

# HOUSE BILL 1066

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CF SB 977

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By: **Delegate Henson**

Introduced and read first time: February 7, 2024

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **African American Heritage Preservation Grant Fund – Alterations**

3 FOR the purpose of altering the uses of the African American Heritage Preservation Grant  
4 Fund to include grants to an African American heritage organization for a certain  
5 purpose; providing that the Grant Fund shall be jointly administered by the  
6 Commission on African American History and Culture and the Maryland Historical  
7 Trust; allocating certain money in the Grant Fund to be used for certain purposes;  
8 altering the required contents of a certain application for a certain grant; granting  
9 to the Commission the sole authority to award a grant from the Grant Fund to an  
10 African American heritage organization for a certain purpose; and generally relating  
11 to the African American Heritage Preservation Grant Fund.

12 BY repealing and reenacting, without amendments,  
13 Article – State Finance and Procurement  
14 Section 5A–301(a) and (m)  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – State Finance and Procurement  
19 Section 5A–330  
20 Annotated Code of Maryland  
21 (2021 Replacement Volume and 2023 Supplement)

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

24 **Article – State Finance and Procurement**

25 5A–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (m) “Trust” means the Maryland Historical Trust.

3 5A-330.

4 (a) (1) In this section the following words have the meanings indicated.

5 (2) “AAHP Grant Fund” means the African American Heritage  
6 Preservation Grant Fund of the **COMMISSION AND THE Trust**.

7 (3) “African American Heritage Grant” means a grant made:

8 (I) under the Program; **OR**

9 (II) **TO AN AFRICAN AMERICAN HERITAGE ORGANIZATION TO**  
10 **FUND THE ORGANIZATION’S OPERATIONS AND ACTIVITIES.**

11 (4) “African American Heritage Preservation Project” means a capital  
12 project that:

13 (i) preserves buildings, communities, and sites of historical and  
14 cultural importance to the African American experience in the State; and

15 (ii) is for:

16 1. the acquisition of land or buildings; or

17 2. the construction or improvement of land or buildings.

18 (5) “Commission” means the Commission on African American History and  
19 Culture.

20 (6) “Construction or improvement” means planning, design, engineering,  
21 alteration, construction, reconstruction, enlargement, expansion, extension, improvement,  
22 replacement, rehabilitation, renovation, upgrading, repair, or capital equipping.

23 (7) “Program” means the African American Heritage Preservation  
24 Program.

25 (8) “Secretary” means the Secretary of Planning.

26 (b) (1) There is an African American Heritage Preservation Program in the  
27 Trust.

1           (2)    The purpose of the Program is to identify and preserve buildings,  
2 communities, and sites of historical and cultural importance to the African American  
3 experience in the State.

4           (3)    The Trust shall develop and administer the Program in partnership  
5 with the Commission.

6           (c)    (1)    There is an African American Heritage Preservation Grant Fund in the  
7 Trust.

8           (2)    The **COMMISSION AND THE** Trust shall **JOINTLY** administer the  
9 AAHP Grant Fund.

10          (3)    **(I)**    The AAHP Grant Fund may be used only for African American  
11 Heritage Grants.

12                               **(II)    UP TO 30% OF THE MONEY IN THE AAHP GRANT FUND IN**  
13 **ANY YEAR MAY BE ALLOCATED FOR GRANTS TO AFRICAN AMERICAN HERITAGE**  
14 **ORGANIZATIONS TO FUND THE ORGANIZATIONS' OPERATIONS AND ACTIVITIES.**

15          (4)    (i)    The AAHP Grant Fund is a special, nonlapsing fund that is not  
16 subject to reversion under § 7-302 of this article.

17                       (ii)   The State Treasurer shall hold the AAHP Grant Fund separately  
18 and the Comptroller shall account for the AAHP Grant Fund.

19          (5)    The AAHP Grant Fund consists of:

20                       (i)    money appropriated in the State budget to the Program;

21                       (ii)   investment earnings of the AAHP Grant Fund;

22                       (iii)   any other money from any other source accepted for the benefit  
23 of the AAHP Grant Fund; and

24                       (iv)   money received from the sale of State general obligation bonds.

25          (6)    For each fiscal year, the Governor shall include in the annual operating  
26 or capital budget an appropriation of \$5,000,000 to the AAHP Grant Fund.

27          (7)    (i)    The State Treasurer shall invest the money of the AAHP Grant  
28 Fund in the same manner as other State money.

29                       (ii)   Any investment earnings of the AAHP Grant Fund shall be paid  
30 into the AAHP Grant Fund.

1 (8) Expenditures from the AAHP Grant Fund may be made only in  
2 accordance with the State budget.

3 (d) (1) On or before a date established annually by the Trust and the  
4 Commission and subject to availability of money in the AAHP Grant Fund, an individual  
5 or a business entity, nonprofit organization, or political subdivision may submit an  
6 application for an African American Heritage Grant to the Trust.

