

HOUSE BILL 1377

P1

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By: **Delegate Waldstreicher**

Introduced and read first time: February 10, 2017

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Maryland Program Evaluation Act – Periodic Full**
3 **Evaluations**

4 FOR the purpose of requiring the Department of Legislative Services to conduct a certain
5 full evaluation of certain governmental activities or units in certain years and every
6 specified period of years thereafter; requiring the Department to complete certain
7 full evaluations by a certain day in an evaluation year; altering a certain definition;
8 making a certain clarifying change; and generally relating to full evaluations
9 conducted under the Maryland Program Evaluation Act.

10 BY repealing and reenacting, without amendments,
11 Article – State Government
12 Section 8–401(a)
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2016 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – State Government
17 Section 8–401(f) and 8–405
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2016 Supplement)

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

22 **Article – State Government**

23 8–401.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (f) “Full evaluation” means:

2 (1) an examination of issues identified in a preliminary evaluation as
3 requiring further study; [or]

4 (2) a follow-up review of how issues identified in a previous evaluation
5 have been implemented by a governmental activity or unit; **OR**

6 **(3) A PERIODIC AND COMPREHENSIVE REVIEW OF A GOVERNMENTAL**
7 **ACTIVITY OR UNIT CONDUCTED UNDER § 8-405(C)(1)(II) OR (2) AND (E)(1) OF THIS**
8 **SUBTITLE.**

9 8-405.

10 (a) The Department shall:

11 (1) conduct a full evaluation of each governmental activity or unit to be
12 evaluated under this section; and

13 (2) prepare a report on each full evaluation conducted.

14 (b) Each of the following governmental activities or units and the statutes and
15 regulations that relate to the governmental activities or units are subject to full evaluation,
16 in the evaluation year specified, without the need for a preliminary evaluation:

17 (1) Dental Examiners, State Board of (§ 4-201 of the Health Occupations
18 Article: 2019);

19 (2) Morticians and Funeral Directors, State Board of (§ 7-201 of the Health
20 Occupations Article: 2016);

21 (3) Nursing, State Board of (§ 8-201 of the Health Occupations Article:
22 2021) including:

23 (i) Electrology Practice Committee (§ 8-6B-05 of the Health
24 Occupations Article: 2021); and

25 (ii) Direct-Entry Midwifery Advisory Committee (§ 8-6C-10 of the
26 Health Occupations Article: 2021);

27 (4) Pharmacy, State Board of (§ 12-201 of the Health Occupations Article:
28 2021); and

29 (5) Physicians, State Board of (§ 14-201 of the Health Occupations Article:
30 2016), including:

1 (i) Athletic Training Advisory Committee (§ 14–5D–04 of the Health
2 Occupations Article: 2016);

3 (ii) Naturopathic Medicine Advisory Committee (§ 14–5F–04 of the
4 Health Occupations Article: 2016);

5 (iii) Perfusion Advisory Committee (§ 14–5E–05 of the Health
6 Occupations Article: 2016);

7 (iv) Physician Assistant Advisory Committee (§ 15–201 of the Health
8 Occupations Article: 2016);

9 (v) Polysomnography Professional Standards Committee
10 (§ 14–5C–05 of the Health Occupations Article: 2016);

11 (vi) Radiation Therapy, Radiography, Nuclear Medicine Technology
12 Advisory, and Radiology Assistance Committee (§ 14–5B–05 of the Health Occupations
13 Article: 2016); and

14 (vii) Respiratory Care Professional Standards Committee
15 (§ 14–5A–05 of the Health Occupations Article: 2016).

