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1997 Regular Session
7lr1449

CF 7lr1450

By: The President (Department of Fiscal Services)

Introduced and read first time: January 24, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Program Evaluation (Sunset Review)**

3 FOR the purpose of altering the dates by which an evaluation must be made of certain
4 activities and units of the State government under the Maryland Program
5 Evaluation Act; making certain technical changes relating to the codification of the
6 program evaluation timetables; authorizing the Legislative Policy Committee to
7 waive the evaluation based on a certain preliminary evaluation; requiring the
8 Department of Fiscal Services to prepare a preliminary report at a certain time and
9 specifying the contents of that report; repealing a requirement that a certain
10 evaluation plan provide for periodic consultation with the Department of Fiscal
11 Services; defining a term; and generally relating to the sunset evaluation process.

12 BY repealing and reenacting, with amendments,
13 Article - State Government
14 Section 8-401, 8-403, and 8-406
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1996 Supplement)

17 BY repealing
18 Article - State Government
19 Section 8-404
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1996 Supplement)

22 BY adding to
23 Article - State Government
24 Section 8-404
25 Annotated Code of Maryland
26 (1995 Replacement Volume and 1996 Supplement)

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

2

1 **Article - State Government**

2 8-401.

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

4 (b) "Evaluation" means the process of legislative review of a governmental activity
5 or unit for which this subtitle provides.

6 (c) "Evaluation committee" means a committee that is appointed to carry out an
7 evaluation.

8 (d) "Evaluation date" means the date on which an evaluation of a governmental
9 activity or unit is to be completed.

10 (e) "Governmental activity" means a program, service, or other function of
11 government.

12 (F) "PRELIMINARY EVALUATION" MEANS THE PROCESS BY WHICH THE
13 LEGISLATIVE POLICY COMMITTEE DETERMINES WHETHER A GOVERNMENTAL
14 ACTIVITY SHOULD UNDERGO AN EVALUATION.

15 8-403.

16 (a) Except as otherwise provided in subsection (e) of this section, on or before
17 July 1, [1990] 2000, an evaluation shall be made of the following governmental activities
18 or units and the statutes and regulations that relate to the governmental activities or
19 units:

20 (1) State Athletic Commission (§ 4-201 of the Business Regulation Article);

21 (2) State Board of Barbers (§ 4-201 of the Business Occupations and
22 Professions Article);

23 (3) State Board of Cosmetologists (§ 5-201 of the Business Occupations and
24 Professions Article);

25 (4) State Racing Commission (§ 11-201 of the Business Regulation Article);

26 (5) Maryland-Bred Race Fund Advisory Committee (§ 11-531 of the
27 Business Regulation Article);

28 (6) Maryland Standardbred Race Fund Advisory Committee (§ 11-625 of
29 the Business Regulation Article);

30 (7) State Board of Veterinary Medical Examiners (§ 2-302 of the
31 Agriculture Article);

32 (8) State Board of Waterworks and Waste Systems Operators (§ 12-201 of
33 the Environment Article);

34 (9) State Board of Well Drillers (§ 13-201 of the Environment Article);

35 (10) The Tobacco Authority (§ 7-201 of the Agriculture Article); [and]

3

1 (11) Maryland Home Improvement Commission (§ 8-201 of the Business
2 Regulation Article);

3 (12) STATE BOARD OF INSPECTION OF HORSE RIDING STABLES (§ 2-701
4 OF THE AGRICULTURE ARTICLE); AND

5 (13) THE LICENSING AND REGULATION OF SECURITY SYSTEM
6 TECHNICIANS (§ 18-101 OF THE BUSINESS OCCUPATIONS ARTICLE).

