

Chapter 680

(House Bill 1348)

AN ACT concerning

Maryland Program Evaluation Act – Revisions and Clarifications

FOR the purpose of altering the date by which the Department of Legislative Services must conduct a preliminary evaluation of certain governmental activities or units and prepare certain reports; specifying the entities subject to a preliminary evaluation; specifying the year in which a preliminary evaluation must be conducted; altering certain elements required in a report on a preliminary evaluation; requiring the Department to consider making a certain recommendation if certain problems are identified; requiring the Department to submit certain reports to the Legislative Policy Committee; altering the date by which the Legislative Policy Committee must make a certain determination; requiring the Department to conduct a full evaluation of a governmental activity or unit under certain circumstances; requiring the Department to prepare a certain report on each full evaluation conducted; specifying the entities subject to a full evaluation without the need for a preliminary evaluation; specifying the year in which a full evaluation must be conducted; altering the date by which the Department must complete certain full evaluation reports; specifying the focus of a full evaluation report; requiring the Department to submit certain reports to certain committees of the General Assembly; altering the date by which certain committees of the General Assembly must hold certain public hearings; requiring certain committees of the General Assembly rather than certain evaluation committees to submit a certain report to the General Assembly; altering the recommendations that must be included in certain reports; repealing the requirement that an evaluation be completed by an evaluation committee; repealing the requirement that an evaluation plan be completed; requiring certain entities to provide certain information and cooperate with the Department to carry out certain requirements; authorizing certain information to be provided to the Department in a certain format; requiring the Department to follow certain confidentiality procedures; defining certain terms; and generally relating to the Maryland Program Evaluation Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–401, 8–403, and 8–409 through 8–413
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–402

Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing

Article – State Government
Section 8–404 through 8–408
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Government
Section 8–404, 8–405, and 8–408
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

Article — State Government

8–401.

(a) In this subtitle the following words have the meanings indicated.

(B) “COMMITTEES OF JURISDICTION” MEANS THE COMMITTEES OF THE GENERAL ASSEMBLY THAT ROUTINELY HANDLE THE POLICY ISSUES AND LEGISLATION RELATED TO A SPECIFIC GOVERNMENTAL ACTIVITY OR UNIT SUBJECT TO REVIEW UNDER THIS SUBTITLE.

(C) “DEPARTMENT” MEANS THE DEPARTMENT OF LEGISLATIVE SERVICES.

[(b)] (D) “Evaluation” means the TWO–TIERED process of legislative review of a governmental activity or unit [for which this subtitle provides] USED TO DETERMINE:

(1) WHETHER THE GOVERNMENTAL ACTIVITY OR UNIT SHOULD BE REESTABLISHED OR TERMINATED; AND

(2) WHAT, IF ANY, STATUTORY OR NONSTATUTORY CHANGES SHOULD BE RECOMMENDED TO THE GENERAL ASSEMBLY TO IMPROVE THE OPERATIONS OF THE GOVERNMENTAL ACTIVITY OR UNIT.

[(c) “Evaluation committee” means a committee that is appointed to carry out an evaluation.]

[(d)] (E) “Evaluation [date] YEAR” means the [date on] YEAR IN which [an] EITHER A PRELIMINARY OR FULL EVALUATION of a governmental activity or unit is to be completed.

(F) “FULL EVALUATION” MEANS:

(1) AN EXAMINATION OF ISSUES IDENTIFIED IN A PRELIMINARY EVALUATION AS REQUIRING FURTHER STUDY; OR

(2) A FOLLOW-UP REVIEW OF HOW ISSUES IDENTIFIED IN A PREVIOUS EVALUATION HAVE BEEN IMPLEMENTED BY A GOVERNMENTAL ACTIVITY OR UNIT.

[(e)] (G) “Governmental activity” means a program, service, or other function of government.

(H) “OFFICE” MEANS THE OFFICE OF POLICY ANALYSIS IN THE DEPARTMENT OF LEGISLATIVE SERVICES.

