUBLIC SCHOOL FACILITY**
8 **IMMEDIATELY BEFORE THE OCCUPANCY OF THE BALTIMORE COUNTY PUBLIC**
9 **SCHOOL FACILITY OR AS AGREED TO IN THE MEMORANDUM OF UNDERSTANDING**
10 **UNDER § 10-650 OF THIS SUBTITLE; AND**

11 **(3) EXCEPT FOR A TRANSFER OR ASSIGNMENT TO THE BALTIMORE**
12 **COUNTY BOARD, OBTAIN THE APPROVAL OF THE STATE SUPERINTENDENT OF**
13 **SCHOOLS AND THE BOARD OF PUBLIC WORKS BEFORE THE SALE, ASSIGNMENT,**
14 **MORTGAGE, PLEDGE, OR ENCUMBRANCE OF ANY BALTIMORE COUNTY PUBLIC**
15 **SCHOOL FACILITY OR ANY INTEREST IN THE FACILITY.**

16 **(J) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEFORE ANY**
17 **BONDS ARE ISSUED TO FINANCE IMPROVEMENTS TO A BALTIMORE COUNTY PUBLIC**
18 **SCHOOL FACILITY, THE AUTHORITY MAY PAY FOR ANY COSTS OF START-UP,**
19 **ADMINISTRATION, OVERHEAD, AND OPERATIONS OF THE AUTHORITY OR COSTS OF**
20 **ENGINEERING, ARCHITECTURAL, AND OTHER DESIGN PROFESSIONALS.**

21 **(2) BEFORE AVAILABILITY OF FUNDS FROM THE BALTIMORE**
22 **COUNTY PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND, THE AUTHORITY**
23 **SHALL BE ENTITLED TO REIMBURSEMENT FOR ANY COSTS INCURRED UNDER**
24 **PARAGRAPH (1) OF THIS SUBSECTION FROM THE BALTIMORE COUNTY PUBLIC**
25 **SCHOOL CONSTRUCTION FINANCING FUND.**

26 **(3) (I) ANY COST OVERRUNS, UNBUDGETED EXPENSES, OR**
27 **UNFORESEEN COSTS INCURRED IN CONNECTION WITH AN IMPROVEMENT TO A**
28 **BALTIMORE COUNTY PUBLIC SCHOOL FACILITY SHALL BE PAYABLE SOLELY FROM**
29 **THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.**

30 **(II) IF ANY COST OVERRUNS, UNBUDGETED EXPENSES, OR**
31 **UNFORESEEN COSTS OCCUR AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS**
32 **PARAGRAPH, THE AUTHORITY SHALL PROVIDE A DETAILED REPORT TO THE**
33 **PARTIES OF THE MEMORANDUM OF UNDERSTANDING UNDER § 10-650 OF THIS**
34 **SUBTITLE EXPLAINING THE REASONS FOR THE COST OVERRUNS, UNBUDGETED**
35 **EXPENSES, OR UNFORESEEN COSTS AND A DESCRIPTION OF THE ACTIONS TAKEN BY**
36 **THE AUTHORITY TO CONTROL COSTS WITHIN THE BUDGET ESTABLISHED FOR EACH**
37 **IMPROVEMENT TO A BALTIMORE COUNTY PUBLIC SCHOOL FACILITY.**

1 **(K) ON JANUARY 15, 2021, AND EACH JANUARY 15 THEREAFTER, THE**
2 **AUTHORITY, BALTIMORE COUNTY, THE BALTIMORE COUNTY BOARD, AND THE**
3 **INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION JOINTLY SHALL REPORT**
4 **TO THE GOVERNOR, THE BOARD OF PUBLIC WORKS, AND, IN ACCORDANCE WITH §**
5 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE FISCAL COMMITTEES OF THE**
6 **GENERAL ASSEMBLY, ON THE PROGRESS OF CONSTRUCTION AND RENOVATIONS OF**
7 **PUBLIC SCHOOL FACILITIES INCLUDING ACTIONS:**

