

HOUSE BILL 578

L2, F3

2lr1510
CF 2lr1511

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

Introduced and read first time: February 6, 2012

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 or
6 certain other revenues; prohibiting certain revenues and receipts from being
7 irrevocably pledged in a certain manner; making the obligation to make certain
8 payments from certain revenues and receipts subject to an annual appropriation
9 by the Mayor and City Council of Baltimore City; authorizing, under certain
10 circumstances, a certain trust agreement or authorizing ordinance to pledge or
11 assign certain revenues and receipts and a certain fund; defining certain terms;
12 and generally relating to the use of revenues and receipts from a certain
13 beverage container tax or other revenues dedicated to the construction of school
14 facilities in Baltimore City.

15 BY adding to

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

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

22 **The Charter of Baltimore City**

23 Article II – General Powers

24 The Mayor and City Council of Baltimore shall have full power and authority to
25 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
26 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (50)

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

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

10 **(III) "CITY SCHOOL FACILITY" MEANS:**

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

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

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

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

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

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

30 **(2) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS**
31 **SECTION AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, BONDS,**
32 **NOTES, OR OTHER OBLIGATIONS, INCLUDING REFUNDING BONDS, NOTES, OR**
33 **OTHER OBLIGATIONS, ISSUED UNDER THIS SECTION TO FINANCE OR REFINANCE**

1 THE ACQUISITION, DEMOLITION, CONSTRUCTION, RENOVATION, EXPANSION,
2 IMPROVEMENT, FURNISHING, OR EQUIPPING OF CITY SCHOOL FACILITIES MAY
3 BE PAYABLE, AS TO BOTH PRINCIPAL AND INTEREST, FROM REVENUES AND
4 RECEIPTS FROM THE BEVERAGE CONTAINER TAX OR OTHER REVENUES
5 DEDICATED TO THE CONSTRUCTION OF CITY SCHOOL FACILITIES.

6 (II) 1. THE REVENUES AND RECEIPTS FROM THE
7 BEVERAGE CONTAINER TAX OR OTHER REVENUES DEDICATED TO THE
8 CONSTRUCTION OF CITY SCHOOL FACILITIES MAY NOT BE IRREVOCABLY
9 PLEDGED TO THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE
10 OBLIGATIONS ISSUED UNDER THIS SUBSECTION.

11 2. THE OBLIGATION TO PAY THE PRINCIPAL OF AND
12 INTEREST ON THE OBLIGATIONS ISSUED UNDER THIS SUBSECTION FROM
13 REVENUES AND RECEIPTS FROM THE BEVERAGE CONTAINER TAX OR OTHER
14 REVENUES DEDICATED TO THE CONSTRUCTION OF CITY SCHOOL FACILITIES
15 SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE MAYOR AND CITY
16 COUNCIL OF BALTIMORE.

17 (3) THE TRUST AGREEMENT OR THE AUTHORIZING ORDINANCE
18 FOR THE OBLIGATIONS ISSUED UNDER THIS SUBSECTION MAY PLEDGE OR
19 ASSIGN:

20 (I) ALL OR ANY PART OF THE REVENUES AND RECEIPTS
21 FROM THE BEVERAGE CONTAINER TAX, BUT ONLY TO THE EXTENT THE
22 REVENUES AND RECEIPTS ARE APPROPRIATED BY THE MAYOR AND CITY
23 COUNCIL OF BALTIMORE TO THE PAYMENT OF THE PRINCIPAL OF AND
24 INTEREST ON THE OBLIGATIONS ISSUED UNDER THIS SUBSECTION;

25 (II) ANY FUND INTO WHICH ALL OR ANY PART OF THE
26 REVENUES AND RECEIPTS FROM THE BEVERAGE CONTAINER TAX ARE
27 DEPOSITED AFTER THE REVENUES AND RECEIPTS ARE APPROPRIATED BY THE
28 MAYOR AND CITY COUNCIL OF BALTIMORE TO THE PAYMENT OF THE
29 PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS ISSUED UNDER THIS
30 SUBSECTION; AND

31 (III) ANY FUND INTO WHICH ANY REVENUES DEDICATED TO
32 THE CONSTRUCTION OF CITY SCHOOL FACILITIES ARE DEPOSITED AFTER THE
33 REVENUES ARE APPROPRIATED BY THE MAYOR AND CITY COUNCIL OF
34 BALTIMORE TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE
35 OBLIGATIONS ISSUED UNDER THIS SUBSECTION.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2012.