[(f)] (I) “Preliminary evaluation” means [the process by which the Legislative Policy Committee determines whether a governmental activity should undergo an evaluation] A REVIEW OF A GOVERNMENTAL ACTIVITY OR UNIT LIMITED TO THE ITEMS SPECIFIED UNDER § 8-403(B) OF THIS SUBTITLE THAT IS UNDERTAKEN TO PROVIDE A RECOMMENDATION TO THE LEGISLATIVE POLICY COMMITTEE ON WHETHER A GOVERNMENTAL ACTIVITY OR UNIT SHOULD UNDERGO A FULL EVALUATION.

8-402.

(a) The General Assembly finds that:

(1) a system for periodic, legislative review of the regulatory, licensing, and other governmental activities of the Executive Branch of the State government is essential for the maintenance of a government in which the citizens have confidence and of a healthy State economy; and

(2) this legislative review is consistent with other activities and goals of the General Assembly.

(b) The purposes of this subtitle are to:

(1) establish a system of legislative review that will:

(i) determine whether a governmental activity is necessary for the public interest; and

(ii) make units that are responsible for necessary governmental activities accountable and responsive to the public interest; and

(2) ensure that the legislative review takes place by establishing, by statute, dates for the review and other legislative action.

8-403.

(a) On or before December 15 of the [2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section] **EVALUATION YEAR SPECIFIED, THE DEPARTMENT SHALL:**

(1) CONDUCT A PRELIMINARY EVALUATION OF EACH GOVERNMENTAL ACTIVITY OR UNIT TO BE EVALUATED UNDER THIS SECTION; AND

(2) PREPARE A REPORT ON EACH PRELIMINARY EVALUATION CONDUCTED.

(b) [Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made] **EACH** of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units **ARE SUBJECT TO PRELIMINARY EVALUATION IN THE EVALUATION YEAR SPECIFIED:**

(1) Acupuncture Board, State (§ 1A-201 of the Health Occupations Article: [July 1, 2014] **2012**);

(2) Amusement Ride Safety, State Advisory Board (§ 3-303 of the Business Regulation Article: [July 1, 2013] **2011**);

(3) Apprenticeship and Training Council (§ 11-403 of the Labor and Employment Article: [July 1, 2013] **2011**);

(4) Architects, State Board of (§ 3-201 of the Business Occupations and Professions Article: [July 1, 2022] **2020**);

(5) Athletic Commission, State (§ 4-201 of the Business Regulation Article: [July 1, 2020] **2018**);

[(6) Athletic Training Advisory Committee (§ 14–5D–04 of the Health Occupations Article: July 1, 2012);]

[(7) **(6)** Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for (§ 2–201 of the Health Occupations Article: [July 1, 2015] **2013**);

[(8) **(7)** Barbers, State Board of (§ 4–201 of the Business Occupations and Professions Article: [July 1, 2020] **2018**);

[(9) **(8)** Boiler Rules, Board of (§ 12–904 of the Public Safety Article: [July 1, 2013] **2011**);

[(10) **(9)** Cemetery Oversight, Office of (§ 5–201 of the Business Regulation Article: [July 1, 2022] **2020**);

[(11) **(10)** Chiropractic and Massage Therapy Examiners, State Board of (§ 3–201 of the Health Occupations Article: [July 1, 2021] **2019**);

[(12) **(11)** Collection Agency Licensing Board, State (§ 7–201 of the Business Regulation Article: [July 1, 2021] **2019**);

[(13) **(12)** Cosmetologists, State Board of (§ 5–201 of the Business Occupations and Professions Article: [July 1, 2020] **2018**);

[(14) **(13)** Counselors and Therapists, State Board of Professional (§ 17–201 of the Health Occupations Article: [July 1, 2018] **2016**);

[(15) Dental Examiners, State Board of (§ 4–201 of the Health Occupations Article: July 1, 2020);]

[(16) **(14)** Dietetic Practice, State Board of (§ 5–201 of the Health Occupations Article: [July 1, 2014] **2012**);

[(17) **(15)** Electricians, State Board of Master (§ 6–201 of the Business Occupations and Professions Article: [July 1, 2022] **2020**);

[(18) Electrology Practice Committee (§ 8–6B–05 of the Health Occupations Article: July 1, 2022);]

[(19) **(16)** Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public Safety Article: [July 1, 2013] **2011**);

[(20)] **(17)** Engineers, State Board for Professional (§ 14–201 of the Business Occupations and Professions Article: [July 1, 2022] **2020**);

