

HOUSE BILL 1099

P1

11r2661

By: **Delegate Carr**

Introduced and read first time: February 5, 2021

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Historic African American Cemeteries Preservation Fund and Study**

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 in coordination with the Commission
6 on African American History and Culture; requiring the State Treasurer to hold the
7 Fund and the Comptroller to account for the Fund; specifying the contents of the Fund;
8 specifying the purpose for which the Fund may be used; providing for the investment of
9 money in and expenditures from the Fund; requiring interest earnings of the Fund to be
10 credited to the Fund; exempting the Fund from a certain provision of law requiring
11 interest earnings on State money to accrue to the General Fund of the State; authorizing
12 a qualified applicant to apply to the Department for a grant from the Fund;
13 authorizing the Department to provide a qualified applicant with a grant from the
14 Fund; requiring the Governor to provide in the annual budget bill an appropriation
15 to the Fund; requiring the Secretary of Planning, in consultation with the
16 Commission, to adopt certain regulations; requiring the Department, in consultation
17 with certain persons, to study certain issues, examine certain activities, and report
18 certain findings to the Governor and the General Assembly on or before a certain
19 date; defining certain terms; providing for a delayed effective date for certain
20 provisions of this Act; and generally relating to the Historic African American
21 Cemeteries Preservation Fund.

22 BY adding to

23 Article – State Finance and Procurement

24 Section 5A–331 and 6–226(a)(2)(ii)124.

25 Annotated Code of Maryland

26 (2015 Replacement Volume and 2020 Supplement)

27 BY repealing and reenacting, without amendments,

28 Article – State Finance and Procurement

29 Section 6–226(a)(2)(i)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – State Finance and Procurement
5 Section 6–226(a)(2)(ii)122. and 123.
6 Annotated Code of Maryland
7 (2015 Replacement Volume and 2020 Supplement)

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

10 **Article – State Finance and Procurement**

11 **5A–331.**

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

14 (2) “COMMISSION” MEANS THE COMMISSION ON AFRICAN
15 AMERICAN HISTORY AND CULTURE.

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

17 (4) “FUND” MEANS THE HISTORIC AFRICAN AMERICAN CEMETERIES
18 PRESERVATION FUND.

19 (5) “HISTORIC AFRICAN AMERICAN CEMETERY” MEANS A CEMETERY
20 OR BURIAL GROUND THAT IS OF HISTORIC SIGNIFICANCE TO THE ENSLAVED
21 AFRICAN OR AFRICAN AMERICAN EXPERIENCE IN MARYLAND.

22 (6) “QUALIFIED APPLICANT” MEANS:

23 (I) A NONPROFIT ORGANIZATION;

24 (II) A POLITICAL SUBDIVISION;

25 (III) AN INDIVIDUAL; OR

26 (IV) A COMMUNITY ORGANIZATION:

27 1. LED BY AN INDIVIDUAL BELONGING TO THE
28 DESCENDENT COMMUNITY OF A HISTORIC AFRICAN AMERICAN CEMETERY; AND

1 (III) PUBLIC EDUCATION;

2 (IV) HISTORICAL RESEARCH; OR

3 (V) OTHER METHODS OF PRESERVING AND MEMORIALIZING
4 THE HISTORY OF THE INDIVIDUALS BURIED AT THE LOCATION.

5 (3) THE DEPARTMENT MAY PROVIDE A QUALIFIED APPLICANT A
6 GRANT FROM THE FUND.

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

9 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
10 THE FUND.

11 (I) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN
12 APPROPRIATION TO THE FUND.

13 (J) THE SECRETARY OF PLANNING, IN CONSULTATION WITH THE
14 COMMISSION, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

15 6-226.

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

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

24 122. the Racing and Community Development Financing Fund;
25 [and]

26 123. the Racing and Community Development Facilities Fund;
27 AND

28 124. THE HISTORIC AFRICAN AMERICAN CEMETERIES
29 PRESERVATION FUND.

30 SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) The Department of Planning shall, in consultation with concerned
2 stakeholders, including the Maryland Historical Trust, the Maryland Commission on
3 African American History and Culture, the Coalition to Protect Maryland Burial Sites,
4 Preservation Maryland, and descendant communities of historic African American
5 cemeteries, as defined in § 5A-331 of the State Finance and Procurement Article, as
6 enacted by Section 1 of this Act:

7 (1) study the issues facing historic African American cemeteries in the
8 State, including by identifying the types of cemetery identification, restoration, protection,
9 preservation, maintenance, or commemoration activities that can be accomplished under
10 current law, through changes to regulations, and through legislation; and

11 (2) examine the types of cemetery identification, restoration, protection,
12 preservation, maintenance, or commemoration activities used in other states.

13 (b) On or before July 1, 2022, the Department of Planning shall report to the
14 Governor and, in accordance with § 2-1257 of the State Government Article, the General
15 Assembly on its findings under subsection (a) of this section.

16 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
17 effect July 1, 2023.

18 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
19 3 of this Act, this Act shall take effect July 1, 2021.