

SENATE BILL 601

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CF HB 130

By: **Senators McFadden, Miller, Astle, Bates, Benson, Conway, Currie, DeGrange, Eckardt, Edwards, Feldman, Ferguson, Gladden, Guzzone, Hershey, Hough, Jennings, Kagan, Kasemeyer, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, Middleton, Montgomery, Muse, Nathan–Pulliam, Norman, Peters, Pinsky, Pugh, Ramirez, Raskin, Ready, Rosapepe, Salling, Serafini, Simonaire, Waugh, Young, and Zirkin**

Introduced and read first time: February 6, 2015

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **African American Heritage Preservation Program – Reestablishment and**
3 **Revisions**

4 FOR the purpose of reestablishing the African American Heritage Preservation Program
5 in the Maryland Historical Trust; specifying the purpose of the Program; requiring
6 the Trust to develop and administer the Program in partnership with the
7 Commission on African American History and Culture; establishing the African
8 American Heritage Preservation Grant Fund as a special, nonlapsing fund;
9 specifying the purpose of the Fund; requiring the Trust to administer the Fund;
10 requiring the State Treasurer to hold the Fund and the Comptroller to account for
11 the Fund; specifying the contents of the Fund; requiring the Governor to provide a
12 certain annual appropriation to the Fund; specifying the purpose for which the Fund
13 may be used; providing for the investment of money in and expenditures from the
14 Fund; authorizing, on or before a date determined annually by the Trust and the
15 Commission and subject to the availability of certain money, certain persons to
16 submit a grant application for an African American Heritage Grant; requiring that
17 a grant application contain certain information; providing that a grant to certain
18 persons requires a certain matching fund; prohibiting a grant to certain persons from
19 exceeding a certain percentage of the total cost of the project for which the grant is
20 awarded; requiring the Trust and the Commission to review grant applications,
21 consider, except under certain circumstances, certain factors, and make certain
22 recommendations to the Secretary of Planning; requiring the Trust and the
23 Commission, in making certain recommendations, to consider certain criteria;
24 authorizing the Secretary to reserve a certain percentage of money available in the
25 Fund to award certain grants for certain projects; requiring that an application for
26 an emergency grant include certain information; requiring the Secretary to take

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain actions concerning grant applications and recommendations; providing that
2 the Secretary may only award grants under the Program for certain projects;
3 requiring the Trust and the Commission to report certain information to the
4 Governor and the General Assembly on or before a certain date each year; requiring,
5 except under certain circumstances, the Trust to require a grantee to enter into a
6 certain agreement; authorizing the Director of the Trust to waive a certain
7 agreement or easement requirement under certain circumstances; requiring the
8 Secretary, in consultation with the Commission, to adopt certain regulations to
9 implement the Program; prohibiting a certain regulation from being adopted unless
10 the regulation is approved by the Board of Public Works; requiring the Trust and the
11 Commission, to the extent required by certain regulations, to submit certain grants
12 to the Board of Public Works for approval; defining certain terms; and generally
13 relating to the African American Heritage Preservation Program.

14 BY adding to

15 Article – State Finance and Procurement
16 Section 5A–331
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2014 Supplement)

19 Preamble

20 WHEREAS, The legislation establishing the African American Heritage
21 Preservation Program, enacted during the 2010 Session of the General Assembly, provided
22 for the termination of the Program on May 31, 2015; and

23 WHEREAS, During its 5 years of existence, the Program has been highly successful
24 in funding, through grants, important capital projects that have preserved numerous
25 buildings and other resources located throughout the State that are of historical and
26 cultural importance to the African American experience in Maryland, and otherwise might
27 not have been funded; and

28 WHEREAS, Grant funding through the Program has provided vital economic
29 resources and employment to certain areas and communities of the State, many of which
30 are particularly in need of capital investment; and

31 WHEREAS, It is in the best interest of the State to permanently establish the
32 African American Heritage Preservation Program and a dedicated grant fund for the
33 Program and to streamline the application and review process for the award of Program
34 grants; now, therefore,

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

37 **Article – State Finance and Procurement**

38 **5A–331.**

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) “AAHP GRANT FUND” MEANS THE AFRICAN AMERICAN
4 HERITAGE PRESERVATION GRANT FUND OF THE TRUST.