7 (b) Except as otherwise provided in subsection (e) of this section, on or before
8 July 1, [1991] 2001, an evaluation shall be made of the following governmental activities
9 or units and the statutes and regulations that relate to the governmental activities or
10 units:

11 (1) Banking Board (§ 2-201 of the Financial Institutions Article);

12 (2) State Board of Chiropractic Examiners (§ 3-201 of the Health
13 Occupations Article);

14 (3) State Collection Agency Licensing Board (§ 7-201 of the Business
15 Regulation Article);

16 (4) Office of the Commissioner of Financial Regulation (§ 11-102 of the
17 Financial Institutions Article);

18 (5) State Board of Morticians (§ 7-201 of the Health Occupations Article);

19 (6) State Board of Physical Therapy Examiners (§ 13-201 of the Health
20 Occupations Article);

21 (7) State Board of Podiatric Medical Examiners (§ 16-201 of the Health
22 Occupations Article);

23 (8) State Real Estate Commission (§ 17-201 of the Business Occupations
24 and Professions Article);

25 (9) Real Estate Hearing Board (§ 17-325 of the Business Occupations and
26 Professions Article); AND

27 (10) [Division of Savings and Loan Associations (§ 8-301 of the Financial
28 Institutions Article); and

29 (11)] School Health Pilot Program (§ 7-413 of the Education Article).

30 (c) Except as otherwise provided in subsection (e) of this section, on or before
31 July 1, [1992] 2002, an evaluation shall be made of the following governmental activities
32 or units and the statutes and regulations that relate to the governmental activities or
33 units:

34 (1) Board of Boiler Rules (Article 48, § 169 of the Code);

35 (2) State Board of Dental Examiners (§ 4-201 of the Health Occupations
36 Article);

4

1 (3) Board of Examining Engineers (§ 4-1 of the Public Local Laws of
2 Baltimore City);

3 (4) State Health Services Cost Review Commission (§ 19-202 of the Health
4 - General Article);

5 (5) Insurance Commissioner and [Division] ADMINISTRATION [(Article
6 48A, §§ 14 and 15 of the Code)] (§§ 2-101 AND 2-103 OF THE INSURANCE ARTICLE);

7 (6) State Board of Examiners of Landscape Architects (§ 9-201 of the
8 Business Occupations and Professions Article);

9 (7) State Board of Master Electricians (§ 6-201 of the Business Occupations
10 and Professions Article);

11 (8) State Board of Physician Quality Assurance (§ 14-201 of the Health
12 Occupations Article);

13 (9) State Board of Nursing (§ 8-201 of the Health Occupations Article);

14 (10) State Board of Examiners of Nursing Home Administrators (§ 9-201 of
15 the Health Occupations Article);

16 (11) State Board of Examiners in Optometry (§ 11-201 of the Health
17 Occupations Article);

18 (12) State Board of Pharmacy (§ 12-201 of the Health Occupations Article);

19 (13) State Board of Plumbing (§ 12-201 of the Business Occupations and
20 Professions Article);

21 (14) State Board for Professional Engineers (§ 14-201 of the Business
22 Occupations and Professions Article);

23 (15) State Board for Professional Land Surveyors (§ 15-201 of the Business
24 Occupations and Professions Article);

25 (16) State Board of Examiners of Psychologists (§ 18-201 of the Health
26 Occupations Article);

27 (17) State Board of Environmental Sanitarians (§ 11-201 of the Environment
28 Article); [and]

29 (18) State Health Resources Planning Commission (§ 19-103 of the Health -
30 General Article);

31 (19) STATE ECONOMIC GROWTH, RESOURCE PROTECTION AND
32 PLANNING COMMISSION (§ 5-701 OF THE STATE FINANCE AND PROCUREMENT
33 ARTICLE);

34 (20) STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING,
35 AND REFRIGERATION CONTRACTORS (§ 9A-101 OF THE BUSINESS REGULATION
36 ARTICLE); AND

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1 (21) STATE BOARD OF ARCHITECTS (§ 3-101 OF THE BUSINESS
2 OCCUPATIONS AND PROFESSIONS ARTICLE).

