SENATE BILL 998

By: Senator Eckardt
Introduced and read first time: February 23, 2022
Assigned to: Rules

A BILL ENTITLED

AN ACT concerning

Maryland Environmental Trust – Trustees – Alterations

FOR the purpose of altering the manner in which elected trustees are recommended to serve on and elected to the board of trustees of the Maryland Environmental Trust; authorizing a trustee who is elected to fill a certain vacancy to serve one additional term; authorizing a trustee to serve until a successor is elected and seated; altering the manner in which a decision may be made on expending or investing gifts of money made to the Trust; requiring the trustees to elect officers from among their membership rather than from among the elected membership; repealing the requirement that a certain notification be made in writing; altering the number of trustees that constitutes a quorum; and generally relating to the Maryland Environmental Trust.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–202(a), 3–203(4), and 3–204
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Natural Resources


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

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

(3) (i) Subject to [subparagraphs] SUBPARAGRAPH (ii) [and (iii)] of this paragraph, beginning on June 1, 2017, of the remaining 16 trustees, four shall be elected each year for a term of four years at any regular or special meeting by a majority vote of the trustees present.

(ii) [In order to bring the composition of the board of trustees up to 16 elected trustees, four trustees shall be elected in October 2016.]


B. NOTWITHSTANDING SUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH, THE GOVERNOR, THE PRESIDENT OF THE SENATE, OR THE SPEAKER OF THE HOUSE MAY RECOMMEND ANY INDIVIDUAL TO SERVE ON THE BOARD OF TRUSTEES CONSISTENT WITH THE PROVISIONS IN SUBPARAGRAPH (III) OF THIS PARAGRAPH.

2. [The] SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, THE TRUSTEES SHALL ELECT [A TRUSTEE] TRUSTEES FOLLOWING THE EXPIRATION OF A 4-YEAR TERM AS FOLLOWS:

[1.] A. The Governor shall submit [three] AT LEAST TWO recommendations to the board of trustees, of which two shall be elected;

[2.] B. The President of the Senate shall submit [three recommendations] AT LEAST ONE RECOMMENDATION to the board of trustees, of which one shall be elected; and

[3.] C. The Speaker of the House [of Delegates] shall submit [three recommendations] AT LEAST ONE RECOMMENDATION to the board of trustees, of which one shall be elected.

[iv] (III) Insofar as is practicable and consistent with the purposes of the Trust, the recommendations for an elected trustee shall:

1. Represent a broad distribution of professions and geographies;
2. Reflect the diversity of the State; and
3. Represent individuals with experience in one or more of the following categories:
   A. Conservation or preservation of parklands, agricultural land, forest land, historic and cultural properties, natural areas, or important recreational lands;
   B. Agriculture, including the horse industry;
   C. Community planning and land use policy, with an emphasis on community sustainability, health communities, community food systems, youth development and education, or green infrastructure;
   D. Academic work in natural science, social science, or cultural science at the university level; and
   E. Business leadership, governance, or fund-raising in any of the categories identified under this item.

[v] (IV) 1. Except as provided under subsubparagraph 2 of this subparagraph, an elected trustee may not serve more than two consecutive terms.

2. The chair may serve a third consecutive term if elected as chair during or after the second year of the chair’s second term.

3. [The terms of elected trustees are staggered as required by the terms provided for trustees of the Trust on June 1, 2016.]

4. A trustee who is elected to fill a vacancy that arises after a term has begun:
   A. Shall be elected from [recommendations] THE MOST RECENT LIST OF CANDIDATES submitted by THE BOARD OF TRUSTEES TO the Governor, the President of the Senate, [or] AND the Speaker of the House [of Delegates] in accordance with subparagraph [(iii)] (II)1A of this paragraph[, as applicable]; and
   B. Serves only for the rest of the term and [until a successor is elected] ONE ADDITIONAL 4–YEAR TERM.
(v) A TRUSTEE MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS ELECTED AND SEATED.

3–203.

The trustees have the powers and duties to:

(4) Accept any gift. The trustees may expend both principal and income of any gift of money or invest it in whole or in part in general obligations of the State or other securities in furtherance of the Trust, as decided at a regular or special meeting, if a quorum is present[, by the affirmative vote of a minimum of seven elected trustees];

3–204.

(a) The trustees shall elect from among [the elected] THEIR membership a chair, secretary, and other officers as they determine.

(b) The trustees shall meet at least four times a year at places and on dates they determine.

(c) The chair may call other meetings, and must call one at the request of six or more trustees.

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

(e) [Ten] A MAJORITY OF THE trustees [constitute] THEN SERVING CONSTITUTES a quorum to conduct business.

(f) If at any time there is no director, the chair shall assume the director’s duties and powers.

(g) The chair with the consent of the trustees may appoint an advisory council.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that an elected trustee of the Maryland Environmental Trust serve the rest of the term for which the trustee was elected and until a successor is elected and seated in accordance with Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.