

CHAPTER 414

(House Bill 558)

AN ACT concerning

Department of Agriculture – ~~Appointment or~~ Employment – Exemption from Ethics Restrictions

FOR the purpose of providing that a person who owns or operates a farm that is subject to the regulatory authority of the Department of Agriculture may be ~~appointed Secretary or deputy secretary of the Department or~~ employed by the Department, subject to a certain restriction; requiring the Department, in consultation with the State Ethics Commission, to adopt certain regulations; requiring the Department and the State Ethics Commission to prepare and submit a certain report to the General Assembly; and generally relating to ~~appointment to or~~ employment with the Department of Agriculture.

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

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

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.

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

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

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

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

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

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

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

Approved by the Governor, May 8, 2007.