

# HOUSE BILL 1401

B4

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CF SB 1001

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By: **Delegates Oaks and Rosenberg**

Introduced and read first time: March 5, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – West Arlington Planetarium and Multipurpose Center Loan**  
3 **of 1999**

4 FOR the purpose of amending the Baltimore City – West Arlington Planetarium and  
5 Multipurpose Center Loan of 1999 to require that the loan proceeds be  
6 encumbered by the Board of Public Works or expended for certain purposes by a  
7 certain date; and generally relating to the Baltimore City – West Arlington  
8 Planetarium and Multipurpose Center Loan of 1999.

9 BY repealing and reenacting, with amendments,  
10 Chapter 292 of the Acts of the General Assembly of 1999, as amended by  
11 Chapter 333 of the Acts of the General Assembly of 2001  
12 Section 1

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

15 **Chapter 292 of the Acts of 1999, as amended by Chapter 333 of the Acts of**  
16 **2001**

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

19 (1) The Board of Public Works may borrow money and incur indebtedness on  
20 behalf of the State of Maryland through a State loan to be known as the Baltimore  
21 City – West Arlington Planetarium and Multipurpose Center Loan of 1999 in a total

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 principal amount equal to the lesser of (i) \$100,000 or (ii) the amount of the matching  
2 fund provided in accordance with Section 1(5) below. This loan shall be evidenced by  
3 the issuance, sale, and delivery of State general obligation bonds authorized by a  
4 resolution of the Board of Public Works and issued, sold, and delivered in accordance  
5 with §§ 8–117 through 8–124 of the State Finance and Procurement Article and  
6 Article 31, § 22 of the Code.

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

10 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
11 and first shall be applied to the payment of the expenses of issuing, selling, and  
12 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
13 shall be credited on the books of the Comptroller and expended, on approval by the  
14 Board of Public Works, for the following public purposes, including any applicable  
15 architects' and engineers' fees: as a grant to the Board of Directors of the West  
16 Arlington Improvement Association of Baltimore City, Inc. (referred to hereafter in  
17 this Act as "the grantee") for the planning, design, repair, renovation, rehabilitation  
18 and capital equipping of the historic water tower in the West Arlington neighborhood  
19 of Baltimore City, the facility to be used as a planetarium and sky theater, and for the  
20 planning, design, construction, and capital equipping of a multipurpose center at the  
21 same site, the center to contain a swimming pool, community room, arts and crafts  
22 room, offices, and other appropriate facilities.

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

27 (5) Prior to the payment of any funds under the provisions of this Act for the  
28 purposes set forth in Section 1(3) above, the grantee shall provide and expend a  
29 matching fund. No part of the grantee's matching fund may be provided,  
30 either directly or indirectly, from funds of the State, whether appropriated or  
31 unappropriated. No part of the fund may consist of real property, in kind  
32 contributions, or funds expended prior to the effective date of this Act. In case of any  
33 dispute as to the amount of the matching fund or what money or assets may qualify as  
34 matching funds, the Board of Public Works shall determine the matter and the  
35 Board's decision is final. The grantee has until June 1, 2003, to present evidence  
36 satisfactory to the Board of Public Works that a matching fund will be provided. If  
37 satisfactory evidence is presented, the Board shall certify this fact and the amount of  
38 the matching fund to the State Treasurer, and the proceeds of the loan equal to the  
39 amount of the matching fund shall be expended for the purposes provided in this Act.

1 Any amount of the loan in excess of the amount of the matching fund certified by the  
2 Board of Public Works shall be canceled and be of no further effect.

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

6 (i) On the land or such portion of the land acceptable to the  
7 Trust; and

8 (ii) On the exterior and interior, where appropriate, of the  
9 historic structures.

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

12 **(7) THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE**  
13 **BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN**  
14 **THIS ACT NO LATER THAN JUNE 1, 2009.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 June 1, 2007.