

CF 7r2105

---

**By: Delegate Minnick (Baltimore County Administration) and Delegates E. Burns, Dewberry, Nathan-Pulliam, and Parker**

Introduced and read first time: January 27, 1997

Assigned to: Appropriations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Baltimore County - Benjamin Banneker Historic Park**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$750,000, the  
4 proceeds to be used as a grant to the County Executive and County Council of  
5 Baltimore County for certain acquisition, development, or improvement purposes;  
6 providing for disbursement of the loan proceeds, subject to a requirement that the  
7 grantee provide and expend a matching fund; requiring the grantee to convey a  
8 historic easement to the Maryland Historical Trust; and providing generally for the  
9 issuance and sale of bonds evidencing the loan.

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

12 (1) The Board of Public Works may borrow money and incur indebtedness on  
13 behalf of the State of Maryland through a State loan to be known as the Baltimore  
14 County - Benjamin Banneker Historic Park Loan of 1997 in a total principal amount  
15 equal to the lesser of (i) \$750,000 or (ii) the amount of the matching fund provided in  
16 accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale,  
17 and delivery of State general obligation bonds authorized by a resolution of the Board of  
18 Public Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124  
19 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

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

23 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and  
24 first shall be applied to the payment of the expenses of issuing, selling, and delivering the  
25 bonds, unless funds for this purpose are otherwise provided, and then shall be credited on  
26 the books of the Comptroller and expended, on approval by the Board of Public Works,  
27 for the following public purposes, including any applicable architects' and engineers' fees:  
28 as a grant to the County Executive and County Council of Baltimore County (referred to  
29 hereafter in this Act as "the grantee") for the design, acquisition, construction,  
30 installation, and assembly of exhibits and other capital improvements at the historic park  
31 site at Oella and Old Frederick Avenues in Oella, known as Benjamin Banneker Historic  
32 Park.

2

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

5           (5) Prior to the payment of any funds under the provisions of this Act for the  
6 purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching  
7 fund. No part of the grantee's matching fund may be provided, either directly or  
8 indirectly, from funds of the State, whether appropriated or unappropriated. No part of  
9 the fund may consist of real property or in kind contributions. The fund may consist of  
10 funds expended prior to the effective date of this Act. In case of any dispute as to the  
11 amount of the matching fund or what money or assets may qualify as matching funds, the  
12 Board of Public Works shall determine the matter and the Board's decision is final. The  
13 grantee has until June 1, 1999, to present evidence satisfactory to the Board of Public  
14 Works that a matching fund will be provided. If satisfactory evidence is presented, the  
15 Board shall certify this fact and the amount of the matching fund to the State Treasurer,  
16 and the proceeds of the loan equal to the amount of the matching fund shall be expended  
17 for the purposes provided in this Act. Any amount of the loan in excess of the amount of  
18 the matching fund certified by the Board of Public Works shall be canceled and be of no  
19 further effect.

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

23                           (i) On the land or such portion of the land acceptable to the Trust;  
24 and

25                           (ii) On the exterior and interior, where appropriate, of the historic  
26 structures.

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

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 June 1, 1997.