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**By: Senator Miller**

Introduced and read first time: February 21, 1996

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

**2 Maryland Environmental Trust - Establishment as an Independent Agency**

3 FOR the purpose of transferring the Maryland Environmental Trust from the  
4 Department of Natural Resources and establishing it as an independent agency in  
5 the Executive Branch of State government; providing for the continuity of certain  
6 laws, regulations, contracts, and transactions; making provisions of this Act  
7 severable; directing the publisher of the Annotated Code of Maryland to make  
8 certain corrections necessitated by this Act; providing for a delayed effective date;  
9 and generally relating to the Maryland Environmental Trust.

10 BY transferring

11 Article - Natural Resources  
12 Section 3-201 through 3-211 and the subtitle "Subtitle 2. Maryland Environmental  
13 Trust", respectively  
14 Annotated Code of Maryland  
15 (1989 Replacement Volume and 1995 Supplement)

16 to be

17 Article 41 - Governor - Executive and Administrative Departments  
18 Section 10-1001 through 10-1012 and the subtitle "Subtitle 10. Maryland  
19 Environmental Trust", respectively  
20 Annotated Code of Maryland  
21 (1993 Replacement Volume and 1995 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article 41 - Governor - Executive and Administrative Departments  
24 Section 10-1001(a) and 10-1009  
25 Annotated Code of Maryland  
26 (1993 Replacement Volume and 1995 Supplement)  
27 (As enacted by Section 1 of this Act)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
29 MARYLAND, That Section(s) 3-201 through 3-211 and the subtitle "Subtitle 2.  
30 Maryland Environmental Trust", respectively, of Article - Natural Resources of the  
31 Annotated Code of Maryland be transferred to be Section(s) 10-1001 through 10-1012

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1 and the subtitle "Subtitle 10. Maryland Environmental Trust", respectively, of Article 41  
2 - Governor - Executive and Administrative Departments of the Annotated Code of  
3 Maryland.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
5 read as follows:

6 **Article 41 - Governor - Executive and Administrative Departments**

7 10-1001.

8 (a) There is a Maryland Environmental Trust established AS A SEPARATE UNIT  
9 IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT to conserve, improve, stimulate,  
10 and perpetuate the aesthetic, natural, health and welfare, scenic, and cultural qualities of  
11 the environment, including, but not limited to land, water, air, wildlife, scenic qualities,  
12 open spaces, buildings or any interest therein, and other appurtenancespertaining in any  
13 way to the State. Through educational and other means, the trust shall encourage and  
14 motivate the populace of the State and others to do so and shall promote continuing  
15 interest in and the study of these matters. The purpose of the trust isof general benefit  
16 to the citizens of the State, and it is charitable in nature.

17 10-1009.

18 Subject to the limitations of [§ 3-207] § 10-1008 OF THIS SUBTITLE, the Trust may  
19 improve, sell, convey, assign, lease, or otherwise transfer or dispose of any property, or  
20 interest in property, it holds, and enter into any contract, easement, or other legal  
21 arrangement incident thereto, including but not limited to, the authority to lease  
22 properties for various commercial and residential uses consistent with the purposes of the  
23 Trust on terms and conditions the trustees deem appropriate. Any lease the trustees  
24 make shall be in immediate furtherance of the purposes of the Trust andnot merely for  
25 investment purposes. Notwithstanding any provision of law to the contrary, a lease the  
26 Trust makes may not be subject to redemption at the option of the tenant, unless  
27 expressly provided.

28 SECTION 3. AND BE IT FURTHER ENACTED, That every individual who, as of  
29 June 30, 1997, is employed by the Maryland Environmental Trust in a position authorized  
30 by the State budget is hereby transferred to the Maryland EnvironmentalTrust, an  
31 independent agency, effective July 1, 1997, without any change or loss of rights or status,  
32 except as otherwise specifically provided in this Act.

33 SECTION 4. AND BE IT FURTHER ENACTED, That, except as otherwise  
34 provided in this Act, nothing in this Act affects the term of office ofan elected trustee of  
35 the Maryland Environmental Trust. An elected trustee on the effective date of this Act  
36 shall remain a trustee for the balance of the term to which the trusteeas elected, unless  
37 the trustee sooner dies, resigns, or is removed in accordance with the provisions of law.

38 SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly  
39 provided to the contrary in this Act, any transaction affected by or flowing from any  
40 statute added, amended, repealed, or transferred, and validly entered into before the  
41 effective date of this Act, and every right, duty, or interest flowing from that transaction,  
42 shall remain valid after the effective date of this Act and may be terminated, completed,  
43 consummated, or enforced in accordance with the law.

1           SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise  
2 provided in this Act, all regulations, proposed regulations, standards and guidelines,  
3 proposed standards and guidelines, orders and other directives, forms, plans,  
4 memberships, special funds, appropriations, grants, applications for grants, contracts,  
5 properties, investigations, administrative and judicial proceedings, rights to sue and be  
6 sued, and all other duties and responsibilities associated with those functions transferred  
7 by this Act shall continue in effect under the Maryland Environmental Trust until  
8 completed, withdrawn, canceled, modified, or otherwise changed in accordance with law.

9           SECTION 7. AND BE IT FURTHER ENACTED, That all general, special, and  
10 federal funds in the State budget for the fiscal year ending June 30, 1997 appropriated to  
11 the Department of Natural Resources for the operation, programs, and services of the  
12 Maryland Environmental Trust shall be transferred and credited to the Maryland  
13 Environmental Trust when it becomes a separate unit of the Executive Branch of State  
14 government on the effective date of this Act.

15           SECTION 8. AND BE IT FURTHER ENACTED, That in accordance with the  
16 reorganization proposed by this Act, the Director of the Department of Legislative  
17 Reference is hereby directed to correct any cross-references, agency names, and titles in  
18 the Code that are rendered incorrect by this Act.

19           SECTION 9. AND BE IT FURTHER ENACTED, That if any provision of this Act  
20 or the application thereof to any person or circumstance is held invalid for any reason in  
21 a court of competent jurisdiction, the invalidity does not affect other provisions or any  
22 other application of this Act which can be given effect without the invalid provision or  
23 application, and for this purpose the provisions of this Act are declared severable.

24           SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 July 1, 1997.