

SENATE BILL 2

P1, M3

(PRE-FILED)

1lr1118
CF HB 2

By: **Senators McCray, Benson, Carter, and Lam**

Requested: October 26, 2020

Introduced and read first time: January 13, 2021

Assigned to: Budget and Taxation and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Environmental Service Reform Act of 2021**

3 FOR the purpose of removing the Director and Deputy Director of the Maryland
4 Environmental Service from the Board of Directors of the Maryland Environmental
5 Service; requiring the Secretary and the Treasurer of the Service to be selected by
6 the Board from among the Board's members; providing that the Secretary and the
7 Treasurer serve at the pleasure of the Board; providing for the compensation of the
8 Secretary and the Treasurer; altering the size and membership of the Board;
9 requiring a certain member of the Board to be selected from a certain list of
10 recommendations; prohibiting the State Treasurer from serving as the Secretary,
11 Treasurer, or Chair of the Board; prohibiting the Governor from appointing a certain
12 employee to the Board; altering the number of members that constitutes a quorum
13 for the transaction of business of the Board; altering the number of votes necessary
14 for certain actions of the Board; requiring the Board to select a Chair from among
15 the Board's members; authorizing the Secretary to delegate certain duties to a
16 certain person under certain circumstances; requiring the approval of the Board
17 before the Service may employ certain counsel; requiring the approval of the Board
18 on expenditures that exceed a certain amount; requiring the Board to establish a
19 personnel system in accordance with certain provisions of law; authorizing
20 employees of the Service to enter into certain collective bargaining agreements in
21 accordance with certain provisions of law; requiring Board members to observe a
22 certain standard of care; prohibiting the Board from awarding a severance package
23 to a certain executive under certain circumstances; requiring a certain former
24 executive to reimburse the Service for the value of a certain severance package
25 within a certain amount of time under certain circumstances; requiring the Director
26 to appoint a Diversity Officer for certain purposes; requiring the Board to adopt or
27 readopt policies, consistent with certain provisions of this Act, governing certain
28 matters on or before a certain date; requiring the Board to periodically review and
29 revise certain policies; requiring the Board to submit a certain report to certain
30 committees of the General Assembly in accordance with certain provisions of law on

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or before a certain date and within a certain number of days after a certain policy is
2 revised; requiring Board members, the Director, and the Deputy Director to receive
3 annual training on certain topics; requiring the Board to make a certain annual
4 report to the General Assembly in accordance with a certain provision of law on or
5 before certain dates; requiring the Board to make publicly available on the Service's
6 website certain agendas, meeting minutes, and videos within certain timeframes;
7 requiring the Service to maintain on its website certain meeting minutes and video
8 recordings for certain periods of time; providing for the citation to certain provisions
9 of this Act; requiring the review and approval of the Board of Public Works on certain
10 contracts, subject to certain exceptions; applying certain provisions of the State
11 Personnel and Pensions Article to employees of the Service; providing for the terms
12 of certain Board members; making technical and conforming changes; and generally
13 relating to the Maryland Environmental Service.

14 BY repealing and reenacting, without amendments,
15 Article – Natural Resources
16 Section 3–101(a), (b), and (f)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2020 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Natural Resources
21 Section 3–103, 3–103.1(b) and (c)(8), and 3–107
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2020 Supplement)

24 BY adding to
25 Article – Natural Resources
26 Section 3–103.3
27 Annotated Code of Maryland
28 (2018 Replacement Volume and 2020 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – State Personnel and Pensions
31 Section 3–102(a)
32 Annotated Code of Maryland
33 (2015 Replacement Volume and 2020 Supplement)

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

36 **Article – Natural Resources**

37 3–101.

38 (a) In this subtitle the following words and terms have the meanings indicated.

1 (b) “Board” means the Board of Directors of the Maryland Environmental Service.

2 (f) “Director” means Director of the Maryland Environmental Service.

3 3–103.

4 (a) (1) There is a body politic and corporate known as the “Maryland
5 Environmental Service”.

