

# SENATE BILL 315

M3

(5lr2164)

## ENROLLED BILL

— *Education, Energy, and the Environment/Environment and Transportation* —

Introduced by **Senators Brooks and Kagan**

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.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

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 *certain legislative members*, and the Executive Director; and generally relating to the  
9 membership of the Board 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)

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#### 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 BY repealing and reenacting, with amendments,  
2 Article – Natural Resources  
3 Section 3–103(b)  
4 Annotated Code of Maryland  
5 (2023 Replacement Volume and 2024 Supplement)

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

8 **Article – Natural Resources**

9 3–103.

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

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

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

16 (i) An Executive Director;

17 (ii) A Deputy Director;

18 (iii) A Secretary; and

19 (iv) A Treasurer.

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

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

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

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

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

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

6                   2.     The Secretary and the Treasurer serve at the pleasure of  
7 the Board and shall receive such compensation as may be reasonably determined by the  
8 Board.

9                   (3)    The Board of Directors of the Service shall consist of the following  
10 members:

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

12                   (ii)    **THE FOLLOWING TWO MEMBERS, WHO SHALL EACH SERVE**  
13 **AS A NONVOTING MEMBER:**

14                                 **1.    ONE MEMBER OF THE SENATE OF MARYLAND,**  
15 **APPOINTED BY THE PRESIDENT OF THE SENATE; AND**

16                                 **2.    ONE MEMBER OF THE HOUSE OF DELEGATES,**  
17 **APPOINTED BY THE SPEAKER OF THE HOUSE;**

18                   **(III)** The [State Treasurer] **SECRETARY OF PLANNING**, or the  
19 [State Treasurer's] **SECRETARY'S** designee;

20                   ~~**(iii)**~~ **(IV)**     Three members from the public sector in the State in  
21 positions responsible for environmental, water, wastewater, or solid waste management;

22                   ~~**(iv)**~~ **(V)**     One member from the private sector in the State with  
23 technical, financial, development, or legal experience related to environmental, water,  
24 wastewater, or solid waste management;

25                   ~~**(v)**~~ **(VI)**     One member from the private sector in the State with  
26 financial experience related to environmental, water, wastewater, or solid waste  
27 management; and

28                   ~~**(vi)**~~ **(VII)**    One member from the private sector in the State with  
29 experience or expertise in matters related to business ethics, preferably involving board of  
30 director ethics and conflicts of interest.

31                   (4)    (i)     Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, the  
32 public sector and private sector members of the Board, as set forth in paragraph ~~**(3)(iii)**~~

1 ~~through (vi)~~ **(3)(IV) THROUGH (VII)** of this subsection shall be appointed by the Governor  
2 with the advice and consent of the Senate.

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

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

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

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

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

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

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

17 (ii) Reimbursement for expenses under Standard State Travel  
18 Regulations.

19 (7) The term of a member other than the [State Treasurer] **SECRETARY**  
20 **OF PLANNING, A MEMBER APPOINTED UNDER PARAGRAPH (3)(II) OF THIS**  
21 **SUBSECTION, AND THE EXECUTIVE DIRECTOR** is 4 years.

22 (8) The terms of members other than the [State Treasurer] **SECRETARY**  
23 **OF PLANNING, A MEMBER APPOINTED UNDER PARAGRAPH (3)(II) OF THIS**  
24 **SUBSECTION, AND THE EXECUTIVE DIRECTOR** are staggered as required by the terms  
25 provided for those members of the Board on July 1, 2021.

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

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

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

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

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

5                   (14) The [State Treasurer] **SECRETARY OF PLANNING OR A MEMBER**  
6 **APPOINTED UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION** may not serve as the  
7 Secretary, Treasurer, or Chair of the Board.

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2025.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.