

CF SB 130

---

**By: Delegates Barve, Gordon, and Kagan**

Introduced and read first time: January 31, 1997

Assigned to: Appropriations

---

## A BILL ENTITLED

1 AN ACT concerning

**2 Creation of a State Debt - Montgomery County - City of Gaithersburg Concert Pavilion**

3 FOR the purpose of authorizing the creation of a State Debt not to exceed \$200,000, the  
4 proceeds to be used as a grant to the Mayor and City Council of Gaithersburg for  
5 certain development or improvement purposes; providing for disbursement of the  
6 loan proceeds, subject to a requirement that the grantee provide and expend a  
7 matching fund; and providing generally for the issuance and sale of bonds  
8 evidencing the loan.

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That:

11 (1) The Board of Public Works may borrow money and incur indebtedness on  
12 behalf of the State of Maryland through a State loan to be known as the Montgomery  
13 County - City of Gaithersburg Concert Pavilion Loan of 1997 in a total principal amount  
14 equal to the lesser of (i) \$200,000, or (ii) the amount of the matching fund provided in  
15 accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale,  
16 and delivery of State general obligation bonds authorized by a resolution of the Board of  
17 Public Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124  
18 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

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

22 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and  
23 first shall be applied to the payment of the expenses of issuing, selling, and delivering the  
24 bonds, unless funds for this purpose are otherwise provided, and then shall be credited on  
25 the books of the Comptroller and expended, on approval by the Board of Public Works,  
26 for the following public purposes, including any applicable architects' and engineers' fees:  
27 as a grant to the Mayor and City Council of Gaithersburg (referred to hereafter in this  
28 Act as "the grantee") for the planning, design, and construction of the Olde Town  
29 Concert Pavilion and for associated site work, the pavilion to be located at the northwest  
30 corner of the City Hall site in Gaithersburg.

31 (4) An annual State tax is imposed on all assessable property in the State in rate  
32 and amount sufficient to pay the principal of and interest on the bonds, as and when due

2

1 and until paid in full. The principal shall be discharged within 15 years after the date of  
2 issuance of the bonds.

3 (5) Prior to the payment of any funds under the provisions of this Act for the  
4 purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching  
5 fund. No part of the grantee's matching fund may be provided, either directly or  
6 indirectly, from funds of the State, whether appropriated or unappropriated. The fund  
7 may consist of real property, in kind contributions, or funds expended prior to the  
8 effective date of this Act. In case of any dispute as to the amount of the matching fund or  
9 what money or assets may qualify as matching funds, the Board of Public Works shall  
10 determine the matter and the Board's decision is final. The grantee has until June 1,  
11 1999, to present evidence satisfactory to the Board of Public Works that a matching fund  
12 will be provided. If satisfactory evidence is presented, the Board shall certify this fact and  
13 the amount of the matching fund to the State Treasurer, and the proceeds of the loan  
14 equal to the amount of the matching fund shall be expended for the purposes provided in  
15 this Act. Any amount of the loan in excess of the amount of the matching fund certified  
16 by the Board of Public Works shall be canceled and be of no further effect.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 June 1, 1997.