

HOUSE BILL 451

M1, M3

8lr2802
CF SB 100

By: **Delegates Cane, Benson, Burns, Conway, Elmore, Holmes, Howard,
Mathias, Nathan-Pulliam, Proctor, and Walker**

Introduced and read first time: January 30, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Minority Environmental and Land Trust**

3 FOR the purpose of establishing the Minority Environmental and Land Trust to
4 provide funding and leadership for a certain purpose; establishing a Board of
5 Trustees; providing for the membership and the terms of membership of the
6 Board of Trustees; establishing certain powers and duties of the Trust;
7 requiring the Trust to make a certain annual report; requiring the Governor to
8 appropriate certain funds to the Trust in a certain manner; requiring certain
9 State agencies to provide certain funds or in-kind services to the Trust in a
10 certain manner; requiring all money received by the Trust to be deposited and
11 invested in a certain manner; requiring the Trust to establish a system of
12 financial accounting, controls, audits, and reports; exempting the Trust from
13 certain provisions of law; and generally relating to the Minority Environmental
14 and Land Trust.

15 BY adding to

16 Article – Natural Resources

17 Section 3–2B–01 through 3–2B–06 to be under the new subtitle “Subtitle 2B.
18 Minority Environmental and Land Trust”

19 Annotated Code of Maryland

20 (2005 Replacement Volume and 2007 Supplement)

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

23 **Article – Natural Resources**

24 **SUBTITLE 2B. MINORITY ENVIRONMENTAL AND LAND TRUST.**

25 **3–2B–01.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THERE IS A MINORITY ENVIRONMENTAL AND LAND TRUST**
2 **ESTABLISHED TO PROVIDE FUNDING AND LEADERSHIP TO ENHANCE MINORITY**
3 **PARTICIPATION IN THE ENVIRONMENTAL COMMUNITY.**

4 **(B) THE TRUST SHALL BE A BODY CORPORATE AND SHALL HAVE**
5 **PERPETUAL EXISTENCE, SUBJECT TO MODIFICATION OR TERMINATION BY THE**
6 **GENERAL ASSEMBLY IF NECESSARY TO EFFECTUATE ITS PURPOSE OR WHEN**
7 **AND IF ITS SUBSTANTIAL PURPOSE CEASES.**

8 **3-2B-02.**

9 **(A) THERE IS A MINORITY ENVIRONMENTAL AND LAND TRUST BOARD**
10 **OF TRUSTEES.**

11 **(B) THE BOARD OF TRUSTEES SHALL CONSIST OF:**

12 **(1) THE GOVERNOR, OR THE GOVERNOR'S DESIGNEE;**

13 **(2) THE PRESIDENT OF THE SENATE, OR THE PRESIDENT'S**
14 **DESIGNEE;**

15 **(3) THE SPEAKER OF THE HOUSE, OR THE SPEAKER'S DESIGNEE;**
16 **AND**

17 **(4) SIX INDIVIDUALS APPOINTED BY THE GOVERNOR, AS**
18 **FOLLOWS:**

19 **(I) ONE REPRESENTATIVE FROM A COLLEGE OR**
20 **UNIVERSITY ENVIRONMENTAL PROGRAM;**

21 **(II) ONE REPRESENTATIVE OF SECONDARY**
22 **ENVIRONMENTAL EDUCATION;**

23 **(III) ONE REPRESENTATIVE OF THE BUSINESS COMMUNITY;**
24 **AND**

25 **(IV) THREE REPRESENTATIVES OF COMMUNITY**
26 **ORGANIZATIONS.**

27 **(C) EXCEPT FOR THE EX OFFICIO MEMBERS OR THEIR DESIGNEES:**

28 **(1) THE TERM OF A MEMBER IS 4 YEARS;**

1 (2) A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS
2 APPOINTED;

3 (3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY
4 THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2008;

5 (4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
6 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES; AND

7 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE
8 TERMS.

9 (D) THE BOARD OF TRUSTEES SHALL ELECT ONE OF THEIR MEMBERS
10 TO SERVE AS CHAIR.

11 (E) THE BOARD SHALL MEET AT PLACES AND DATES TO BE
12 DETERMINED BY THE BOARD, BUT NOT LESS THAN TWO TIMES A YEAR.