8 **(1) TAKEN DURING THE PREVIOUS FISCAL YEAR; AND**

9 **(2) PLANNED FOR THE CURRENT FISCAL YEAR.**

10 **10-650.**

11 **(A) BEFORE ANY BONDS ARE ISSUED TO FINANCE IMPROVEMENTS TO A**
12 **BALTIMORE COUNTY PUBLIC SCHOOL FACILITY, A FOUR-PARTY MEMORANDUM OF**
13 **UNDERSTANDING THAT MEETS THE REQUIREMENTS OF THIS SECTION SHALL BE**
14 **ENTERED INTO AND SIGNED BY THE AUTHORITY, BALTIMORE COUNTY, THE**
15 **BALTIMORE COUNTY BOARD, AND THE INTERAGENCY COMMISSION ON SCHOOL**
16 **CONSTRUCTION.**

17 **(B) IN THE CASE OF A DISPUTE BETWEEN THE PARTIES RELATING TO THE**
18 **PROVISIONS TO BE INCLUDED IN THE MEMORANDUM OF UNDERSTANDING, THE**
19 **STATE SUPERINTENDENT OF SCHOOLS SHALL FACILITATE RESOLUTION OF THE**
20 **ITEMS IN DISPUTE.**

21 **(C) THE MEMORANDUM OF UNDERSTANDING SHALL BE AGREED TO BY THE**
22 **PARTIES ON OR BEFORE OCTOBER 1, 2019, AND MAY NOT GO INTO EFFECT UNTIL IT**
23 **IS APPROVED BY THE BOARD OF PUBLIC WORKS.**

24 **(D) (1) THE MEMORANDUM OF UNDERSTANDING SHALL AUTHORIZE THE**
25 **AUTHORITY TO DESIGN AND IMPROVE, OR CONTRACT FOR THE DESIGN AND**
26 **IMPROVEMENT OF, A BALTIMORE COUNTY PUBLIC SCHOOL FACILITY.**

27 **(2) THE AUTHORITY GRANTED TO THE AUTHORITY UNDER**
28 **PARAGRAPH (1) OF THIS SUBSECTION IS SUBJECT TO THE RIGHTS AND**
29 **RESPONSIBILITIES OF THE INTERAGENCY COMMISSION ON SCHOOL**
30 **CONSTRUCTION FOR THE DESIGN AND CONSTRUCTION OF A BALTIMORE COUNTY**
31 **PUBLIC SCHOOL FACILITY.**

32 **(E) THE MEMORANDUM OF UNDERSTANDING SHALL REQUIRE:**

1 **(1) SPECIFIC PARAMETERS REGARDING THE ROLES, RIGHTS, AND**
2 **RESPONSIBILITIES OF EACH PARTY WITH RESPECT TO THE PROCESS FOR AND**
3 **MANAGEMENT OF PROGRAM DEVELOPMENT, SCHEDULING, BUDGETING,**
4 **PROCUREMENT, DESIGN, CONSTRUCTION ADMINISTRATION, CAPITAL EQUIPPING,**
5 **AND MAINTENANCE OF IMPROVEMENTS TO A BALTIMORE COUNTY PUBLIC SCHOOL**
6 **FACILITY;**

7 **(2) SPECIFIC PARAMETERS REGARDING THE AUTHORITY OF THE**
8 **BALTIMORE COUNTY BOARD OVER EDUCATIONAL PROGRAMS AND ISSUES**
9 **RELATING TO THE BALTIMORE COUNTY PUBLIC SCHOOLS' EDUCATIONAL**
10 **FACILITIES MASTER PLAN, INCLUDING EDUCATIONAL SPECIFICATIONS,**
11 **FEASIBILITY STUDIES, AND DESIGN ELEMENTS OF EDUCATIONAL BUILDINGS,**
12 **WHICH SHALL PROVIDE THAT AT THE COMPLETION OF SCHEMATIC DESIGN, ALL**
13 **PARTIES SHALL AGREE TO PROJECT SCOPE, SCHEDULE, AND BUDGET;**

14 **(3) SPECIFIC PARAMETERS FOR A REVIEW AND COMMENT PERIOD**
15 **FOR ANY PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY PUBLIC SCHOOLS'**
16 **EDUCATIONAL FACILITIES MASTER PLAN, AS REFERENCED IN § 10-649(A)(2) OF**
17 **THIS SUBTITLE;**