[(21)] **(18)** Engineers, State Board of Stationary (§ 6.5–201 of the Business Occupations and Professions Article: [July 1, 2013] **2011**);

[(22)] **(19)** Environmental Health Specialists, State Board of (§ 21–201 of the Health Occupations Article: [July 1, 2016] **2014**);

[(23)] **(20)** Financial Regulation, Office of the Commissioner of (§ 2–101 of the Financial Institutions Article: [July 1, 2021] **2019**);

[(24)] **(21)** Foresters, State Board of (§ 7–201 of the Business Occupations and Professions Article: [July 1, 2014] **2012**);

[(25)] **(22)** Health Care Commission, Maryland (§ 19–103 of the Health – General Article: [July 1, 2017] **2015**);

[(26)] **(23)** Health Services Cost Review Commission, State (§ 19–202 of the Health – General Article: [July 1, 2017] **2015**);

[(27)] **(24)** Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, State Board of (§ 9A–201 of the Business Regulation Article: [July 1, 2022] **2020**);

[(28)] **(25)** Home Improvement Commission, Maryland (§ 8–201 of the Business Regulation Article: [July 1, 2021] **2019**);

[(29)] **(26)** Horse Industry Board, Maryland (§ 2–701 of the Agriculture Article: [July 1, 2015] **2013**);

[(30)] **(27)** Individual Tax Preparers, State Board of (§ 21–201 of the Business Occupations and Professions Article: [July 1, 2015] **2013**);

[(31)] **(28)** Insurance Administration (§§ 2–101 and 2–103 of the Insurance Article: [July 1, 2018] **2016**);

[(32)] **(29)** Interior Designers, State Board of Certified (§ 8–201 of the Business Occupations and Professions Article: [July 1, 2023] **2021**);

[(33)] **(30)** Labor and Industry, Division of (Title 2 of the Labor and Employment Article: [July 1, 2013] **2011**);

[(34)] **(31)** Land Surveyors, State Board for Professional (§ 15–201 of the Business Occupations and Professions Article: [July 1, 2023] **2021**);

[(35)] **(32)** Landscape Architects, State Board of Examiners of (§ 9–201 of the Business Occupations and Professions Article: [July 1, 2023] **2021**);

[(36)] **(33)** Law Examiners, State Board of (§ 10–201 of the Business Occupations and Professions Article: [July 1, 2019] **2017**);

[(37)] **(34)** Maryland–Bred Race Fund Advisory Committee (§ 11–531 of the Business Regulation Article: [July 1, 2013] **2011**);

[(38)] **(35)** mold remediation services, licensing and regulation of (§ 8–701 of the Business Regulation Article: [July 1, 2018] **2016**);

[(39)] Morticians and Funeral Directors, State Board of (§ 7–201 of the Health Occupations Article: July 1, 2017);

(40) Nursing, State Board of (§ 8–201 of the Health Occupations Article: July 1, 2022);]

[(41)] **(36)** Nursing Home Administrators, State Board of Examiners of (§ 9–201 of the Health Occupations Article: [July 1, 2016] **2014**);

[(42)] **(37)** Occupational Safety and Health Advisory Board (§ 5–302 of the Labor and Employment Article: [July 1, 2013] **2011**);

[(43)] **(38)** Occupational Therapy Practice, State Board of (§ 10–201 of the Health Occupations Article: [July 1, 2014] **2012**);

[(44)] **(39)** Optometry, State Board of Examiners in (§ 11–201 of the Health Occupations Article: [July 1, 2022] **2020**);

[(45)] Perfusion Advisory Committee (§ 14–5E–05 of the Health Occupations Article: July 1, 2021);

(46) Pharmacy, State Board of (§ 12–201 of the Health Occupations Article: July 1, 2022);]

[(47)] **(40)** Physical Therapy Examiners, State Board of (§ 13–201 of the Health Occupations Article: [July 1, 2021] **2019**);

[(48)] Physician Assistant Advisory Committee (§ 15–201 of the Health Occupations Article: July 1, 2012);

(49) Physicians, State Board of (§ 14–201 of the Health Occupations Article: July 1, 2012);