6 (2) The Service is an instrumentality of the State and a public corporation
7 by that name, style, and title, and the exercise by the Service of the powers conferred by
8 this subtitle is the performance of an essential governmental function of the State.

9 (b) (1) There are four officers of the Service: [a]

10 (I) A Director[, a];

11 (II) A Deputy Director[, a];

12 (III) A Secretary[,]; and [a]

13 (IV) A Treasurer.

14 (2) (I) The four officers of the Service shall be appointed [as follows:] IN
15 ACCORDANCE WITH THIS PARAGRAPH.

16 [(i)] (II) 1. The Director shall be appointed by the Governor,
17 with the advice and consent of the Senate solely with regard to the qualifications for the
18 duties of the office.

19 2. The Director serves at the pleasure of the Board with the
20 concurrence of the Governor and shall receive such compensation as may be determined by
21 the Board[; and].

22 [(ii)] (III) 1. The Deputy Director[, the Secretary and the
23 Treasurer] shall be appointed by the Director with the approval of the Governor solely with
24 regard to the qualifications for the duties of the office.

25 2. The Deputy Director[, the Secretary and the Treasurer
26 serve] SERVES at the pleasure of the Director and shall receive such compensation as may
27 be determined by the Board.

28 (IV) 1. THE SECRETARY AND THE TREASURER SHALL BE
29 SELECTED BY THE BOARD FROM AMONG THE BOARD’S MEMBERS.

1 **2. THE SECRETARY AND THE TREASURER SERVE AT THE**
 2 **PLEASURE OF THE BOARD AND SHALL RECEIVE SUCH COMPENSATION AS MAY BE**
 3 **DETERMINED BY THE BOARD.**

4 **[(2)] (3)** The Board of Directors of the Service shall consist of **[nine]**
 5 **SEVEN** members as follows:

6 (i) **[The Director, Deputy Director, Secretary, and Treasurer of the**
 7 **Service] THE STATE TREASURER;**

8 (ii) Three members from the public sector in the State in positions
 9 responsible for water, wastewater, or solid waste management; and

10 (iii) **[Two] THREE** members from the private sector in the State with
 11 technical, financial, development, or legal experience related to water, wastewater, or solid
 12 waste management.

13 **[(3)] (4) (I) [The] SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF**
 14 **THIS PARAGRAPH, THE** public sector and private sector members of the Board, as set forth
 15 in paragraph **[(2)(ii)] (3)(II)** and (iii) of this subsection shall be appointed by the Governor
 16 with the advice and consent of the Senate.

17 **(II) THE GOVERNOR SHALL SELECT AT LEAST ONE OF THE**
 18 **PUBLIC SECTOR MEMBERS OF THE BOARD FROM A LIST OF RECOMMENDATIONS**
 19 **JOINTLY COMPILED BY THE MARYLAND ASSOCIATION OF COUNTIES AND THE**
 20 **MARYLAND MUNICIPAL LEAGUE.**

21 **(III) THE GOVERNOR MAY NOT APPOINT AN EMPLOYEE OF THE**
 22 **SERVICE TO THE BOARD.**

23 **[(4)] (5) (I) [Six] FIVE** members constitute a quorum for the
 24 transaction of business of the Board.

25 **(II)** The affirmative vote of at least **[five] FOUR** members is
 26 necessary for any action taken by the Board.

27 **[(5)] (6)** Those members of the Board not already holding a public office
 28 shall receive from the Service:

29 (i) Per diem compensation as established by the Board; and

30 (ii) Reimbursement for expenses under Standard State Travel
 31 Regulations.

32 **[(6)] (7)** The term of a member **[who is not an officer of the Service]**

1 **OTHER THAN THE STATE TREASURER** is 4 years.

2 [(7) (8) The terms of members [who are not officers of the Service]
3 **OTHER THAN THE STATE TREASURER** are staggered as required by the terms provided
4 for those members of the Board on July 1, [1993] **2021**.

