

HOUSE BILL 1095

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B4

1999 Regular Session
9lr2438
CF 9lr1601

By: **Delegates Schisler and Eckardt**

Introduced and read first time: February 23, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Avalon Theatre Loan of 1990**

3 FOR the purpose of amending Chapter 258 of the Acts of the General Assembly of
4 1990, the Avalon Theatre Loan of 1990, as amended by Chapter 244 of the Acts
5 of the General Assembly of 1993, to permit the Board of Trustees of the Avalon
6 Foundation, Inc. to receive the proceeds of the loan incrementally as matching
7 funds are provided and expended, and to extend the time by which the new
8 recipient, the Board of Trustees of the Avalon Foundation, Inc., shall present
9 certain evidence of a matching fund to the Board of Public Works.

10 BY repealing and reenacting, with amendments,
11 Chapter 258 of the Acts of the General Assembly of 1990, as amended by
12 Chapter 244 of the Acts of the General Assembly of 1993
13 Section 1

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

16 **Chapter 258 of the Acts of 1990, as amended by Chapter 244 of the Acts of**
17 **1993**

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That:

20 (1) The Board of Public Works may borrow money and incur indebtedness on
21 behalf of the State of Maryland through a State loan to be known as the Avalon
22 Theatre Loan of 1990 in the total principal amount of \$85,000. This loan shall be
23 evidenced by the issuance, sale, and delivery of State general obligation bonds
24 authorized by a resolution of the Board of Public Works and issued, sold, and
25 delivered in accordance with §§ 8-117 through 8-124 of the State Finance and
26 Procurement Article and Article 31, § 22 of the Code.

27 (2) The bonds to evidence this loan or installments of this loan may be sold as
28 a single issue, or may be consolidated and sold as part of a single issue of bonds under
29 § 8-122 of the State Finance and Procurement Article.

1 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
2 and first shall be applied to the payment of the expenses of issuing, selling, and
3 delivering the bonds, unless funds for this purpose are otherwise provided, and then
4 shall be credited on the books of the Comptroller and expended, on approval by the
5 Board of Public Works, for the following public purposes, including any applicable
6 architects' and engineers' fees: as a grant to the Board of Trustees of the Avalon
7 [Theatre] FOUNDATION, Inc. (REFERRED TO HEREINAFTER IN THIS ACT AS "THE
8 GRANTEE") for the purpose of restoring, renovating, repairing, rehabilitating,
9 reconstructing, constructing and equipping the historic Avalon Theatre FACILITIES in
10 Easton, located in Talbot County.

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

15 [(5) Prior to the payment of any funds under the provisions of this Act for the
16 purposes set forth in Section 1 (3) above, the Board of Trustees of the Avalon Theatre,
17 Inc. shall provide at least an equal and matching fund of \$85,000. No part of an
18 applicant's matching fund may be provided, either directly or indirectly, from funds of
19 the State, whether appropriated or unappropriated. No part of the fund may consist of
20 real property, in kind contributions, or funds expended prior to the effective date of
21 this Act. In case of any dispute as to what money or assets may qualify as matching
22 funds, the Board of Public Works shall determine the matter, and the Board's decision
23 is final. The Board of Trustees of the Avalon Theatre, Inc. has until June 1, 1995, to
24 present evidence satisfactory to the Board of Public Works that the matching fund
25 will be provided. If satisfactory evidence is presented, the Board shall certify this fact
26 to the State Treasurer and the proceeds of the loan shall be expended for the purposes
27 provided in this Act. If this evidence is not presented by June 1, 1995, the proceeds of
28 the loan shall be applied to the purposes authorized in § 8-129 of the State Finance
29 and Procurement Article.]

30 (5) (A) THE GRANTEE SHALL PROVIDE AND EXPEND A MATCHING FUND.

