

concerned, subject to the right of any party to appeal the determination to the circuit court of any county within which the municipality or person is located, resides, or carries on business. In any appeal the decision of the Commission is prima facie correct and shall be affirmed unless clearly shown to be (1) in violation of constitutional provisions, or (2) made on unlawful procedure, or (3) arbitrary or capricious, or (4) affected by other error of law. It is the intention of this subtitle that judicial review in all instances includes the right to appeal to the Court of Special Appeals from the decision of the lower court. The provisions of this section and the jurisdiction of the Public Service Commission shall not apply to any rates, fees, or charges agreed to by contract between the Service and a municipality or person.

(b) The Service may not be deemed to be a public service company within the meaning of Article 78 of the Code, and, except as provided in this section, the jurisdiction and powers of the Public Service Commission do not extend to the Service.

3-129.

Any person who violates any provision of this subtitle or of any rule or regulation adopted by the Service is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each violation. A separate offense exists for each day a violation occurs.

3-130.

THIS SUBTITLE SHALL BE KNOWN AS THE "MARYLAND ENVIRONMENTAL SERVICE ACT".

Article - State Finance and Procurement

11-203.

(a) Except as provided in subsection (b) of this section, this Division II does not apply to:

(1) procurement by:

[(xi) the Maryland Environmental Service, while engaged in enterprise activities financed exclusively with nonstate funds on a user charge or contract basis;]

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Natural Resources

3-103.2.

THE SERVICE IS EXEMPT FROM THE PROVISIONS OF ~~ARTICLE 64A OF THE CODE~~ DIVISION I OF THE STATE PERSONNEL ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows: