

SENATE BILL 640

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By: **Senators Zucker and Miller**

Introduced and read first time: February 4, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Office of Program Evaluation and Government**
3 **Accountability and Maryland Program Evaluation Act**

4 FOR the purpose of renaming the Joint Audit Committee to be the Joint Audit and
5 Evaluation Committee; establishing the Office of Program Evaluation and
6 Government Accountability as a unit in the Department of Legislative Services;
7 requiring the Executive Director of the Department, with the approval of and in
8 consultation with certain individuals, to appoint the Director of the Office;
9 authorizing the Director, with the approval of the Executive Director, to appoint a
10 Deputy Director and certain staff; providing for the duties and authority of the
11 Director and the Deputy Director; requiring the Office to conduct certain
12 performance evaluations of units of State government in accordance with a certain
13 work plan; authorizing the Office to conduct certain performance evaluations under
14 certain circumstances; requiring the Office to conduct certain investigations under
15 certain circumstances; authorizing the Office to conduct certain evaluations in
16 accordance with the Maryland Program Evaluation Act; authorizing the Committee
17 to direct the Office to conduct a certain assessment or scoping evaluation of a unit of
18 State government and, based on the findings of the assessment or scoping
19 evaluation, waive the unit from an evaluation under this Act; requiring the Office to
20 conduct a performance evaluation of certain corporations or associations and certain
21 local school systems under certain circumstances; requiring that performance
22 evaluation reports include certain information; providing for the manner in which
23 performance evaluations are to be conducted; granting employees and authorized
24 representatives of the Office, except under certain circumstances, access to and the
25 authority to inspect certain records; authorizing the Director to issue process to
26 require a certain office to produce a certain record; authorizing, subject to a certain
27 exception, an employee or authorized representative of the Office to submit a certain
28 draft report only to certain individuals; requiring the Director, on the completion of
29 each evaluation, to submit a certain report to the Committee and a copy of the report
30 to certain other persons; requiring the Office to make certain reports available to the
31 public in a certain manner; requiring the Director to advise the Committee of certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 information; authorizing the Committee to make certain recommendations and
2 propose certain legislation; requiring the Governor and the Chief Judge of the Court
3 of Appeals to implement certain systems and processes; requiring certain units
4 subject to evaluation to report to the Office certain information at certain times;
5 requiring the Director to report certain violations of law to certain persons and
6 request certain individuals to take certain actions; requiring and authorizing the
7 Attorney General and the State's Attorney to take certain action with respect to a
8 certain report and certain criminal violations; granting the Attorney General certain
9 powers and duties; providing that certain information obtained during an evaluation
10 is confidential and may not be disclosed except under certain circumstances;
11 prohibiting certain individuals from including certain confidential information in a
12 report or otherwise using the information in a certain manner; establishing a certain
13 penalty; altering the manner in which certain governmental units and activities are
14 evaluated under the Maryland Program Evaluation Act; requiring certain entities to
15 provide certain information and cooperate with the Department to carry out certain
16 requirements; requiring the units subject to termination or responsible for a
17 governmental activity subject to termination to ensure that certain legislation is
18 requested; prohibiting the requested legislation from proposing a reestablishment
19 period exceeding a certain number of years; stating the intent of the General
20 Assembly that the Department conduct a certain evaluation and make certain
21 recommendations on or before certain dates; defining certain terms; altering and
22 repealing certain definitions; making conforming changes; providing for the
23 correction of certain errors and obsolete provisions by the publishers of the
24 Annotated Code; and generally relating to the Office of Program Evaluation and
25 Government Accountability and the Maryland Program Evaluation Act.

26 BY renumbering

27 Article – State Government
28 Section 2–1234 through 2–1241, and 2–1243 through 2–1249, respectively
29 to be Section 2–1244 through 2–1251, and 2–1254 through 2–1260, respectively
30 Annotated Code of Maryland
31 (2014 Replacement Volume and 2018 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article – State Government
34 Section 2–601, 2–602, 2–1206, 8–401, 8–402(a)(1) and (b)(2), and 8–405 through
35 8–409
36 Annotated Code of Maryland
37 (2014 Replacement Volume and 2018 Supplement)

38 BY adding to

39 Article – State Government
40 Section 2–1230 through 2–1241 to be under the new part “Part V. Office of Program
41 Evaluation and Government Accountability”; 8–403 and 8–408
42 Annotated Code of Maryland
43 (2014 Replacement Volume and 2018 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – State Government
3 Section 2–1247(a)(7), (13), and (15), 2–1251(2), and 2–1256(3)
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2018 Supplement)
6 (As enacted by Section 1 of this Act)

7 BY repealing
8 Article – State Government
9 Section 8–403 and 8–404
10 Annotated Code of Maryland
11 (2014 Replacement Volume and 2018 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – State Government
14 Section 8–410 and 8–411
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2018 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That Section(s) 2–1234 through 2–1241, and 2–1243 through 2–1249, respectively, of
19 Article – State Government of the Annotated Code of Maryland be renumbered to be
20 Section(s) 2–1244 through 2–1251, and 2–1254 through 2–1260, respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
22 as follows:

23 **Article – State Government**

24 2–601.