5 [(8) (9) At the end of a term, a member continues to serve until a
6 successor is appointed and qualifies.

7 [(9) (10) A member who is appointed after a term has begun serves only
8 the remainder of that term and until a successor is appointed and qualifies.

9 **(11) THE BOARD SHALL SELECT A CHAIR FROM AMONG THE BOARD'S**
10 **MEMBERS.**

11 **(12) THE STATE TREASURER MAY NOT SERVE AS THE SECRETARY,**
12 **TREASURER, OR CHAIR OF THE BOARD.**

13 (c) (1) The Director [is both]:

14 (I) **IS** the administrative head of the Service [and the presiding
15 officer of the Board. The Director is];

16 (II) **IS** directly responsible to the Board and shall advise the Board
17 on all matters assigned to the Service[. The Director shall];

18 (III) **SHALL** carry out the Board's policies related to the Service[. He
19 is]; **AND**

20 (IV) **IS** responsible for the exercise of all powers and duties conferred
21 upon the Service by the provisions of this subtitle except for those powers and duties
22 specifically conferred by this subtitle on the Secretary, Treasurer, or Board.

23 (2) The Deputy Director shall have the duties provided by law or delegated
24 by the Director.

25 (d) (1) The Secretary [shall]:

26 (I) **SHALL** keep a record of the proceedings of the Board and be
27 custodian of all books, documents, and papers filed with the Service and of the minute book
28 or journal of the Service and its official seal[. He may];

29 (II) **MAY** have copies made of all minutes, records, and documents of
30 the Service and certify them to be true copies under the official seal of the Service[. Any
31 person dealing with the Service may rely upon these certificates, and certified copies shall

1 be received as evidence in any court or other tribunal in the State, in the same manner and
 2 with the same effect as if the original books, papers, entries, records, or proceedings could
 3 be produced.]; AND

4 [(2)] (III) [The Secretary] MAY, with the approval of the Board, [may]
 5 delegate to [the Deputy Director] ANOTHER MEMBER OF THE BOARD, during an absence
 6 of the Secretary, any duty enumerated in [paragraph (1) of this subsection] ITEMS (I) AND
 7 (II) OF THIS PARAGRAPH.

8 (2) ANY PERSON DEALING WITH THE SERVICE MAY RELY ON THE
 9 CERTIFICATES DESCRIBED IN PARAGRAPH (1)(II) OF THIS SUBSECTION, AND
 10 CERTIFIED COPIES SHALL BE RECEIVED AS EVIDENCE IN ANY COURT OR OTHER
 11 TRIBUNAL IN THE STATE, IN THE SAME MANNER AND WITH THE SAME EFFECT AS IF
 12 THE ORIGINAL BOOKS, PAPERS, ENTRIES, RECORDS, OR PROCEEDINGS COULD BE
 13 PRODUCED.

14 (e) (1) (I) The Treasurer shall [develop]:

15 1. DEVELOP and maintain a detailed and accurate
 16 accounting system for all financial transactions of the Service[.]; and [he shall perform]

17 2. PERFORM other duties relating to the financial affairs of
 18 the Service as required by law or by a directive of the Board.

19 (II) Unless any money of the Service is otherwise held by or payable
 20 to a trustee appointed pursuant to a resolution authorizing the issuance of bonds or notes
 21 or under a trust agreement securing the bonds or notes, the Treasurer shall [receive]:

22 1. RECEIVE money of the Service until otherwise prescribed
 23 by law; and [he shall deposit]

24 2. DEPOSIT the money as soon as it is received to the credit
 25 of the Service in any financial institution in which the State Treasurer is authorized to
 26 deposit State funds. [He]

27 (III) THE TREASURER shall disburse money for the purposes of the
 28 Service according to law, only upon [his] THE TREASURER'S warrant. [He]

29 (IV) THE TREASURER shall make arrangements for the payment of
 30 the interest on and principal of the Service debt.