7 (2) An application shall include:

8 (i) a description of the scope and purpose of the project;

9 (ii) **IF THE APPLICATION IS FOR A GRANT FOR AN AFRICAN**  
10 **AMERICAN HERITAGE PRESERVATION PROJECT**, a building plan that includes the  
11 estimated total cost of the project; and

12 (iii) any other information required by the Trust and the  
13 Commission.

14 (e) An African American Heritage Grant to a business entity, an individual, or a  
15 political subdivision may not exceed \$500,000.

16 (f) (1) The Trust and the Commission shall:

17 (i) review all grant applications submitted in accordance with  
18 subsection (d) of this section;

19 (ii) except as provided under subsection (g) of this section, consider  
20 a grant application competitively against all other grant applications submitted during the  
21 same fiscal year; and

22 (iii) **EXCEPT AS PROVIDED IN SUBSECTION (M) OF THIS SECTION**,  
23 make recommendations regarding each application to the Secretary for the award of  
24 African American Heritage Grants.

25 (2) In making recommendations under this subsection, the Trust and the  
26 Commission shall consider:

27 (i) the public necessity and urgency of a project;

28 (ii) the need for additional sources of funding for a project;

29 (iii) the estimated cost and timeliness of executing a project;

30 (iv) geographic diversity; and

1 (v) any other criteria determined by the Trust and the Commission  
2 to be relevant.

3 (g) (1) In any fiscal year, the Secretary may reserve up to 20% of the money  
4 available in the AAHP Grant Fund to award African American Heritage Grants to eligible  
5 emergency African American Heritage Preservation Projects not otherwise applied for in  
6 accordance with subsection (d) of this section.

7 (2) The application for an emergency grant shall include any information  
8 required by the Trust.

9 (3) The Trust and the Commission shall:

10 (i) review all applications for emergency grants; and

11 (ii) for each application for an emergency grant, make  
12 recommendations to the Secretary on whether to award the grant.

13 (h) (1) **THIS SUBSECTION APPLIES ONLY TO AN AFRICAN AMERICAN**  
14 **HERITAGE GRANT FOR AN AFRICAN AMERICAN HERITAGE PRESERVATION**  
15 **PROJECT.**

16 (2) The Secretary shall:

17 (i) review each grant application submitted under subsection (d) or  
18 (g) of this section and the recommendations of the Trust and the Commission;

19 (ii) consider:

20 1. the applications and recommendations under the criteria  
21 set forth in subsection (f)(2) of this section; and

22 2. if the grant was submitted under subsection (g) of this  
23 section, the nature of the emergency; and

24 (iii) subject to paragraph [(2)] (3) of this subsection, make the final  
25 decision to award the grant or deny the application.

26 [(2)] (3) The Secretary may award a grant under the Program only for an  
27 African American Heritage Preservation Project.

28 (i) On or before December 31 of each year, the Trust and the Commission shall  
29 report to the Governor and, in accordance with § 2-1257 of the State Government Article,  
30 the General Assembly, on the financial status and the activities of the Program and the  
31 AAHP Grant Fund for the prior fiscal year.

1           (j)   (1)   **THIS SUBSECTION APPLIES ONLY TO AN AFRICAN AMERICAN**  
2 **HERITAGE GRANT FOR AN AFRICAN AMERICAN HERITAGE PRESERVATION**  
3 **PROJECT.**

4           (2)   Except as provided in paragraph ~~[(3)]~~ (4) of this subsection, the Trust  
5 shall require a grantee awarded an African American Heritage Grant to enter into an  
6 agreement to preserve and maintain the property for which the grant was awarded.

7           ~~[(2)]~~ (3)   If the property is historic real property, the agreement shall be a  
8 recordable historic preservation easement.

9           ~~[(3)]~~ (4)   The Director may waive the agreement or easement requirement  
10 if the Director determines that an agreement or easement is impracticable, infeasible, or  
11 not necessary under the circumstances.

12          (k)   (1)   Subject to paragraph (2) of this subsection, the Secretary, in  
13 consultation with the Commission, shall adopt regulations to implement the Program.

14          (2)   A proposed regulation that relates to approval by the Board of Public  
15 Works of grants to be financed through the sale of State general obligation bonds may not  
16 be adopted under paragraph (1) of this subsection unless the regulation is approved by the  
17 Board of Public Works.

18          (l)   To the extent required by regulations adopted under subsection (k) of this  
19 section, the Trust and the Commission shall submit to the Board of Public Works for the  
20 Board's approval each African American Heritage Grant that is to be financed through the  
21 sale of State general obligation bonds.

22          **(M)   THE COMMISSION HAS THE SOLE AUTHORITY TO AWARD A GRANT TO AN**  
23 **AFRICAN AMERICAN HERITAGE ORGANIZATION TO FUND THE ORGANIZATION'S**  
24 **OPERATIONS AND ACTIVITIES.**

25          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2024.