18 **(4) SPECIFIC PROCEDURES RELATED TO THE ROLE OF THE**
19 **INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION RELATED TO**
20 **IMPROVEMENTS TO A BALTIMORE COUNTY PUBLIC SCHOOL FACILITY FINANCED**
21 **UNDER THIS SUBTITLE, WHICH SHALL PROVIDE FOR EFFICIENCIES IN COST,**
22 **SCHEDULES, AND PROCESSES;**

23 **(5) A PROCESS FOR DETERMINING WHICH PLANNED PROJECTS FOR**
24 **IMPROVEMENTS TO BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES WILL**
25 **PROCEED AS PLANNED OR WILL BE POSTPONED OR CANCELED;**

26 **(6) A PLEDGE BY BALTIMORE COUNTY, SUBJECT TO ANNUAL**
27 **APPROPRIATION, TO ANNUALLY DEPOSIT AN AMOUNT AGREED TO IN THE**
28 **MEMORANDUM OF UNDERSTANDING INTO THE BALTIMORE COUNTY PUBLIC**
29 **SCHOOL CONSTRUCTION FINANCING FUND;**

30 **(7) A PLAN DEVELOPED BY THE BALTIMORE COUNTY BOARD AND**
31 **APPROVED BY THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION FOR**
32 **PREVENTATIVE AND ONGOING MAINTENANCE FOR EXISTING, NEW, AND RENOVATED**
33 **BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES, INCLUDING FUNDING**
34 **SUFFICIENT TO IMPLEMENT THE PLAN;**

35 **(8) A PLAN DEVELOPED BY THE BALTIMORE COUNTY BOARD AND**
36 **APPROVED BY THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION**

1 PROVIDING FOR MINIMUM SCHOOL UTILIZATION STANDARDS;

2 (9) SPECIFIC PARAMETERS FOR BALTIMORE COUNTY PUBLIC
3 SCHOOL FACILITIES FINANCED UNDER THIS SUBTITLE REGARDING:

4 (I) PROPERTY MANAGEMENT, MAINTENANCE PLANS AND
5 STANDARDS, ANNUAL INSPECTIONS, AND PROPERTY INSURANCE; AND

6 (II) ANY CLAIMS, LOSSES, OR DAMAGES ARISING FROM THE
7 AUTHORITY'S IMPROVEMENT OF ANY BALTIMORE COUNTY PUBLIC SCHOOL
8 FACILITY;

9 (10) A PROCESS TO RESOLVE DISPUTES AND REVISE THE
10 MEMORANDUM OF UNDERSTANDING IF NECESSARY; AND

11 (11) AN ALLOCATION OF THE PUBLIC SCHOOL IMPROVEMENTS TO BE
12 UNDERTAKEN BY THE AUTHORITY AND THE BALTIMORE COUNTY BOARD,
13 RESPECTIVELY.

14 10-658.

15 (A) THERE IS A BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION
16 FINANCING FUND.

17 (B) (1) THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION
18 FINANCING FUND IS A CONTINUING, NONLAPSING FUND THAT SHALL BE AVAILABLE
19 TO IMPLEMENT THIS SUBTITLE CONCERNING BALTIMORE COUNTY PUBLIC SCHOOL
20 FACILITIES.

21 (2) THE AUTHORITY SHALL:

22 (I) USE THE BALTIMORE COUNTY PUBLIC SCHOOL
23 CONSTRUCTION FINANCING FUND AS A REVOLVING FUND FOR CARRYING OUT THIS
24 SUBTITLE CONCERNING BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES; AND

25 (II) PAY ANY AND ALL EXPENSES FROM THE BALTIMORE
26 COUNTY PUBLIC SCHOOL CONSTRUCTION FINANCING FUND THAT ARE INCURRED
27 BY THE AUTHORITY RELATED TO ANY BALTIMORE COUNTY PUBLIC SCHOOL
28 FACILITIES.