5 (3) “AFRICAN AMERICAN HERITAGE GRANT” MEANS A GRANT MADE
6 UNDER THE PROGRAM.

7 (4) “AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT”
8 MEANS A CAPITAL PROJECT THAT:

9 (I) PRESERVES BUILDINGS, COMMUNITIES, AND SITES OF
10 HISTORICAL AND CULTURAL IMPORTANCE TO THE AFRICAN AMERICAN
11 EXPERIENCE IN THE STATE; AND

12 (II) IS FOR:

13 1. THE ACQUISITION OF LAND OR BUILDINGS; OR

14 2. THE CONSTRUCTION OR IMPROVEMENT OF LAND OR
15 BUILDINGS.

16 (5) “COMMISSION” MEANS THE COMMISSION ON AFRICAN
17 AMERICAN HISTORY AND CULTURE.

18 (6) “CONSTRUCTION OR IMPROVEMENT” MEANS PLANNING, DESIGN,
19 ENGINEERING, ALTERATION, CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT,
20 EXPANSION, EXTENSION, IMPROVEMENT, REPLACEMENT, REHABILITATION,
21 RENOVATION, UPGRADING, REPAIR, OR CAPITAL EQUIPPING.

22 (7) “PROGRAM” MEANS THE AFRICAN AMERICAN HERITAGE
23 PRESERVATION PROGRAM.

24 (8) “SECRETARY” MEANS THE SECRETARY OF PLANNING.

25 (B) (1) THERE IS AN AFRICAN AMERICAN HERITAGE PRESERVATION
26 PROGRAM IN THE TRUST.

27 (2) THE PURPOSE OF THE PROGRAM IS TO IDENTIFY AND PRESERVE
28 BUILDINGS, COMMUNITIES, AND SITES OF HISTORICAL AND CULTURAL IMPORTANCE
29 TO THE AFRICAN AMERICAN EXPERIENCE IN THE STATE.

1 **(3) THE TRUST SHALL DEVELOP AND ADMINISTER THE PROGRAM IN**
2 **PARTNERSHIP WITH THE COMMISSION.**

3 **(C) (1) THERE IS AN AFRICAN AMERICAN HERITAGE PRESERVATION**
4 **GRANT FUND IN THE TRUST.**

5 **(2) THE TRUST SHALL ADMINISTER THE AAHP GRANT FUND.**

6 **(3) THE AAHP GRANT FUND MAY BE USED ONLY FOR AFRICAN**
7 **AMERICAN HERITAGE GRANTS.**

8 **(4) (I) THE AAHP GRANT FUND IS A SPECIAL, NONLAPSING FUND**
9 **THAT IS NOT SUBJECT TO REVERSION UNDER § 7-302 OF THIS ARTICLE.**

10 **(II) THE STATE TREASURER SHALL HOLD THE AAHP GRANT**
11 **FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE AAHP**
12 **GRANT FUND.**

13 **(5) THE AAHP GRANT FUND CONSISTS OF:**

14 **(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**
15 **PROGRAM;**

16 **(II) INVESTMENT EARNINGS OF THE AAHP GRANT FUND;**

17 **(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
18 **FOR THE BENEFIT OF THE AAHP GRANT FUND; AND**

19 **(IV) MONEY RECEIVED FROM THE SALE OF STATE GENERAL**
20 **OBLIGATION BONDS.**

21 **(6) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE**
22 **ANNUAL OPERATING OR CAPITAL BUDGET AN APPROPRIATION OF \$1,000,000 TO**
23 **THE AAHP GRANT FUND.**

