

SENATE BILL 319

B5

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By: **Senators Miller, Currie, McFadden, Astle, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe**

Introduced and read first time: January 27, 2010

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **African American Heritage Preservation Program**

3 FOR the purpose of establishing the African American Heritage Preservation Program
4 in the Maryland Historical Trust to identify and preserve certain buildings,
5 communities, and sites of historical and cultural importance to the African
6 American experience; requiring the Trust to develop and administer the
7 Program in consultation with the Commission on African American History and
8 Culture; authorizing certain entities to submit, on or before a certain date, an
9 application to receive a grant for an African American heritage preservation
10 capital project; requiring that grants under the Program require a certain
11 matching fund; requiring the Trust to review grant applications before a certain
12 date and make certain recommendations to the Commission; requiring the
13 Trust and Commission to approve capital projects for funding in the State
14 capital budget; requiring the Governor to include certain funding in the annual
15 capital budget submission; requiring the Trust to report to the Governor and
16 General Assembly on or before a certain date; requiring the Trust to adopt
17 certain regulations to implement the Program; defining certain terms; providing
18 for the termination of this Act; and generally relating to a State capital grant
19 program for African American heritage preservation.

20 BY adding to
21 Article – State Finance and Procurement
22 Section 5A–330
23 Annotated Code of Maryland
24 (2009 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Finance and Procurement**

2 **5A-330.**

3 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
4 **MEANINGS INDICATED.**

5 **(2) “CAPITAL PROJECT” MEANS THE:**

6 **(I) ACQUISITION OF LAND OR BUILDINGS FOR AN**
7 **AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT; OR**

8 **(II) CONSTRUCTION OR IMPROVEMENT OF AN**
9 **AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT.**

10 **(3) “COMMISSION” MEANS THE COMMISSION ON**
11 **AFRICAN AMERICAN HISTORY AND CULTURE.**

12 **(4) “CONSTRUCTION OR IMPROVEMENT” MEANS PLANNING,**
13 **DESIGN, ENGINEERING, ALTERATION, CONSTRUCTION, RECONSTRUCTION,**
14 **ENLARGEMENT, EXPANSION, EXTENSION, IMPROVEMENT, REPLACEMENT,**
15 **REHABILITATION, RENOVATION, UPGRADING, REPAIR, OR CAPITAL EQUIPPING.**

16 **(5) “GRANTEE” MEANS A BUSINESS ENTITY, INDIVIDUAL,**
17 **NONPROFIT ORGANIZATION, OR POLITICAL SUBDIVISION.**

18 **(B) (1) THERE IS AN AFRICAN AMERICAN HERITAGE PRESERVATION**
19 **PROGRAM IN THE TRUST.**

20 **(2) THE PURPOSE OF THE AFRICAN AMERICAN HERITAGE**
21 **PRESERVATION PROGRAM IS TO IDENTIFY AND PRESERVE BUILDINGS,**
22 **COMMUNITIES, AND SITES OF HISTORICAL AND CULTURAL IMPORTANCE TO THE**
23 **AFRICAN AMERICAN EXPERIENCE IN MARYLAND.**

24 **(C) THE TRUST SHALL DEVELOP AND ADMINISTER THE**
25 **AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM IN CONSULTATION**
26 **WITH THE COMMISSION.**

27 **(D) (1) ON OR BEFORE JULY 15 OF EACH YEAR, A GRANTEE MAY**
28 **SUBMIT AN APPLICATION TO THE TRUST TO RECEIVE A GRANT FOR AN AFRICAN**
29 **AMERICAN HERITAGE PRESERVATION CAPITAL PROJECT FOR THE NEXT FISCAL**
30 **YEAR.**

1 **(2) AN APPLICATION SHALL INCLUDE:**

2 **(I) A DESCRIPTION OF THE SCOPE AND PURPOSE OF THE**
3 **PROJECT;**

4 **(II) A BUILDING PLAN THAT INCLUDES THE ESTIMATED**
5 **TOTAL COST OF THE PROJECT; AND**

6 **(III) ANY OTHER INFORMATION REQUIRED BY THE TRUST.**

7 **(E) GRANTS UNDER THE PROGRAM:**

8 **(1) REQUIRE A MATCHING FUND FROM ANY COMBINATION OF**
9 **COUNTY, MUNICIPAL, OR PRIVATE SOURCES; AND**

10 **(2) MAY NOT EXCEED 50% OF THE TOTAL COST OF AN**
11 **AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL PROJECT.**

12 **(F) (1) THE TRUST SHALL REVIEW GRANT APPLICATIONS SUBMITTED**
13 **IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.**

14 **(2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE TRUST SHALL**
15 **MAKE RECOMMENDATIONS TO THE COMMISSION REGARDING**
16 **AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL PROJECT GRANTS FOR**
17 **THE NEXT FISCAL YEAR.**

18 **(3) IN MAKING ITS RECOMMENDATIONS, THE TRUST SHALL**
19 **CONSIDER:**

20 **(I) THE PUBLIC NECESSITY AND URGENCY OF A PROJECT;**

21 **(II) THE NEED FOR ADDITIONAL SOURCES OF FUNDING FOR**
22 **A PROJECT;**

23 **(III) THE ESTIMATED COST AND TIMELINESS OF EXECUTING**
24 **A PROJECT;**

25 **(IV) THE VIABILITY OF MATCHING FUNDS FOR A PROJECT;**
26 **AND**

27 **(V) GEOGRAPHIC DIVERSITY.**

28 **(4) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE TRUST AND**
29 **COMMISSION SHALL:**

1 **(I) APPROVE AFRICAN AMERICAN HERITAGE**
2 **PRESERVATION CAPITAL PROJECTS FOR FUNDING IN THE STATE CAPITAL**
3 **BUDGET FOR THE NEXT FISCAL YEAR; AND**

4 **(II) FORWARD THE LIST OF APPROVED PROJECTS TO THE**
5 **DEPARTMENT OF BUDGET AND MANAGEMENT.**

6 **(G) FOR FISCAL YEAR 2012 AND EACH FISCAL YEAR THEREAFTER, THE**
7 **GOVERNOR SHALL INCLUDE IN THE ANNUAL CAPITAL BUDGET SUBMISSION**
8 **\$1,000,000 FOR AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL**
9 **PROJECTS.**

10 **(H) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE TRUST SHALL**
11 **REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE**
12 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON STATE GRANTS**
13 **AWARDED FOR AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL**
14 **PROJECTS FOR THE PRIOR FISCAL YEAR.**

15 **(I) (1) THE TRUST SHALL REQUIRE A GRANTEE UNDER THE**
16 **AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM TO ENTER INTO AN**
17 **AGREEMENT TO PRESERVE AND MAINTAIN THE PROPERTY.**

18 **(2) IF THE PROPERTY IS HISTORIC REAL PROPERTY, THE**
19 **AGREEMENT SHALL BE A RECORDABLE HISTORIC PRESERVATION EASEMENT.**

20 **(J) THE TRUST SHALL ADOPT REGULATIONS TO IMPLEMENT THE**
21 **AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 2010. It shall remain effective for a period of 5 years and, at the end of May 31,
24 2015, with no further action required by the General Assembly, this Act shall be
25 abrogated and of no further force and effect.