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By: **Chairman, Environmental Matters Committee**  
Introduced and read first time: January 31, 2002  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 6, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Board of Environmental Sanitarians - Sunset Extension and Program**  
3 **Evaluation**

4 FOR the purpose of continuing the Board of Environmental Sanitarians in accordance  
5 with the provisions of the Maryland Program Evaluation Act (Sunset Law) by  
6 extending to a certain date the termination provisions relating to statutory and  
7 regulatory authority of the Board; requiring that an evaluation of the Board and  
8 the statutes and regulations that relate to the Board be performed on or before  
9 a certain date; altering the membership of the Board; requiring the Board to  
10 report to certain committees on or before a certain date; ~~requiring the Board, in~~  
11 ~~conjunction with the Department of the Environment and the Department of~~  
12 ~~Natural Resources, to report to certain committees on or before a certain date;~~  
13 and generally relating to the Board of Environmental Sanitarians.

14 BY repealing and reenacting, with amendments,  
15 Article - Environment  
16 Section 11-202 and 11-502  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 2001 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article - State Government  
21 Section 8-403(a)  
22 Annotated Code of Maryland  
23 (1999 Replacement Volume and 2001 Supplement)

24 BY repealing and reenacting, with amendments,

1 Article - State Government  
2 Section 8-403(b)(25)  
3 Annotated Code of Maryland  
4 (1999 Replacement Volume and 2001 Supplement)

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

7 **Article - Environment**

8 11-202.

9 (a) (1) The Board consists of 9 members appointed by the Governor with the  
10 advice of the Secretary, and with the advice and consent of the Senate.

11 (2) Of the 9 Board members:

12 (i) 7 shall be registered environmental sanitarians appointed as  
13 follows:

14 1. 1 shall be employed by private industry;

15 2. [2] 1 shall be employed by the Department of the  
16 Environment;

17 3. 1 SHALL BE EMPLOYED BY THE DEPARTMENT OF HEALTH  
18 AND MENTAL HYGIENE;

19 [3.] 4. 1 shall be employed by a local health department and  
20 be employed under the State Personnel MANAGEMENT System;

21 [4.] 5. 1 shall be employed by a local [health department in  
22 Baltimore City or Baltimore County, the Montgomery County Department of Health  
23 and Human Services, or the Montgomery County Department of Environmental  
24 Protection] GOVERNMENT AND NOT BE EMPLOYED UNDER THE STATE PERSONNEL  
25 MANAGEMENT SYSTEM; and

26 [5.] 6. 2 shall be appointed at large. Their selection shall  
27 balance the Board as to geographical distribution throughout the State and may not  
28 include a second selection from any jurisdiction already represented; and

29 (ii) 2 shall be consumer members.

30 (3) All Board members shall be residents of the State.

31 (b) The consumer members of the Board:

32 (1) Shall be members of the general public;

33 (2) May not be registered environmental sanitarians;

1 (3) May not have a household member who is a registered environmental  
2 sanitarian;

3 (4) May not participate or ever have participated in a related commercial  
4 or professional field;

5 (5) May not have a household member who participates in a related  
6 commercial or professional field; and

7 (6) May not have had within 2 years before appointment a substantial  
8 financial interest in a person regulated by the Board.

9 (c) While a member of the Board, a consumer member may not have a  
10 substantial financial interest in a person regulated by the Board.

11 (d) Before taking office, each appointee to the Board shall take the oath  
12 required by Article I, § 9 of the State Constitution.

13 (e) (1) The term of a member is 5 years.

14 (2) The terms of members are staggered as required by the terms  
15 provided for members of the Board on July 1, 1981.

16 (3) At the end of a term, a member continues to serve until a successor is  
17 appointed and qualifies.

18 (4) A member who is appointed after a term has begun serves only for  
19 the rest of the term and until a successor is appointed and qualifies.

20 (5) After July 1, 1984, a member may not serve more than 1 consecutive  
21 5-year term.

22 (f) The Governor may remove a member for incompetence, misconduct,  
23 neglect of duty, or other sufficient cause.

24 11-502.

25 Subject to the evaluation and reestablishment provisions of the Program  
26 Evaluation Act, the provisions of this title and of any rule or regulation adopted under  
27 this title shall terminate and be of no effect after July 1, [2003] 2013.

28 **Article - State Government**

29 8-403.

30 (a) On or before December 15 of the 2nd year before the evaluation date of a  
31 governmental activity or unit, the Legislative Policy Committee, based on a  
32 preliminary evaluation, may waive as unnecessary the evaluation required under this  
33 section.

1 (b) Except as otherwise provided in subsection (a) of this section, on or before  
2 the evaluation date for the following governmental activities or units, an evaluation  
3 shall be made of the following governmental activities or units and the statutes and  
4 regulations that relate to the governmental activities or units:

5 (25) Environmental Sanitarians, State Board of (§ 11-201 of the  
6 Environment Article: July 1, [2002] 2012);

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of  
8 Environmental Sanitarians shall report to the Senate Education, Health, and  
9 Environmental Affairs Committee and the House Environmental Matters Committee  
10 on or before October 1, 2002, in accordance with § 2-1246 of the State Government  
11 Article, on the implementation of the Department of Legislative Services'  
12 recommendations to the Board to submit the Board's code of ethics for inclusion in the  
13 Code of Maryland Regulations and to have the Board report to and be budgeted  
14 through the Office of the Secretary of the Maryland Department of the Environment.

15 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Board of~~  
16 ~~Environmental Sanitarians, in conjunction with the Department of the Environment~~  
17 ~~and the Department of Natural Resources, shall report to the Senate Education,~~  
18 ~~Health, and Environmental Affairs Committee and the House Environmental Matters~~  
19 ~~Committee on or before October 1, 2003, in accordance with § 2-1246 of the State~~  
20 ~~Government Article, on whether any of the current exemptions under § 11-301(b) of~~  
21 ~~the Maryland Environmental Sanitarian Act should be eliminated and the reasons for~~  
22 ~~eliminating them. The report should include any draft legislation necessary to~~  
23 ~~implement the recommendations.~~

24 SECTION 4. ~~3.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
25 effect July 1, 2002.