29 (C) (1) TO THE EXTENT CONSIDERED APPROPRIATE BY THE AUTHORITY,
30 THE MONEY ON DEPOSIT IN THE BALTIMORE COUNTY PUBLIC SCHOOL
31 CONSTRUCTION FINANCING FUND SHALL BE PLEDGED TO AND USED TO PAY THE

1 FOLLOWING RELATED TO BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES:

2 (I) DEBT SERVICE ON AUTHORITY BONDS;

3 (II) DEBT SERVICE RESERVES UNDER A TRUST AGREEMENT;

4 (III) ALL REASONABLE CHARGES AND EXPENSES RELATED TO
5 AUTHORITY BORROWING; AND

6 (IV) ALL REASONABLE CHARGES AND EXPENSES RELATED TO
7 THE AUTHORITY'S ADMINISTRATION OF THE BALTIMORE COUNTY PUBLIC SCHOOL
8 CONSTRUCTION FINANCING FUND AND MANAGEMENT OF THE AUTHORITY'S
9 OBLIGATIONS.

10 (2) THE PLEDGE SHALL BE EFFECTIVE AS PROVIDED IN § 10-634 OF
11 THIS SUBTITLE AND ANY APPLICABLE AUTHORITY RESOLUTION.

12 (D) THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION
13 FINANCING FUND CONSISTS OF:

14 (1) MONEY DEPOSITED IN THE BALTIMORE COUNTY PUBLIC SCHOOL
15 CONSTRUCTION FINANCING FUND;

16 (2) TO THE EXTENT THAT THE PROCEEDS ARE NOT UNDER A TRUST
17 AGREEMENT, PROCEEDS FROM THE SALE OF BONDS CONCERNING BALTIMORE
18 COUNTY PUBLIC SCHOOL FACILITIES;

19 (3) REVENUES COLLECTED OR RECEIVED FROM ANY SOURCE UNDER
20 THIS SUBTITLE RELATING TO BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES;

21 (4) FUNDS TO BE DEPOSITED IN ACCORDANCE WITH § 10-649 OF THIS
22 SUBTITLE; AND

23 (5) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC
24 SOURCE FOR THE PURPOSES ESTABLISHED FOR THE BALTIMORE COUNTY PUBLIC
25 SCHOOL CONSTRUCTION FINANCING FUND.

26 (E) (1) THE TREASURER SHALL INVEST THE MONEY OF THE BALTIMORE
27 COUNTY PUBLIC SCHOOL CONSTRUCTION FINANCING FUND IN THE SAME MANNER
28 AS OTHER STATE FUNDS.

29 (2) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE
30 BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION FINANCING FUND.

1 **(3) NO PART OF THE BALTIMORE COUNTY PUBLIC SCHOOL**
2 **CONSTRUCTION FINANCING FUND MAY REVERT OR BE CREDITED TO THE GENERAL**
3 **FUND OR ANY OTHER SPECIAL FUND OF THE STATE.**

4 **(F) THE MONEY IN THE BALTIMORE COUNTY PUBLIC SCHOOL**
5 **CONSTRUCTION FINANCING FUND SHALL BE USED TO SUPPLEMENT, BUT NOT**
6 **SUPLANT, MONEY APPROPRIATED TO BALTIMORE COUNTY PUBLIC SCHOOL**
7 **FACILITIES UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ESTABLISHED**
8 **IN TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE.**

9 **10-659.**

10 **(A) THERE IS A BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION**
11 **FACILITIES FUND.**

12 **(B) (1) THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION**
13 **FACILITIES FUND IS A CONTINUING, NONLAPSING FUND THAT SHALL BE AVAILABLE**
14 **IN PERPETUITY TO IMPLEMENT THIS SUBTITLE CONCERNING BALTIMORE COUNTY**
15 **PUBLIC SCHOOL FACILITIES.**

16 **(2) THE AUTHORITY SHALL:**

17 **(I) USE THE BALTIMORE COUNTY PUBLIC SCHOOL**
18 **CONSTRUCTION FACILITIES FUND AS A REVOLVING FUND FOR CARRYING OUT THIS**
19 **SUBTITLE CONCERNING BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES; AND**

20 **(II) TO THE EXTENT AUTHORIZED BY FEDERAL TAX LAW, PAY**
21 **ANY AND ALL EXPENSES FROM THE BALTIMORE COUNTY PUBLIC SCHOOL**
22 **CONSTRUCTION FACILITIES FUND THAT ARE INCURRED BY THE AUTHORITY**
23 **RELATED TO ANY BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES.**

