

# SENATE BILL 601

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CF HB 130

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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

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 17, 2015

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## CHAPTER \_\_\_\_\_

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,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

20 BY adding to

21 Article – State Finance and Procurement  
22 Section 5A-331  
23 Annotated Code of Maryland  
24 (2009 Replacement Volume and 2014 Supplement)

25 Preamble

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

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

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

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

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

3 **Article – State Finance and Procurement**

4 **5A-331.**

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

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

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

11 (4) “AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT”  
12 MEANS A CAPITAL PROJECT THAT:

13 (I) PRESERVES BUILDINGS, COMMUNITIES, AND SITES OF  
14 HISTORICAL AND CULTURAL IMPORTANCE TO THE AFRICAN AMERICAN  
15 EXPERIENCE IN THE STATE; AND

16 (II) IS FOR:

17 1. THE ACQUISITION OF LAND OR BUILDINGS; OR

18 2. THE CONSTRUCTION OR IMPROVEMENT OF LAND OR  
19 BUILDINGS.

20 (5) “COMMISSION” MEANS THE COMMISSION ON AFRICAN  
21 AMERICAN HISTORY AND CULTURE.

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

26 (7) “PROGRAM” MEANS THE AFRICAN AMERICAN HERITAGE  
27 PRESERVATION PROGRAM.

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

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

3           **(2) THE PURPOSE OF THE PROGRAM IS TO IDENTIFY AND PRESERVE**  
4 **BUILDINGS, COMMUNITIES, AND SITES OF HISTORICAL AND CULTURAL IMPORTANCE**  
5 **TO THE AFRICAN AMERICAN EXPERIENCE IN THE STATE.**

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

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

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

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

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

15                   **(II) THE STATE TREASURER SHALL HOLD THE AAHP GRANT**  
16 **FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE AAHP**  
17 **GRANT FUND.**

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

19                   **(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**  
20 **PROGRAM;**

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

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

24                   **(IV) MONEY RECEIVED FROM THE SALE OF STATE GENERAL**  
25 **OBLIGATION BONDS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           **(I) REVIEW EACH GRANT APPLICATION SUBMITTED UNDER**  
2 **SUBSECTION (D) OR (G) OF THIS SECTION AND THE RECOMMENDATIONS OF THE**  
3 **TRUST AND THE COMMISSION;**

4           **(II) CONSIDER:**

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

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

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

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

13           **(I) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE TRUST AND THE**  
14 **COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**  
15 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE**  
16 **FINANCIAL STATUS AND THE ACTIVITIES OF THE PROGRAM AND THE AAHP GRANT**  
17 **FUND FOR THE PRIOR FISCAL YEAR.**

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

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

24                   **(3) THE DIRECTOR MAY WAIVE THE AGREEMENT OR EASEMENT**  
25 **REQUIREMENT IF THE DIRECTOR DETERMINES THAT AN AGREEMENT OR EASEMENT**  
26 **IS IMPRACTICABLE, INFEASIBLE, OR NOT NECESSARY UNDER THE CIRCUMSTANCES.**

27           **(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**  
28 **SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL ADOPT**  
29 **REGULATIONS TO IMPLEMENT THE PROGRAM.**

30                   **(2) A PROPOSED REGULATION THAT RELATES TO APPROVAL BY THE**  
31 **BOARD OF PUBLIC WORKS OF GRANTS TO BE FINANCED THROUGH THE SALE OF**  
32 **STATE GENERAL OBLIGATION BONDS MAY NOT BE ADOPTED UNDER PARAGRAPH (1)**

1 OF THIS SUBSECTION UNLESS THE REGULATION IS APPROVED BY THE BOARD OF  
2 PUBLIC WORKS.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
9 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.