[(50)] **(41)** Pilots, State Board of (§ 11–201 of the Business Occupations and Professions Article: [July 1, 2021] **2019**);

[(51)] **(42)** Plumbing, State Board of (§ 12–201 of the Business Occupations and Professions Article: [July 1, 2022] **2020**);

[(52)] **(43)** Podiatric Medical Examiners, State Board of (§ 16–201 of the Health Occupations Article: [July 1, 2021] **2019**);

[(53)] Polysomnography Professional Standards Committee (§ 14–5C–05 of the Health Occupations Article: July 1, 2012);]

[(54)] **(44)** Prescription Drug Monitoring Program in the Department of Health and Mental Hygiene (§ 21–2A–02 of the Health – General Article: [July 1, 2015] **2013**);

[(55)] **(45)** Prevailing Wage Rates, Advisory Council on (§ 17–203 of the State Finance and Procurement Article: [July 1, 2013] **2011**);

[(56)] **(46)** Psychologists, State Board of Examiners of (§ 18–201 of the Health Occupations Article: [July 1, 2022] **2020**);

[(57)] **(47)** Public Accountancy, State Board of (§ 2–201 of the Business Occupations and Professions Article: [July 1, 2014] **2012**);

[(58)] **(48)** Racing Commission, State (§ 11–201 of the Business Regulation Article: [July 1, 2013] **2011**);

[(59)] Radiation Oncology/Therapy Technologists, Medical Radiation Technologists, and Nuclear Medicine Technologists Advisory Committee (§ 14–5B–05 of the Health Occupations Article: July 1, 2012);]

[(60)] **(49)** Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and Professions Article: [July 1, 2022] **2020**);

[(61)] **(50)** Real Estate Commission, State (§ 17–201 of the Business Occupations and Professions Article: [July 1, 2021] **2019**);

[(62)] **(51)** Residential Child Care Program Professionals, State Board for Certification of (§ 20–202 of the Health Occupations Article: [July 1, 2023] **2021**);

[(63)] Respiratory Care Professional Standards Committee, State (§ 14–5A–05 of the Health Occupations Article: July 1, 2012);]

[(64)] **(52)** security systems technicians, licensing and regulation of (§ 18–201 of the Business Occupations and Professions Article: [July 1, 2015] **2013**);

[(65)] **(53)** Social Work Examiners, State Board of (§ 19–201 of the Health Occupations Article: [July 1, 2023] **2021**);

[(66)] **(54)** Standardbred Race Fund Advisory Committee, Maryland (§ 11–625 of the Business Regulation Article: [July 1, 2013] **2011**);

[(67)] **(55)** Veterinary Medical Examiners, State Board of (§ 2–302 of the Agriculture Article: [July 1, 2020] **2018**);

[(68)] **(56)** Waterworks and Waste Systems Operators, State Board of (§ 12–201 of the Environment Article: [July 1, 2020] **2018**); and

[(69)] **(57)** Well Drillers, State Board of (§ 13–201 of the Environment Article: [July 1, 2020] **2018**).

(C) A REPORT ON A PRELIMINARY EVALUATION SHALL:

(1) INCLUDE A SUMMARY OF:

(I) SIGNIFICANT LEGISLATIVE AND REGULATORY CHANGES SINCE THE LAST EVALUATION;

(II) LICENSING AND ENFORCEMENT ACTIVITIES SINCE THE LAST EVALUATION;

(III) REGISTERED COMPLAINTS, COMPLAINT OUTCOMES, AND DISCIPLINARY ACTIVITIES SINCE THE LAST EVALUATION; AND

(IV) REVENUES AND EXPENDITURES FOR THE MOST RECENT 6–YEAR PERIOD, INCLUDING INDIRECT COSTS; AND

(2) RECOMMEND WHETHER A FULL EVALUATION SHOULD BE UNDERTAKEN BY THE DEPARTMENT.

