

HOUSE BILL 194

L2, F3

3lr1643
CF 3lr1646

By: **Delegate Anderson (By Request – Baltimore City Administration)**

Introduced and read first time: January 21, 2013

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – School Facilities – Funding**

3 FOR the purpose of authorizing certain bonds, notes, or other obligations used for
4 certain purposes in connection with certain school facilities in Baltimore City to
5 be payable from revenues and receipts from a certain beverage container tax,
6 from the proceeds, participation rent, and other fees payable by certain video
7 lottery facilities, or from certain other revenues; authorizing certain revenues
8 and receipts to be irrevocably pledged in a certain manner; making the
9 obligation to make certain payments from certain revenues and receipts subject
10 to an annual appropriation by the Mayor and City Council of Baltimore;
11 authorizing, under certain circumstances, a certain trust agreement or
12 authorizing ordinance to pledge or assign certain revenues and receipts and a
13 certain fund; defining certain terms; and generally relating to the use of
14 revenues and receipts from a certain beverage container tax or other revenues
15 dedicated to the construction of school facilities in Baltimore City.

16 BY adding to
17 The Charter of Baltimore City
18 Article II – General Powers
19 Section (50)(f)
20 (2007 Replacement Volume, as amended)

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

23 **The Charter of Baltimore City**

24 Article II – General Powers

25 The Mayor and City Council of Baltimore shall have full power and authority to
26 exercise all of the powers heretofore or hereafter granted to it by the Constitution of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
2 particular, without limitation upon the foregoing, shall have power by ordinance, or such
3 other method as may be provided for in its Charter, subject to the provisions of said
4 Constitution and Public General Laws:

5 (50)

6 (F) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE
7 THE MEANINGS INDICATED.

8 (II) "BEVERAGE CONTAINER TAX" MEANS THE BEVERAGE
9 CONTAINER TAX IMPOSED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE
10 UNDER ARTICLE 28, SUBTITLE 20 OF THE BALTIMORE CITY CODE.

11 (III) "CITY SCHOOL FACILITY" MEANS:

12 1. A STRUCTURE IN BALTIMORE CITY USED FOR
13 CLASSROOM INSTRUCTION, SCHOOL-RELATED MEETINGS, OR SIMILAR
14 PURPOSES, INCLUDING ANY BALTIMORE CITY PUBLIC SCHOOL;

15 2. AN OFFICE, A PARKING LOT, A GARAGE, AN
16 ACCESS ROAD, OR ANY OTHER PROPERTY, STRUCTURE, FURNISHING, OR
17 EQUIPMENT FUNCTIONALLY RELATED TO A FACILITY DESCRIBED IN ITEM 1 OF
18 THIS SUBPARAGRAPH; OR

19 3. OTHER FACILITIES AND PROPERTIES USED OR
20 USEFUL OR HAVING PRESENT CAPACITY FOR FUTURE USE AS, OR IN
21 CONNECTION WITH, A CITY SCHOOL FACILITY, INCLUDING:

22 A. LAND, BUILDINGS, STRUCTURES, MACHINERY,
23 EQUIPMENT, AND ALL PROPERTIES AND RIGHTS THEREIN AND
24 APPURTENANCES THEREOF, AND RIGHTS-OF-WAY, FRANCHISES, EASEMENTS,
25 AND OTHER INTERESTS IN LAND;

26 B. ALL LAND AND FACILITIES THAT ARE
27 FUNCTIONALLY RELATED TO A CITY SCHOOL FACILITY; AND

28 C. ALL PATENTS, LICENSES, AND OTHER RIGHTS
29 NECESSARY OR USEFUL IN THE CONSTRUCTION OR OPERATION OF A CITY
30 SCHOOL FACILITY.

31 (IV) "VIDEO LOTTERY FACILITY" HAS THE MEANING STATED
32 IN § 9-1A-101 OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED
33 CODE OF MARYLAND.

