

HOUSE BILL 1201

D5, F2, I4

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By: Delegates W. Fisher, Acevero, Anderson, Attar, Atterbeary, D. Barnes, Barron, Bartlett, Boyce, C. Branch, Bridges, Carr, Charkoudian, Charles, Conaway, Crutchfield, D.M. Davis, D.E. Davis, Fennell, Harrison, Henson, Hill, Ivey, M. Jackson, J. Lewis, R. Lewis, Lierman, Lopez, Moon, Mosby, Patterson, Pena-Melnyk, Proctor, Queen, Shetty, Smith, Stewart, Turner, Walker, Washington, R. Watson, Wells, Wilkins, Williams, and Wilson

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Maryland Reparations Commission – Establishment**
3 **(Harriet Tubman Community Investment Act)**

4 FOR the purpose of establishing the Maryland Reparations Commission; providing for the
5 composition, staffing, chair and vice chair, and terms of the members of the
6 Commission; prohibiting a member of the Commission from receiving certain
7 compensation, but providing that a member is entitled to certain reimbursement;
8 providing that the purpose of the Commission is to develop and administer a program
9 for the provision of compensatory benefits to the descendants of individuals enslaved
10 in the State; providing that any individual whose ancestors were enslaved in the
11 State is eligible to receive benefits administered by the Commission; requiring the
12 Commission to develop a certain form and process and to adopt certain procedures;
13 authorizing the Commission to seek the assistance of State agencies for certain
14 purposes; requiring State agencies to assist the Commission in a certain manner;
15 requiring the Commission to pay certain cash sums to certain applicants and to
16 reimburse certain applicants for certain tuition payments; requiring the Commission
17 to consider certain factors in calculating a certain cash payment; requiring the
18 Commission to cooperate with certain entities to assist certain applicants in a certain
19 manner; requiring the Governor to include a certain appropriation in the annual
20 budget bill; requiring the Commission to adopt certain regulations; specifying the
21 terms of the initial members of the Commission; defining a certain term; stating the
22 intent of the General Assembly; and generally relating to the Maryland Reparations
23 Commission.

24 BY adding to
25 Article – State Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–3301 through 9–3308 to be under the new subtitle “Subtitle 33. Maryland
2 Reparations Commission”
3 Annotated Code of Maryland
4 (2014 Replacement Volume and 2019 Supplement)

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

7 **Article – State Government**

8 **SUBTITLE 33. MARYLAND REPARATIONS COMMISSION.**

9 **9–3301.**

10 **IN THIS SUBTITLE, “COMMISSION” MEANS THE MARYLAND REPARATIONS**
11 **COMMISSION.**

12 **9–3302.**

13 **THERE IS A MARYLAND REPARATIONS COMMISSION.**

14 **9–3303.**

15 **(A) THE COMMISSION CONSISTS OF:**

16 **(1) THE STATE ARCHIVIST, OR A PERSON WITH EXPERTISE IN FAMILY**
17 **HISTORY WHO IS DESIGNATED BY THE STATE ARCHIVIST;**

18 **(2) ONE MEMBER OF THE MARYLAND HISTORICAL SOCIETY,**
19 **DESIGNATED BY THE PRESIDENT OF THE MARYLAND HISTORICAL SOCIETY;**

20 **(3) ONE MEMBER OF THE NATIONAL ASSOCIATION FOR THE**
21 **ADVANCEMENT OF COLORED PEOPLE, DESIGNATED BY THE NATIONAL**
22 **ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE MARYLAND STATE**
23 **CONFERENCE PRESIDENT;**

24 **(4) ONE MEMBER OF THE GREATER BALTIMORE URBAN LEAGUE,**
25 **DESIGNATED BY THE PRESIDENT OF THE GREATER BALTIMORE URBAN LEAGUE;**

26 **(5) ONE VOLUNTEER EMPLOYEE OF THE HARRIET TUBMAN MUSEUM**
27 **AND EDUCATION CENTER, DESIGNATED BY THE CITY COUNCIL OF CAMBRIDGE;**

28 **(6) ONE MEMBER OF THE REGINALD F. LEWIS MUSEUM OF**
29 **MARYLAND AFRICAN AMERICAN HISTORY AND CULTURE, DESIGNATED BY THE**

1 BOARD OF DIRECTORS OF THE MUSEUM;

2 (7) FIVE MEMBERS APPOINTED BY THE GOVERNOR;

3 (8) TWO MARYLAND RESIDENTS WHO ARE BUSINESS OWNERS,
4 SELECTED BY THE MARYLAND LEGISLATIVE BLACK CAUCUS;

5 (9) THREE REPRESENTATIVES OF COMMUNITIES WITH HIGH
6 MINORITY POPULATIONS, SELECTED BY THE MARYLAND LEGISLATIVE BLACK
7 CAUCUS; AND

8 (10) TWO EMPLOYEES OF HISTORICALLY BLACK COLLEGES IN THE
9 STATE WHO HAVE EXPERTISE IN THE HISTORY OF SLAVERY, SELECTED BY THE
10 MARYLAND LEGISLATIVE BLACK CAUCUS.

11 (B) THE COMMISSION SHALL SELECT FROM AMONG ITS MEMBERS A CHAIR
12 AND A VICE CHAIR.

13 (C) (1) THE TERM OF A MEMBER APPOINTED OR SELECTED UNDER
14 SUBSECTION (A)(7), (8), (9), OR (10) OF THIS SECTION IS 2 YEARS.

15 (2) THE TERMS OF MEMBERS APPOINTED OR SELECTED UNDER
16 SUBSECTION (A)(7), (8), (9), OR (10) OF THIS SECTION ARE STAGGERED AS
17 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON
18 OCTOBER 1, 2020.