(D) THE DEPARTMENT SHALL CONSIDER RECOMMENDING A FULL EVALUATION OF A GOVERNMENTAL ACTIVITY OR UNIT IF PROBLEMS ARE IDENTIFIED REGARDING:

(1) IMPLEMENTATION OF THE GOVERNMENTAL ACTIVITY OR UNIT'S MANDATE OR STATUTORY REQUIREMENTS;

(2) MANAGEMENT OR DISPOSITION OF LICENSING, ENFORCEMENT, COMPLAINT, OR DISCIPLINARY ACTIVITIES;

(3) FINANCES OR RESOURCES; OR

(4) OTHER ISSUES AS IDENTIFIED BY THE GENERAL ASSEMBLY OR THE DEPARTMENT.

(E) ON COMPLETION, THE DEPARTMENT SHALL SUBMIT EACH REPORT ON A PRELIMINARY EVALUATION TO THE LEGISLATIVE POLICY COMMITTEE.

[8-404.

(a) (1) On or before December 15 of the second year before the evaluation date, the Department of Legislative Services shall prepare a preliminary evaluation report on each governmental activity or unit to be evaluated.

(2) The preliminary evaluation report shall include:

(i) significant legislative changes that affect the governmental activity or unit after the last evaluation;

(ii) changes in technology that impact the conduct of the profession or occupation regulated by the governmental activity or unit;

(iii) changes in the regulatory environment;

(iv) registered complaints and complaint outcomes in the time period after the last evaluation;

(v) a 5-year revenue and expenditure comparison, including indirect costs as part of the expenditures of the activity or unit; and

(vi) a recommendation whether a full evaluation should be undertaken.

(b) On request of the Department of Legislative Services, the governmental activity or unit shall provide the Department with the information required to undertake the preliminary evaluation.]

8-404.

(A) ON OR BEFORE THE 10TH DAY OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY IMMEDIATELY FOLLOWING THE EVALUATION YEAR FOR A GOVERNMENTAL ACTIVITY OR UNIT SPECIFIED UNDER § 8-403(B) OF THIS SUBTITLE, THE LEGISLATIVE POLICY COMMITTEE SHALL APPROVE OR DISAPPROVE THE RECOMMENDATIONS CONTAINED IN EACH REPORT ON A PRELIMINARY EVALUATION SUBMITTED BY THE DEPARTMENT.

(B) IF THE LEGISLATIVE POLICY COMMITTEE APPROVES THE DEPARTMENT'S RECOMMENDATION TO WAIVE A GOVERNMENTAL ACTIVITY OR UNIT FROM FULL EVALUATION, THE DEPARTMENT SHALL PREPARE LEGISLATION TO EXTEND THE TERMINATION DATE AND EVALUATION YEAR OF THE GOVERNMENTAL ACTIVITY OR UNIT.

(C) THE DEPARTMENT SHALL CONDUCT A FULL EVALUATION OF A GOVERNMENTAL ACTIVITY OR UNIT AS SPECIFIED UNDER § 8-405 OF THIS SUBTITLE IF THE LEGISLATIVE POLICY COMMITTEE:

(1) APPROVES THE DEPARTMENT'S RECOMMENDATION THAT A GOVERNMENTAL ACTIVITY OR UNIT UNDERGO FULL EVALUATION; OR

(2) REQUESTS THAT A GOVERNMENTAL ACTIVITY OR UNIT THAT THE DEPARTMENT HAS RECOMMENDED BE WAIVED FROM FULL EVALUATION INSTEAD UNDERGO FULL EVALUATION.

[8-405.

(a) Evaluation of a governmental activity or unit shall be completed:

(1) by an evaluation committee for the Senate, appointed by the President of the Senate, and an evaluation committee for the House of Delegates, appointed by the Speaker of the House; or

(2) by an evaluation committee appointed jointly by the President and Speaker.

(b) Each evaluation committee for a governmental activity or unit shall be appointed on or before May 31 of the year before the evaluation date of that governmental activity or unit.]

8-405.**(A) THE DEPARTMENT SHALL:**

(1) CONDUCT A FULL EVALUATION OF EACH GOVERNMENTAL ACTIVITY OR UNIT TO BE EVALUATED UNDER THIS SECTION; AND

(2) PREPARE A REPORT ON EACH FULL EVALUATION CONDUCTED.

