

Unofficial Copy  
P1

1997 Regular Session  
7r1449

CF 7r1450

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**By: The President (Department of Fiscal Services)**

Introduced and read first time: January 24, 1997

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 27, 1997

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CHAPTER \_\_\_\_

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

2

1 Annotated Code of Maryland  
2 (1995 Replacement Volume and 1996 Supplement)

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

5 **Article - State Government**

6 8-401.

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

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

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

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

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

16 (F) "PRELIMINARY EVALUATION" MEANS THE PROCESS BY WHICH THE  
17 LEGISLATIVE POLICY COMMITTEE DETERMINES WHETHER A GOVERNMENTAL  
18 ACTIVITY SHOULD UNDERGO AN EVALUATION.

19 8-403.

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

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

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

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

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

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

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

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

3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4

- 1 (1) Board of Boiler Rules (Article 48, § 169 of the Code);
- 2 (2) State Board of Dental Examiners (§ 4-201 of the Health Occupations  
3 Article);
- 4 (3) Board of Examining Engineers (§ 4-1 of the Public Local Laws of  
5 Baltimore City);
- 6 (4) State Health Services Cost Review Commission (§ 19-202 of the Health  
7 - General Article);
- 8 (5) Insurance Commissioner and [Division] ADMINISTRATION [(Article  
9 48A, §§ 14 and 15 of the Code)] (§§ 2-101 AND 2-103 OF THE INSURANCE ARTICLE);
- 10 (6) State Board of Examiners of Landscape Architects (§ 9-201 of the  
11 Business Occupations and Professions Article);
- 12 (7) State Board of Master Electricians (§ 6-201 of the Business Occupations  
13 and Professions Article);
- 14 (8) State Board of Physician Quality Assurance (§ 14-201 of the Health  
15 Occupations Article);
- 16 (9) State Board of Nursing (§ 8-201 of the Health Occupations Article);
- 17 (10) State Board of Examiners of Nursing Home Administrators (§ 9-201 of  
18 the Health Occupations Article);
- 19 (11) State Board of Examiners in Optometry (§ 11-201 of the Health  
20 Occupations Article);
- 21 (12) State Board of Pharmacy (§ 12-201 of the Health Occupations Article);
- 22 (13) State Board of Plumbing (§ 12-201 of the Business Occupations and  
23 Professions Article);
- 24 (14) State Board for Professional Engineers (§ 14-201 of the Business  
25 Occupations and Professions Article);
- 26 (15) State Board for Professional Land Surveyors (§ 15-201 of the Business  
27 Occupations and Professions Article);
- 28 (16) State Board of Examiners of Psychologists (§ 18-201 of the Health  
29 Occupations Article);
- 30 (17) State Board of Environmental Sanitarians (§ 11-201 of the Environment  
31 Article); [and]
- 32 (18) State Health Resources Planning Commission (§ 19-103 of the Health -  
33 General Article);
- 34 (19) STATE ECONOMIC GROWTH, RESOURCE PROTECTION AND  
35 PLANNING COMMISSION (§ 5-701 OF THE STATE FINANCE AND PROCUREMENT  
36 ARTICLE);

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

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

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

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

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

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

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

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

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

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

24 (8) Division of Labor and Industry (Title 2 of the Labor and Employment  
25 Article);

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

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

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

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

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

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

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

3                   [(16)] (15) State Board of Social Work Examiners (§ 19-201 of the Health  
4 Occupations Article);

5                   [(17)] (16) State Board of Examiners of Professional Counselors (§ 17-201  
6 of the Health Occupations Article);

7                   [(18)] (17) Governor's Council on Adolescent Pregnancy (Article 49D, § 21  
8 of the Code); [and

9                   (19)] (18) State Commission of Real Estate Appraisers (§ 16-201 of the  
10 Business Occupations and Professions Article);

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

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

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

19                   [(f) 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 Physician Assistant Advisory  
21 Committee established under the Health Occupations Article and the regulations that  
22 relate to the Physician Assistant Advisory Committee.

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

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

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

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

38                   [(k) Except as otherwise provided in subsection (e) of this section, on or before  
39 July 1, 2003, an evaluation shall be made of the State Board of Public Accountancy

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1 established under the Business Occupations and Professions Article and the regulations  
2 that relate to the State Board of Public Accountancy.

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

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

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

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

16 [8-404.

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

19 (b) An evaluation under this section shall:

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

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

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

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

25 8-404.

26 (A) (1) ON OR BEFORE NOVEMBER 30 OF THE SECOND YEAR BEFORE THE  
27 EVALUATION DATE, THE DEPARTMENT OF FISCAL SERVICES SHALL PREPARE A  
28 PRELIMINARY EVALUATION REPORT ON EACH GOVERNMENTAL ACTIVITY OR UNIT  
29 TO BE EVALUATED.

30 (2) THE PRELIMINARY EVALUATION REPORT SHALL INCLUDE:

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

33 (II) CHANGES IN TECHNOLOGY THAT IMPACT THE CONDUCT OF  
34 THE PROFESSION OR OCCUPATION REGULATED BY THE GOVERNMENTAL ACTIVITY  
35 OR UNIT;

36 (III) CHANGES IN THE REGULATORY ENVIRONMENT;

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

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

6 (VI) A RECOMMENDATION WHETHER A FULL EVALUATION  
7 SHOULD BE UNDERTAKEN.

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

11 8-406.

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

14 (1) consult with:

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

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

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

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

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

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