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By: **Delegate McIntosh**

Introduced and read first time: February 6, 2006

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Bay Restoration Fund Advisory Committee - Regulated**  
3 **Lobbyists**

4 FOR the purpose of providing that certain provisions of the Maryland Public Ethics  
5 Law related to conflicts of interest and the required termination of a lobbyist's  
6 registration do not apply under certain circumstances to a regulated lobbyist  
7 who serves on the Bay Restoration Fund Advisory Committee; and generally  
8 relating to service by a regulated lobbyist on the Bay Restoration Fund Advisory  
9 Committee.

10 BY repealing and reenacting, with amendments,  
11 Article - Environment  
12 Section 9-1605.2(j)  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 2005 Supplement)

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

17 **Article - Environment**

18 9-1605.2.

19 (j) (1) There is a Bay Restoration Fund Advisory Committee.

20 (2) The Committee consists of the following members:

21 (i) The Secretaries of the Environment, Agriculture, Planning,  
22 Natural Resources, and Budget and Management, or their designees;

23 (ii) One member of the Senate, appointed by the President of the  
24 Senate;

25 (iii) One member of the House of Delegates, appointed by the  
26 Speaker of the House of Delegates;

1 (iv) Two individuals representing publicly owned wastewater  
2 facilities, appointed by the Governor;

3 (v) Two individuals representing environmental organizations,  
4 appointed by the Governor;

5 (vi) One individual each from the Maryland Association of Counties  
6 and the Maryland Municipal League, appointed by the Governor;

7 (vii) Two individuals representing the business community,  
8 appointed by the Governor;

9 (viii) Two individuals representing local health departments who  
10 have expertise in onsite sewage disposal systems, appointed by the Governor; and

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

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

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

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

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

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

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

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

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

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

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

32 (6) The Committee shall:

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

- 1 (ii) Identify additional sources for funding the Bay Restoration  
2 Fund;
- 3 (iii) Make recommendations to improve the effectiveness of the Bay  
4 Restoration Fund in reducing nutrient loadings to the waters of the State;
- 5 (iv) Make recommendations regarding the appropriate restoration  
6 fee to be assessed in fiscal year 2008 and subsequent years as necessary to meet the  
7 financing needs of the Bay Restoration Fund;
- 8 (v) In consultation with the governing body of each county:
- 9 1. Identify users of onsite sewage disposal systems and  
10 holding tanks; and
- 11 2. Make recommendations to the governing body of each  
12 county on the best method of collecting the Bay restoration fee from the users of  
13 onsite sewage disposal systems and holding tanks that do not receive water bills;
- 14 (vi) Advise the Department on the components of an education,  
15 outreach, and upgrade program established within the Department under subsection  
16 (h)(2)(i)2 of this section;
- 17 (vii) Study the availability of money from the Fund for the  
18 supplemental assistance program within the Department to provide grants to  
19 smaller, economically disadvantaged communities in the State to upgrade their  
20 wastewater collection and treatment facilities;
- 21 (viii) Advise the Secretary concerning the adoption of regulations as  
22 described in subsection (k) of this section; and
- 23 (ix) Beginning January 1, 2006, and every year thereafter, report to  
24 the Governor and, subject to § 2-1246 of the State Government Article, the General  
25 Assembly on its findings and recommendations.
- 26 (7) Members of the Committee:
- 27 (i) May not receive compensation; but
- 28 (ii) Are entitled to reimbursement for expenses under the Standard  
29 State Travel Regulations, as provided in the State budget.
- 30 (8) The Department of the Environment, Department of Agriculture,  
31 Department of Planning, Department of Natural Resources, and Department of  
32 Budget and Management shall provide staff support for the Committee.
- 33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 June 1, 2006.