16 (c) **(1)** In addition to the entities specified under subsection (b) of this section,
17 the Department shall conduct a full evaluation of:

18 **(I)** each entity that has undergone a preliminary evaluation for
19 which the Legislative Policy Committee determines a full evaluation is necessary; **AND**

20 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
21 **SUBSECTION, EACH OF THE FOLLOWING GOVERNMENTAL ACTIVITIES OR UNITS IN**
22 **THE EVALUATION YEAR SPECIFIED AND EVERY 30 YEARS THEREAFTER:**

23 **1. ACUPUNCTURE BOARD, STATE (§ 1A–201 OF THE**
24 **HEALTH OCCUPATIONS ARTICLE: 2052);**

25 **2. AMUSEMENT RIDE SAFETY, STATE ADVISORY BOARD**
26 **(§ 3–303 OF THE BUSINESS REGULATION ARTICLE: 2051);**

27 **3. APPRENTICESHIP AND TRAINING COUNCIL (§ 11–403**
28 **OF THE LABOR AND EMPLOYMENT ARTICLE: 2051);**

29 **4. ARCHITECTS, STATE BOARD OF (§ 3–201 OF THE**
30 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);**

1 **5. ATHLETIC COMMISSION, STATE (§ 4-201 OF THE**
2 **BUSINESS REGULATION ARTICLE: 2048);**

3 **6. AUDIOLOGISTS, HEARING AID DISPENSERS, AND**
4 **SPEECH-LANGUAGE PATHOLOGISTS, STATE BOARD OF EXAMINERS FOR (§ 2-201**
5 **OF THE HEALTH OCCUPATIONS ARTICLE: 2053);**

6 **7. BARBERS, STATE BOARD OF (§ 4-201 OF THE**
7 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2048);**

8 **8. BEHAVIOR ANALYST ADVISORY COMMITTEE (§**
9 **17-6A-05 OF THE HEALTH OCCUPATIONS ARTICLE: 2051);**

10 **9. BOILER RULES, BOARD OF (§ 12-904 OF THE PUBLIC**
11 **SAFETY ARTICLE: 2051);**

12 **10. CEMETERY OVERSIGHT, OFFICE OF (§ 5-201 OF THE**
13 **BUSINESS REGULATION ARTICLE: 2050);**

14 **11. CHIROPRACTIC EXAMINERS, STATE BOARD OF (§**
15 **3-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2049);**

16 **12. COLLECTION AGENCY LICENSING BOARD, STATE (§**
17 **7-201 OF THE BUSINESS REGULATION ARTICLE: 2049);**

18 **13. COSMETOLOGISTS, STATE BOARD OF (§ 5-201 OF THE**
19 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2048);**

20 **14. COUNSELORS AND THERAPISTS, STATE BOARD OF**
21 **PROFESSIONAL (§ 17-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2046);**

22 **15. DIETETIC PRACTICE, STATE BOARD OF (§ 5-201 OF**
23 **THE HEALTH OCCUPATIONS ARTICLE: 2052);**

24 **16. ELECTRICIANS, STATE BOARD OF MASTER (§ 6-201**
25 **OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);**

26 **17. ELEVATOR SAFETY REVIEW BOARD (§§ 12-819**
27 **THROUGH 12-841 OF THE PUBLIC SAFETY ARTICLE: 2046);**

28 **18. ENGINEERS, STATE BOARD FOR PROFESSIONAL (§**
29 **14-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);**

1 **19. ENGINEERS, STATE BOARD OF STATIONARY (§**
2 **6.5–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2051);**

3 **20. ENVIRONMENTAL HEALTH SPECIALISTS, STATE**
4 **BOARD OF (§ 21–201 OF THE HEALTH OCCUPATIONS ARTICLE: 2053);**

5 **21. FINANCIAL REGULATION, OFFICE OF THE**
6 **COMMISSIONER OF (§ 2–101 OF THE FINANCIAL INSTITUTIONS ARTICLE: 2049);**

7 **22. FORESTERS, STATE BOARD OF (§ 7–201 OF THE**
8 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2052);**