13 (F) A TRUSTEE:

14 (1) MAY NOT RECEIVE COMPENSATION AS A TRUSTEE; BUT

15 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
16 STANDARD STATE TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.

17 (G) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE
18 STAFF, SUPPLIES, AND OFFICE SPACE FOR THE TRUST AND SHALL BE
19 REIMBURSED FOR THESE EXPENSES FROM MONEYS OF THE TRUST.

20 **3-2B-03.**

21 **THE TRUST SHALL HAVE THE POWERS AND DUTIES TO:**

22 (1) SOLICIT AND ACCEPT ANY GIFT, GRANT, LEGACY, OR
23 ENDOWMENT OF MONEY FROM THE FEDERAL GOVERNMENT, STATE
24 GOVERNMENT, LOCAL GOVERNMENT, OR ANY PRIVATE SOURCE IN
25 FURTHERANCE OF THE TRUST;

26 (2) ESTABLISH A VIRTUAL ENVIRONMENTAL SCIENCE CENTER
27 THAT WORKS IN COOPERATION WITH ENVIRONMENTAL CENTERS AT:

28 (I) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES,
29 SUCH AS BOWIE STATE UNIVERSITY, COPPIN STATE UNIVERSITY, MORGAN
30 STATE UNIVERSITY, AND UNIVERSITY OF MARYLAND EASTERN SHORE;

1 **(II) OTHER UNIVERSITY SYSTEM OF MARYLAND**
2 **CAMPUSES;**

3 **(III) PRIVATE UNIVERSITIES IN THE STATE; AND**

4 **(IV) MINORITY COMMUNITIES IN THE STATE;**

5 **(3) IMPROVE THE FLOW OF INFORMATION AND SERVICES INTO**
6 **MINORITY COMMUNITIES REGARDING LAND CONSERVATION;**

7 **(4) ENSURE FUNDING AND SERVICES REACH MINORITY**
8 **COMMUNITIES;**

9 **(5) EXPAND THE ENVIRONMENTAL DIALOGUE OF MINORITY AND**
10 **MAINSTREAM COMMUNITIES AND ORGANIZATIONS TO REFLECT AN**
11 **OVERLAPPING AND COMPLEX UNDERSTANDING OF ENVIRONMENTAL ISSUES;**

12 **(6) EVALUATE AND IMPLEMENT VARIOUS FUNDRAISING**
13 **STRATEGIES TO ALLOW THE TRUST TO BECOME A SELF-SUSTAINING ENTITY;**

14 **(7) DEVELOP PROJECTS FOR SPONSORSHIP BY CORPORATE AND**
15 **BUSINESS ORGANIZATIONS OR PRIVATE INDIVIDUALS;**

16 **(8) PROVIDE GRANTS TO NONPROFIT ORGANIZATIONS,**
17 **COMMUNITY ASSOCIATIONS, CIVIC GROUPS, SCHOOLS, OR PUBLIC AGENCIES;**

18 **(9) IMPLEMENT THE RECOMMENDATIONS OF THE TASK FORCE**
19 **ON MINORITY PARTICIPATION IN THE ENVIRONMENTAL COMMUNITY;**

20 **(10) MAKE, EXECUTE, AND ENTER INTO ANY CONTRACT OR OTHER**
21 **LEGAL INSTRUMENT;**

22 **(11) RECEIVE APPROPRIATIONS AS PROVIDED IN THE STATE**
23 **BUDGET;**

24 **(12) ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND**
25 **THE CONDUCT OF ITS BUSINESS;**

26 **(13) TAKE ANY OTHER ACTION NECESSARY TO CARRY OUT THE**
27 **PURPOSES OF THE TRUST; AND**

28 **(14) REPORT ANNUALLY TO THE GOVERNOR AND, SUBJECT TO §**
29 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON**

1 ITS ACTIVITIES DURING THE PRECEDING YEAR TOGETHER WITH ANY
2 RECOMMENDATIONS OR REQUESTS DEEMED APPROPRIATE TO FURTHER THE
3 PURPOSES OF THE TRUST.

