

SENATE BILL 4

M1

(6lr0378)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Environment and Transportation —

Introduced by **Senator Conway**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Maryland Environmental Trust – Trustees**

3 FOR the purpose of ~~repealing the requirement that certain trustees of the Maryland~~
4 ~~Environmental Trust be elected in a certain manner; requiring the Governor to~~
5 ~~appoint certain trustees with the advice and consent of the Senate; specifying the~~
6 ~~terms of the appointed trustees~~ altering the number of trustees of the Maryland
7 Environmental Trust; altering the number of trustees that are elected to the Trust
8 beginning on a certain date; altering the manner in which a trustee is elected;
9 requiring that a certain number of trustees be elected in a certain month and year;
10 specifying that certain recommendations for an elected trustee represent and reflect
11 certain criteria; prohibiting an elected trustee from serving more than a certain
12 number of consecutive terms, subject to a certain exception; prohibiting a trustee from
13 receiving certain compensation, but authorizing the reimbursement of certain
14 expenses; altering the number of times the trustees are required to meet; altering the
15 number of trustees that may request a meeting for which the chair is required to call

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 a meeting; altering the number of trustees that constitute a quorum; declaring the
 2 intent of the General Assembly; specifying the expiration of a term for ~~an appointed~~
 3 ~~trustee~~ certain elected trustees; making conforming and stylistic changes; and
 4 generally relating to the Maryland Environmental Trust.

5 BY repealing and reenacting, with amendments,
 6 Article – Natural Resources
 7 Section 3–202 and 3–204
 8 Annotated Code of Maryland
 9 (2012 Replacement Volume and 2015 Supplement)

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

12 **Article – Natural Resources**

13 3–202.

14 (a) (1) A board of ~~15~~ 19 trustees has and shall exercise the powers and duties
 15 of the Trust.

16 (2) The Governor, the President of the Senate, and the Speaker of the
 17 House of Delegates are ex officio members of the board of trustees.

18 (3) (i) [Of the] ~~THE SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF~~
 19 THIS PARAGRAPH, BEGINNING ON JUNE 1, 2017, OF THE remaining ~~12~~ 16 trustees~~;~~
 20 ~~three,~~ FOUR shall be elected each year for a term of four years at any regular or special
 21 meeting by ~~unanimous~~ A MAJORITY vote of the trustees present ~~SHALL BE APPOINTED~~
 22 ~~BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.~~

23 (II) IN ORDER TO BRING THE COMPOSITION OF THE BOARD OF
 24 TRUSTEES UP TO 16 ELECTED TRUSTEES, FOUR TRUSTEES SHALL BE ELECTED IN
 25 OCTOBER 2016.

26 (III) THE TRUSTEES SHALL ELECT A TRUSTEE AS FOLLOWS:

27 1. THE GOVERNOR SHALL SUBMIT THREE
 28 RECOMMENDATIONS TO THE BOARD OF TRUSTEES, OF WHICH TWO SHALL BE
 29 ELECTED;

30 2. THE PRESIDENT OF THE SENATE SHALL SUBMIT
 31 THREE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, OF WHICH ONE SHALL BE
 32 ELECTED; AND

1 **3. THE SPEAKER OF THE HOUSE OF DELEGATES SHALL**
 2 **SUBMIT THREE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, OF WHICH ONE**
 3 **SHALL BE ELECTED.**

4 ~~(H)~~ **(IV)** [If an elected trustee for any reason fails to serve or
 5 complete any elected term, a successor shall be elected for the remainder of the term at any
 6 regular or special meeting by unanimous vote of the trustees present. Elected] ~~THE~~
 7 ~~APPOINTED~~ trustees shall be selected to obtain a broad distribution from the professions
 8 and other occupations, and a broad geographical distribution throughout the State, insofar
 9 **INSOFAR** as is practicable and consistent with the purposes of the Trust, **THE**
 10 **RECOMMENDATIONS FOR AN ELECTED TRUSTEE SHALL:**

11 **1. REPRESENT A BROAD DISTRIBUTION OF**
 12 **PROFESSIONS AND GEOGRAPHIES;**

13 **2. REFLECT THE DIVERSITY OF THE STATE; AND**

14 **3. REPRESENT INDIVIDUALS WITH EXPERIENCE IN ONE**
 15 **OR MORE OF THE FOLLOWING CATEGORIES:**

16 **A. CONSERVATION OR PRESERVATION OF PARKLANDS,**
 17 **AGRICULTURAL LAND, FOREST LAND, HISTORIC AND CULTURAL PROPERTIES,**
 18 **NATURAL AREAS, OR IMPORTANT RECREATIONAL LANDS;**

19 **B. AGRICULTURE, INCLUDING THE HORSE INDUSTRY;**

20 **C. COMMUNITY PLANNING AND LAND USE POLICY, WITH**
 21 **AN EMPHASIS ON COMMUNITY SUSTAINABILITY, HEALTH COMMUNITIES,**
 22 **COMMUNITY FOOD SYSTEMS, YOUTH DEVELOPMENT AND EDUCATION, OR GREEN**
 23 **INFRASTRUCTURE;**

