

HOUSE BILL 558

M4, G2

(7lr1519)

ENROLLED BILL

— *Environmental Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Delegates Stull, Bartlett, Bates, Beitzel, Boteler, Cane, G. Clagett, V. Clagett, Eckardt, Elliott, Elmore, Glassman, Haddaway, Hecht, Jameson, Jennings, Kach, Krebs, Kullen, Lawton, Levy, McConkey, McKee, Myers, O'Donnell, Rudolph, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Weir, Weldon, and Wood**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Department of Agriculture - ~~Appointment or~~ Employment - Exemption from**
3 **Ethics Restrictions**

4 FOR the purpose of providing that a person who owns or operates a farm that is
5 subject to the regulatory authority of the Department of Agriculture may be
6 ~~appointed Secretary or deputy secretary of the Department or~~ employed by the
7 Department, subject to a certain restriction; requiring the Department, in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 consultation with the State Ethics Commission, to adopt certain regulations;
 2 requiring the Department and the State Ethics Commission to prepare and
 3 submit a certain report to the General Assembly; and generally relating to
 4 ~~appointment to or~~ employment with the Department of Agriculture.

5 BY repealing and reenacting, with amendments,
 6 Article – Agriculture
 7 Section 2–102
 8 Annotated Code of Maryland
 9 (1999 Replacement Volume and 2006 Supplement)

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

12 **Article – Agriculture**

13 2–102.

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

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

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

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

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

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

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

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

10 (E) (1) **NOTWITHSTANDING THE PROVISIONS OF §§ 15-502 THROUGH**
11 **15-504 OF THE STATE GOVERNMENT ARTICLE, AN INDIVIDUAL WHO OWNS OR**
12 **OPERATES A FARM THAT IS SUBJECT TO THE REGULATORY AUTHORITY OF THE**
13 **DEPARTMENT MAY BE ~~APPOINTED AS SECRETARY OR DEPUTY SECRETARY OF~~**
14 **~~THE DEPARTMENT OR~~ EMPLOYED WITHIN THE DEPARTMENT, IF THE**
15 **INDIVIDUAL, WITH RESPECT TO THE FARM ACTIVITIES OF THE INDIVIDUAL'S**
16 **FARM, DOES NOT EXERCISE ANY REGULATORY OR SUPERVISORY AUTHORITY IN**
17 **THE INDIVIDUAL'S CAPACITY AS AN EMPLOYEE ~~OR APPOINTEE~~ OF THE**
18 **DEPARTMENT.**

19 (2) **THE DEPARTMENT, IN CONSULTATION WITH THE STATE**
20 **ETHICS COMMISSION, SHALL ADOPT REGULATIONS TO GOVERN CONFLICTS OF**
21 **INTEREST WITH RESPECT TO EMPLOYMENT OF INDIVIDUALS WHO OWN OR**
22 **OPERATE A FARM UNDER THIS SUBSECTION.**

23 *SECTION 2. AND BE IT FURTHER ENACTED, That on or before December*
24 *31, 2010, the Department of Agriculture and the State Ethics Commission shall jointly*
25 *prepare and submit a report to the General Assembly, in accordance with § 2-1246 of*
26 *the State Government Article, that includes:*

27 (a) *The number of employees hired by the Department, on or after October 1,*
28 *2007, who own or operate a farm;*

29 (b) *The positions for which the employees identified in subsection (a) of this*
30 *section were hired; and*

31 (c) *Information on how the Department addressed any conflict of interest or*
32 *potential conflict of interest in hiring the employees identified in subsection (a) of this*
33 *section.*

1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.