9 **23. HEALTH CARE COMMISSION, MARYLAND (§ 19–103**
10 **OF THE HEALTH – GENERAL ARTICLE: 2045);**

11 **24. HEALTH SERVICES COST REVIEW COMMISSION,**
12 **STATE (§ 19–202 OF THE HEALTH – GENERAL ARTICLE: 2045);**

13 **25. HEATING, VENTILATION, AIR–CONDITIONING, AND**
14 **REFRIGERATION CONTRACTORS, STATE BOARD OF (§ 9A–201 OF THE BUSINESS**
15 **REGULATION ARTICLE: 2050);**

16 **26. HOME IMPROVEMENT COMMISSION, MARYLAND (§**
17 **8–201 OF THE BUSINESS REGULATION ARTICLE: 2049);**

18 **27. HORSE INDUSTRY BOARD, MARYLAND (§ 2–701 OF**
19 **THE AGRICULTURE ARTICLE: 2053);**

20 **28. INDIVIDUAL TAX PREPARERS, STATE BOARD OF (§**
21 **21–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2053);**

22 **29. INSURANCE ADMINISTRATION (§§ 2–101 AND 2–103**
23 **OF THE INSURANCE ARTICLE: 2046);**

24 **30. INTERIOR DESIGNERS, STATE BOARD OF CERTIFIED**
25 **(§ 8–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2051);**

26 **31. LABOR AND INDUSTRY, DIVISION OF (TITLE 2 OF THE**
27 **LABOR AND EMPLOYMENT ARTICLE: 2051) AND RELATED PROGRAMS;**

28 **32. LAND SURVEYORS, STATE BOARD FOR**
29 **PROFESSIONAL (§ 15–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**
30 **ARTICLE: 2051);**

1 **33. LANDSCAPE ARCHITECTS, STATE BOARD OF**
2 **EXAMINERS OF (§ 9-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**
3 **ARTICLE: 2051);**

4 **34. LAW EXAMINERS, STATE BOARD OF (§ 10-201 OF THE**
5 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2047);**

6 **35. MARYLAND-BRED RACE FUND ADVISORY**
7 **COMMITTEE (§ 11-531 OF THE BUSINESS REGULATION ARTICLE: 2051);**

8 **36. MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§**
9 **6-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2053);**

10 **37. MOLD REMEDIATION SERVICES, LICENSING AND**
11 **REGULATION OF (§ 8-701 OF THE BUSINESS REGULATION ARTICLE: 2046);**

12 **38. NURSING HOME ADMINISTRATORS, STATE BOARD**
13 **OF EXAMINERS OF (§ 9-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2054);**

14 **39. OCCUPATIONAL SAFETY AND HEALTH ADVISORY**
15 **BOARD (§ 5-302 OF THE LABOR AND EMPLOYMENT ARTICLE: 2051);**

16 **40. OCCUPATIONAL THERAPY PRACTICE, STATE BOARD**
17 **OF (§ 10-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2052);**

18 **41. OPTOMETRY, STATE BOARD OF EXAMINERS IN (§**
19 **11-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2050);**

20 **42. PHYSICAL THERAPY EXAMINERS, STATE BOARD OF**
21 **(§ 13-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2049);**

22 **43. PILOTS, STATE BOARD OF (§ 11-201 OF THE**
23 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2049);**

24 **44. PLUMBING, STATE BOARD OF (§ 12-201 OF THE**
25 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);**

26 **45. PODIATRIC MEDICAL EXAMINERS, STATE BOARD OF**
27 **(§ 16-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2049);**

1 **46. PRESCRIPTION DRUG MONITORING PROGRAM IN**
2 **THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE (§ 21-2A-02 OF THE**
3 **HEALTH – GENERAL ARTICLE: 2043);**

4 **47. PSYCHOLOGISTS, STATE BOARD OF EXAMINERS OF (§**
5 **18-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2050);**

6 **48. PUBLIC ACCOUNTANCY, STATE BOARD OF (§ 2-201**
7 **OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2052);**