24 **D. ACADEMIC WORK IN NATURAL SCIENCE, SOCIAL**
 25 **SCIENCE, OR CULTURAL SCIENCE AT THE UNIVERSITY LEVEL; AND**

26 **E. BUSINESS LEADERSHIP, GOVERNANCE, OR**
 27 **FUND-RAISING IN ANY OF THE CATEGORIES IDENTIFIED UNDER THIS ITEM.**

28 ~~(H)~~ **(V)** 1. ~~THE TERM OF AN APPOINTED TRUSTEE IS 4~~
 29 ~~YEARS.~~

30 ~~2.~~ **AN APPOINTED EXCEPT AS PROVIDED UNDER**
 31 **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, AN ELECTED TRUSTEE MAY NOT**
 32 **SERVE MORE THAN TWO CONSECUTIVE TERMS.**

1 **2. THE CHAIR MAY SERVE A THIRD CONSECUTIVE TERM**
 2 **IF ELECTED AS CHAIR DURING OR AFTER THE SECOND YEAR OF THE CHAIR'S SECOND**
 3 **TERM.**

4 **3. THE TERMS OF ~~APPOINTED~~ ELECTED TRUSTEES ARE**
 5 **STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR TRUSTEES OF THE TRUST**
 6 **ON ~~OCTOBER~~ JUNE 1, 2016.**

7 **~~4. AT THE END OF A TERM, AN APPOINTED TRUSTEE~~**
 8 **~~CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~**

9 **~~5. A TRUSTEE WHO IS APPOINTED~~ ELECTED TO FILL A**
 10 **VACANCY THAT ARISES AFTER A TERM HAS BEGUN ~~SERVES:~~**

11 **A. SHALL BE ELECTED FROM RECOMMENDATIONS**
 12 **SUBMITTED BY THE GOVERNOR, THE PRESIDENT OF THE SENATE, OR THE SPEAKER**
 13 **OF THE HOUSE OF DELEGATES IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS**
 14 **PARAGRAPH, AS APPLICABLE; AND**

15 **B. SERVES ONLY FOR THE REST OF THE TERM AND UNTIL**
 16 **A SUCCESSOR IS ~~APPOINTED AND QUALIFIES~~ ELECTED.**

17 (b) [A trustee serves without compensation] **A TRUSTEE:**

18 **(1) MAY NOT RECEIVE COMPENSATION AS A TRUSTEE OF THE TRUST;**
 19 **BUT**

20 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
 21 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

22 (c) (1) An ex officio member of the board of trustees may delegate any of the
 23 powers or duties of the member to an authorized representative.

24 (2) (i) The representative of the Governor shall be a member of the
 25 Executive Department of this State.

26 (ii) The representative of the President of the Senate shall be a
 27 member of the Senate.

28 (iii) The representative of the Speaker of the House shall be a
 29 member of the House of Delegates.

30 3-204.

1 (A) The trustees shall elect from among the elected membership a [chairman]
 2 CHAIR, secretary, and other officers as they determine.

3 (B) The trustees shall meet at least [twice] FOUR TIMES a year at places and on
 4 dates they determine.

5 (C) The [chairman] CHAIR may call other meetings, and must call one at the
 6 request of [four] SIX or more trustees.

7 (D) The secretary shall notify in writing every trustee of the time and place of every
 8 meeting at least seven days in advance of the meeting, except that meetings may be held on
 9 shorter notice if all trustees agree.

10 (E) [Eight] TEN trustees constitute a quorum to conduct business.

11 (F) If at any time there is no director, the [chairman] CHAIR shall assume the
 12 director's duties and powers.

13 (G) The [chairman] CHAIR with the consent of the trustees may appoint an
 14 advisory council.

15 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
 16 Assembly that an elected trustee of the Maryland Environmental Trust shall serve the rest
 17 of the term for which the trustee was elected and until a successor is ~~appointed~~ elected to
 18 the Maryland Environmental Trust in accordance with Section 3 of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the initial terms of the
 20 ~~appointed~~ four trustees of the Maryland Environmental Trust elected under §
 21 3-202(a)(3)(ii) of the Natural Resources Article, as enacted by Section 1 of this Act, shall
 22 expire as follows:

- 23 (1) in ~~2019 for all trustees~~ 2017 for one trustee appointed in 2016;
- 24 (2) in ~~2020 for all trustees~~ 2018 for one trustee appointed in ~~2017~~ 2016;
- 25 (3) in ~~2021 for all trustees~~ 2019 for one trustee appointed in ~~2018~~ 2016; and
- 26 (4) in ~~2022 for all trustees~~ 2020 for one trustee appointed in ~~2019~~ 2016.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
 28 ~~October~~ June 1, 2016.