25 In this subtitle, “Committee” means the Joint Audit **AND EVALUATION** Committee.

26 2–602.

27 There is a Joint Audit **AND EVALUATION** Committee, which is a joint committee of
28 the Senate and the House.

29 2–1206.

30 (a) The following units are in the Department:

31 (1) the Office of Legislative Audits;

32 **(2) THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT**
33 **ACCOUNTABILITY;**

- 1 ~~[(2)]~~ **(3)** the Office of Policy Analysis;
- 2 ~~[(3)]~~ **(4)** the Office of Operations and Support Services; and
- 3 ~~[(4)]~~ **(5)** any other offices as may be designated by the President and the
- 4 Speaker.

5 (b) With the approval of the President and the Speaker and in consultation with

6 the minority leader of the Senate and the minority leader of the House of Delegates, the

7 Executive Director shall appoint the following office directors:

8 (1) the director of the Office of Legislative Audits;

9 **(2) THE DIRECTOR OF THE OFFICE OF PROGRAM EVALUATION AND**

10 **GOVERNMENT ACCOUNTABILITY;**

11 ~~[(2)]~~ **(3)** the director of the Office of Policy Analysis;

12 ~~[(3)]~~ **(4)** the director of the Office of Operations and Support Services; and

13 ~~[(4)]~~ **(5)** any director of an office designated by the President and the

14 Speaker under subsection ~~[(a)(4)]~~ **(A)(5)** of this section.

15 (c) Each office director serves without a fixed term and, subject to the approval of

16 the President and the Speaker and in consultation with the minority leader of the Senate

17 and the minority leader of the House of Delegates, may be removed by the Executive

18 Director.

19 (d) Each office director shall serve in a nonpartisan capacity and ensure that all

20 activities of the office are conducted in a nonpartisan manner.

21 (e) Each office director is entitled to the salary provided in the State budget.

22 (f) After consultation with the Executive Director, each office director may

23 appoint an appropriate number of qualified individuals to serve in management functions

24 in the respective offices.

25 **2-1228. RESERVED.**

26 **2-1229. RESERVED.**

27 **PART V. OFFICE OF PROGRAM EVALUATION AND GOVERNMENT**

28 **ACCOUNTABILITY.**

29 **2-1230.**

1 (A) IN THIS PART V THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "COMMITTEES OF JURISDICTION" MEANS THE COMMITTEES OF THE
4 GENERAL ASSEMBLY THAT ROUTINELY HANDLE THE POLICY ISSUES AND
5 LEGISLATION RELATED TO A SPECIFIC GOVERNMENTAL ACTIVITY OR UNIT SUBJECT
6 TO REVIEW UNDER THIS PART.

7 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE.

8 (D) "OFFICE" MEANS THE OFFICE OF PROGRAM EVALUATION AND
9 GOVERNMENT ACCOUNTABILITY.

10 (E) "PERFORMANCE EVALUATION" MEANS THE REVIEW OF A
11 GOVERNMENTAL ACTIVITY OR UNIT USED TO DETERMINE:

12 (1) WHETHER THE GOVERNMENTAL ACTIVITY OR UNIT, IF SUBJECT
13 TO TERMINATION, SHOULD BE REESTABLISHED OR TERMINATED; AND

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

17 (F) (1) "UNIT" INCLUDES EACH STATE DEPARTMENT, AGENCY, UNIT,
18 AND PROGRAM, INCLUDING EACH CLERK OF COURT, EACH REGISTER OF WILLS, AND
19 EACH LOCAL SCHOOL SYSTEM.

20 (2) "UNIT" DOES NOT INCLUDE A DEPARTMENT, AN AGENCY, OR A
21 UNIT IN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT.

22 2-1231.

23 THERE IS AN OFFICE OF PROGRAM EVALUATION AND GOVERNMENT
24 ACCOUNTABILITY IN THE DEPARTMENT.

25 2-1232.

26 (A) THE HEAD OF THE OFFICE IS THE DIRECTOR.

27 (B) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT AND
28 THE SPEAKER, THE JOINT AUDIT AND EVALUATION COMMITTEE, AND THE
29 OVERALL SUPERVISION AND CONTROL OF THE EXECUTIVE DIRECTOR, THE
30 DIRECTOR HAS GENERAL ADMINISTRATIVE CONTROL OF THE OPERATION OF THE

1 OFFICE.

2 2-1233.

3 (A) WITH THE APPROVAL OF THE EXECUTIVE DIRECTOR, THE DIRECTOR
4 MAY APPOINT A DEPUTY DIRECTOR AND OTHER PROFESSIONAL STAFF AND
5 CONTRACT WITH CONSULTANTS AS AUTHORIZED REPRESENTATIVES.

