

(I) THE APPLICANT:

1. IS AUTHORIZED BY LAW TO MAKE THE INSPECTION; AND

2. REQUESTED ACCESS AT A REASONABLE TIME;

(II) ACCESS WAS DENIED; AND

(III) THE INSPECTION IS FOR A PURPOSE RELATED TO SAFETY OR HEALTH.

(C) APPROVAL OF ATTORNEY GENERAL.

AN APPLICATION MAY NOT BE SUBMITTED TO THE DISTRICT COURT UNLESS APPROVED BY THE ATTORNEY GENERAL.

(D) ISSUANCE.

ON APPLICATION IN ACCORDANCE WITH THIS SECTION, THE DISTRICT COURT MAY ISSUE AN ADMINISTRATIVE SEARCH WARRANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 2A(a), (b), and, as it related to former § 62, (c)(3).

In subsections (a) and (b)(2)(i)1 of this section, the word "premises" is deleted as included in the word "property".

Also in subsections (a) and (b)(2)(i)1 of this section, the former references to being "required" by law to inspect are deleted as included in being "authorized" by law to do so.

In subsection (a) of this section, the word "individual" is substituted for the former limited reference to an "investigator or inspector of the Division of Labor and Industry", since there seemed to be no intent to exclude application by an employee whose job title is not "investigator" or "inspector". The fourteenth sentence of former Art. 89, § 1 — now § 2-104(e) of this article — which authorizes the Commissioner to employ staff "[as] needed to perform the duties of the Commissioner", seems to give the Commissioner discretion to designate staff. In any event, former Art. 89, § 1 omitted a specific reference to employment of an "investigator".

Also in subsection (a) of this section, the former word "tenant" is deleted as unnecessary in light of the word "lessee".

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that although former Art. 89, § 2A(c)(3) of the Code provided that "[t]his section is applicable only to inspections sought pursuant to ... § 62 of the High-Voltage Line Act", former Art. 89, § 62 of the Code did not expressly grant the Commissioner a right of entry to inspect or even authorize inspection. In light of former Art. 89, §