31 (V) Upon entering the performance of [his] OFFICIAL duties, the
 32 Treasurer shall be covered by a surety bond in accordance with the provisions of law
 33 concerning the State Employees Surety Bond Committee.

1 (2) **(I)** With the approval of the Board, the Treasurer may authorize an
2 employee of the Service to serve as [his deputy] **DEPUTY TREASURER** and to disburse
3 money for the purposes of the Service as provided by law, and subject to restrictions and
4 other conditions that the Treasurer establishes.

5 **(II)** The Deputy Treasurer shall be covered by a surety bond in
6 accordance with the provisions of law concerning the State Employees Surety Bond
7 Committee.

8 (f) **(1)** The Attorney General of Maryland shall [be]:

9 **(I)** **BE** the legal advisor for the Service and the Board[. He shall
10 enforce]; **AND**

11 **(II)** **ENFORCE** compliance with the requirements of this subtitle
12 through any appropriate legal remedy and prosecute violations in accordance with the
13 provisions of this subtitle.

14 **(2)** **(I)** The Attorney General shall assign to the Service the number of
15 assistant Attorneys General and other staff requested by the Service.

16 **(II)** One of the assistant Attorneys General shall be designated by
17 the Attorney General as counsel to the Service.

18 **(III)** The counsel to the Service shall have no other duty than to
19 render, subject to the discretion and control of the Attorney General, the legal aid, advice,
20 and counsel required by the Director, the Board, and the other officials of the Service and,
21 also subject to the discretion and control of the Attorney General, to supervise the other
22 assistant Attorneys General assigned to the Service.

23 **(IV)** The counsel and every other assistant Attorney General assigned
24 to the Service shall be practicing lawyers of this State in good standing and shall be entitled
25 to a salary from the funds of the Service.

26 **(V)** After the Attorney General has designated an assistant Attorney
27 General to serve as counsel to the Service, the Attorney General may not reassign the
28 counsel without consulting with the Director and the Board.

29 **(VI)** With the approval of the Attorney General **AND THE BOARD**,
30 the Service may employ additional counsel that it considers necessary to carry out the
31 provisions of this subtitle.

32 (g) (1) The Service is exempt from the provisions of Subtitles 3, 4, 5, and 7 of
33 Title 4 of the State Finance and Procurement Article.

34 (2) The Service is exempt from the provisions of Division II of the State

1 Finance and Procurement Article, but is not exempt from Subtitle 3 of Title 14, Subtitle 4
2 of Title 12, Title 16, and Title 17 of the State Finance and Procurement Article.

3 (3) (i) Except as otherwise provided in this paragraph, all
4 procurements by the Service for materials, equipment, services, or supplies performed or
5 furnished in connection with the planning, development, design, equipping, construction,
6 or operation of any project owned or controlled by the Service, shall be awarded in
7 accordance with rules and regulations adopted pursuant to the Administrative Procedure
8 Act.

9 (ii) The Service may procure materials, equipment, services, or
10 supplies by utilizing:

- 11 1. Competitive sealed bids;
- 12 2. Competitive sealed proposals;
- 13 3. Sole source procurement;
- 14 4. Intergovernmental cooperative purchasing agreements;
- 15 5. A small procurement process, if the procurement is
16 estimated by the Service to result in an expenditure of \$25,000 or less; or
- 17 6. An emergency procurement process, if the procurement is
18 necessary to avoid or to mitigate serious damage to public health, safety, or welfare.

19 (4) **THE APPROVAL OF THE BOARD SHALL BE REQUIRED ON ANY**
20 **EXPENDITURE THAT EXCEEDS \$25,000.**

21 (5) The Service may adopt rules and regulations to provide a process to
22 resolve disputes between the Service and its contractors, that may include alternative
23 dispute resolution by the parties to the dispute.

