

ZONING OR LAND USE PLANNING AUTHORITY OF ANY MUNICIPALITY OR PUBLIC INSTRUMENTALITY.

REVISOR'S NOTE: This subsection is new language derived from Article 33B, section 29 of the Code.

3-103. CREATION, CONTINUATION, AND ORGANIZATION.

(A) CREATED AND CONTINUED; INSTRUMENTALITY OF STATE; UNIT OF DEPARTMENT OF NATURAL RESOURCES.—A BODY POLITIC AND CORPORATE IS CREATED AND CONTINUED KNOWN AS THE "MARYLAND ENVIRONMENTAL SERVICE". THE SERVICE IS CONSTITUTED AS AN INSTRUMENTALITY OF THE STATE, AND THE EXERCISE BY THE SERVICE OF THE POWERS CONFERRED BY THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL GOVERNMENTAL FUNCTION OF THE STATE. FOR THE PURPOSE OF EXECUTIVE ORGANIZATION, THE SERVICE IS A UNIT WITHIN THE DEPARTMENT OF NATURAL RESOURCES, AND THE EXERCISE OF ALL POWERS AND FUNCTIONS OF THE SERVICE ARE SUBJECT TO THE AUTHORITY OF THE SECRETARY OF NATURAL RESOURCES. HOWEVER, THE SECRETARY'S AUTHORITY TO TRANSFER FUNCTIONS, STAFF, OR FUNDS SET FORTH IN TITLE 1 OF THIS ARTICLE, IS NOT APPLICABLE TO THE SERVICE.

REVISOR'S NOTE: This subsection is new language derived from Article 33B, section 2(a) of the Code.

(B) OFFICERS AND BOARD OF DIRECTORS GENERALLY.—THERE ARE THREE OFFICERS OF THE SERVICE: A DIRECTOR, A SECRETARY, AND A TREASURER. EACH OFFICER SHALL BE APPOINTED BY THE SECRETARY OF NATURAL RESOURCES, WITH THE APPROVAL OF THE GOVERNOR, SOLELY WITH REGARD TO HIS QUALIFICATIONS FOR THE DUTIES OF HIS OFFICE. EACH SERVES AT THE PLEASURE OF THE SECRETARY OF NATURAL RESOURCES. THE DIRECTOR, SECRETARY, AND TREASURER SHALL RECEIVE THE COMPENSATION PROVIDED IN THE STATE BUDGET. THE DIRECTOR, SECRETARY, AND TREASURER ARE THE BOARD OF DIRECTORS OF THE SERVICE. TWO MEMBERS CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS OF THE BOARD. THE AFFIRMATIVE VOTE OF AT LEAST TWO MEMBERS IS NECESSARY FOR ANY ACTION TAKEN BY THE BOARD. NO VACANCY IN THE MEMBERSHIP OF THE BOARD IMPAIRS THE RIGHT OF A QUORUM TO EXERCISE ALL THE RIGHTS AND PERFORM ALL THE DUTIES OF THE BOARD.

(C) DUTIES OF DIRECTOR.—THE DIRECTOR IS BOTH THE ADMINISTRATIVE HEAD OF THE SERVICE AND THE