1 **(2) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS**
2 **SECTION AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, BONDS,**
3 **NOTES, OR OTHER OBLIGATIONS, INCLUDING REFUNDING BONDS, NOTES, OR**
4 **OTHER OBLIGATIONS, ISSUED UNDER THIS SECTION TO FINANCE OR REFINANCE**
5 **THE ACQUISITION, DEMOLITION, CONSTRUCTION, RENOVATION, EXPANSION,**
6 **IMPROVEMENT, FURNISHING, OR EQUIPPING OF CITY SCHOOL FACILITIES MAY**
7 **BE PAYABLE, AS TO BOTH PRINCIPAL AND INTEREST, FROM REVENUES AND**
8 **RECEIPTS FROM THE BEVERAGE CONTAINER TAX OR OTHER REVENUES**
9 **DEDICATED TO THE CONSTRUCTION OF CITY SCHOOL FACILITIES.**

10 **(II) 1. THE REVENUES AND RECEIPTS FROM THE**
11 **BEVERAGE CONTAINER TAX OR OTHER REVENUES DEDICATED TO THE**
12 **CONSTRUCTION OF CITY SCHOOL FACILITIES MAY BE IRREVOCABLY PLEDGED**
13 **TO THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS**
14 **ISSUED UNDER THIS SUBSECTION.**

15 **2. THE OBLIGATION TO PAY THE PRINCIPAL OF AND**
16 **INTEREST ON THE OBLIGATIONS ISSUED UNDER THIS SUBSECTION FROM**
17 **REVENUES AND RECEIPTS FROM THE BEVERAGE CONTAINER TAX, FROM**
18 **PROCEEDS, PARTICIPATION RENT, AND OTHER FEES PAYABLE FROM A VIDEO**
19 **LOTTERY FACILITY, OR FROM OTHER REVENUES DEDICATED TO THE**
20 **CONSTRUCTION OF CITY SCHOOL FACILITIES SHALL BE SUBJECT TO ANNUAL**
21 **APPROPRIATION BY THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

22 **(3) THE TRUST AGREEMENT OR THE AUTHORIZING ORDINANCE**
23 **FOR THE OBLIGATIONS ISSUED UNDER THIS SUBSECTION MAY PLEDGE OR**
24 **ASSIGN:**

25 **(I) ALL OR ANY PART OF THE REVENUES AND RECEIPTS**
26 **FROM THE BEVERAGE CONTAINER TAX OR FROM PROCEEDS, PARTICIPATION**
27 **RENT, AND OTHER FEES PAYABLE FROM A VIDEO LOTTERY FACILITY, BUT ONLY**
28 **TO THE EXTENT THE REVENUES AND RECEIPTS ARE APPROPRIATED BY THE**
29 **MAYOR AND CITY COUNCIL OF BALTIMORE TO THE PAYMENT OF THE**
30 **PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS ISSUED UNDER THIS**
31 **SUBSECTION;**

32 **(II) ANY FUND INTO WHICH ALL OR ANY PART OF THE**
33 **REVENUES AND RECEIPTS FROM THE BEVERAGE CONTAINER TAX AND FROM**
34 **PROCEEDS, PARTICIPATION RENT, AND OTHER FEES PAYABLE FROM A VIDEO**
35 **LOTTERY FACILITY ARE DEPOSITED AFTER THE REVENUES AND RECEIPTS ARE**
36 **APPROPRIATED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE TO THE**

1 PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS ISSUED
2 UNDER THIS SUBSECTION; AND

3 (III) ANY FUND INTO WHICH ANY REVENUES DEDICATED TO
4 THE CONSTRUCTION OF CITY SCHOOL FACILITIES ARE DEPOSITED AFTER THE
5 REVENUES ARE APPROPRIATED BY THE MAYOR AND CITY COUNCIL OF
6 BALTIMORE TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE
7 OBLIGATIONS ISSUED UNDER THIS SUBSECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2013.