24 (h) (1) The Service:

25 (i) May create and establish 1 or more project reserve funds in such
26 amounts as the Board considers appropriate, including the following project reserve funds:

- 27 1. An Eastern Correctional Institution Steam Turbine
28 Contingency Fund;
- 29 2. A Department of Natural Resources Project Contingency
30 Fund; and
- 31 3. A Reimbursable Project Contingency Fund; and

1 (ii) Subject to paragraph (2) of this subsection, may pay into such
2 funds:

3 1. Any money appropriated and made available by the State
4 for the purposes of such funds;

5 2. Any proceeds from the sale of bonds or notes, to the extent
6 provided in the resolution authorizing the issuance of the bonds or notes;

7 3. Revenues derived from a project of the Service; and

8 4. Any other money that may be received by or otherwise
9 made available to the Service from any other source or sources which the Service has
10 designated for deposit into such funds.

11 (2) Money held in or credited to a project reserve fund established under
12 this subsection shall be used solely to accomplish the purposes of this subtitle, as
13 determined by the Board and, subject to paragraph (3) of this subsection, may be retained
14 by the Service in the appropriate project reserve fund based on the project for which the
15 money was received by the Service.

16 (3) (i) The Service may credit to a project reserve fund established
17 under paragraph (1)(i)1 through 3 of this subsection only money that is reimbursable to the
18 State.

19 (ii) The Service may not retain more than:

20 1. \$1,500,000 in the Eastern Correctional Institution
21 Turbine Project Contingency Fund;

22 2. \$500,000 in the Department of Natural Resources Project
23 Contingency Fund; or

24 3. \$1,000,000 in the Reimbursable Project Contingency
25 Fund.

26 (iii) If at the end of a fiscal year the balance in a project reserve fund
27 exceeds the limits stated in subparagraph (ii) of this paragraph, the Service shall revert
28 the excess to the State fund from which the money in the project reserve fund was originally
29 appropriated.

30 (4) Money appropriated or made available to the Service by the State shall
31 be expended in accordance with the provisions of this subtitle.

32 (i) The Service shall submit annually a budget reflecting the operating and
33 capital program of the Service to the Department of Budget and Management for inclusion
34 for informational purposes in the State budget book.

1 3-103.1.

2 (b) (1) The Service shall adopt regulations to govern the employees of the
3 Service.

4 (2) The Service shall, **IN ACCORDANCE WITH THE REQUIREMENTS OF**
5 **TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE**, establish a personnel
6 system that:

7 (i) Is based on merit and compensates employees based on
8 performance;

9 (ii) Includes fair and equitable procedures for the redress of
10 grievances and for the hiring, promotion, and laying off of employees; and

11 (iii) Allows State employees who are employed by the Service prior to
12 July 1, 1993 and members of the State retirement or pension systems to continue
13 membership in the Employees' Retirement System of the State of Maryland or the
14 Employees' Pension System of the State of Maryland.

15 (3) (i) The Service shall be liable for and shall pay to the State
16 Retirement Agency the employer's share of employee retirement or pension costs for Service
17 employees who participate in the State retirement or pension systems, as provided in Title
18 21, Subtitle 3 of the State Personnel and Pensions Article.

19 (ii) The Service shall be liable for and shall pay the employer's share
20 of health insurance costs for Service employees.

21 (4) In carrying out the requirements of this subsection, the Service may:

22 (i) Create or abolish any position other than one specifically
23 provided for in this subtitle;

24 (ii) Determine employee qualifications, appointment and removal
25 procedures, terms of employment including compensation, benefits, holiday schedules, and
26 leave policies, and any other matter concerning employees; and

27 (iii) Subject to the provisions of subsection (c) of this section, take
28 such actions that are necessary for the transition to a new personnel system.

29 (c) (8) [As State employees in general are authorized under Title 3 of the State
30 Personnel and Pensions Article to] **EMPLOYEES OF THE SERVICE MAY** enter into binding
31 collective bargaining agreements [with units of State government] establishing wages,
32 hours, pension rights, or working conditions [for State employees, the Service shall,
33 consistent] **IN ACCORDANCE** with the provisions of Title 3 of the State Personnel and

1 Pensions Article[, recognize and deal with an employee organization once elected as an
2 exclusive representative, collectively bargain, and enter into the same type of agreements
3 for employees of the Service].