8 **49. RACING COMMISSION, STATE (§ 11-201 OF THE**
9 **BUSINESS REGULATION ARTICLE: 2051);**

10 **50. REAL ESTATE APPRAISERS, APPRAISAL**
11 **MANAGEMENT COMPANIES, AND HOME INSPECTORS, STATE COMMISSION OF (§**
12 **16-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2050);**

13 **51. REAL ESTATE COMMISSION, STATE (§ 17-201 OF THE**
14 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: 2049);**

15 **52. RESIDENTIAL CHILD CARE PROGRAM**
16 **PROFESSIONALS, STATE BOARD FOR CERTIFICATION OF (§ 20-202 OF THE HEALTH**
17 **OCCUPATIONS ARTICLE: 2051);**

18 **53. SECURITY SYSTEMS TECHNICIANS, LICENSING AND**
19 **REGULATION OF (§ 18-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**
20 **ARTICLE: 2048);**

21 **54. SOCIAL WORK EXAMINERS, STATE BOARD OF (§**
22 **19-201 OF THE HEALTH OCCUPATIONS ARTICLE: 2051);**

23 **55. STANDARD BRED RACE FUND ADVISORY**
24 **COMMITTEE, MARYLAND (§ 11-625 OF THE BUSINESS REGULATION ARTICLE:**
25 **2051);**

26 **56. VETERINARY MEDICAL EXAMINERS, STATE BOARD**
27 **OF (§ 2-302 OF THE AGRICULTURE ARTICLE: 2048);**

28 **57. WATERWORKS AND WASTE SYSTEMS OPERATORS,**
29 **STATE BOARD OF (§ 12-201 OF THE ENVIRONMENT ARTICLE: 2048); AND**

30 **58. WELL DRILLERS, STATE BOARD OF (§ 13-201 OF THE**
31 **ENVIRONMENT ARTICLE: 2048).**

1 **(2) IF THE DEPARTMENT CONDUCTS A FULL EVALUATION OF AN**
2 **ENTITY UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE DEPARTMENT SHALL**
3 **CONDUCT A FULL EVALUATION OF THE ENTITY UNDER PARAGRAPH (1)(II) OF THIS**
4 **SUBSECTION 30 YEARS AFTER THE YEAR IN WHICH THE EVALUATION UNDER**
5 **PARAGRAPH (1)(I) OF THIS SUBSECTION WAS CONDUCTED AND EVERY 30 YEARS**
6 **THEREAFTER.**

7 (d) Each full evaluation shall be completed on or before:

8 (1) December 1 of the evaluation year specified for entities subject to a full
9 evaluation:

10 **(I) without a preliminary evaluation under subsection (b) of this**
11 **section; or**

12 **(II) UNDER SUBSECTION (C)(1)(II) OR (2) OF THIS SECTION; OR**

13 (2) unless otherwise specified by the Legislative Policy Committee,
14 December 1 of the year following the completion of a preliminary evaluation report.

15 (e) (1) If a preliminary evaluation has not been conducted **OR A FULL**
16 **EVALUATION IS REQUIRED UNDER SUBSECTION (C)(1)(II) OR (2) OF THIS SECTION,**
17 a full evaluation report shall address any issues raised in the previous sunset evaluation
18 conducted by the Department and the governmental activity's or unit's:

19 (i) efficiency;

20 (ii) effectiveness;

21 (iii) role in protecting consumers;

22 (iv) sufficiency of resources; and

23 (v) accomplishment of legislative objectives.

24 (2) If a preliminary evaluation has been conducted **AND A FULL**
25 **EVALUATION IS REQUIRED UNDER SUBSECTION (C)(1)(I) OF THIS SECTION,** a full
26 evaluation report shall focus on the issues identified in the preliminary evaluation of the
27 governmental activity or unit.

28 (f) On completion, the Department shall submit each full evaluation report,
29 including draft legislation to implement any recommended statutory changes, to the
30 committees of jurisdiction.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2017.