

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 793
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “or” and substitute a comma; in the same line, after “Officials” insert “, and Committee Members - Exceptions to Employment or Financial Restrictions”; strike beginning with “of” in line 2 down through “Provisions” in line 3; strike beginning with “authorizing” in line 8 down through “law” in line 13 and substitute “exempting certain officials or employees of the Department of Agriculture who are employed by or have a financial interest in a farm business from a certain prohibition against officials or employees holding certain employment or having a certain financial interest under certain circumstances; requiring the Secretary of Agriculture to adopt certain procedures; providing that certain provisions of the Maryland Public Ethics Law related to conflicts of interest and the required termination of a lobbyist’s registration do not apply under certain circumstances to a regulated lobbyist who serves on the Bay Restoration Fund Advisory Committee; and generally relating to exceptions to employment and financial restrictions”; and after line 18, insert:

“BY repealing and reenacting, with amendments,

Article - Agriculture

Section 2-102

Annotated Code of Maryland

(1999 Replacement Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,

Article - Environment

Section 9-1605.2(j)

Annotated Code of Maryland

(1996 Replacement Volume and 2005 Supplement)”.

AMENDMENT NO. 2

(Over)

On page 2, after line 32, insert:

“Article - Agriculture

2-102.

(a) The head of the Department is the Secretary of Agriculture, who shall be appointed by the Governor, with the advice and consent of the Senate.

(b) The Secretary shall receive the salary provided in the State budget. He serves at the pleasure of the Governor and is responsible directly to the Governor. The Secretary shall counsel and advise the Governor on all matters assigned to the Department of Agriculture and is responsible for carrying out the Governor's policies with respect to these matters. The Secretary shall be responsible for the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient administration of the Department.

(c) The Secretary, with the approval of the Governor, shall appoint a deputy secretary who has the duties provided by law or delegated by the Secretary. The deputy secretary serves at the pleasure of the Secretary and shall receive the salary provided in the State budget.

(d) (1) (i) The Secretary also shall have within the Department assistants, professional consultants, and employees as provided in the State budget.

(ii) Assistants in charge of areas of responsibility and professional consultants shall be in the executive service, management service, or special appointments in the State Personnel Management System and shall serve at the pleasure of the Secretary.

(iii) Wherever it is provided by law that the Secretary makes an appointment to a particular office within the Department with the approval of the Governor, the Secretary may not remove the appointee without first obtaining the Governor's approval.

(2) Except as otherwise provided by law, the Secretary shall appoint and remove all other personnel in accordance with the provisions of the State Personnel and Pensions Article.

(3) The Secretary may delegate the authority to appoint and remove personnel of any unit to the administrator of the unit.

(4) THE SECRETARY SHALL ESTABLISH PROCEDURES TO ENSURE THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF AN OFFICIAL OR EMPLOYEE

WHO IS EMPLOYED BY OR HAS A FINANCIAL INTEREST IN AN OUTSIDE FARM BUSINESS IN ACCORDANCE WITH § 15-502(C)(5) OF THE STATE GOVERNMENT ARTICLE.

Article - Environment

9-1605.2.

- (j) (1) There is a Bay Restoration Fund Advisory Committee.
- (2) The Committee consists of the following members:
 - (i) The Secretaries of the Environment, Agriculture, Planning, Natural Resources, and Budget and Management, or their designees;
 - (ii) One member of the Senate, appointed by the President of the Senate;
 - (iii) One member of the House of Delegates, appointed by the Speaker of the House of Delegates;
 - (iv) Two individuals representing publicly owned wastewater facilities, appointed by the Governor;
 - (v) Two individuals representing environmental organizations, appointed by the Governor;
 - (vi) One individual each from the Maryland Association of Counties and the Maryland Municipal League, appointed by the Governor;
 - (vii) Two individuals representing the business community, appointed by the Governor;
 - (viii) Two individuals representing local health departments who have expertise in onsite sewage disposal systems, appointed by the Governor; and

(Over)

(ix) One individual representing a university or research institute who has expertise in nutrient pollution, appointed by the Governor.

(3) (I) The Governor shall appoint the chairman of the Committee from the designated members of the Committee.

(II) IF THE GOVERNOR APPOINTS A REGULATED LOBBYIST TO SERVE AS A MEMBER OF THE COMMITTEE, THE LOBBYIST:

1. IS NOT SUBJECT TO § 15-504(D) OF THE STATE GOVERNMENT ARTICLE WITH RESPECT TO THAT SERVICE; AND

2. IS NOT SUBJECT TO § 15-703(F)(3)(1) OF THE STATE GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.

(4) The Committee may consult with any stakeholder group as it deems necessary.

(5) (i) The term of a member is 4 years.

(ii) A member continues to serve until a successor is appointed.

(iii) The terms of the members appointed by the Governor are staggered as required by the terms provided for members of the Committee on October 1, 2004.

(iv) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(v) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(6) The Committee shall:

(i) Perform an analysis of the cost of nutrient removal from wastewater facilities;

(ii) Identify additional sources for funding the Bay Restoration Fund;

(iii) Make recommendations to improve the effectiveness of the Bay Restoration Fund in reducing nutrient loadings to the waters of the State;

(iv) Make recommendations regarding the appropriate restoration fee to be assessed in fiscal year 2008 and subsequent years as necessary to meet the financing needs of the Bay Restoration Fund;

(v) In consultation with the governing body of each county:

1. Identify users of onsite sewage disposal systems and holding tanks; and

2. Make recommendations to the governing body of each county on the best method of collecting the Bay restoration fee from the users of onsite sewage disposal systems and holding tanks that do not receive water bills;

(vi) Advise the Department on the components of an education, outreach, and upgrade program established within the Department under subsection (h)(2)(i)2 of this section;

(vii) Study the availability of money from the Fund for the supplemental assistance program within the Department to provide grants to smaller, economically disadvantaged communities in the State to upgrade their wastewater collection and treatment facilities;

(viii) Advise the Secretary concerning the adoption of regulations as described in subsection (k) of this section; and

(ix) Beginning January 1, 2006, and every year thereafter, report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on its findings and recommendations.

(7) Members of the Committee:

(Over)

(i) May not receive compensation; but

(ii) Are entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(8) The Department of the Environment, Department of Agriculture, Department of Planning, Department of Natural Resources, and Department of Budget and Management shall provide staff support for the Committee.”.

AMENDMENT NO. 3

On page 3, in line 23, after “interest;” insert “[or]”; strike in its entirety line 24; and in line 28, after “confirmation” insert “; OR

(5) TO EMPLOYMENT BY OR A FINANCIAL INTEREST IN A FARM BUSINESS BY AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OF AGRICULTURE APPOINTED OR HIRED UNDER § 2-102(D)(1)(I) OR (II) OF THE AGRICULTURE ARTICLE IF:

(I) THE OFFICIAL OR EMPLOYEE IS NOT A SUBCONTRACTOR;

AND

(II) THE OFFICIAL OR EMPLOYEE IS ONLY WORKING ON FARM CONTRACTS RELATING TO ENVIRONMENTAL PROTECTION PROGRAMS ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE”.

AMENDMENT NO. 4

On page 4, strike beginning with “A.” in line 13 down through “B.” in line 16; and in line 21, strike “October” and substitute “June”.