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

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2002

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 recommendations of the Department of
12 Legislative Services contained in the sunset evaluation report dated October 2001.

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

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