

HOUSE BILL 121

D5, F2, I4
HB 1201/20 – HGO

(PRE-FILED)

1lr1081

By: **Delegate W. Fisher**

Requested: October 22, 2020

Introduced and read first time: January 13, 2021

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
26 Section 9–3301 through 9–3308 to be under the new subtitle “Subtitle 33. Maryland
27 Reparations Commission”
28 Annotated Code of Maryland
29 (2014 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Government**

4 **SUBTITLE 33. MARYLAND REPARATIONS COMMISSION.**

5 **9–3301.**

6 **IN THIS SUBTITLE, “COMMISSION” MEANS THE MARYLAND REPARATIONS**
7 **COMMISSION.**

8 **9–3302.**

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

10 **9–3303.**

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

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

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

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

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

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

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

27 **(7) FIVE MEMBERS APPOINTED BY THE GOVERNOR;**

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

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

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

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

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

13 **(2) THE TERMS OF MEMBERS APPOINTED OR SELECTED UNDER**
14 **SUBSECTION (A)(7), (8), (9), OR (10) OF THIS SECTION ARE STAGGERED AS**
15 **REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON**
16 **OCTOBER 1, 2021.**

17 **(D) A MEMBER OF THE COMMISSION:**

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

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

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

23 **9-3304.**

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

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

29 **9-3305.**

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

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

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

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

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

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

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

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

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

24 **9-3306.**

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

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

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

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

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

14 **9-3307.**

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

20 **9-3308.**

21 **THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
22 **SUBTITLE.**

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

25 (1) six members in 2022; and

26 (2) six members in 2023.

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

32 **SECTION 4. AND BE IT FURTHER ENACTED,** That this Act shall take effect
33 October 1, 2021.