

HOUSE BILL 794

P1

5l0435
CF 5l0436

By: **Chair, Appropriations Committee (By Request – Departmental – Governor’s Office of Community Initiatives)**

Introduced and read first time: January 29, 2025

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Commission on Indian Affairs – Indian Heritage and Culture Grant**
3 **Program and Fund**

4 FOR the purpose of establishing the Indian Heritage and Culture Grant Program and Fund
5 to preserve Indian tribal history and culture; establishing the Indian Heritage and
6 Culture Grant Fund as a special, nonlapsing fund and requiring interest earnings of
7 the Fund to be credited to the Fund; and generally relating to the Indian Heritage
8 and Culture Grant Program and Fund.

9 BY repealing and reenacting, without amendments,
10 Article – State Finance and Procurement
11 Section 6–226(a)(2)(i)
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 6–226(a)(2)(ii)204. and 205.
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2024 Supplement)

19 BY adding to
20 Article – State Finance and Procurement
21 Section 6–226(a)(2)(ii)206.
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2024 Supplement)

24 BY adding to
25 Article – State Government
26 Section 9.5–308.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2021 Replacement Volume and 2024 Supplement)

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

5 **Article – State Finance and Procurement**

6 6–226.

7 (a) (2) (i) 1. This subparagraph does not apply in fiscal years 2024
8 through 2028.

9 2. Notwithstanding any other provision of law, and unless
10 inconsistent with a federal law, grant agreement, or other federal requirement or with the
11 terms of a gift or settlement agreement, net interest on all State money allocated by the
12 State Treasurer under this section to special funds or accounts, and otherwise entitled to
13 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
14 Fund of the State.

15 (ii) The provisions of subparagraph (i) of this paragraph do not apply
16 to the following funds:

17 204. the Victims of Domestic Violence Program Grant Fund;
18 [and]

19 205. the Proposed Programs Collaborative Grant Fund; AND

20 **206. THE INDIAN HERITAGE AND CULTURE GRANT FUND.**

21 **Article – State Government**

22 **9.5–308.1.**

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

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

29 (3) “DEPARTMENT” MEANS THE DEPARTMENT OF PLANNING.

30 (4) “ELIGIBLE GRANTEE” MEANS:

1 (I) A TRIBE WITH MARYLAND INDIAN STATUS OR WITH LEGAL
2 RECOGNITION IN ANOTHER STATE; OR

3 (II) A NONPROFIT ORGANIZATION, TRIBE THAT IS INDIGENOUS
4 TO THE STATE, POLITICAL SUBDIVISION, OR STATE AGENCY IN CONSULTATION WITH
5 A STATE-RECOGNIZED TRIBE.

6 (5) "FUND" MEANS THE INDIAN HERITAGE AND CULTURE GRANT
7 FUND.

8 (6) "INDIAN HERITAGE AND CULTURE GRANT" MEANS A GRANT
9 MADE UNDER THE PROGRAM.

10 (7) "PROGRAM" MEANS THE INDIAN HERITAGE AND CULTURE
11 GRANT PROGRAM.

12 (8) "PROJECT" MEANS A CAPITAL PROJECT THAT ASSISTS AN
13 ELIGIBLE GRANTEE IN ACQUIRING LAND OR BUILDINGS OR THE CONSTRUCTION OR
14 IMPROVEMENT OF LAND OR BUILDINGS FOR:

15 (I) INDIAN TRIBAL AND CULTURAL ACTIVITIES;

16 (II) THE PROVISION OF SERVICES TO INDIAN TRIBAL
17 COMMUNITIES; OR

18 (III) THE PRESERVATION OF BUILDINGS, COMMUNITIES, AND
19 SITES OF HISTORIC AND CULTURAL IMPORTANCE TO THE INDIAN EXPERIENCE IN
20 THE STATE.

21 (9) "SECRETARY" MEANS THE SECRETARY OF PLANNING.

22 (10) "TRUST" MEANS THE MARYLAND HISTORICAL TRUST
23 ESTABLISHED IN TITLE 5A, SUBTITLE 3 OF THE STATE FINANCE AND
24 PROCUREMENT ARTICLE.

25 (B) (1) THERE IS AN INDIAN HERITAGE AND CULTURE GRANT PROGRAM
26 IN THE DEPARTMENT.

27 (2) THE PURPOSE OF THE PROGRAM IS TO ASSIST:

28 (I) INDIAN TRIBAL COMMUNITIES IN PRESERVING THEIR
29 HISTORY AND CULTURE; AND

1 (II) NONPROFIT AND GOVERNMENTAL ENTITIES WORKING IN
2 CONSULTATION WITH INDIAN TRIBES TO PRESERVE INDIAN HISTORY AND CULTURE.

3 (3) THE DEPARTMENT SHALL DEVELOP AND ADMINISTER THE
4 PROGRAM IN PARTNERSHIP WITH THE COMMISSION.

