

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 433 (Delegate Fraser-Hidalgo)
Environment and Transportation

Chesapeake Bay Trust - Authority to Retain Outside Counsel

This bill authorizes the Chesapeake Bay Trust (CBT) to retain outside counsel as necessary.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations, as discussed below.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: CBT is a nonprofit grant-making organization dedicated to improving the watersheds of the Chesapeake Bay, the Maryland Coastal Bays, and the Youghiogheny River. Created in 1985 by the General Assembly, CBT's goal is to increase stewardship through grant programs, special initiatives, and partnerships that support K-12 environmental education, on-the-ground watershed restoration, community engagement, and the underlying science of these three realms. Grantees include schools, local governments, community groups, faith-based groups, watershed organizations, and other not-for-profit entities. Among other powers and duties, CBT may:

- make, execute, and enter into any contract or other legal instrument;
- sue and be sued to enforce contractual or similar agreements with CBT; and
- take any other action necessary to carry out its purposes.

State Fiscal Effect: Despite its nonprofit status, CBT receives legal services from the Office of the Attorney General (OAG) by nature of it being established in statute. More specifically, CBT receives legal services from OAG attorneys assigned to the Department of Natural Resources. CBT advises that it continues to expect to use such legal services and that only non-State funds will be used to hire outside counsel when considered necessary. OAG likewise advises that the bill does not fiscally or operationally affect the agency. Accordingly, bill does not materially affect State finances or operations.

Additional Comments: OAG notes that there is a question as to whether the bill will affect existing litigation but that there is no way to determine whether or not that will be the case.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 329 (Senator Beidle) - Education, Energy, and the Environment.

Information Source(s): Chesapeake Bay Trust; Office of the Attorney General; Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2024
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