4 **3-103.3.**

5 (A) BOARD MEMBERS SHALL OBSERVE THE SAME STANDARD OF CARE
6 REQUIRED OF CORPORATE DIRECTORS UNDER § 2-405.1 OF THE CORPORATIONS
7 AND ASSOCIATIONS ARTICLE.

8 (B) (1) THE BOARD MAY NOT AWARD A SEVERANCE PACKAGE TO AN
9 EXECUTIVE OF THE SERVICE WHO RESIGNS TO ACCEPT ANOTHER POSITION IN THE
10 STATE GOVERNMENT.

11 (2) ANY FORMER EXECUTIVE OF THE SERVICE AWARDED A
12 SEVERANCE PACKAGE IN VIOLATION OF THIS SUBSECTION SHALL REIMBURSE THE
13 SERVICE FOR THE VALUE OF THE SEVERANCE PACKAGE WITHIN 1 YEAR AFTER
14 TERMINATING EMPLOYMENT WITH THE SERVICE.

15 (C) THE DIRECTOR SHALL APPOINT A DIVERSITY OFFICER TO:

16 (1) COORDINATE THE DEVELOPMENT AND IMPLEMENTATION OF A
17 DIVERSITY POLICY FOR THE SERVICE; AND

18 (2) ASSIST EMPLOYEES WITH THE RESOLUTION OF GRIEVANCES
19 RELATING TO ALLEGED VIOLATIONS OF:

20 (I) THE SERVICE'S DIVERSITY POLICY; OR

21 (II) STATE OR FEDERAL ANTIDISCRIMINATION LAWS.

22 (D) (1) ON OR BEFORE DECEMBER 1, 2021, THE BOARD SHALL ADOPT OR
23 READOPT POLICIES, CONSISTENT WITH THIS SECTION, GOVERNING:

24 (I) SEVERANCE PACKAGES;

25 (II) BONUSES, INCLUDING A LIMIT ON BONUSES FOR
26 EXECUTIVES CALCULATED AS A PERCENTAGE OF THE EXECUTIVE'S SALARY;

27 (III) TUITION REIMBURSEMENTS, INCLUDING LIMITS ON THE
28 AMOUNTS THAT MAY BE REIMBURSED;

29 (IV) EXPENSE REIMBURSEMENTS, INCLUDING:

1 1. **LIMITS ON THE AMOUNTS THAT MAY BE REIMBURSED;**

2 2. **LIMITS ON HOW LONG AN EXPENSE MAY BE**
3 **REIMBURSED AFTER IT IS INCURRED; AND**

4 3. **REQUIREMENTS REGARDING THE NEXUS BETWEEN**
5 **REIMBURSABLE EXPENSES AND SERVICE FUNCTIONS;**

6 (v) **WORKFORCE DIVERSITY;**

7 (vi) **WHISTLEBLOWER COMPLAINTS;**

8 (vii) **TRAVEL; AND**

9 (viii) **THE USE OF CARS, LAPTOPS, CELL PHONES, AND OTHER**
10 **VEHICLES AND DEVICES OWNED BY THE SERVICE, INCLUDING POLICIES ON**
11 **WHETHER AND HOW THESE VEHICLES AND DEVICES MAY BE TRANSFERRED TO AN**
12 **EMPLOYEE OR ANOTHER AGENCY.**

13 (2) **THE BOARD PERIODICALLY SHALL REVIEW THE POLICIES**
14 **REQUIRED UNDER THIS SUBSECTION AND REVISE THE POLICIES AS NEEDED.**

15 (3) **IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
16 **ARTICLE, THE BOARD SHALL SUBMIT A REPORT CONTAINING COPIES OF THE**
17 **POLICIES REQUIRED UNDER THIS SUBSECTION TO THE LEGISLATIVE POLICY**
18 **COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, AND THE HOUSE**
19 **APPROPRIATIONS COMMITTEE:**