24 **(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
25 **AAHP GRANT FUND IN THE SAME MANNER AS OTHER STATE MONEY.**

26 **(II) ANY INVESTMENT EARNINGS OF THE AAHP GRANT FUND**
27 **SHALL BE PAID INTO THE AAHP GRANT FUND.**

1 **(8) EXPENDITURES FROM THE AAHP GRANT FUND MAY BE MADE**
2 **ONLY IN ACCORDANCE WITH THE STATE BUDGET.**

3 **(D) (1) ON OR BEFORE A DATE ESTABLISHED ANNUALLY BY THE TRUST**
4 **AND THE COMMISSION AND SUBJECT TO AVAILABILITY OF MONEY IN THE AAHP**
5 **GRANT FUND, AN INDIVIDUAL OR A BUSINESS ENTITY, NONPROFIT ORGANIZATION,**
6 **OR POLITICAL SUBDIVISION MAY SUBMIT AN APPLICATION FOR AN AFRICAN**
7 **AMERICAN HERITAGE GRANT TO THE TRUST.**

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

9 **(I) A DESCRIPTION OF THE SCOPE AND PURPOSE OF THE**
10 **PROJECT;**

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

13 **(III) ANY OTHER INFORMATION REQUIRED BY THE TRUST AND**
14 **THE COMMISSION.**

15 **(E) AN AFRICAN AMERICAN HERITAGE GRANT TO A BUSINESS ENTITY, AN**
16 **INDIVIDUAL, OR A POLITICAL SUBDIVISION:**

17 **(1) IS SUBJECT TO A REQUIREMENT THAT THE PROSPECTIVE**
18 **GRANTEE PROVIDE A MATCHING FUND FROM ANY COMBINATION OF FEDERAL,**
19 **COUNTY, MUNICIPAL, OR PRIVATE SOURCES; AND**

20 **(2) MAY NOT EXCEED 50% OF THE TOTAL COST OF THE AFRICAN**
21 **AMERICAN HERITAGE PRESERVATION PROJECT FOR WHICH THE AFRICAN**
22 **AMERICAN HERITAGE GRANT IS AWARDED.**

23 **(F) (1) THE TRUST AND THE COMMISSION SHALL:**

24 **(I) REVIEW ALL GRANT APPLICATIONS SUBMITTED IN**
25 **ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;**

26 **(II) EXCEPT AS PROVIDED UNDER SUBSECTION (G) OF THIS**
27 **SECTION, CONSIDER A GRANT APPLICATION COMPETITIVELY AGAINST ALL OTHER**
28 **GRANT APPLICATIONS SUBMITTED DURING THE SAME FISCAL YEAR; AND**

29 **(III) MAKE RECOMMENDATIONS REGARDING EACH APPLICATION**
30 **TO THE SECRETARY FOR THE AWARD OF AFRICAN AMERICAN HERITAGE GRANTS.**

1 **(2) IN MAKING RECOMMENDATIONS UNDER THIS SUBSECTION, THE**
2 **TRUST AND THE COMMISSION SHALL CONSIDER:**

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

4 **(II) THE NEED FOR ADDITIONAL SOURCES OF FUNDING FOR A**
5 **PROJECT;**

6 **(III) THE ESTIMATED COST AND TIMELINESS OF EXECUTING A**
7 **PROJECT;**

8 **(IV) THE VIABILITY OF MATCHING FUNDS FOR A PROJECT;**

9 **(V) GEOGRAPHIC DIVERSITY; AND**

10 **(VI) ANY OTHER CRITERIA DETERMINED BY THE TRUST AND THE**
11 **COMMISSION TO BE RELEVANT.**

12 **(G) (1) IN ANY FISCAL YEAR, THE SECRETARY MAY RESERVE UP TO 20%**
13 **OF THE MONEY AVAILABLE IN THE AAHP GRANT FUND TO AWARD AFRICAN**
14 **AMERICAN HERITAGE GRANTS TO ELIGIBLE EMERGENCY AFRICAN AMERICAN**
15 **HERITAGE PRESERVATION PROJECTS NOT OTHERWISE APPLIED FOR IN**
16 **ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.**

