

**SENATE BILL 289**  
**EMERGENCY BILL**

Unofficial Copy  
B2

1998 Regular Session  
8lr0613  
CF 8lr0614

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By: **Senator Forehand**

Introduced and read first time: February 4, 1998

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - F. Scott Fitzgerald Theatre and Rockville Civic**  
3 **Center Complex Loan of 1997**

4 FOR the purpose of amending Chapter 237 of the Acts of the General Assembly of  
5 1997 to remove the historical easement provision; and making this Act an  
6 emergency measure.

7 BY repealing and reenacting, with amendments,  
8 Chapter 237 of the Acts of the General Assembly of 1997  
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 237 of the Acts of 1997**

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 - F. Scott Fitzgerald Theatre and Rockville Civic Center Complex Loan of  
18 1997 in a total principal amount equal to the lesser of (i) \$300,000 or (ii) the amount  
19 of the matching fund provided in accordance with Section 1(5) below. This loan shall  
20 be evidenced by the issuance, sale, and delivery of State general obligation bonds  
21 authorized by a resolution of the Board of Public Works and issued, sold, and  
22 delivered in accordance with §§ 8-117 through 8-124 of the State Finance and  
23 Procurement Article and Article 31, § 22 of the Code.

24 (2) The bonds to evidence this loan or installments of this loan may be sold as  
25 a single issue or may be consolidated and sold as part of a single issue of bonds under  
26 § 8-122 of the State Finance and Procurement Article.

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

1 shall be credited on the books of the Comptroller and expended, on approval by the  
2 Board of Public Works, for the following public purposes, including any applicable  
3 architects' and engineers' fees: as a grant to the Mayor and City Council of Rockville  
4 (referred to hereafter in this Act as "the grantee") for the repair, renovation, and  
5 capital equipping of the F. Scott Fitzgerald Theatre and Rockville Civic Center,  
6 located in Rockville Civic Center Park.

7 (4) An annual State tax is imposed on all assessable property in the State in  
8 rate and amount sufficient to pay the principal of and interest on the bonds, as and  
9 when due and until paid in full. The principal shall be discharged within 15 years  
10 after the date of 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  
13 matching fund. No part of the grantee's matching fund may be provided, either  
14 directly or indirectly, from funds of the State, whether appropriated or  
15 unappropriated. No part of the fund may consist of real property, in kind  
16 contributions, or funds expended prior to the effective date of this Act. In case of any  
17 dispute as to the amount of the matching fund or what money or assets may qualify  
18 as matching funds, the Board of Public Works shall determine the matter and the  
19 Board's decision is final. The grantee has until June 1, 1999, to present evidence  
20 satisfactory to the Board of Public Works that a matching fund will be provided. If  
21 satisfactory evidence is presented, the Board shall certify this fact and the amount of  
22 the matching fund to the State Treasurer, and the proceeds of the loan equal to the  
23 amount of the matching fund shall be expended for the purposes provided in this Act.  
24 Any amount of the loan in excess of the amount of the matching fund certified by the  
25 Board of Public Works shall be canceled and be of no further effect.

26 [(6) (a) Prior to the issuance of the bonds, the grantee shall grant and convey  
27 to the Maryland Historical Trust a perpetual preservation easement to the extent of  
28 its interest:

29 (i) On the land or such portion of the land acceptable to the Trust;  
30 and

31 (ii) On the exterior and interior, where appropriate, of the historic  
32 structures.

33 (b) The easement must be in form and substance acceptable to the Trust  
34 and the extent of the interest to be encumbered must be acceptable to the Trust.]

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