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By: **Delegate Rosenberg**

Introduced and read first time: February 11, 1999

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Environmental Sanitarians - Licensees and Applicants - Public Records**

3 FOR the purpose of requiring the State Board of Environmental Sanitarians to  
4 maintain a certain licensure record; requiring the Board to make the record  
5 available to a local government unit; expanding the scope of a provision of law  
6 permitting access to certain public records; establishing an exception to a  
7 provision of law requiring a custodian of certain State personnel records to deny  
8 inspection of certain records; and generally relating to access by a local  
9 government entity to the records of the State Board of Environmental  
10 Sanitarians.

11 BY repealing and reenacting, with amendments,  
12 Article - Environment  
13 Section 11-311  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1998 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - State Government  
18 Section 10-612 and 10-616(i)  
19 Annotated Code of Maryland  
20 (1995 Replacement Volume and 1998 Supplement)

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

23 **Article - Environment**

24 11-311.

25 (a) The Board shall keep a current record of each application for licensure.

26 (b) The record shall include:

27 (1) The name, residence address, and age of each applicant;

- 1 (2) The name and address of the applicant's employer;
- 2 (3) The date of the application;
- 3 (4) Complete information on the education and experience qualifications  
4 of each applicant;
- 5 (5) The date the Board reviewed and acted on the application;
- 6 (6) The action taken by the Board on the application;
- 7 (7) The serial number of any registration or license issued to the  
8 applicant; and
- 9 (8) Any other information that the Board considers necessary.

10 (C) THE BOARD SHALL:

- 11 (1) KEEP A CURRENT RECORD OF THE NAMES AND ADDRESSES OF  
12 ENVIRONMENTAL SANITARIANS LICENSED BY THE BOARD IN THE PREVIOUS 2  
13 YEARS; AND
- 14 (2) ON REQUEST, PROVIDE THE RECORD TO A LOCAL GOVERNMENT  
15 UNIT.

16 **Article - State Government**

17 10-612.

18 (a) All persons are entitled to have access to information about the affairs of  
19 government and the official acts of public officials and employees.

20 (b) To carry out the right set forth in subsection (a) of this section, unless an  
21 unwarranted invasion of the privacy of a person in interest would result, this Part III  
22 of this subtitle shall be construed in favor of permitting inspection of a public record,  
23 with the least cost and least delay to the person or governmental unit that requests  
24 the inspection.

25 (c) This Part III of this subtitle does not preclude:

26 (1) a member of the General Assembly from acquiring the names and  
27 addresses of and statistical information about individuals who are licensed or, as  
28 required by a law of the State, registered; OR

29 (2) A LOCAL GOVERNMENT UNIT FROM ACQUIRING, UNDER § 10-616 OF  
30 THIS SUBTITLE, THE NAMES AND ADDRESSES OF ENVIRONMENTAL SANITARIANS  
31 WHO HAVE APPLIED FOR EMPLOYMENT WITH THE DEPARTMENT OF HEALTH AND  
32 MENTAL HYGIENE IN THE PREVIOUS 2 YEARS.

1 10-616.

2 (i) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection, a  
3 custodian shall deny inspection of a personnel record of an individual, including an  
4 application, performance rating, or scholastic achievement information.

5 (2) A custodian shall permit inspection by:

6 (i) the person in interest; or

7 (ii) an elected or appointed official who supervises the work of the  
8 individual.

9 (3) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, ON REQUEST,  
10 SHALL PERMIT INSPECTION BY A LOCAL GOVERNMENT UNIT OF THE NAMES AND  
11 ADDRESSES OF ENVIRONMENTAL SANITARIANS WHO HAVE APPLIED FOR  
12 EMPLOYMENT WITH THE DEPARTMENT IN THE PREVIOUS 2 YEARS.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 1999.