SENATE BILL 685

By: Senator Ellis
Introduced and read first time: February 4, 2022
Assigned to: Budget and Taxation

A BILL ENTITLED

AN ACT concerning

Economic Development – Maryland Stadium Authority – Charles County
Multicultural Recreational and Amphitheatre Facilities

FOR the purpose of authorizing the Maryland Stadium Authority to review certain matters
and make certain recommendations relating to the Charles County Multicultural
Recreational and Amphitheatre Facilities; authorizing the Authority to acquire and
finance by certain means a Charles County Multicultural Recreational and
Amphitheatre Facilities site or an interest in the site; establishing the Charles
County Multicultural Recreational and Amphitheatre Facilities Fund as a
continuing, nonlapsing fund; and generally relating to financing and construction of
the Charles County Multicultural Recreational and Amphitheatre Facilities.

BY renumbering
Article – Economic Development
Section 10–601(p) through (eee), respectively
to be Section 10–601(s) through (hhh), respectively
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–601(a) and (b), 10–618(a), 10–620(a)(1), and 10–628(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to
Article – Economic Development
Section 10–601(p) through (r), 10–646.3, and 10–657.5
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SENATE BILL 685

BY repealing and reenacting, with amendments, Article – Economic Development
Section 10–601(v)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)
(As enacted by Section 1 of this Act)
(As enacted by Chapters 20 and 590 of the Acts of the General Assembly of 2020)

BY repealing and reenacting, with amendments, Article – Economic Development
Section 10–613(a)(14) and (b), 10–618(b), 10–620(d) and (e), 10–625(a), and 10–628(c)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments, Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments, Article – State Finance and Procurement
Section 6–226(a)(2)(ii)144. and 145.
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to Article – State Finance and Procurement
Section 6–226(a)(2)(ii)146.
Annotated Code of Maryland
(2021 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–601(p) through (eee), respectively, of Article – Economic Development of the Annotated Code of Maryland be renumbered to be Section(s) 10–601(s) through (hhh), respectively.

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

Article – Economic Development

10–601.

(a) In this subtitle the following words have the meanings indicated.

(b) “Authority” means the Maryland Stadium Authority.
(P) (1) “CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES” means the events facility located in CHARLES COUNTY, MARYLAND, used for community events, recreational events, and other related activities.

(2) “CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES” includes:

(I) FIELDS AND AMPHITHEATERS;

(II) OFFICES;

(III) PARKING LOTS AND GARAGES;

(IV) ACCESS ROADS;

(V) FOOD SERVICE FACILITIES; AND

(VI) OTHER FUNCTIONALLY RELATED STRUCTURES AND IMPROVEMENTS.

(Q) “CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES FUND” means the CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES FUND established under § 10–657.5 of this subtitle.

(R) “CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES SITE” means the site of the CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES in CHARLES COUNTY, MARYLAND.

(v) “Facility” means:

(1) a structure or other improvement developed at Camden Yards;

(2) a convention facility;

(3) the Hippodrome Performing Arts facility;

(4) a sports facility;

(5) a Baltimore City public school facility;
SENATE BILL 685

(6) a racing facility;

(7) a public school facility; [or]

(8) the Hagerstown Multi–Use Sports and Events Facility; OR

(9) the Charles County Multicultural Recreational and Amphitheatre Facility.

(a) The Authority may:

(14) with respect to site acquisition, construction, and development of the Hippodrome Performing Arts facility [and], the Hagerstown Multi–Use Sports and Events Facility, and the Charles County Multicultural Recreational and Amphitheatre Facilities, establish and participate in Authority affiliates;

(b) The Authority may review and make recommendations on proposed convention center facilities, the Hippodrome Performing Arts facility, [and] the Hagerstown Multi–Use Sports and Events Facility, and the Charles County Multicultural Recreational and Amphitheatre Facilities, including the expansion and enhancement of the Baltimore City Convention Center and the Ocean City Convention Center and the development and construction of the Montgomery County Conference Center, the Hippodrome Performing Arts Center, [and] the Hagerstown Multi–Use Sports and Events Facility, and the Charles County Multicultural Recreational and Amphitheatre Facilities, with respect to location, purpose, design, function, capacity, parking, costs, funding mechanisms, and revenue alternatives, with specific recommendations on:

(1) the level of support from the private sector;

(2) the type of support from the private sector;

(3) special taxing sources;

(4) projected revenues;

(5) bonding authority and the source of debt service; and

(6) the fiscal impact on the State of any revenue alternatives.

