

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1099 (Delegate Carr)
 Appropriations

Historic African American Cemeteries Preservation Fund and Study

This bill establishes the Historic African American Cemeteries Preservation Fund, administered by the Maryland Department of Planning (MDP) in coordination with the Maryland Commission on African American History and Culture (MCAAHC). The bill also requires MDP, in consultation with concerned stakeholders, to study and report on issues facing historic African American cemeteries in the State and types of preservation or other activities used in other states. **The bill takes effect July 1, 2021, with respect to the required study and report. The bill otherwise takes effect July 1, 2023.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$35,000 in FY 2022 and by at least \$246,700 in FY 2024, within ongoing costs in future years. Special fund revenues and expenditures increase by at least \$150,000 annually beginning in FY 2024.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
SF Revenue	\$0	\$0	\$150,000	\$150,000	\$150,000
GF Expenditure	\$35,000	\$0	\$246,700	\$244,900	\$248,300
SF Expenditure	\$0	\$0	\$150,000	\$150,000	\$150,000
Net Effect	(\$35,000)	\$0	(\$246,700)	(\$244,900)	(\$248,300)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government revenues and expenditures increase to the extent that local governments, as qualified applicants, receive grants under the bill.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary:

Historic African American Cemeteries Preservation Fund

The purpose of the Historic African American Cemeteries Preservation Fund is to identify, preserve, restore, protect, maintain, or commemorate graves, monuments, or markers at historic African American cemeteries. The fund consists of (1) money appropriated in the State budget to the fund; (2) interest earnings of the fund; and (3) any other money from any other source accepted for the benefit of the fund. The Governor must include in the annual budget bill an appropriation to the fund.

The fund may be used to provide grants to qualified applicants for the identification, preservation, restoration, protection, maintenance, or commemoration of historic African American cemeteries. Projects for which a grant from the fund may be used include (1) delineation activities; (2) archaeological study; (3) public education; (4) historical research; or (5) other methods of preserving and memorializing the history of the individuals buried at the location.

The Secretary of Planning, in consultation with MCAAHC, must adopt regulations to implement the bill's provisions governing the fund.

Report to the Governor and the General Assembly

In consultation with specified stakeholders, MDP must (1) study the issues facing historic African American cemeteries in the State, including by identifying the types of cemetery identification, restoration, protection, preservation, maintenance, or commemoration activities that can be accomplished under current law, through changes to regulations, and through legislation and (2) examine the types of cemetery identification, restoration, protection, preservation, maintenance, or commemoration activities used in other states. By July 1, 2022, MDP must report to the Governor and the General Assembly on its findings.

Relevant Definitions

“Historic African American cemetery” means a cemetery or burial ground that is of historic significance to the enslaved African or African American experience in Maryland.

“Qualified Applicant” means (1) a nonprofit organization; (2) a political subdivision; (3) an individual; or (4) a community organization led by an individual belonging to the

descendent community of a historic African American cemetery and formed for the purpose of identifying, preserving, or maintaining the historic African American cemetery.

Current Law: The African American Heritage Preservation Program, first established in 2010, has the purpose of identifying and preserving buildings, communities, and sites of historical and cultural importance to the African American experience in the State. The program is administered by the Maryland Historical Trust (MHT) in partnership with MCAAHC. There is an African American Heritage Preservation Grant Fund that is used for grants made under the program. Each fiscal year, the Governor is required to include in the annual operating or capital budget an appropriation of \$1.0 million to the fund. Grants made under the program are for capital projects that (1) preserve buildings, communities, and sites of historical and cultural importance to the African American experience in the State and (2) are for the acquisition of land or buildings or the construction or improvement of land or buildings.

State Fiscal Effect: General fund expenditures increase by at least \$35,000 in fiscal 2022, for costs associated with the study required under the bill. MDP indicates that costs of the study could range from \$35,000 to \$50,000, depending on the scope of the study.

The Department of Legislative Services (DLS) advises that a significant portion of the costs associated with this bill will be incurred beginning in fiscal 2024, when the provisions establishing the fund take effect. General fund expenditures increase by at least \$246,721 in fiscal 2024. This estimate reflects the cost of (1) hiring an administrator to administer the grant program and provide technical expertise relevant to cemetery documentation and the specialized field of conservation and (2) an amount (\$150,000) assumed by DLS to be an approximate minimum annual amount of grant funding needed for a viable program. Under MHT’s Historic Preservation Non-capital Grant Program, which funds similar types of historic preservation activities as those identified in the bill, individual grant awards generally range from \$5,000 to \$75,000. If the Historic African American Cemeteries Preservation Fund were to fund grants of similar amounts, an assumed minimum \$150,000 annual appropriation would support at least two grants at the top of that range (\$75,000), per year, or a greater number of smaller grants.

Position	1
Salaries and Fringe Benefits	\$90,976
Grant Funding	150,000
Operating Expenses	<u>5,745</u>
Total FY 2024 State Expenditures	\$246,721

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing grant funding and operating expenses.

It is assumed, for the purposes of this fiscal and policy note, that the administrator begins work when the provisions establishing the fund take effect, July 1, 2023. To the extent work, which cannot be absorbed by existing staff, needs to start in advance of July 1, 2023, personnel costs are incurred in fiscal 2023.

Special fund revenues to the fund and expenditures from the fund increase by at least \$150,000 annually, beginning in fiscal 2024, reflecting the receipt of the annual appropriation and corresponding spending. It is assumed that the entire appropriation is spent in each year.

MCAAHC can assist in implementing the bill with existing resources.

Small Business Effect: MDP indicates that professional conservators are typically small businesses and would benefit from grants awarded under the bill.

Additional Information

Prior Introductions: HB 1512 of 2020, a similar bill, received a hearing in the House Health and Government Operations Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, and Frederick counties; City of Havre de Grace; Governor's Office; Department of Budget and Management; Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2021
rh/sdk

Analysis by: Tyler Allard

Direct Inquiries to:
(410) 946-5510
(301) 970-5510