(B) EACH OF THE FOLLOWING GOVERNMENTAL ACTIVITIES OR UNITS AND THE STATUTES AND REGULATIONS THAT RELATE TO THE GOVERNMENTAL ACTIVITIES OR UNITS ARE SUBJECT TO FULL EVALUATION, IN THE EVALUATION YEAR SPECIFIED, WITHOUT THE NEED FOR A PRELIMINARY EVALUATION:

(1) DENTAL EXAMINERS, STATE BOARD OF (§ 4-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2019);

(2) MORTICIANS AND FUNERAL DIRECTORS, STATE BOARD OF (§ 7-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2016);

(3) (I) NURSING, STATE BOARD OF (§ 8-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2021); AND

(II) ELECTROLOGY PRACTICE COMMITTEE (§ 8-6B-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2021);

(4) PHARMACY, STATE BOARD OF (§ 12-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2021); AND

(5) PHYSICIANS, STATE BOARD OF (§ 14-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2011), INCLUDING:

(I) ATHLETIC TRAINING ADVISORY COMMITTEE (§ 14-5D-04 OF THE HEALTH OCCUPATIONS ARTICLE: 2011);

(II) PERFUSION ADVISORY COMMITTEE (§ 14-5E-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2011);

(III) PHYSICIAN ASSISTANT ADVISORY COMMITTEE (§ 15-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2011);

(IV) POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE (§ 14-5C-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2011);

(V) RADIATION THERAPY, RADIOGRAPHY, NUCLEAR MEDICINE TECHNOLOGY ADVISORY, AND RADIOLOGY ASSISTANCE COMMITTEE (§ 14-5B-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2011); AND

(VI) RESPIRATORY CARE PROFESSIONAL STANDARDS COMMITTEE (§ 14-5A-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2011).

(C) IN ADDITION TO THE ENTITIES SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL CONDUCT A FULL EVALUATION OF EACH ENTITY THAT HAS UNDERGONE A PRELIMINARY EVALUATION FOR WHICH THE LEGISLATIVE POLICY COMMITTEE DETERMINES A FULL EVALUATION IS NECESSARY.

(D) EACH FULL EVALUATION SHALL BE COMPLETED ON OR BEFORE:

(1) DECEMBER 1 OF THE EVALUATION YEAR SPECIFIED FOR ENTITIES SUBJECT TO A FULL EVALUATION WITHOUT A PRELIMINARY EVALUATION UNDER SUBSECTION (B) OF THIS SECTION; OR

(2) UNLESS OTHERWISE SPECIFIED BY THE LEGISLATIVE POLICY COMMITTEE, DECEMBER 1 OF THE YEAR FOLLOWING THE COMPLETION OF A PRELIMINARY EVALUATION REPORT.

(E) (1) IF A PRELIMINARY EVALUATION HAS NOT BEEN CONDUCTED, A FULL EVALUATION REPORT SHALL ADDRESS ANY ISSUES RAISED IN THE PREVIOUS SUNSET EVALUATION CONDUCTED BY THE DEPARTMENT AND THE GOVERNMENTAL ACTIVITY'S OR UNIT'S:

(I) EFFICIENCY;

(II) EFFECTIVENESS;

(III) ROLE IN PROTECTING CONSUMERS;

(IV) SUFFICIENCY OF RESOURCES; AND

(V) ACCOMPLISHMENT OF LEGISLATIVE OBJECTIVES.

(2) IF A PRELIMINARY EVALUATION HAS BEEN CONDUCTED, A FULL EVALUATION REPORT SHALL FOCUS ON THE ISSUES IDENTIFIED IN THE PRELIMINARY EVALUATION OF THE GOVERNMENTAL ACTIVITY OR UNIT.

(F) ON COMPLETION, THE DEPARTMENT SHALL SUBMIT EACH FULL EVALUATION REPORT, INCLUDING DRAFT LEGISLATION TO IMPLEMENT ANY RECOMMENDED STATUTORY CHANGES, TO THE COMMITTEES OF JURISDICTION.

[8-406.

(a) On or before June 30 of the year before the evaluation date of a governmental activity or unit, each evaluation committee for that governmental activity or unit shall:

(1) consult with:

(i) the Department of Legislative Services; and

(ii) the unit under evaluation or responsible for the governmental activity under evaluation; and

(2) then prepare a plan for the evaluation.

