

(a) There is a body politic and corporate known as the "Maryland Environmental Service". The Service is [constituted as] an instrumentality of the State AND A PUBLIC CORPORATION BY THAT NAME, STYLE, AND TITLE, and the exercise by the Service of the powers conferred by this subtitle is the performance of an essential governmental function of the State. [For the purpose of executive organization, the Service is a unit in the Department of Natural Resources, and the exercise of all powers and functions of the Service are subject to the authority of the Secretary of Natural Resources. However, the Secretary's authority to transfer functions, staff, or funds set forth in Title 1 of this article, is not applicable to the Service.]

(b) (1) There are four officers of the Service: a director, a deputy director, a secretary, and a treasurer. The four officers of the Service shall be appointed as follows:

(i) The director [and deputy director] shall be appointed by the [Secretary of Natural Resources, with the approval of the] Governor, WITH THE ADVICE AND CONSENT OF THE SENATE solely with regard to the qualifications for the duties of the office. The director [and deputy director serve] SERVES at the pleasure of the [Secretary of Natural Resources] BOARD WITH THE CONCURRENCE OF THE GOVERNOR and shall receive [the] SUCH compensation [provided in the State budget] AS MAY BE DETERMINED BY THE BOARD; and

(ii) The DEPUTY DIRECTOR, THE secretary and THE treasurer shall be appointed by the [Secretary of Natural Resources,] DIRECTOR with the approval of the Governor [and the advice and consent of the Senate] solely with regard to the qualifications for the duties of the office. The DEPUTY DIRECTOR, THE secretary and THE treasurer serve at the pleasure of the [Secretary of Natural Resources] DIRECTOR and shall receive [the] SUCH compensation [provided in the State budget] AS MAY BE DETERMINED BY THE BOARD.

(2) The board of directors of the Service shall consist of [7] NINE members as follows:

(i) The director, deputy director, secretary, and treasurer of the Service;

(ii) [1 member] THREE MEMBERS from the public sector in the State in [a position] POSITIONS responsible for water, wastewater, or solid waste management; and

(iii) [2] TWO members from the private sector in the State with technical, financial, development, or legal experience related to water, wastewater, or solid waste management.

(3) The public sector and private sector members of the board, as set forth in paragraph (2)(ii) and (iii) of this subsection shall be appointed by the [Secretary of Natural Resources, with the approval of the] Governor [and] WITH the advice and consent of the Senate.

(4) [Five] SIX members constitute a quorum for the transaction of business of the board. The affirmative vote of at least [4] FIVE members is necessary for any action taken by the board.