24 **(C) TO THE EXTENT CONSIDERED APPROPRIATE BY THE AUTHORITY, OR AS**
25 **AGREED TO IN THE MEMORANDUM OF UNDERSTANDING UNDER § 10-650 OF THIS**
26 **SUBTITLE, THE MONEY ON DEPOSIT IN THE BALTIMORE COUNTY PUBLIC SCHOOL**
27 **CONSTRUCTION FACILITIES FUND SHALL BE USED TO PAY THE FOLLOWING**
28 **RELATING TO BALTIMORE COUNTY PUBLIC SCHOOL FACILITIES:**

29 **(1) DEBT SERVICE ON AUTHORITY BONDS;**

30 **(2) DESIGN AND CONSTRUCTION COSTS RELATING TO BALTIMORE**
31 **COUNTY PUBLIC SCHOOL FACILITIES;**

1 **(3) TO THE EXTENT AUTHORIZED BY FEDERAL TAX LAW, COSTS OF**
2 **START-UP, ADMINISTRATION, OVERHEAD, AND OPERATIONS RELATED TO THE**
3 **MANAGEMENT OF IMPROVEMENTS TO BALTIMORE COUNTY PUBLIC SCHOOL**
4 **FACILITIES AUTHORIZED UNDER THIS SUBTITLE AND UNDERTAKEN BY THE**
5 **BALTIMORE COUNTY BOARD; AND**

6 **(4) ALL REASONABLE CHARGES AND EXPENSES RELATED TO THE**
7 **AUTHORITY'S ADMINISTRATION OF THE BALTIMORE COUNTY PUBLIC SCHOOL**
8 **CONSTRUCTION FACILITIES FUND AND THE BALTIMORE COUNTY PUBLIC SCHOOL**
9 **CONSTRUCTION FINANCING FUND AND MANAGEMENT OF THE AUTHORITY'S**
10 **OBLIGATIONS.**

11 **(D) THE BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION**
12 **FACILITIES FUND CONSISTS OF:**

13 **(1) FUNDS TRANSFERRED FROM THE BALTIMORE COUNTY PUBLIC**
14 **SCHOOL CONSTRUCTION FINANCING FUND TO THE BALTIMORE COUNTY PUBLIC**
15 **SCHOOL CONSTRUCTION FACILITIES FUND IN ACCORDANCE WITH § 10-649 OF THIS**
16 **SUBTITLE; AND**

17 **(2) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC**
18 **SOURCE FOR THE PURPOSES ESTABLISHED FOR THE BALTIMORE COUNTY PUBLIC**
19 **SCHOOL CONSTRUCTION FACILITIES FUND.**

20 **(E) (1) THE TREASURER SHALL INVEST THE MONEY OF THE BALTIMORE**
21 **COUNTY PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND IN THE SAME MANNER**
22 **AS OTHER STATE FUNDS.**

23 **(2) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE**
24 **BALTIMORE COUNTY PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.**

25 **(3) NO PART OF THE BALTIMORE COUNTY PUBLIC SCHOOL**
26 **CONSTRUCTION FACILITIES FUND MAY REVERT OR BE CREDITED TO THE GENERAL**
27 **FUND OR ANY OTHER SPECIAL FUND OF THE STATE.**

28 **(F) THE MONEY IN THE BALTIMORE COUNTY PUBLIC SCHOOL**
29 **CONSTRUCTION FACILITIES FUND SHALL BE USED TO SUPPLEMENT, BUT NOT**
30 **SUPPLANT, MONEY APPROPRIATED TO BALTIMORE COUNTY PUBLIC SCHOOL**
31 **FACILITIES UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ESTABLISHED**
32 **IN TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE.**

33 **[10-658.] 10-660.**

1 This subtitle may be cited as the Maryland Stadium Authority Act.

2 **Article – State Finance and Procurement**

3 6–226.

4 (a) (2) (i) Notwithstanding any other provision of law, and unless
5 inconsistent with a federal law, grant agreement, or other federal requirement or with the
6 terms of a gift or settlement agreement, net interest on all State money allocated by the
7 State Treasurer under this section to special funds or accounts, and otherwise entitled to
8 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
9 Fund of the State.