10–618.

(a) (1) Except as provided in paragraph (2) of this subsection, contracts to acquire any facility site, to construct the facility, or for construction on the facility site
(2) Contracts to construct a public school facility or for construction on a public school site do not require the prior approval of the Board of Public Works.

(b) The Authority may:

(1) acquire by any of the means specified in § 10–620(a) of this subtitle:

(i) a site at Camden Yards for a facility;

(ii) a Baltimore Convention site or an interest in the site;

(iii) an Ocean City Convention site or an interest in the site;

(iv) a Montgomery County Conference site or an interest in the site;

(v) a Hippodrome Performing Arts site or an interest in the site; and

(vi) a Hagerstown Multi–Use Sports and Events Facility site or an interest in the site; and

(VII) A CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES SITE OR AN INTEREST IN THE SITE; AND

(2) construct or enter into a contract to construct a facility on a site it acquires under this subsection.

(a) (1) Subject to annual appropriations and this subtitle, the Authority may acquire in its own name, by gift, purchase, or condemnation, any property or interest in property necessary or convenient to construct, improve, or operate a facility.

(d) (1) The exercise of authority under this subsection is subject to the prior approval of the Board of Public Works.

(2) On request of the Authority, the State, a unit of the State, or a political subdivision may lease, lend, grant, or otherwise convey to the Authority, property, including property devoted to public use, as necessary or convenient for the purposes of this subtitle.

(3) The State may lease or sublease a facility, or an interest in a facility, from or to the Authority, whether or not constructed or usable.

(4) Lease payments to the Authority appropriated by the State shall be
transferred to:

(i) the Baltimore Convention Fund if appropriated for a Baltimore Convention facility;

(ii) the Camden Yards Fund if appropriated for a sports facility or other facility at Camden Yards;

(iii) the Hippodrome Performing Arts Fund if appropriated for a Hippodrome Performing Arts facility;

(iv) the Montgomery County Conference Fund if appropriated for a Montgomery County Conference facility;

(v) the Ocean City Convention Fund if appropriated for an Ocean City Convention facility; [or]

(vi) the Hagerstown Multi–Use Sports and Events Facility Fund if appropriated for a Hagerstown Multi–Use Sports and Events Facility; OR

(VII) THE CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES.

(e) (1) This subsection does not apply to the Camden Yards site, Baltimore Convention site, Ocean City Convention site, Hippodrome Performing Arts site, any Baltimore City public school site, any racing facility, the Hagerstown Multi–Use Sports and Events Facility site, any supplemental facility site, THE CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES, or any public school site.

(2) The Authority and any Authority affiliate are subject to applicable planning, zoning, and development regulations to the same extent as a private commercial or industrial enterprise.

(a) Except as provided in subsection (b) of this section, the Authority shall submit:

(1) an annual detailed report of the activities and financial status of the Authority to the Governor, and, in accordance with § 2–1257 of the State Government Article, the General Assembly; and

(2) annual reports on the additional tax revenues generated by each of the following facilities, prepared in cooperation with the Office of the Comptroller and the Department of Budget and Management:
(i) the Baltimore Convention facility;
(ii) the Hippodrome Performing Arts facility;
(iii) the Montgomery County Conference facility;
(iv) the Ocean City Convention facility; [and]
(v) the Hagerstown Multi–Use Sports and Events Facility; AND

(VI) THE CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES.

10–628.

(a) Except as provided in subsections (b) and (c) of this section and subject to the prior approval of the Board of Public Works, the Authority may issue bonds at any time for any corporate purpose of the Authority, including the establishment of reserves and the payment of interest.

