

HOUSE BILL 1371

B2

9lr1291
CF SB 134

By: **Delegate Jones**

Introduced and read first time: February 20, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt – Baltimore City – Port Discovery**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$400,000,
4 the proceeds to be used as a grant to the Board of Directors of the Baltimore
5 Children's Museum, Inc. for certain development or improvement purposes;
6 providing for disbursement of the loan proceeds, subject to a requirement that
7 the grantee provide and expend a matching fund; requiring the grantee to grant
8 and convey a certain easement to the Maryland Historical Trust; establishing a
9 deadline for the encumbrance or expenditure of the loan proceeds; and providing
10 generally for the issuance and sale of bonds evidencing the loan.

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

13 (1) The Board of Public Works may borrow money and incur indebtedness on
14 behalf of the State of Maryland through a State loan to be known as the Baltimore
15 City – Port Discovery Loan of 2009 in a total principal amount equal to the lesser of (i)
16 \$400,000 or (ii) the amount of the matching fund provided in accordance with Section
17 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State
18 general obligation bonds authorized by a resolution of the Board of Public Works and
19 issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State
20 Finance and Procurement Article and Article 31, § 22 of the Code.

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

24 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
25 and first shall be applied to the payment of the expenses of issuing, selling, and
26 delivering the bonds, unless funds for this purpose are otherwise provided, and then
27 shall be credited on the books of the Comptroller and expended, on approval by the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Board of Public Works, for the following public purposes, including any applicable
2 architects' and engineers' fees: as a grant to the Board of Directors of the Baltimore
3 Children's Museum, Inc. (referred to hereafter in this Act as "the grantee") for the
4 planning, design, construction, renovation, and capital equipping of the current
5 location of Port Discovery, to include replacing windows, replacing the roof, and
6 reconfiguring the stairways and doorways to improve the flow of traffic through the
7 museum, located in Baltimore City.

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

12 (5) Prior to the payment of any funds under the provisions of this Act for the
13 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
14 matching fund. No part of the grantee's matching fund may be provided, either
15 directly or indirectly, from funds of the State, whether appropriated or
16 unappropriated. No part of the fund may consist of real property, in kind
17 contributions, or funds expended prior to the effective date of this Act. In case of any
18 dispute as to the amount of the matching fund or what money or assets may qualify as
19 matching funds, the Board of Public Works shall determine the matter and the
20 Board's decision is final. The grantee has until June 1, 2011, to present evidence
21 satisfactory to the Board of Public Works that a matching fund will be provided. If
22 satisfactory evidence is presented, the Board shall certify this fact and the amount of
23 the matching fund to the State Treasurer, and the proceeds of the loan equal to the
24 amount of the matching fund shall be expended for the purposes provided in this Act.
25 Any amount of the loan in excess of the amount of the matching fund certified by the
26 Board of Public Works shall be canceled and be of no further effect.

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

30 (i) On the land or such portion of the land acceptable to the
31 Trust; and

32 (ii) On the exterior and interior, where appropriate, of the
33 historic structures.

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

36 (c) The easement must be in form and substance acceptable to the
37 Trust and any liens or encumbrances against the land or the structures must be
38 acceptable to the Trust.

39 (7) The proceeds of the loan must be expended or encumbered by the Board
40 of Public Works for the purposes provided in this Act no later than June 1, 2016. If any

1 funds authorized by this Act remain unexpended or unencumbered after June 1, 2016,
2 the amount of the unencumbered or unexpended authorization shall be canceled and
3 be of no further effect. If bonds have been issued for the loan, the amount of
4 unexpended or unencumbered bond proceeds shall be disposed of as provided in
5 § 8–129 of the State Finance and Procurement Article.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 June 1, 2009.