3 (d) Except as otherwise provided in subsection (e) of this section, on or before
4 July 1, [1993] 2003, an evaluation shall be made of the following governmental activities
5 or units and the statutes and regulations that relate to the governmental activities or
6 units:

7 (1) State Amusement Ride Safety Advisory Board (§ 3-303 of the Business
8 Regulation Article);

9 (2) Apprenticeship and Training Council (§ 11-403 of the Labor and
10 Employment Article);

11 (3) State Board of Examiners for Audiologists, Hearing Aid Dispensers, and
12 Speech-Language Pathologists (§ 2-101 of the Health Occupations Article);

13 (4) State Office for Children, Youth, and Families (Article 49D, § 1 of the
14 Code);

15 (5) State Board of Electrologists (§ 6-201 of the Health Occupations
16 Article);

17 (6) State Board of Foresters (§ 7-201 of the Business Occupations and
18 Professions Article);

19 (7) Office for Individuals with Disabilities (§ 9-1102 of the State
20 Government Article);

21 (8) Division of Labor and Industry (Title 2 of the Labor and Employment
22 Article);

23 (9) State Board of Law Examiners (§ 10-201 of the Business Occupations
24 and Professions Article);

25 (10) Occupational Safety and Health Advisory Board (§ 5-302 of the Labor
26 and Employment Article);

27 (11) State Board of Occupational Therapy Practice (§ 10-201 of the Health
28 Occupations Article);

29 (12) State Board of Pilots (§ 11-201 of the Business Occupations and
30 Professions Article);

31 (13) Advisory Council on Prevailing Wage Rates (§ 17-203 of the State
32 Finance and Procurement Article);

33 (14) [Advisory Commission on Sports (Article 83A, § 4-501 of the Code);

34 (15)] State Board of Public Accountancy (§ 2-201 of the Business
35 Occupations and Professions Article);

36 [(16)] (15) State Board of Social Work Examiners (§ 19-201 of the Health
37 Occupations Article);

1 [(17)] (16) State Board of Examiners of Professional Counselors (§ 17-201
2 of the Health Occupations Article);

3 [(18)] (17) Governor's Council on Adolescent Pregnancy (Article 49D, § 21
4 of the Code); [and

5 (19)] (18) State Commission of Real Estate Appraisers (§ 16-201 of the
6 Business Occupations and Professions Article);

7 (19) STATE PHYSICIAN ASSISTANT ADVISORY COMMITTEE (§ 15-101 OF
8 THE HEALTH OCCUPATIONS ARTICLE); AND

9 (20) STATE BOARD OF CERTIFIED INTERIOR DESIGNERS (§ 8-101 OF THE
10 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE).

11 (e) On or before November 30 of the 2nd year before the evaluation date of a
12 governmental activity or unit, the Legislative Policy [Committee] COMMITTEE, BASED
13 ON A PRELIMINARY EVALUATION, may waive as unnecessary the evaluation required
14 under this section.

15 [(f) Except as otherwise provided in subsection (e) of this section, on or before
16 July 1, 2003, an evaluation shall be made of the State Physician Assistant Advisory
17 Committee established under the Health Occupations Article and the regulations that
18 relate to the Physician Assistant Advisory Committee.

19 (g) Except as otherwise provided in subsection (e) of this section, on or before
20 July 1, 2003, an evaluation shall be made of the State Board of Certified Interior
21 Designers established under the Business Occupations and Professions Article and the
22 regulations that relate to the State Board of Certified Interior Designers.

23 (h) Except as otherwise provided in subsection (e) of this section, on or before
24 July 1, 2002, an evaluation shall be made of the State Economic Growth, Resource
25 Protection, and Planning Commission established under the State Finance and
26 Procurement Article.

27 (i) Except as otherwise provided in subsection (e) of this section, on or before
28 October 1, 2001, an evaluation shall be made of the Maryland Home Improvement
29 Commission.]

30 [(j)] (F) Except as otherwise provided in subsection (e) of this section, on or
31 before July 1, 2004, an evaluation shall be made of the State Board of Dietetic Practice
32 established under the Health Occupations Article and the regulations that relate to the
33 State Board of Dietetic Practice.

