

# SENATE BILL 998

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By: **Senator Eckardt**

Introduced and read first time: February 23, 2022

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Environmental Trust – Trustees – Alterations**

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

13 BY repealing and reenacting, with amendments,  
14 Article – Natural Resources  
15 Section 3–202(a), 3–203(4), and 3–204  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume and 2021 Supplement)

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

20 **Article – Natural Resources**

21 3–202.

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

24 (2) The Governor, the President of the Senate, and the Speaker of the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 House [of Delegates] are ex officio members of the board of trustees.

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

6 (ii) [In order to bring the composition of the board of trustees up to  
7 16 elected trustees, four trustees shall be elected in October 2016.

8 (iii)] 1. A. AT LEAST 60 DAYS BEFORE THE EXPIRATION OF  
9 A TERM, THE BOARD OF TRUSTEES SHALL SUBMIT TO THE GOVERNOR, THE  
10 PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE A LIST OF  
11 CANDIDATES TO FILL ANY AVAILABLE SEATS ON THE BOARD OF TRUSTEES.

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

17 2. [The] SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS  
18 SUBPARAGRAPH, THE trustees shall elect [a trustee] TRUSTEES FOLLOWING THE  
19 EXPIRATION OF A 4-YEAR TERM as follows:

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

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

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

28 3. IF THE GOVERNOR, THE PRESIDENT OF THE SENATE,  
29 OR THE SPEAKER OF THE HOUSE FAILS TO SUBMIT A RECOMMENDATION TO THE  
30 BOARD OF TRUSTEES WITHIN 60 DAYS AFTER A TERM EXPIRES, THE BOARD OF  
31 TRUSTEES SHALL ELECT BY MAJORITY VOTE A MEMBER OR MEMBERS FROM THE  
32 LIST OF CANDIDATES SUBMITTED TO THE GOVERNOR, THE PRESIDENT OF THE  
33 SENATE, AND THE SPEAKER OF THE HOUSE UNDER SUBSUBPARAGRAPH 1A OF THIS  
34 SUBPARAGRAPH.

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

3                    1. Represent a broad distribution of professions and  
4 geographies;

5                    2. Reflect the diversity of the State; and

6                    3. Represent individuals with experience in one or more of  
7 the following categories:

8                    A. Conservation or preservation of parklands, agricultural  
9 land, forest land, historic and cultural properties, natural areas, or important recreational  
10 lands;

11                    B. Agriculture, including the horse industry;

12                    C. Community planning and land use policy, with an  
13 emphasis on community sustainability, health communities, community food systems,  
14 youth development and education, or green infrastructure;

15                    D. Academic work in natural science, social science, or  
16 cultural science at the university level; and

17                    E. Business leadership, governance, or fund-raising in any of  
18 the categories identified under this item.

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

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

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

25                    4.] A trustee who is elected to fill a vacancy that arises after  
26 a term has begun:

27                    A. Shall be elected from [recommendations] **THE MOST**  
28 **RECENT LIST OF CANDIDATES** submitted by **THE BOARD OF TRUSTEES TO** the  
29 Governor, the President of the Senate, [or] **AND** the Speaker of the House [of Delegates] in  
30 accordance with subparagraph [(iii)] **(II)1A** of this paragraph[, as applicable]; and

31                    B. Serves only for the rest of the term and [until a successor  
32 is elected] **ONE ADDITIONAL 4-YEAR TERM.**

1                   **(v) A TRUSTEE MAY CONTINUE TO SERVE UNTIL A SUCCESSOR**  
2 **IS ELECTED AND SEATED.**

3 3–203.

4           The trustees have the powers and duties to:

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

9 3–204.

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

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

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

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

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

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

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

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

28           **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect June  
29 1, 2022.