19 (D) A MEMBER OF THE COMMISSION:

20 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
21 COMMISSION; BUT

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

24 (E) THE STATE ARCHIVES SHALL PROVIDE STAFF FOR THE COMMISSION.

25 9-3304.

26 (A) THE PURPOSE OF THE COMMISSION IS TO DEVELOP AND ADMINISTER A
27 PROGRAM FOR THE PROVISION OF COMPENSATORY BENEFITS TO DESCENDANTS OF
28 INDIVIDUALS ENSLAVED IN THE STATE.

29 (B) ANY INDIVIDUAL WHOSE ANCESTORS WERE ENSLAVED IN THE STATE

1 SHALL BE ELIGIBLE TO RECEIVE BENEFITS ADMINISTERED BY THE COMMISSION.

2 **9-3305.**

3 (A) (1) THE COMMISSION SHALL DEVELOP:

4 (I) AN APPLICATION FORM TO BE USED BY INDIVIDUALS
5 APPLYING FOR BENEFITS THAT ALLOWS THE APPLICANT TO INCLUDE EVIDENCE
6 THAT THE APPLICANT IS DESCENDED FROM INDIVIDUALS ENSLAVED IN THE STATE;
7 AND

8 (II) A PROCESS FOR APPROVING APPLICATIONS FOR BENEFITS.

9 (2) THE FORM REQUIRED UNDER PARAGRAPH (1)(II) OF THIS
10 SUBSECTION SHALL INCLUDE A NOTICE THAT ANY INFORMATION SUBMITTED WITH
11 THE FORM MAY BE SHARED WITH STATE AGENCIES IN ACCORDANCE WITH
12 PROCEDURES ADOPTED UNDER SUBSECTION (B) OF THIS SECTION.

13 (B) (1) THE COMMISSION SHALL ADOPT COMMON PROCEDURES FOR
14 EVALUATING EVIDENCE SUBMITTED IN CONJUNCTION WITH APPLICATIONS FOR
15 BENEFITS UNDER THE PROGRAM AND DETERMINING WHETHER APPLICANTS ARE
16 DESCENDED FROM INDIVIDUALS ENSLAVED IN THE STATE.

17 (2) THE COMMISSION MAY SEEK THE ASSISTANCE OF STATE
18 AGENCIES IN:

19 (I) DEVELOPING THE PROCEDURES REQUIRED UNDER
20 PARAGRAPH (1) OF THIS SUBSECTION; AND

21 (II) EVALUATING EVIDENCE SUBMITTED IN CONJUNCTION WITH
22 AN APPLICATION FOR BENEFITS.

23 (3) TO THE EXTENT AUTHORIZED BY LAW, STATE AGENCIES SHALL
24 ASSIST THE COMMISSION IN EVALUATING EVIDENCE WHEN THE COMMISSION
25 REQUESTS ASSISTANCE.

26 **9-3306.**

27 (A) (1) ANY APPLICANT DETERMINED BY THE COMMISSION TO BE
28 DESCENDED FROM INDIVIDUALS ENSLAVED IN THE STATE SHALL BE PAID A CASH
29 SUM DETERMINED BY THE COMMISSION.

30 (2) IN CALCULATING THE CASH PAYMENT REQUIRED TO BE PAID

1 UNDER THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE LENGTH AND
2 CONDITIONS OF THE ENSLAVEMENT OF THE INDIVIDUAL OR INDIVIDUALS FROM
3 WHOM THE APPLICANT IS DESCENDED.

4 (B) THE COMMISSION SHALL REIMBURSE ANY APPLICANT DETERMINED TO
5 BE DESCENDED FROM INDIVIDUALS ENSLAVED IN THE STATE FOR ANY TUITION
6 PAYMENT THE APPLICANT MAKES TO ANY INSTITUTION OF HIGHER EDUCATION IN
7 THE STATE.

8 (C) THE COMMISSION SHALL COOPERATE WITH BANKING INSTITUTIONS
9 AND STATE AGENCIES TO ASSIST ANY APPLICANT DETERMINED TO BE DESCENDED
10 FROM INDIVIDUALS ENSLAVED IN THE STATE IN APPLYING FOR AND RECEIVING
11 LOANS WITH LOW COLLATERAL AND INTEREST RATES TO THE EXTENT AUTHORIZED
12 BY LAW.

13 (D) THE COMMISSION SHALL COOPERATE WITH BANKING INSTITUTIONS TO
14 ASSIST ANY APPLICANT DETERMINED TO BE DESCENDED FROM SLAVES IN APPLYING
15 FOR AND RECEIVING MORTGAGES WITH LOW INTEREST RATES TO THE EXTENT
16 AUTHORIZED BY LAW.

17 **9-3307.**

18 FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL
19 BUDGET BILL AN APPROPRIATION IN AN AMOUNT SUFFICIENT TO CARRY OUT THE
20 REQUIREMENTS OF THIS SUBTITLE, INCLUDING ANY MONEY REQUIRED TO BE PAID
21 TO APPLICANTS THE COMMISSION DETERMINES TO BE DESCENDED FROM
22 INDIVIDUALS ENSLAVED IN THE STATE.

23 **9-3308.**

24 THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS
25 SUBTITLE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
27 members of the Maryland Reparations Commission shall expire as follows:

28 (1) five members in 2021; and

29 (2) five members in 2022.

30 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
31 Assembly that private businesses and organizations in the State that have benefitted from
32 the institution of slavery work proactively with the Commission to provide funds and
33 avenues for compensation for people determined to be descended from individuals enslaved

1 in the State.

2 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2020.