(c) (1) Unless authorized by the General Assembly, the Board of Public Works may not approve an issuance by the Authority of bonds, whether taxable or tax exempt, that constitute tax supported debt or nontax supported debt if, after issuance, there would be outstanding and unpaid more than the following face amounts of the bonds for the purpose of financing acquisition, construction, renovation, and related expenses for construction management, professional fees, and contingencies in connection with:

(i) the Baltimore Convention facility – $55,000,000;
(ii) the Hippodrome Performing Arts facility – $20,250,000;
(iii) the Montgomery County Conference facility – $23,185,000;
(iv) the Ocean City Convention facility – $24,500,000;
(v) Baltimore City public school facilities – $1,100,000,000;
(vi) supplemental facilities – $25,000,000;
(vii) racing facilities – $375,000,000;
(viii) public school facilities in the State – $2,200,000,000; [and]
(ix) the Hagerstown Multi–Use Sports and Events Facility – $59,500,000; AND
SENATE BILL 685

(X) THE CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES – $45,000,000.

(2) (i) The limitation under paragraph (1)(i) of this subsection applies to the aggregate principal amount of bonds outstanding as of June 30 of any year.

(ii) Refunded bonds may not be included in the determination of an outstanding aggregate amount under this paragraph.

10–646.3.

(A) EXCEPT AS AUTHORIZED BY § 10–639 OF THIS SUBTITLE, TO FINANCE SITE ACQUISITION, DESIGN, AND CONSTRUCTION OF ANY SEGMENT OF THE CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES, THE AUTHORITY SHALL COMPLY WITH THIS SECTION.

(B) AT LEAST 45 DAYS BEFORE SEEKING APPROVAL OF THE BOARD OF PUBLIC WORKS FOR EACH BOND ISSUE OR OTHER BORROWING, THE AUTHORITY SHALL PROVIDE TO THE FISCAL COMMITTEES OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, A COMPREHENSIVE FINANCING PLAN FOR THE RELEVANT SEGMENT OF THE FACILITY.

(C) THE AUTHORITY SHALL OBTAIN THE APPROVAL OF THE BOARD OF PUBLIC WORKS OF THE PROPOSED BOND ISSUE AND THE FINANCING PLAN.

10–657.5.

(A) IN THIS SECTION, “FUND” MEANS THE CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES FUND.

(B) THERE IS A CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES FUND.

(C) THE PURPOSE OF THE FUND IS TO ENABLE THE AUTHORITY TO:

(1) USE THE FUND AS A REVOLVING FUND FOR IMPLEMENTING THIS SUBTITLE AS IT RELATES TO THE CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES; AND

(2) PAY ANY EXPENSES INCURRED BY THE AUTHORITY THAT ARE RELATED TO THE CHARLES COUNTY MULTICULTURAL RECREATIONAL AND AMPHITHEATRE FACILITIES.

(D) THE AUTHORITY SHALL ADMINISTER THE FUND.
(E) (1) **The Fund is a continuing, nonlapsing fund that is not subject to reversion under § 7–302 of the State Finance and Procurement Article.**

(2) **The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.**

(F) (1) **To the extent considered appropriate by the Authority, the receipts of the Fund shall be pledged to and charged with the following relating to the Charles County Multicultural Recreational and Amphitheatre Facilities:**

   (i) payment of debt service on Authority bonds;

   (ii) all reasonable charges and expenses related to the Authority’s borrowing; and

   (iii) the management of Authority obligations.

(2) **The pledge shall be effective as provided in § 10–634 of this subtitle.**

(G) **The Fund consists of:**

   (1) money appropriated for deposit in the Fund;

   (2) revenues collected or received from any source under this subtitle concerning the Charles County Multicultural Recreational and Amphitheatre Facilities; and

   (3) any additional money made available from any public or private source for the purposes established for the Fund.

(H) (1) **The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.**

(2) **Any interest earnings of the Fund shall be paid into the Fund.**

Article – State Finance and Procurement

6–226.
SENATE BILL 685

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

144. the Health Equity Resource Community Reserve Fund;
145. the Access to Counsel in Evictions Special Fund; AND
146. the Charles County Multicultural Recreational and Amphitheatre Facilities Fund.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.