10 (ii) The provisions of subparagraph (i) of this paragraph do not apply
11 to the following funds:

12 112. the Pretrial Services Program Grant Fund; [and]

13 113. the Veteran Employment and Transition Success Fund;

14 114. THE BALTIMORE COUNTY PUBLIC SCHOOL
15 CONSTRUCTION FACILITIES FUND; AND

16 115. THE BALTIMORE COUNTY PUBLIC SCHOOL
17 CONSTRUCTION FINANCING FUND.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
19 as follows:

20 **Article – State Government**

21 9–120.

22 (a) The Comptroller shall distribute, or cause to be distributed, the State Lottery
23 Fund to pay:

24 (1) on a pro rata basis for the daily and nondaily State lottery games, the
25 expenses of administering and operating the State lottery, as authorized under this subtitle
26 and the State budget; and

27 (2) then, except as provided in § 10–113.1 of the Family Law Article, §
28 11–618 of the Criminal Procedure Article, and § 3–307 of the State Finance and
29 Procurement Article, the holder of each winning ticket or share.

30 (b) (1) By the end of the month following collection, the Comptroller shall
31 deposit or cause to be deposited:

1 (i) into the Maryland Stadium Facilities Fund established under §
 2 7–312 of the State Finance and Procurement Article from the money that remains in the
 3 State Lottery Fund, after the distribution under subsection (a) of this section, an amount
 4 not to exceed \$20,000,000 in any fiscal year;

5 (ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10%
 6 of the money that remains in the State Lottery Fund from the proceeds of sales of tickets
 7 from instant ticket lottery machines by veterans' organizations under § 9–112(d) of this
 8 subtitle, after the distribution under subsection (a) of this section;

9 (iii) after June 30, 2014, into the Baltimore City Public School
 10 Construction Financing Fund established under § 10–656 of the Economic Development
 11 Article the money that remains in the State Lottery Fund from the proceeds of all lotteries
 12 after the distributions under subsection (a) of this section and items (i) and (ii) of this
 13 paragraph, an amount equal to \$20,000,000 in each fiscal year that bonds are outstanding
 14 and unpaid, to be paid in two installments with at least \$10,000,000 paid no later than
 15 December 1 of each fiscal year; [and]

16 **(IV) AFTER JUNE 30, 2020, INTO THE BALTIMORE COUNTY**
 17 **PUBLIC SCHOOL CONSTRUCTION FINANCING FUND ESTABLISHED UNDER § 10–658**
 18 **OF THE ECONOMIC DEVELOPMENT ARTICLE THE MONEY THAT REMAINS IN THE**
 19 **STATE LOTTERY FUND FROM THE PROCEEDS OF ALL LOTTERIES AFTER THE**
 20 **DISTRIBUTIONS UNDER SUBSECTION (A) OF THIS SECTION AND ITEMS (I) THROUGH**
 21 **(III) OF THIS PARAGRAPH, AN AMOUNT EQUAL TO \$79,850,000 IN EACH FISCAL YEAR**
 22 **THAT BONDS ARE OUTSTANDING AND UNPAID, TO BE PAID IN TWO INSTALLMENTS**
 23 **WITH AT LEAST \$39,925,000 PAID NO LATER THAN DECEMBER 1 OF EACH FISCAL**
 24 **YEAR; AND**

25 [(iv)] **(V)** into the General Fund of the State the money that remains
 26 in the State Lottery Fund from the proceeds of all lotteries after the distributions under
 27 subsection (a) of this section and items (i), (ii), [and] (iii), **AND (IV)** of this paragraph.

28 (2) The money paid into the General Fund under this subsection is
 29 available in the fiscal year in which the money accumulates in the State Lottery Fund.

30 (c) The regulations of the Agency shall apportion the money in the State Lottery
 31 Fund in accordance with subsection (b) of this section.

32 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
 33 effect July 1, 2020, contingent on the taking effect of Chapters 184 and 185 of the Acts of
 34 the General Assembly of 2018. If the effective dates of Chapters 184 and 185 are amended,
 35 Section 2 of this Act shall take effect on July 1, 2020, or the effective date of Chapters 184
 36 and 185.

37 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section

1 3 of this Act, this Act shall take effect July 1, 2019.