20 (i) **ON OR BEFORE DECEMBER 31, 2021; AND**

21 (ii) **WITHIN 30 DAYS AFTER ANY POLICY IS REVISED.**

22 (e) (1) **BOARD MEMBERS, THE DIRECTOR, AND THE DEPUTY DIRECTOR**
23 **SHALL RECEIVE ANNUAL TRAINING ON:**

24 (i) **ETHICS;**

25 (ii) **HARASSMENT;**

26 (iii) **DIVERSITY; AND**

27 (iv) **POLICIES ADOPTED UNDER SUBSECTION (D) OF THIS**

1 SECTION.

2 (2) IN ADDITION TO THE TRAINING SPECIFIED IN PARAGRAPH (1) OF
3 THIS SUBSECTION, BOARD MEMBERS SHALL RECEIVE ANNUAL TRAINING ON THE
4 STANDARD OF CARE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

5 (F) ON OR BEFORE DECEMBER 31, 2021, AND EACH DECEMBER 31
6 THEREAFTER, THE SERVICE SHALL, IN ACCORDANCE WITH § 2-1257 OF THE STATE
7 GOVERNMENT ARTICLE, REPORT TO THE GENERAL ASSEMBLY ON THE SERVICE'S
8 EFFORTS TO REDUCE GREENHOUSE GAS EMISSIONS IN FURTHERANCE OF THE
9 GOALS AND REQUIREMENTS ESTABLISHED UNDER TITLE 2, SUBTITLE 12 OF THE
10 ENVIRONMENT ARTICLE.

11 (G) (1) THE BOARD SHALL MAKE PUBLICLY AVAILABLE ON THE
12 SERVICE'S WEBSITE:

13 (I) EACH OPEN MEETING AGENDA:

14 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;
15 OR

16 2. IF THE MEETING IS BEING HELD DUE TO AN
17 EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS
18 FAR IN ADVANCE OF THE MEETING AS PRACTICABLE;

19 (II) MEETING MINUTES FROM THE PORTIONS OF A MEETING
20 THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE
21 MINUTES ARE APPROVED; AND

22 (III) LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING
23 THAT IS HELD IN OPEN SESSION.

24 (2) THE SERVICE SHALL MAINTAIN ON ITS WEBSITE:

25 (I) MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH
26 (1) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE
27 MEETING; AND

28 (II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING
29 OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE
30 UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE
31 DATE OF THE MEETING.

1 **(H) THIS SECTION MAY BE CITED AS THE MARYLAND ENVIRONMENTAL**
2 **SERVICE REFORM ACT OF 2021.**

3 3–107.

4 **(a) (1)** Any municipality or person may request the Service to provide the
5 water supply, wastewater purification, solid waste disposal, or energy projects, or any other
6 services, authorized by this subtitle.

7 **(2)** The request shall set forth the type of proposed project or services to be
8 furnished and the proposed boundaries of the area within which a project or services are
9 requested.

10 **(b) (1)** Notwithstanding any limitations or other provisions to the contrary of
11 Division II, Title 9, Subtitle 2 or Subtitle 3, Title 10, or Title 11 of the Local Government
12 Article, or of any charter or local law regulating the procurement or awarding of public
13 contracts, a municipality may enter into contracts with the Service for the purpose of the
14 Service providing any of the projects or services requested by the municipality.

15 **(2)** As soon as possible after receipt of a duly authorized request from a
16 municipality or person, the Service shall draft a proposed contract with the municipality or
17 person in accordance with the provisions of this subtitle specifying the type of project or
18 services to be provided, whether or not a service district will be established, the boundaries
19 and effective date of any service district, and the terms, conditions, and costs under which
20 the project or services will be provided.

21 **(3)** Upon execution of the contract, the Service as soon as possible shall
22 establish any service district provided for in the contract and provide, maintain, and
23 operate the necessary project.

