

EMERGENCY BILL

B2

7lr3080

By: Senators Hogan, Kasemeyer, Teitelbaum, Forehand, Frosh, and McCabe
Constitutional Requirements Complied with for Introduction in the last 35 Days of
Session
Introduced and read first time: March 5, 1997
Rule 32(a) suspended
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Olney Theatre Loan of 1996**

3 FOR the purpose of amending Chapter 138 of the Acts of the General Assembly of 1996,
4 the Montgomery County - Olney Theatre Loan of 1996, to alter the purpose for
5 which the proceeds of the bonds will be used; and making this Act an emergency
6 measure.

7 BY repealing and reenacting, with amendments,
8 Chapter 138 of the Acts of the General Assembly of 1996
9 Section 1

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

12 **Chapter 138 of the Acts of 1996**

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That:

15 (1) The Board of Public Works may borrow money and incur indebtedness on
16 behalf of the State of Maryland through a State loan to be known as the Montgomery
17 County - Olney Theatre Loan of 1996 in a total principal amount equal to the lesser of (i)
18 \$250,000 or (ii) the amount of the matching fund provided in accordance with Section
19 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State
20 general obligation bonds authorized by a resolution of the Board of Public Works and
21 issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of the State
22 Finance and Procurement Article and Article 31, § 22 of the Code.

23 (2) The bonds to evidence this loan or installments of this loan may be sold as a
24 single issue or may be consolidated and sold as part of a single issue of bonds under §
25 8-122 of the State Finance and Procurement Article.

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

2

1 the books of the Comptroller and expended, on approval by the Board of Public Works,
2 for the following public purposes, including any applicable architects' and engineers' fees:
3 as a grant to the Board of Directors of the Olney Theatre Center for the Arts, Inc.
4 (referred to hereafter in this Act as "the grantee") for the repair, renovation, capital
5 equipping, and expansion of the Olney Theatre Administration and Education Building,
6 AND FOR THE REPAIR OF THE ROOF OF THE THEATRE BUILDING.

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

11 (5) Prior to the payment of any funds under the provisions of this Act for the
12 purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching
13 fund. No part of the grantee's matching fund may be provided, either directly or
14 indirectly, from funds of the State, whether appropriated or unappropriated. The fund
15 may consist of real property, in kind contributions, or funds expended prior to the
16 effective date of this Act. In case of any dispute as to the amount of the matching fund or
17 what money or assets may qualify as matching funds, the Board of Public Works shall
18 determine the matter and the Board's decision is final. The grantee has until June 1,
19 1998, to present evidence satisfactory to the Board of Public Works that a matching fund
20 will be provided. If satisfactory evidence is presented, the Board shall certify this fact and
21 the amount of the matching fund to the State Treasurer, and the proceeds of the loan
22 equal to the amount of the matching fund shall be expended for the purposes provided in
23 this Act. Any amount of the loan in excess of the amount of the matching fund certified
24 by the Board of Public Works shall be canceled and be of no further effect.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
26 measure, is necessary for the immediate preservation of the public health and safety, has
27 been passed by a yea and nay vote supported by three-fifths of all the members elected to
28 each of the two Houses of the General Assembly, and shall take effect from the date it is
29 enacted.