
By: **Senator Frosh (Chairman, Environment Subcommittee)**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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,
25 Article - State Government
26 Section 8-403(b)(25)
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2001 Supplement)

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

3 **Article - Environment**

4 11-202.

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

7 (2) Of the 9 Board members:

8 (i) 7 shall be registered environmental sanitarians appointed as
9 follows:

10 1. 1 shall be employed by private industry;

11 2. [2] 1 shall be employed by the Department of the
12 Environment;

13 3. 1 SHALL BE EMPLOYED BY THE DEPARTMENT OF HEALTH
14 AND MENTAL HYGIENE;

15 [3.] 4. 1 shall be employed by a local health department and
16 be employed under the State Personnel MANAGEMENT System;

17 [4.] 5. 1 shall be employed by a local [health department in
18 Baltimore City or Baltimore County, the Montgomery County Department of Health
19 and Human Services, or the Montgomery County Department of Environmental
20 Protection] GOVERNMENT AND NOT BE EMPLOYED UNDER THE STATE PERSONNEL
21 MANAGEMENT SYSTEM; and

22 [5.] 6. 2 shall be appointed at large. Their selection shall
23 balance the Board as to geographical distribution throughout the State and may not
24 include a second selection from any jurisdiction already represented; and

25 (ii) 2 shall be consumer members.

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

27 (b) The consumer members of the Board:

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

29 (2) May not be registered environmental sanitarians;

30 (3) May not have a household member who is a registered environmental
31 sanitarian;

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

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

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

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

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

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

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

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

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

16 (5) After July 1, 1984, a member may not serve more than 1 consecutive
17 5-year term.

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

20 11-502.

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

24 **Article - State Government**

25 8-403.

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of
4 Environmental Sanitarians shall report to the Senate Education, Health, and
5 Environmental Affairs Committee and the House Environmental Matters Committee
6 on or before October 1, 2002, in accordance with § 2-1246 of the State Government
7 Article, on the implementation of the recommendations of the Department of
8 Legislative Services contained in the sunset evaluation report dated October 2001.

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

18 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2002.