24 **(4)** For the purposes of this subsection, the express powers contained and
25 enumerated in Division II and Title 10 of the Local Government Article and in the Charter
26 of the City of Baltimore are deemed to incorporate and include the power and authority
27 contained in this subsection.

28 **(c)** The charges levied against a service district shall be reduced by the full
29 amount of federal and State grants which the Service receives and is entitled to retain to
30 defray the cost of any project within the service district.

31 **(d) (1)** Existing facilities providing service of the type requested, including all
32 rights, easements, laboratory facilities, vehicles, records, and all other property,
33 equipment, and furnishings necessary and normally associated with the operation of the
34 facility, shall be transferred to the sole ownership of the Service on the date a service
35 district comes into existence unless the Service determines that it not be so transferred.

36 **(2)** Compensation for existing projects may be based on the original cost of

1 the project minus an allowance for depreciation, or on other terms and conditions
2 satisfactory to the municipality or person transferring the project.

3 (3) All costs and obligations assumed by the Service incidental to the
4 transfer of ownership shall be included in the charge levied against the service district.

5 (e) At the request of any person or municipality having the responsibility for the
6 collection of liquid waste or solid waste, the Service may enter into a contract to provide
7 management and operation of waste collection services in any service district as an adjunct
8 to the mandatory provision of projects as set forth in subsections (a) through (d) of this
9 section, if:

10 (1) [as] AS a condition to the provision of management and operation of
11 waste collection services, the municipality or person enters into a contract upon terms the
12 Service determines reasonable; and

13 (2) [the] THE Service and the municipality or person requesting collection
14 services determines by agreement from time to time the charges including the amount and
15 frequency of payments to the Service.

16 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
17 THE REVIEW AND APPROVAL OF THE BOARD OF PUBLIC WORKS SHALL BE
18 REQUIRED ON ANY CONTRACT FOR THE PROVISION OF REQUESTED SERVICES WITH
19 A VALUE OF \$250,000 OR MORE.

20 (2) THE REVIEW AND APPROVAL OF THE BOARD OF PUBLIC WORKS
21 IS NOT REQUIRED ON A CONTRACT FOR THE PROVISION OF REQUESTED SERVICES
22 TO A UNIT OF STATE OR LOCAL GOVERNMENT.

23 Article – State Personnel and Pensions

24 3–102.

25 (a) Except as provided in this title or as otherwise provided by law, this title
26 applies to:

27 (1) all employees of:

28 (i) the principal departments within the Executive Branch of State
29 government;

30 (ii) the Maryland Insurance Administration;

31 (iii) the State Department of Assessments and Taxation;

32 (iv) the State Lottery and Gaming Control Agency;

1 (v) the University System of Maryland, Morgan State University,
2 St. Mary's College of Maryland, and Baltimore City Community College;

3 (vi) the Comptroller;

4 (vii) the Maryland Transportation Authority who are not police
5 officers;

6 (viii) the State Retirement Agency;

7 (ix) the State Department of Education; and

8 (x) **THE MARYLAND ENVIRONMENTAL SERVICE;**

9 **(2)** firefighters for the Martin State Airport at the rank of captain or below
10 who are employed by the Military Department; and

11 **[(2)] (3)** all full-time Maryland Transportation Authority police officers
12 at the rank of first sergeant and below.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall appoint
14 three public sector members and three private sector members to the Board of Directors of
15 the Maryland Environmental Service in accordance with § 3-103 of the Natural Resources
16 Article, as enacted by Section 1 of this Act. The terms of the members are as follows:

17 (1) one public sector member and two private sector members shall serve
18 for a term of 2 years, which shall begin on July 1, 2021, and shall terminate at the end of
19 June 30, 2023, and the members shall serve until a successor is appointed and qualifies;
20 and

21 (2) two public sector members and one private sector member shall serve
22 for a term of 4 years, which shall begin on July 1, 2021, and shall terminate at the end of
23 June 30, 2025, and the members shall serve until a successor is appointed and qualifies.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2021.