4 **3-2B-04.**

5 **FOR EACH OF THE FISCAL YEARS 2009 THROUGH 2013:**

6 (1) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN
7 APPROPRIATION TO THE MINORITY ENVIRONMENTAL AND LAND TRUST IN THE
8 AMOUNT OF \$250,000; AND

9 (2) THE FOLLOWING AGENCIES EACH SHALL PROVIDE FUNDING
10 OR IN-KIND SERVICES TO THE MINORITY ENVIRONMENTAL AND LAND TRUST
11 IN THE AMOUNT OF \$100,000:

12 (I) THE DEPARTMENT OF NATURAL RESOURCES;

13 (II) THE DEPARTMENT OF THE ENVIRONMENT;

14 (III) THE DEPARTMENT OF AGRICULTURE;

15 (IV) THE DEPARTMENT OF TRANSPORTATION;

16 (V) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

17 (VI) THE STATE DEPARTMENT OF EDUCATION;

18 (VII) THE DEPARTMENT OF PLANNING;

19 (VIII) THE DEPARTMENT OF BUSINESS AND ECONOMIC
20 DEVELOPMENT; AND

21 (IX) THE DEPARTMENT OF HOUSING AND COMMUNITY
22 DEVELOPMENT.

23 **3-2B-05.**

24 (A) (1) ALL MONEY RECEIVED BY THE TRUST SHALL BE DEPOSITED,
25 AS DIRECTED BY THE TRUST, IN ANY STATE OR NATIONAL BANK, OR FEDERALLY
26 OR STATE INSURED SAVINGS AND LOAN ASSOCIATIONS LOCATED IN THE STATE
27 HAVING A TOTAL PAID-IN CAPITAL OF AT LEAST \$1,000,000.

1 **(2) THE TRUST DEPARTMENT OF ANY STATE OR NATIONAL BANK**
2 **OR SAVINGS AND LOAN ASSOCIATION MAY BE DESIGNATED AS A DEPOSITORY TO**
3 **RECEIVE ANY SECURITIES ACQUIRED OR OWNED BY THE TRUST.**

4 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
5 **SUBSECTION, ANY MONEY OF THE TRUST, IN ITS DISCRETION AND UNLESS**
6 **OTHERWISE PROVIDED IN ANY AGREEMENT OR COVENANT BETWEEN THE**
7 **TRUST AND THE HOLDERS OF ANY OF ITS OBLIGATIONS LIMITING OR**
8 **RESTRICTING ANY INVESTMENTS, MAY BE INVESTED IN BONDS OR OTHER**
9 **OBLIGATIONS OF:**

10 **(I) THE UNITED STATES;**

11 **(II) THE STATE;**

12 **(III) POLITICAL SUBDIVISIONS OR UNITS OF THE STATE;**

13 **(IV) DIRECT OR INDIRECT FEDERAL AGENCIES;**

14 **(V) CORPORATE BONDS WITH A RATING OF BAA3/BBB; OR**

15 **(VI) MORTGAGE-BACKED AND ASSET-BACKED SECURITIES**
16 **WITH A RATING OF AAA.**

17 **(2) THE OVERALL INVESTMENT PORTFOLIO OF THE TRUST MUST**
18 **HAVE A RATING OF AT LEAST AA.**

19 **(C) THE TRUST SHALL ESTABLISH A SYSTEM OF FINANCIAL**
20 **ACCOUNTING, CONTROLS, AUDITS, AND REPORTS.**

21 **(D) THE BOOKS, RECORDS, AND ACCOUNTS OF THE TRUST ARE**
22 **SUBJECT TO AUDIT BY THE STATE.**

23 **3-2B-06.**

24 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN**
25 **EXERCISING ITS POWERS, THE TRUST:**

26 **(1) IS EXEMPT FROM THE PROVISIONS OF THE STATE FINANCE**
27 **AND PROCUREMENT ARTICLE, THE PROVISIONS OF DIVISION I OF THE STATE**
28 **PERSONNEL AND PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL**
29 **MANAGEMENT SYSTEM, AND THE PROVISIONS OF DIVISION II AND TITLE 37 OF**
30 **THE STATE PERSONNEL AND PENSIONS ARTICLE; AND**

1 **(2) MAY CARRY OUT ITS CORPORATE PURPOSES WITHOUT**
2 **OBTAINING THE CONSENT OF ANY DEPARTMENT, BOARD, OR AGENCY OF THE**
3 **STATE.**

4 **(B) THE TRUST IS SUBJECT TO THE PROVISIONS OF THE STATE**
5 **FINANCE AND PROCUREMENT ARTICLE TO THE EXTENT OF STATE**
6 **APPROPRIATIONS, IF ANY.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2008.