

Chapter 278

(Senate Bill 319)

AN ACT concerning

African American Heritage Preservation Program

FOR the purpose of establishing the African American Heritage Preservation Program in the Maryland Historical Trust to identify and preserve certain buildings, communities, and sites of historical and cultural importance to the African American experience; requiring the Trust to develop and administer the Program in ~~consultation~~ partnership with the Commission on African American History and Culture; authorizing certain entities to submit, on or before a certain date, an application to receive a grant for an African American heritage preservation capital project; requiring that grants to certain grantees under the Program require a certain matching fund; requiring the Trust and Commission to review grant applications ~~before a certain date and make certain recommendations to the Commission~~ and consider certain factors; requiring the Trust and Commission ~~to approve~~, on or before a certain date, to recommend capital projects for funding in the State capital budget and forward the recommendations to the Department of Budget and Management; requiring the Governor to include certain funding in the annual capital budget submission; requiring the Trust and Commission to report to the Governor and General Assembly on or before a certain date; requiring a grantee under the Program to enter into a certain agreement, unless the requirement is waived by the Secretary of Planning; requiring the ~~Trust~~ Secretary, in consultation with the Commission, to adopt certain regulations to implement the Program; providing that certain regulations may not be adopted unless approved by the Board of Public Works; requiring the Trust and Commission, to the extent required by certain regulations, to submit grants recommended under the Program to the Board of Public Works for approval; defining certain terms; stating the a certain intent of the General Assembly; providing for the termination of this Act; and generally relating to a State capital grant program for African American heritage preservation.

BY adding to

Article – State Finance and Procurement
Section 5A–330
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – State Finance and Procurement**5A-330.**

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

(2) “CAPITAL PROJECT” MEANS THE:

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

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

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

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

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

(6) “SECRETARY” MEANS THE SECRETARY OF PLANNING.

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

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

(C) THE TRUST SHALL DEVELOP AND ADMINISTER THE AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM IN ~~CONSULTATION~~ PARTNERSHIP WITH THE COMMISSION.

(D) (1) ON OR BEFORE JULY 15 OF EACH YEAR, A GRANTEE MAY SUBMIT AN APPLICATION TO THE ~~TRUST~~ JOINT PARTNERSHIP OF THE TRUST AND COMMISSION TO RECEIVE A GRANT FOR AN AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL PROJECT FOR THE NEXT FISCAL YEAR.

(2) AN APPLICATION SHALL INCLUDE:

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

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

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

(E) GRANTS UNDER THE PROGRAM TO A BUSINESS ENTITY, INDIVIDUAL, OR POLITICAL SUBDIVISION:

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

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

(F) (1) THE TRUST AND COMMISSION SHALL REVIEW GRANT APPLICATIONS SUBMITTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;

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

~~(3)~~ (2) IN MAKING ~~ITS~~ RECOMMENDATIONS UNDER THIS SUBSECTION, THE TRUST AND COMMISSION SHALL CONSIDER:

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

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

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

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

(V) GEOGRAPHIC DIVERSITY.

~~(4)~~ (3) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE TRUST AND COMMISSION SHALL:

(I) ~~APPROVE~~ RECOMMEND AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL PROJECTS FOR FUNDING IN THE STATE CAPITAL BUDGET FOR THE NEXT FISCAL YEAR; AND

(II) FORWARD THE LIST OF ~~APPROVED~~ RECOMMENDED PROJECTS AND GRANTEES TO THE DEPARTMENT OF BUDGET AND MANAGEMENT.

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

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

(I) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE TRUST SHALL REQUIRE A GRANTEE UNDER THE AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM TO ENTER INTO AN AGREEMENT TO PRESERVE AND MAINTAIN THE PROPERTY.

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

(3) THE SECRETARY MAY WAIVE THE EASEMENT REQUIREMENT IF THE SECRETARY DETERMINES THAT AN EASEMENT IS IMPRACTICABLE OR INFEASIBLE UNDER THE CIRCUMSTANCES.

(J) (1) ~~THE TRUST~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL ADOPT REGULATIONS TO IMPLEMENT THE AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM.

(2) A PROPOSED REGULATION THAT RELATES TO APPROVAL BY THE BOARD OF PUBLIC WORKS OF GRANTS TO BE FINANCED THROUGH THE

SALE OF STATE GENERAL OBLIGATION BONDS MAY NOT BE ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE REGULATION IS APPROVED BY THE BOARD OF PUBLIC WORKS.

(K) TO THE EXTENT REQUIRED BY REGULATIONS ADOPTED UNDER SUBSECTION (J) OF THIS SECTION, THE TRUST AND THE COMMISSION SHALL SUBMIT TO THE BOARD OF PUBLIC WORKS FOR THE BOARD'S APPROVAL EACH RECOMMENDED AFRICAN AMERICAN HERITAGE *PRESERVATION* PROGRAM GRANT THAT IS TO BE FINANCED THROUGH THE SALE OF STATE GENERAL OBLIGATION BONDS.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Historical Trust and the Commission on African American History and Culture administer the African American Heritage Preservation Program established under this Act using existing resources.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010. It shall remain effective for a period of 5 years and, at the end of May 31, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 4, 2010.