(b) Each evaluation committee shall provide, in the plan, for periodic consultation with the Department of Legislative Services.]

[8-407.

During an evaluation, the unit under evaluation or responsible for the governmental activity under evaluation shall:

(1) provide promptly any information that the Department of Legislative Services or an evaluation committee requests; and

(2) otherwise cooperate with the Department and the evaluation committee.]

[8-408.

(a) (1) Subject to § 2-1246 of this article, on or before October 31 of the year before the evaluation date of a governmental activity or unit, the Department of Legislative Services shall submit to the General Assembly an evaluation report on the governmental activity or unit.

(2) The Department of Legislative Services shall make copies of the report available.

(b) The report on a governmental activity or unit designated for evaluation under § 8-403 of this subtitle, to the extent appropriate to the evaluation of that governmental activity or unit and consistent with the plan for evaluation, shall:

(1) discuss the purpose for which the governmental activity or unit was established;

(2) discuss the manner in which the unit under evaluation or responsible for the governmental activity under evaluation operates to carry out this purpose;

(3) discuss changes in conditions that have occurred since the governmental activity or unit was established and that suggest a need for change in the governmental activity or unit;

(4) discuss whether the public health, safety, or welfare would be affected significantly if the governmental activity or unit did not exist;

(5) discuss whether the costs of any goods or services have changed because the governmental activity or unit was established;

(6) discuss whether the statute provides a clear regulatory mandate;

(7) discuss whether the unit under evaluation or responsible for the governmental activity under evaluation complies with this mandate;

(8) discuss whether that unit has clear objectives;

(9) discuss the extent to which that unit accomplishes these objectives;

(10) discuss whether other governmental activities of the State have similar objectives and, if so, compare the cost and effectiveness and identify duplication in these governmental activities;

(11) discuss whether federal or local governmental activities or programs or services in the private sector have similar objectives;

(12) state the source of funds of the governmental activity or unit;

(13) discuss whether the budget and staff resources and the enforcement authority of the unit under evaluation or responsible for the governmental activity under evaluation meet or exceed the resources and authority that are needed to carry out the statutory mandate of the unit;

(14) discuss, as to a governmental activity for licensing of a profession or occupation, whether the unit responsible for the governmental activity has:

- (i) restricted access to the profession or occupation unduly;
- (ii) processed applications for licenses efficiently and fairly; and
- (iii) licensed only qualified applicants;

(15) discuss whether the unit under evaluation or responsible for a governmental activity under evaluation operates in an open and accountable manner, with:

- (i) public access to its records and meetings; and
- (ii) safeguards against conflicts of interest;

(16) discuss the extent to which that unit encourages participation of the public, as opposed to participation only of persons whom the unit regulates, and include a discussion of the role of the consumer representatives on the unit;

(17) discuss whether that unit processes efficiently and fairly formal public complaints that are submitted to it;

(18) discuss whether that unit gathers and keeps sufficient information about its activities and regulated persons and interests:

- (i) to carry out the duties of the unit;
- (ii) to inform the public; and
- (iii) to enable evaluation of the success of the governmental activity or unit;

(19) discuss whether that unit gathers or keeps superfluous information;

(20) discuss alternative methods to carry out the governmental activity, including methods used successfully in other states;

(21) discuss suggestions for statutory changes; and

(22) include any other information that the plan for evaluation requires or the Department of Legislative Services considers appropriate.

(c) A report on a governmental activity or unit designated for evaluation under § 8-404 of this subtitle, to the extent appropriate to the evaluation of that governmental activity or unit and consistent with the plan for evaluation, shall:

(1) discuss the public purpose for which the governmental activity or unit was established and whether that purpose is still a public need;

(2) discuss whether the purpose of the governmental activity or unit has changed and, if so, the consistency of changes with legislative intent and public need;

(3) discuss whether the governmental activity or unit substantially duplicates other State, federal, or local governmental activities or programs or services in the private sector;

(4) discuss whether laws or policies, including budgetary or personnel policies, impede the effectiveness of the governmental activity or unit;

(5) discuss whether the unit under evaluation or responsible for the governmental activity under evaluation operates:

(i) efficiently and effectively;

(ii) in an open and accountable manner, with public access to records and meetings, safeguards against conflicts of interest, and opportunity for public participation;

(iii) in a fair and nondiscriminatory manner that complies fully with law and State policy; and

(iv) in a manner that imposes on the citizens and economy of the State the least burden necessary to carry out the purpose for which the governmental activity or unit was established;

(6) discuss whether changes in operation or law are desirable to improve efficiency and effectiveness; and

(7) include any other information that the plan for evaluation requires or the Department of Legislative Services considers appropriate.]