31 (B) NO PART OF THE GRANTEE'S MATCHING FUND MAY BE PROVIDED,
32 EITHER DIRECTLY OR INDIRECTLY, FROM FUNDS OF THE STATE, WHETHER
33 APPROPRIATED OR UNAPPROPRIATED. NO PART OF THE FUND MAY CONSIST OF REAL
34 PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO THE
35 EFFECTIVE DATE OF THIS ACT. IN CASE OF ANY DISPUTE AS TO THE AMOUNT OF THE
36 MATCHING FUND OR WHAT MONEY OR ASSETS MAY QUALIFY AS MATCHING FUNDS,
37 THE BOARD OF PUBLIC WORKS SHALL DETERMINE THE MATTER AND THE BOARD'S
38 DECISION IS FINAL.

39 (C) THE GRANTEE SHALL PRESENT EVIDENCE TO THE SATISFACTION OF
40 THE BOARD OF PUBLIC WORKS OF THE PROVISION AND EXPENDITURE OF THE
41 MATCHING FUND, AND THE BOARD OF PUBLIC WORKS SHALL DISBURSE THE
42 PROCEEDS OF THE GRANT UNDER THE PROVISIONS OF THIS ACT FOR THE PURPOSES
43 SET FORTH IN SECTION 1(3) ABOVE, BOTH TO BE DONE IN INSTALLMENTS.

1 (D) AS THE GRANTEE PROVIDES AND EXPENDS AN INSTALLMENT OF
2 THE MATCHING FUND, THE BOARD OF PUBLIC WORKS SHALL DISBURSE AN
3 INSTALLMENT OF THE PROCEEDS OF THE GRANT EQUAL TO THE PORTION OF THE
4 MATCHING FUND PRESENTED AT THAT TIME BY THE GRANTEE.

5 (E) THIS METHOD OF PRESENTATION OF THE MATCHING FUND IN
6 INSTALLMENTS AND OF THE DISBURSEMENT OF THE PROCEEDS OF THE LOAN IN
7 INSTALLMENTS THAT ARE EQUAL TO EACH PRESENTATION OF THE MATCHING FUND
8 SHALL CONTINUE UNTIL THE FIRST TO OCCUR OF THE DISBURSEMENT OF THE
9 TOTAL AMOUNT OF THE GRANT OR JUNE 1, 2001.

10 (F) THE GRANTEE HAS UNTIL JUNE 1, 2001, TO PRESENT THE FINAL
11 EVIDENCE SATISFACTORY TO THE BOARD OF PUBLIC WORKS THAT THE TOTAL
12 MATCHING FUND WILL BE PROVIDED. IF SATISFACTORY EVIDENCE IS PRESENTED,
13 THE BOARD SHALL CERTIFY THIS FACT, THE AMOUNT OF THE FINAL INSTALLMENT
14 OF THE MATCHING FUND, AND THE AMOUNT OF THE TOTAL MATCHING FUND TO
15 THE STATE TREASURER, AND THE FINAL PROCEEDS OF THE LOAN EQUAL TO THE
16 FINAL INSTALLMENT OF THE MATCHING FUND SHALL BE EXPENDED FOR THE
17 PURPOSES PROVIDED IN THIS ACT. AFTER JUNE 1, 2001, ANY AMOUNT OF THE LOAN
18 IN EXCESS OF THE AMOUNT OF THE MATCHING FUND CERTIFIED BY THE BOARD OF
19 PUBLIC WORKS SHALL BE CANCELED AND BE OF NO FURTHER EFFECT.

20 (6) The Board of Trustees of the Avalon [Theatre] FOUNDATION, Inc. shall
21 grant and convey a preservation easement on the exterior and interior of the Avalon
22 Theatre, where appropriate, and on the land or on the recipient's interest in the land
23 to the Maryland Historical Trust, in form and substance acceptable to the Trust. If the
24 recipient holds a fee simple interest in the land and structures, the easement shall be
25 perpetual in duration.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect June 1, 1999.