

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Revised

Senate Bill 490

(Senator Frosh) (Chairman, Environment Subcommittee)

Education, Health, and Environmental Affairs

Environmental Matters

Board of Environmental Sanitarians - Sunset Extension and Program Evaluation

This bill extends the sunset date for the State Board of Environmental Sanitarians from July 1, 2003 to July 1, 2013 and requires another sunset evaluation on or before July 1, 2012. The bill also modifies the board's membership and establishes a specified reporting requirement.

The bill takes effect July 1, 2002.

Fiscal Summary

State Effect: General fund revenues and expenditures would be maintained for the board beyond FY 2003. The FY 2003 budget includes \$56,343 in general funds for the board. The board's fee revenues have averaged \$66,267 in licensing years and \$15,168 in non-licensing years over the last four fiscal years. Out-year revenues and expenditures are expected to remain relatively constant.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires one of the board members to be employed by a local government and not be employed under the State personnel management system. The bill also provides that one of the board members be employed by the Department of Health and Mental Hygiene (DHMH).

The bill requires the board to submit a report regarding the implementation of specified recommendations of the Department of Legislative Services (DLS) to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee by October 1, 2002.

Current Law: The State Board of Environmental Sanitarians will terminate on July 1, 2003.

The board has nine members: seven registered environmental sanitarians and two consumers. The members of the board are appointed by the Governor with the advice of the Secretary of the Environment and the advice and consent of the Senate. Of the seven registered sanitarians serving on the board:

- one must be employed by private industry;
- two must be employed by MDE;
- one must be employed by a local health department and employed under the State personnel system;
- one must be employed by a local health department in Baltimore City or Baltimore County, the Montgomery County Department of Health and Human Services, or the Montgomery County Department of Environmental Protection (departments not under the State personnel system); and
- two must be appointed at large from a jurisdiction not already represented to help ensure a geographical distribution of board members.

Background: Environmental sanitarians protect the public health and consumer interests by enforcing compliance with federal, State, and local health laws and regulations. Sanitarians perform a variety of functions related to the control of environmental hazards and the preservation and improvement of human health and the environment. To practice as an environmental sanitarian or use the title “registered environmental sanitarian” or the initials “R.S.” in Maryland, a person must be licensed by the State Board of Environmental Sanitarians.

The State Board of Environmental Sanitarians has two primary functions: licensing individuals as registered environmental sanitarians and imposing disciplinary sanctions. To perform these functions, the board keeps records of all registered environmental sanitarians, collects appropriate fees, provides for the administration of an examination, and reviews applications for new and renewal licenses. There are approximately 610 registered environmental sanitarians in the State. Most registered environmental sanitarians in Maryland work in the public sector.

The board is subject to the Maryland Program Evaluation Act, also known as the “sunset law,” which provides a system of periodic legislative review of the regulatory, licensing, and other governmental activities of various units of State government. This bill arises out of the sunset evaluation of the State Board of Environmental Sanitarians performed by DLS during 2001.

In its report, DLS recommended that the board be continued and its termination date extended to July 1, 2013. In addition, DLS recommended that the board membership be modified to: (1) require one representative to be employed by a local government and not be employed under the State personnel management system; and (2) provide that one of the two positions representing MDE be designated as representing either DHMH or MDE. DLS also recommended that the board be required to submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee by October 1, 2002 regarding the recommendations contained in the report.

Those recommendations, with one modification, are included in this bill. While DLS recommended that the board membership be modified to provide that one of the two positions representing MDE be designated as representing either DHMH or MDE, this bill specifies that one of the two positions must be employed by DHMH.

Other DLS recommendations not addressed in this bill include:

- the board, in conjunction with MDE and DNR, should evaluate the current exemptions under the Maryland Environmental Sanitarian Act and report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee by October 1, 2003 on any exemptions that could be eliminated and the reasons for eliminating them;
- the board should submit the code of ethics for inclusion in the Code of Maryland Regulations; and
- MDE should manage the board through the Office of the Secretary by budgeting through that office and requiring that the board report to that office while leaving the staffing and physical location of the board in the Water Management Administration.

State Fiscal Effect: General fund revenues for the board will be maintained beyond fiscal 2003 because the bill proposes to continue the board. The board is on a two-year license cycle, requiring the renewal of licenses for registered sanitarians by July 1 of odd-numbered years. Accordingly, during years in which the licenses are renewed, revenues are higher than during years in which licenses are not being renewed. Over the past two licensing years, revenues have averaged approximately \$66,267; over the past two non-

licensing years, revenues have averaged approximately \$15,168. Revenues are expected to remain at these levels.

General fund expenditures will be maintained beyond fiscal 2003 because the bill proposes to continue the board. The fiscal 2003 budget includes \$56,343 in general funds for the board. Expenditures are expected to remain relatively constant.

Additional Information

Prior Introductions: None.

Cross File: None, although HB 519 (Chairman, Environmental Matters Committee) - Environmental Matters, is identical.

Information Source(s): Maryland Department of the Environment, Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2002
ncs/cer Revised - Enrolled Bill - April 22, 2002

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