

SENATE BILL 315

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5lr2164
CF HB 344

By: **Senators Brooks and Kagan**

Introduced and read first time: January 13, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Environmental Service – Membership of Board of Directors –**
3 **Alterations**

4 FOR the purpose of altering the composition of the Board of Directors of the Maryland
5 Environmental Service by replacing the State Treasurer with the Secretary of
6 Planning or the Secretary’s designee; providing that certain provisions of law
7 relating to terms of members of the Board do not apply to the Secretary of Planning
8 and the Executive Director; and generally relating to the membership of the Board
9 of Directors of the Maryland Environmental Service.

10 BY repealing and reenacting, without amendments,
11 Article – Natural Resources
12 Section 3–103(a)
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 3–103(b)
18 Annotated Code of Maryland
19 (2023 Replacement Volume and 2024 Supplement)

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

22 **Article – Natural Resources**

23 3–103.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (b) (1) There are four officers of the Service:

5 (i) An Executive Director;

6 (ii) A Deputy Director;

7 (iii) A Secretary; and

8 (iv) A Treasurer.

9 (2) (i) The four officers of the Service shall be appointed in accordance
10 with this paragraph.

11 (ii) 1. The Executive Director shall be appointed by the
12 Governor, with the advice and consent of the Senate solely with regard to the qualifications
13 for the duties of the office.

14 2. The Executive Director serves at the pleasure of the Board
15 with the concurrence of the Governor and shall receive such compensation as may be
16 determined by the Board.

17 (iii) 1. The Deputy Director shall be appointed by the Executive
18 Director with the approval of the Governor solely with regard to the qualifications for the
19 duties of the office.

20 2. The Deputy Director serves at the pleasure of the
21 Executive Director and shall receive such compensation as may be determined by the
22 Board.

23 (iv) 1. The Secretary and the Treasurer shall be selected by the
24 Board from among the Board's members.

25 2. The Secretary and the Treasurer serve at the pleasure of
26 the Board and shall receive such compensation as may be reasonably determined by the
27 Board.

28 (3) The Board of Directors of the Service shall consist of the following
29 members:

30 (i) The Executive Director, who shall serve as a nonvoting member;

1 (ii) The [State Treasurer] **SECRETARY OF PLANNING**, or the
2 [State Treasurer's] **SECRETARY'S** designee;

3 (iii) Three members from the public sector in the State in positions
4 responsible for environmental, water, wastewater, or solid waste management;

5 (iv) One member from the private sector in the State with technical,
6 financial, development, or legal experience related to environmental, water, wastewater, or
7 solid waste management;

8 (v) One member from the private sector in the State with financial
9 experience related to environmental, water, wastewater, or solid waste management; and

10 (vi) One member from the private sector in the State with experience
11 or expertise in matters related to business ethics, preferably involving board of director
12 ethics and conflicts of interest.

13 (4) (i) Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, the
14 public sector and private sector members of the Board, as set forth in paragraph (3)(iii)
15 through (vi) of this subsection shall be appointed by the Governor with the advice and
16 consent of the Senate.

17 (ii) The Governor shall select at least one of the public sector
18 members of the Board from a list of recommendations jointly compiled by the Maryland
19 Association of Counties and the Maryland Municipal League.

20 (iii) The Governor may not appoint an employee of the Service to the
21 Board.

22 (iv) At least one of the public sector or private sector members shall
23 be a resident of a rural county in the State.

24 (5) (i) Five members constitute a quorum for the transaction of
25 business of the Board.

26 (ii) The affirmative vote of at least five members is necessary for any
27 action taken by the Board.

28 (6) Those members of the Board not already holding a public office shall
29 receive from the Service:

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

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

1 (7) The term of a member other than the [State Treasurer] **SECRETARY**
2 **OF PLANNING AND THE EXECUTIVE DIRECTOR** is 4 years.

3 (8) The terms of members other than the [State Treasurer] **SECRETARY**
4 **OF PLANNING AND THE EXECUTIVE DIRECTOR** are staggered as required by the terms
5 provided for those members of the Board on July 1, 2021.

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

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

10 (11) A member of the Board who is appointed under paragraph (3)(iii)
11 through (vi) of this subsection may serve only two consecutive full 4–year terms, plus any
12 partial term served before the initial 4–year term.

13 (12) Subject to paragraphs (13) and (14) of this subsection, the Board shall
14 select a Chair from among the Board’s members.

15 (13) The Executive Director may not serve as the Secretary, Treasurer, or
16 Chair of the Board.

17 (14) The [State Treasurer] **SECRETARY OF PLANNING** may not serve as
18 the Secretary, Treasurer, or Chair of the Board.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2025.