17 **(2) THE APPLICATION FOR AN EMERGENCY GRANT SHALL INCLUDE**
18 **ANY INFORMATION REQUIRED BY THE TRUST.**

19 **(3) THE TRUST AND THE COMMISSION SHALL:**

20 **(I) REVIEW ALL APPLICATIONS FOR EMERGENCY GRANTS; AND**

21 **(II) FOR EACH APPLICATION FOR AN EMERGENCY GRANT, MAKE**
22 **RECOMMENDATIONS TO THE SECRETARY ON WHETHER TO AWARD THE GRANT.**

23 **(H) (1) THE SECRETARY SHALL:**

24 **(I) REVIEW EACH GRANT APPLICATION SUBMITTED UNDER**
25 **SUBSECTION (D) OR (G) OF THIS SECTION AND THE RECOMMENDATIONS OF THE**
26 **TRUST AND THE COMMISSION;**

27 **(II) CONSIDER:**

1 1. THE APPLICATIONS AND RECOMMENDATIONS UNDER
2 THE CRITERIA SET FORTH IN SUBSECTION (F)(2) OF THIS SECTION; AND

3 2. IF THE GRANT WAS SUBMITTED UNDER SUBSECTION
4 (G) OF THIS SECTION, THE NATURE OF THE EMERGENCY; AND

5 (III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MAKE
6 THE FINAL DECISION TO AWARD THE GRANT OR DENY THE APPLICATION.

7 (2) THE SECRETARY MAY ONLY AWARD A GRANT UNDER THE
8 PROGRAM FOR AN AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT.

9 (I) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE TRUST AND THE
10 COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
11 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE
12 FINANCIAL STATUS AND THE ACTIVITIES OF THE PROGRAM AND THE AAHP GRANT
13 FUND FOR THE PRIOR FISCAL YEAR.

14 (J) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
15 THE TRUST SHALL REQUIRE A GRANTEE AWARDED AN AFRICAN AMERICAN
16 HERITAGE GRANT TO ENTER INTO AN AGREEMENT TO PRESERVE AND MAINTAIN
17 THE PROPERTY FOR WHICH THE GRANT WAS AWARDED.

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

20 (3) THE DIRECTOR MAY WAIVE THE AGREEMENT OR EASEMENT
21 REQUIREMENT IF THE DIRECTOR DETERMINES THAT AN AGREEMENT OR EASEMENT
22 IS IMPRACTICABLE, INFEASIBLE, OR NOT NECESSARY UNDER THE CIRCUMSTANCES.

23 (K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
24 SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL ADOPT
25 REGULATIONS TO IMPLEMENT THE PROGRAM.

26 (2) A PROPOSED REGULATION THAT RELATES TO APPROVAL BY THE
27 BOARD OF PUBLIC WORKS OF GRANTS TO BE FINANCED THROUGH THE SALE OF
28 STATE GENERAL OBLIGATION BONDS MAY NOT BE ADOPTED UNDER PARAGRAPH (1)
29 OF THIS SUBSECTION UNLESS THE REGULATION IS APPROVED BY THE BOARD OF
30 PUBLIC WORKS.

31 (L) TO THE EXTENT REQUIRED BY REGULATIONS ADOPTED UNDER
32 SUBSECTION (K) OF THIS SECTION, THE TRUST AND THE COMMISSION SHALL
33 SUBMIT TO THE BOARD OF PUBLIC WORKS FOR THE BOARD'S APPROVAL EACH

1 **AFRICAN AMERICAN HERITAGE GRANT THAT IS TO BE FINANCED THROUGH THE**
2 **SALE OF STATE GENERAL OBLIGATION BONDS.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
4 1, 2015.