34 [(k) Except as otherwise provided in subsection (e) of this section, on or before
35 July 1, 2003, an evaluation shall be made of the State Board of Public Accountancy
36 established under the Business Occupations and Professions Article and the regulations
37 that relate to the State Board of Public Accountancy.

38 (l)] (G) Except as otherwise provided in subsection (e) of this section, on or
39 before July 1, 2004, an evaluation shall be made of the State Board of Acupuncture and
40 the regulations that relate to the State Board of Acupuncture.

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1 [(m) Except as otherwise provided in subsection (e) of this section, on or before
2 July 1, 2000, an evaluation shall be made of the licensing and regulation of security
3 systems technicians.

4 (n) Except as otherwise provided in subsection (e) of this section, on or before
5 July 1, 2000, an evaluation shall be made of the State Board of Barbers and the
6 regulations that relate to the State Board of Barbers.

7 (o)] (H) Except as otherwise provided in subsection (e) of this section, on or
8 before July 1, 2005, an evaluation shall be made of the State Respiratory Care
9 Professional Standards Committee and the regulations that relate to the State
10 Respiratory Care Professional Standards Committee.

11 [8-404.

12 (a) On or before November 30 of any year, the Legislative Policy Committee may
13 designate any governmental activity or unit of the State government for evaluation.

14 (b) An evaluation under this section shall:

15 (1) begin after the regular session of the General Assembly following the
16 designation under this section; and

17 (2) be completed on or before July 1 of:

18 (i) the 2nd year after that designation; or

19 (ii) any other year that the Legislative Policy Committee sets.]

20 8-404.

21 (A) (1) ON OR BEFORE NOVEMBER 30 OF THE SECOND YEAR BEFORE THE
22 EVALUATION DATE, THE DEPARTMENT OF FISCAL SERVICES SHALL PREPARE A
23 PRELIMINARY EVALUATION REPORT ON EACH GOVERNMENTAL ACTIVITY OR UNIT
24 TO BE EVALUATED.

25 (2) THE PRELIMINARY EVALUATION REPORT SHALL INCLUDE:

26 (I) SIGNIFICANT LEGISLATIVE CHANGES THAT AFFECT THE
27 GOVERNMENTAL ACTIVITY OR UNIT AFTER THE LAST EVALUATION;

28 (II) CHANGES IN TECHNOLOGY THAT IMPACT THE CONDUCT OF
29 THE PROFESSION OR OCCUPATION REGULATED BY THE GOVERNMENTAL ACTIVITY
30 OR UNIT;

31 (III) CHANGES IN THE REGULATORY ENVIRONMENT;

32 (IV) REGISTERED COMPLAINTS AND COMPLAINT OUTCOMES IN
33 THE TIME PERIOD AFTER THE LAST EVALUATION;

34 (V) A 5-YEAR REVENUE AND EXPENDITURE COMPARISON,
35 INCLUDING INDIRECT COSTS AS PART OF THE EXPENDITURES OF THE ACTIVITY OR
36 UNIT; AND

8

1 (VI) A RECOMMENDATION WHETHER A FULL EVALUATION
2 SHOULD BE UNDERTAKEN.

3 (B) ON REQUEST OF THE DEPARTMENT OF FISCAL SERVICES, THE
4 GOVERNMENTAL ACTIVITY OR UNIT SHALL PROVIDE THE DEPARTMENT WITH THE
5 INFORMATION REQUIRED TO UNDERTAKE THE PRELIMINARY EVALUATION.

6 8-406.

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

9 (1) consult with:

10 [(i) the Department of Budget and Management;

11 (ii)] (I) the Department of Fiscal Services; and

12 [(iii)] (II) the unit under evaluation or responsible for the
13 governmental activity under evaluation; and

14 (2) then prepare a plan for the evaluation.

15 (b) Each evaluation committee shall provide, in the plan, for periodic consultation
16 with the Department of [Budget and Management and the Department of] Fiscal
17 Services.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1997.