

# SENATE BILL 743

B2

71r2483

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By: **Senator Della**

Introduced and read first time: February 12, 2007

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Baltimore City – Flag House and Star Spangled**  
3 **Banner Museum**

4 FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000,  
5 the proceeds to be used as a grant to the Board of Directors of the Star Spangled  
6 Banner Flag House Association, Inc. for certain development or improvement  
7 purposes; providing for disbursement of the loan proceeds, subject to a  
8 requirement that the grantee provide and expend a matching fund; requiring  
9 the grantee to grant and convey a certain easement to the Maryland Historical  
10 Trust; establishing a deadline for the encumbrance or expenditure of the loan  
11 proceeds; and providing generally for the issuance and sale of bonds evidencing  
12 the loan.

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

15 (1) The Board of Public Works may borrow money and incur indebtedness on  
16 behalf of the State of Maryland through a State loan to be known as the Baltimore  
17 City – Flag House and Star Spangled Banner Museum Loan of 2007 in a total  
18 principal amount equal to the lesser of (i) \$250,000 or (ii) the amount of the matching  
19 fund provided in accordance with Section 1(5) below. This loan shall be evidenced by  
20 the issuance, sale, and delivery of State general obligation bonds authorized by a  
21 resolution of the Board of Public Works and issued, sold, and delivered in accordance  
22 with §§ 8–117 through 8–124 of the State Finance and Procurement Article and  
23 Article 31, § 22 of the Code.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4           (3)     The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
5 and first shall be applied to the payment of the expenses of issuing, selling, and  
6 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
7 shall be credited on the books of the Comptroller and expended, on approval by the  
8 Board of Public Works, for the following public purposes, including any applicable  
9 architects' and engineers' fees: as a grant to the Board of Directors of the Star  
10 Spangled Banner Flag House Association, Inc. (referred to hereafter in this Act as "the  
11 grantee") for the planning, design, reconstruction, repair, renovation, and capital  
12 equipping of the Flag House and Star Spangled Banner Museum and an interactive  
13 children's history center, located in Baltimore City.

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

18           (5)     Prior to the payment of any funds under the provisions of this Act for the  
19 purposes set forth in Section 1(3) above, the grantee shall provide and expend a  
20 matching fund. No part of the grantee's matching fund may be provided, either  
21 directly or indirectly, from funds of the State, whether appropriated or  
22 unappropriated. No part of the fund may consist of real property or in kind  
23 contributions. The fund may consist of funds expended prior to the effective date of  
24 this Act. In case of any dispute as to the amount of the matching fund or what money  
25 or assets may qualify as matching funds, the Board of Public Works shall determine  
26 the matter and the Board's decision is final. The grantee has until June 1, 2009, to  
27 present evidence satisfactory to the Board of Public Works that a matching fund will  
28 be provided. If satisfactory evidence is presented, the Board shall certify this fact and  
29 the amount of the matching fund to the State Treasurer, and the proceeds of the loan  
30 equal to the amount of the matching fund shall be expended for the purposes provided  
31 in this Act. Any amount of the loan in excess of the amount of the matching fund  
32 certified by the Board of Public Works shall be canceled and be of no further effect.

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

36                           (i)     On the land or such portion of the land acceptable to the  
37 Trust; and

1                           (ii)    On the exterior and interior, where appropriate, of the  
2 historic structures.

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

5                           (c)    The easement must be in form and substance acceptable to the  
6 Trust and any liens or encumbrances against the land or the structures must be  
7 acceptable to the Trust.

8                           (7)    The proceeds of the loan must be expended or encumbered by the Board  
9 of Public Works for the purposes provided in this Act no later than June 1, 2014. If any  
10 funds authorized by this Act remain unexpended or unencumbered after June 1, 2014,  
11 the amount of the unencumbered or unexpended authorization shall be canceled and  
12 be of no further effect. If bonds have been issued for the loan, the amount of  
13 unexpended or unencumbered bond proceeds shall be disposed of as provided in §  
14 8–129 of the State Finance and Procurement Article.

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