5 (C) (1) THERE IS AN INDIAN HERITAGE AND CULTURE GRANT FUND.

6 (2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR INDIAN
7 HERITAGE AND CULTURE GRANTS.

8 (3) THE TRUST SHALL ADMINISTER THE FUND.

9 (4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
10 SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND
11 PROCUREMENT ARTICLE.

12 (II) THE STATE TREASURER SHALL HOLD THE FUND
13 SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

14 (5) (I) THE FUND CONSISTS OF:

15 1. MONEY APPROPRIATED IN THE STATE BUDGET TO
16 THE PROGRAM;

17 2. INTEREST EARNINGS OF THE FUND;

18 3. ANY OTHER MONEY FROM ANY OTHER SOURCE
19 ACCEPTED FOR THE BENEFIT OF THE FUND; AND

20 4. MONEY RECEIVED FROM THE SALE OF STATE
21 GENERAL OBLIGATION BONDS.

22 (II) THE FUND DOES NOT INCLUDE MONEY RECEIVED UNDER §
23 9.5-308 OF THIS SUBTITLE.

24 (6) THE FUND MAY BE USED ONLY FOR INDIAN HERITAGE AND
25 CULTURE GRANTS.

26 (7) FOR EACH FISCAL YEAR, THE GOVERNOR MAY INCLUDE IN THE
27 ANNUAL OPERATING OR CAPITAL BUDGET AN APPROPRIATION OF \$500,000 TO THE
28 FUND.

1 **(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
2 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

3 **(II) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
4 **CREDITED TO THE FUND.**

5 **(9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
6 **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 FUND, AN**
9 **INDIAN TRIBE, NONPROFIT ORGANIZATION, POLITICAL SUBDIVISION, OR STATE**
10 **AGENCY MAY SUBMIT AN APPLICATION FOR AN INDIAN HERITAGE AND CULTURE**
11 **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;**

17 **(III) IF THE ELIGIBLE GRANTEE IS A NONPROFIT ORGANIZATION,**
18 **POLITICAL SUBDIVISION, OR STATE AGENCY, A LETTER OF SUPPORT FROM AN**
19 **INDIAN TRIBAL ENTITY ATTESTING TO APPROPRIATE CONSULTATION WITH THAT**
20 **TRIBAL ENTITY; AND**

21 **(IV) ANY OTHER INFORMATION REQUIRED BY THE TRUST AND**
22 **THE COMMISSION.**

23 **(E) A GRANT MAY NOT EXCEED \$250,000.**

24 **(F) (1) THE DEPARTMENT AND THE COMMISSION SHALL:**

25 **(I) REVIEW ALL GRANT APPLICATIONS SUBMITTED UNDER**
26 **SUBSECTION (D) OF THIS SECTION;**

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

1 (III) MAKE RECOMMENDATIONS REGARDING EACH APPLICATION
2 TO THE SECRETARY FOR THE AWARD OF GRANTS.

3 (2) IN MAKING RECOMMENDATIONS UNDER THIS SUBSECTION, THE
4 DEPARTMENT AND THE COMMISSION SHALL CONSIDER:

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

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

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

10 (IV) GEOGRAPHIC DIVERSITY; AND

11 (V) ANY OTHER CRITERIA DETERMINED BY THE TRUST AND THE
12 COMMISSION TO BE RELEVANT.

13 (G) (1) THE SECRETARY SHALL:

14 (I) REVIEW EACH GRANT APPLICATION SUBMITTED UNDER
15 SUBSECTION (D) OF THIS SECTION AND THE RECOMMENDATIONS OF THE
16 DEPARTMENT AND THE COMMISSION;

17 (II) CONSIDER THE APPLICATIONS AND RECOMMENDATIONS
18 UNDER THE CRITERIA ESTABLISHED UNDER SUBSECTION (F)(2) OF THIS SECTION;
19 AND

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

22 (2) THE SECRETARY MAY AWARD A GRANT UNDER THE PROGRAM
23 ONLY FOR A PROJECT.

24 (H) ON OR BEFORE DECEMBER 31 EACH YEAR, THE TRUST AND THE
25 COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
26 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON THE FINANCIAL STATUS AND
27 THE ACTIVITIES OF THE PROGRAM AND THE FUND FOR THE PRIOR FISCAL YEAR.

28 (I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
29 THE TRUST SHALL REQUIRE A PERSON AWARDED A GRANT TO ENTER INTO AN

1 AGREEMENT TO PRESERVE AND MAINTAIN THE PROPERTY FOR WHICH THE GRANT
2 WAS AWARDED.

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

5 (3) THE SECRETARY MAY WAIVE THE REQUIREMENTS OF THIS
6 SUBSECTION IF THE SECRETARY DETERMINES THAT AN AGREEMENT OR EASEMENT
7 IS IMPRACTICABLE, INFEASIBLE, OR NOT NECESSARY UNDER THE CIRCUMSTANCES.

8 (J) THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL
9 ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2025.