

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 1003

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3 and 16, in each instance, strike "\$2,000,000" and substitute "\$500,000".

AMENDMENT NO. 2

On page 2, in lines 33 and 35, in each instance, strike "easement" and substitute "covenant".

AMENDMENT NO. 3

On page 2, in line 8, after "1993." insert "The matching fund, including in kind contributions, may consist of items that are necessary to the renovation of the ship, including but not limited to tools and tooling, utilities, and the rental and repair of facilities.".

AMENDMENT NO. 4

On page 1, in line 2, after "Constellation" insert "and the U.S.S. Constellation Loans of 1995 and 1996"; in line 9, strike the first "and"; in line 10, after "loan" insert "; amending Chapter 287 of the Acts of the General Assembly of 1995, the Baltimore City - U.S.S. Constellation Loan of 1995, as amended by Chapter 340 of the Acts of the General Assembly of 1996, to alter the kind of matching funds that are required and to extend the time by which the grantee shall provide and expend a matching fund; and amending Chapter 144 of the Acts of the General Assembly of 1996, the Baltimore City - U.S.S. Constellation Loan of 1996, to alter the kind of matching funds that are required"; and after line 10, insert:

"BY repealing and reenacting, with amendments,

Chapter 287 of the Acts of the General Assembly of 1995, as amended by Chapter 340 of the Acts of the General Assembly of 1996

Section 1

BY repealing and reenacting, with amendments,

(Over)

Chapter 144 of the Acts of the General Assembly of 1996  
Section 1”.

On page 2, after line 36, insert:

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

Chapter 287 of the Acts of 1995, as amended by Chapter 340 of the  
Acts of 1996

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the U.S.S. Constellation Loan of 1995 in a total principal amount equal to the lesser of (i) \$500,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

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

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of the Constellation Foundation, Inc. (referred to hereafter in this Act as “the grantee”) for the design, repair, restoration, improvement, and preservation of the U.S.S. Constellation.

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

(5) (a) The grantee shall provide and expend a matching fund.

(b) No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property. The fund may consist of in kind contributions made after January 1, 1993 or funds expended prior to the effective date of this Act and after January 1, 1993. THE MATCHING FUND, INCLUDING IN KIND CONTRIBUTIONS, MAY CONSIST OF ITEMS THAT ARE NECESSARY TO THE RENOVATION OF THE SHIP, INCLUDING BUT NOT LIMITED TO TOOLS AND TOOLING, UTILITIES, AND THE RENTAL AND REPAIR OF FACILITIES. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final.

(c) The grantee shall present evidence to the satisfaction of the Board of Public Works of the provision and expenditure of the matching fund, and the Board of Public Works shall disburse the proceeds of the grant under the provisions of this Act for the purposes set forth in Section 1(3) above, both to be done in installments.

(d) As the grantee provides and expends an installment of the matching fund, the Board of Public Works shall disburse an installment of the proceeds of the grant equal to the portion of the matching fund presented at that time by the grantee.

(e) Each installment of the matching fund shall be of at least \$250,000.

(f) This method of presentation of the matching fund in installments and of the disbursement of the proceeds of the loan in installments that are equal to each presentation of the matching fund shall continue until the first to occur of the disbursement of the total amount of the grant or June 1, [1997] 1998.

(g) The grantee has until June 1, [1997] 1998, to present the final evidence satisfactory to the Board of Public Works that the total matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact, the amount of the final installment of the matching fund, and the amount of the total matching fund to the State Treasurer, and the final

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proceeds of the loan equal to the final installment of the matching fund shall be expended for the purposes provided in this Act. After June 1, [1997] 1998, any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) (a) Prior to the issuance of the bonds, the grantee shall petition the [United States] Secretary of the UNITED STATES Navy to grant and convey to the Maryland Historical Trust a perpetual preservation [easement] COVENANT to the extent of [its] THE interest OF THE UNITED STATES NAVY on the historic vessel.

(b) The [easement] COVENANT must be in form and substance acceptable to the Trust and the extent of the interest to be encumbered must be acceptable to the Trust.

Chapter 144 of the Acts of 1996

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Baltimore City - U.S.S. Constellation Loan of 1996 in a total principal amount equal to the lesser of (i) \$500,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

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

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of the Constellation

Foundation, Inc. (referred to hereafter in this Act as “the grantee”) for the design, repair, restoration, improvement, and preservation of the U.S.S. Constellation.

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

(5) (a) The grantee shall provide and expend a matching fund.

(b) No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property. The fund may consist of in kind contributions made after January 1, 1993 or funds expended prior to the effective date of this Act and after January 1, 1993. THE MATCHING FUND, INCLUDING IN KIND CONTRIBUTIONS, MAY CONSIST OF ITEMS THAT ARE NECESSARY TO THE RENOVATION OF THE SHIP, INCLUDING BUT NOT LIMITED TO TOOLS AND TOOLING, UTILITIES, AND THE RENTAL AND REPAIR OF FACILITIES. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final.

(c) The grantee shall present evidence to the satisfaction of the Board of Public Works of the provision and expenditure of the matching fund, and the Board of Public Works shall disburse the proceeds of the grant under the provisions of this Act for the purposes set forth in Section 1(3) above, both to be done in installments.

(d) As the grantee provides and expends an installment of the matching fund, the Board of Public Works shall disburse an installment of the proceeds of the grant equal to the portion of the matching fund presented at that time by the grantee.

(e) Each installment of the matching fund shall be of \$250,000.

(f) This method of presentation of the matching fund in installments and of the disbursement of the proceeds of the loan in installments that are equal to each presentation of the

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matching fund shall continue until the first to occur of the disbursement of the total amount of the grant or June 1, 1999.

(g) The grantee has until June 1, 1999, to present the final evidence satisfactory to the Board of Public Works that the total matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact, the amount of the final installment of the matching fund, and the amount of the total matching fund to the State Treasurer, and the final proceeds of the loan equal to the final installment of the matching fund shall be expended for the purposes provided in this Act. After June 1, 1999, any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) (a) Prior to the issuance of the bonds, the grantee shall petition the Secretary of the United States Navy to grant and convey to the Maryland Historical Trust [an easement or] A PERPETUAL PRESERVATION covenant [from the United States Navy] TO THE EXTENT OF THE INTEREST OF THE UNITED STATES NAVY on the historic vessel.

(b) The [easement] COVENANT must be in form and substance acceptable to the Trust and the extent of the interest to be encumbered must be acceptable to the Trust.”;

and in line 37, strike “2.” and substitute “3.”.