[8-409.] 8-406.

On or before [December 14 of] **THE 10TH DAY OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY** in the year [before] **AFTER** the **FULL** evaluation [date] of a governmental activity or unit **HAS BEEN COMPLETED**, the [evaluation committee] **COMMITTEES OF JURISDICTION FOR THE GOVERNMENTAL ACTIVITY OR UNIT**

shall hold a public hearing to receive[,] **TESTIMONY ON THE EVALUATION REPORT** from **THE DEPARTMENT**, the unit under evaluation or responsible for the governmental activity under evaluation, and the public[, testimony as to the evaluation report].

[8-410.] 8-407.

(a) Subject to § 2-1246 of this article, on or before the 20th day of the regular session of the General Assembly in the year [of the] **AFTER A FULL** evaluation [date] of a governmental activity or unit **HAS BEEN COMPLETED**, the [evaluation committee] **COMMITTEES OF JURISDICTION** for the governmental activity or unit shall submit a report to the General Assembly.

(b) (1) The report shall recommend[:

(i) as to a governmental activity or unit designated for evaluation under § 8-403 of this subtitle,] whether [the] **A** governmental activity or unit **THAT HAS UNDERGONE A FULL EVALUATION** should be reestablished, with or without changes, or allowed to terminate[; or

(ii) as to a governmental activity or unit designated for evaluation under § 8-404 of this subtitle, whether the statute for the governmental activity or unit should be repealed or changed].

(2) The report shall be accompanied by each bill that is needed to accomplish the recommendations in the report.

8-408.

(A) DURING AN EVALUATION REQUIRED UNDER THIS SUBTITLE, THE UNIT UNDER EVALUATION OR RESPONSIBLE FOR THE GOVERNMENTAL ACTIVITY UNDER EVALUATION SHALL:

(1) PROMPTLY PROVIDE ANY INFORMATION THAT THE DEPARTMENT OR A COMMITTEE OF THE GENERAL ASSEMBLY REQUESTS; AND

(2) OTHERWISE COOPERATE WITH THE DEPARTMENT TO CARRY OUT THE REQUIREMENTS OF THIS SUBTITLE.

(B) INFORMATION REQUESTED UNDER SUBSECTION (A)(1) OF THIS SECTION MAY BE PROVIDED IN A FORMAT THAT PROTECTS THE CONFIDENTIALITY OF INDIVIDUALS AS NECESSARY.

(c) THE DEPARTMENT SHALL FOLLOW PROCEDURES TO MAINTAIN THE CONFIDENTIALITY OF ANY INFORMATION, DOCUMENTS, OR PROCEEDINGS OBTAINED OR OBSERVED IN THE COURSE OF CARRYING OUT THE REQUIREMENTS OF THIS SUBTITLE.

[8-411.] 8-409.

(a) (1) The reestablishment of a governmental activity or unit designated for evaluation under § 8-403 of this subtitle is for a 10-year period unless the law that provides for reestablishment sets another period.

(2) After the period of reestablishment expires, the governmental activity or unit terminates as provided by law unless the governmental activity or unit is reestablished again.

(b) The term of office of a member of a unit under evaluation or responsible for a governmental activity under evaluation is not affected by reason of reestablishment of the governmental activity or unit unless the law that reestablishes the governmental activity or unit provides otherwise.

[8-412.] 8-410.

(a) The termination of a governmental activity or unit or repeal of its statute in accordance with this subtitle is not a reason for dismissal of any claim or right of:

(1) the unit that is terminated or is responsible for the governmental activity that is terminated; or

(2) any person against that unit.

(b) The State shall assume these claims and rights.

[8-413.] 8-411.

This subtitle may be cited as the "Maryland Program Evaluation Act".

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, May 16, 2013.