

HOUSE BILL 594

D5, F2, I4
HB 121/21 – HGO

2lr1435

By: **Delegates W. Fisher, Acevero, Amprey, B. Barnes, D. Barnes, Charkoudian, Charles, Feldmark, Fennell, Harrison, Howell, Ivey, R. Jones, Landis, Lehman, J. Lewis, Patterson, Ruth, Smith, Solomon, Stewart, Toles, Turner, Valentino-Smith, Walker, Washington, Wilkins, and Williams**

Introduced and read first time: January 31, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

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

FOR the purpose of establishing the Maryland Reparations Commission to develop and administer a program for the provision of compensatory benefits to the descendants of individuals enslaved in the State; providing that any individual whose ancestors were enslaved in the State is eligible to receive benefits administered by the Commission; requiring State agencies to assist the Commission in a certain manner; requiring the Commission to pay certain cash sums to certain applicants and to reimburse certain applicants for certain tuition payments; and generally relating to the Maryland Reparations Commission.

BY adding to

Article – State Government

Section 9–3501 through 9–3508 to be under the new subtitle “Subtitle 35. Maryland Reparations Commission”

Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Government

SUBTITLE 35. MARYLAND REPARATIONS COMMISSION.

9–3501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



IN THIS SUBTITLE, "COMMISSION" MEANS THE MARYLAND REPARATIONS COMMISSION.

9-3502.

THERE IS A MARYLAND REPARATIONS COMMISSION.

9-3503.

(A) THE COMMISSION CONSISTS OF:

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

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

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

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

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

(6) ONE MEMBER OF THE REGINALD F. LEWIS MUSEUM OF MARYLAND AFRICAN AMERICAN HISTORY AND CULTURE, DESIGNATED BY THE BOARD OF DIRECTORS OF THE MUSEUM;

(7) FIVE MEMBERS APPOINTED BY THE GOVERNOR;

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

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

(10) TWO EMPLOYEES OF HISTORICALLY BLACK COLLEGES IN THE

STATE WHO HAVE EXPERTISE IN THE HISTORY OF SLAVERY, SELECTED BY THE MARYLAND LEGISLATIVE BLACK CAUCUS.

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

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

(2) THE TERMS OF MEMBERS APPOINTED OR SELECTED UNDER SUBSECTION (A)(7), (8), (9), OR (10) OF THIS SECTION ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2022.

(D) A MEMBER OF THE COMMISSION:

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

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

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

9-3504.

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

(B) ANY INDIVIDUAL WHOSE ANCESTORS WERE ENSLAVED IN THE STATE SHALL BE ELIGIBLE TO RECEIVE BENEFITS ADMINISTERED BY THE COMMISSION.

9-3505.

(A) (1) THE COMMISSION SHALL DEVELOP:

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

(II) A PROCESS FOR APPROVING APPLICATIONS FOR BENEFITS.

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

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

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

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

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

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

9-3506.

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

(2) IN CALCULATING THE CASH PAYMENT REQUIRED TO BE PAID UNDER THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE LENGTH AND CONDITIONS OF THE ENSLAVEMENT OF THE INDIVIDUAL OR INDIVIDUALS FROM WHOM THE APPLICANT IS DESCENDED.

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

(C) THE COMMISSION SHALL COOPERATE WITH BANKING INSTITUTIONS AND STATE AGENCIES TO ASSIST ANY APPLICANT DETERMINED TO BE DESCENDED FROM INDIVIDUALS ENSLAVED IN THE STATE IN APPLYING FOR AND RECEIVING

LOANS WITH LOW COLLATERAL AND INTEREST RATES TO THE EXTENT AUTHORIZED BY LAW.

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

9-3507.

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

9-3508.

THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

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

- (1) six members in 2023; and
- (2) six members in 2024.

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

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.