

HOUSE BILL 1512

P1

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By: **Delegates Queen, Carr, Charkoudian, Crutchfield, Cullison, Gilchrist,
Haynes, Korman, Lopez, Love, and Solomon**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Historic African American Cemeteries Preservation Fund**

3 FOR the purpose of establishing the Historic African American Cemeteries Preservation
4 Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the
5 Department of Planning to administer the Fund; requiring the State Treasurer to hold
6 the Fund and the Comptroller to account for the Fund; specifying the contents of the
7 Fund; specifying the purpose for which the Fund may be used; providing for the
8 investment of money in and expenditures from the Fund; requiring interest earnings of
9 the Fund to be credited to the Fund; exempting the Fund from a certain provision of law
10 requiring interest earnings on State money to accrue to the General Fund of the State;
11 authorizing a qualified organization to apply to the Department for a grant from the
12 Fund; authorizing the Department to provide a qualified organization with a grant
13 from the Fund; requiring the owner of a historic African American cemetery to
14 cooperate with a qualified organization that receives a grant; requiring the Governor
15 to provide in the annual budget bill an appropriation to the Fund; requiring the
16 Department to calculate the amount of the appropriation; defining certain terms;
17 and generally relating to the Historic African American Cemeteries Preservation
18 Fund.

19 BY adding to

20 Article – State Finance and Procurement
21 Section 5A–331 and 6–226(a)(2)(ii)123.
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2019 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – State Finance and Procurement
26 Section 6–226(a)(2)(i)
27 Annotated Code of Maryland
28 (2015 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – State Finance and Procurement
3 Section 6–226(a)(2)(ii)121. and 122.
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2019 Supplement)

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

8 **Article – State Finance and Procurement**

9 **5A–331.**

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

12 (2) “DEPARTMENT” MEANS THE DEPARTMENT OF PLANNING.

13 (3) “FUND” MEANS THE HISTORIC AFRICAN AMERICAN CEMETERIES
14 PRESERVATION FUND.

15 (4) “HISTORIC AFRICAN AMERICAN CEMETERY” MEANS A CEMETERY
16 THAT WAS ESTABLISHED ON OR AFTER JANUARY 1, 1800, BUT BEFORE JANUARY 1,
17 1900, FOR INTERMENTS OF AFRICAN AMERICANS IN THE STATE.

18 (5) “QUALIFIED ORGANIZATION” MEANS:

19 (I) AN ORGANIZATION THAT IS EXEMPT FROM TAXATION
20 UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND WHOSE PRIMARY
21 PURPOSE IS THE PRESERVATION OF HISTORICAL CEMETERIES AND GRAVES; OR

22 (II) A PERSON OR POLITICAL SUBDIVISION THAT OWNS A
23 HISTORIC AFRICAN AMERICAN CEMETERY.

24 (B) THERE IS A HISTORIC AFRICAN AMERICAN CEMETERIES
25 PRESERVATION FUND.

26 (C) THE PURPOSE OF THE FUND IS TO MAINTAIN GRAVES, MONUMENTS, OR
27 MARKERS AT HISTORIC AFRICAN AMERICAN CEMETERIES.

28 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

29 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT

1 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

2 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
3 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

4 (F) THE FUND CONSISTS OF:

5 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

6 (2) INTEREST EARNINGS OF THE FUND; AND

7 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
8 THE BENEFIT OF THE FUND.

9 (G) (1) THE FUND MAY BE USED TO PROVIDE GRANTS TO QUALIFIED
10 ORGANIZATIONS FOR THE PRESERVATION OF HISTORIC AFRICAN AMERICAN
11 CEMETERIES.

12 (2) A QUALIFIED ORGANIZATION MAY APPLY TO THE DEPARTMENT
13 FOR A GRANT FROM THE FUND TO BE USED FOR:

14 (I) ROUTINE MAINTENANCE OF HISTORIC AFRICAN AMERICAN
15 CEMETERIES AND THE GRAVES LOCATED IN THE CEMETERIES; OR

16 (II) THE ERECTION AND MAINTENANCE OF MARKERS,
17 MEMORIALS, OR MONUMENTS.

18 (3) THE DEPARTMENT MAY PROVIDE A QUALIFIED ORGANIZATION A
19 GRANT FROM THE FUND.

20 (4) THE OWNER OF A HISTORIC AFRICAN AMERICAN CEMETERY
21 SHALL COOPERATE WITH A QUALIFIED ORGANIZATION THAT RECEIVES A GRANT
22 FROM THE FUND.

23 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
24 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

25 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
26 THE FUND.

27 (I) (1) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE
28 ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND EQUAL TO THE AMOUNT
29 THE DEPARTMENT DETERMINES UNDER PARAGRAPH (2) OF THIS SUBSECTION.

1 **(2) THE DEPARTMENT SHALL DETERMINE THE ANNUAL**
2 **APPROPRIATION TO THE FUND BY MULTIPLYING THE AVERAGE ANNUAL COST OF**
3 **GRAVE, MONUMENT, OR MARKER MAINTENANCE BY THE NUMBER OF GRAVES,**
4 **MONUMENTS, AND MARKERS WITHIN HISTORIC AFRICAN AMERICAN CEMETERIES**
5 **IN THE STATE.**

6 6–226.

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

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

15 121. the Markell Hendricks Youth Crime Prevention and
16 Diversion Parole Fund; [and]

17 122. the Federal Government Shutdown Employee Assistance
18 Loan Fund; AND

19 **123. THE HISTORIC AFRICAN AMERICAN CEMETERIES**
20 **PRESERVATION FUND.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2020.