6 (B) THE DEPUTY DIRECTOR:

7 (1) HAS THE DUTIES DELEGATED BY THE DIRECTOR; AND

8 (2) MAY BE DESIGNATED BY THE EXECUTIVE DIRECTOR TO ACT AS
9 DIRECTOR IF THE OFFICE IS VACANT OR THE DIRECTOR IS UNABLE TO PERFORM
10 THE DUTIES OF OFFICE.

11 2-1234.

12 (A) (1) THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF
13 UNITS OF STATE GOVERNMENT, IN ACCORDANCE WITH THE WORK PLAN DEVELOPED
14 BY THE DIRECTOR IN CONSULTATION WITH THE JOINT AUDIT AND EVALUATION
15 COMMITTEE.

16 (2) AN AGENCY OR A PROGRAM MAY BE EVALUATED SEPARATELY OR
17 AS PART OF A LARGER ORGANIZATIONAL UNIT OF STATE GOVERNMENT.

18 (3) IN ADDITION TO THE PERFORMANCE EVALUATIONS CONDUCTED
19 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OFFICE:

20 (I) MAY CONDUCT A PERFORMANCE EVALUATION OF A UNIT ON
21 A REQUEST BY THE LEGISLATIVE AUDITOR; AND

22 (II) SHALL CONDUCT A PERFORMANCE EVALUATION OF A UNIT:

23 1. WHEN DIRECTED BY THE JOINT AUDIT AND
24 EVALUATION COMMITTEE OR THE EXECUTIVE DIRECTOR; OR

25 2. WHEN OTHERWISE REQUIRED BY LAW.

26 (4) (I) WHEN DIRECTED BY THE JOINT AUDIT AND EVALUATION
27 COMMITTEE, THE EXECUTIVE DIRECTOR, OR THE DIRECTOR, THE OFFICE SHALL
28 CONDUCT A SEPARATE INVESTIGATION OF AN ACT OR ALLEGATION OF FRAUD,
29 WASTE, OR ABUSE IN THE OBLIGATION, EXPENDITURE, RECEIPT, OR USE OF STATE

1 RESOURCES.

2 (II) THE DIRECTOR SHALL DETERMINE WHETHER AN
3 INVESTIGATION SHALL BE CONDUCTED IN CONJUNCTION WITH AN AUDIT
4 UNDERTAKEN IN ACCORDANCE WITH PART IV OF THIS SUBTITLE OR SEPARATELY.

5 (B) IN ADDITION TO THE PERFORMANCE EVALUATIONS CONDUCTED UNDER
6 SUBSECTION (A) OF THIS SECTION, THE OFFICE MAY CONDUCT PERFORMANCE
7 EVALUATIONS IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.

8 (C) THE JOINT AUDIT AND EVALUATION COMMITTEE MAY DIRECT THE
9 OFFICE TO:

10 (1) CONDUCT AN ASSESSMENT OR A SCOPING PERFORMANCE
11 EVALUATION OF A UNIT OF STATE GOVERNMENT IN ORDER TO DETERMINE
12 WHETHER THE UNIT SHOULD UNDERGO A MORE COMPREHENSIVE PERFORMANCE
13 EVALUATION UNDER THIS PART; AND

14 (2) BASED ON THE FINDINGS OF THE ASSESSMENT OR SCOPING
15 PRELIMINARY EVALUATION CONDUCTED UNDER ITEM (1) OF THIS SUBSECTION,
16 WAIVE THE UNIT FROM A MORE COMPREHENSIVE PERFORMANCE EVALUATION
17 UNDER THIS PART.

18 (D) IF DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE, THE
19 OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF A CORPORATION OR AN
20 ASSOCIATION TO WHICH THE GENERAL ASSEMBLY HAS APPROPRIATED MONEY OR
21 THAT HAS RECEIVED FUNDS FROM AN APPROPRIATION FROM THE STATE
22 TREASURY.

23 (E) (1) IF DIRECTED BY THE JOINT AUDIT AND EVALUATION
24 COMMITTEE, THE EXECUTIVE DIRECTOR, THE DIRECTOR, OR WHEN OTHERWISE
25 REQUIRED BY LAW, THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF
26 A LOCAL SCHOOL SYSTEM.

27 (2) A PERFORMANCE EVALUATION CONDUCTED UNDER PARAGRAPH
28 (1) OF THIS SUBSECTION MAY BE PERFORMED CONCURRENTLY WITH OR
29 SEPARATELY FROM AN AUDIT CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS
30 IN ACCORDANCE WITH § 2-1220 OF THIS SUBTITLE.

31 (3) THE OFFICE SHALL PROVIDE INFORMATION REGARDING THE
32 PERFORMANCE EVALUATION PROCESS TO THE LOCAL SCHOOL SYSTEM BEFORE THE
33 PERFORMANCE EVALUATION IS CONDUCTED.

1 **2-1235.**

2 **(A) THIS SECTION DOES NOT APPLY TO A PERFORMANCE EVALUATION**
3 **CONDUCTED IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.**

4 **(B) A PERFORMANCE EVALUATION CONDUCTED BY THE OFFICE MAY**
5 **INCLUDE:**

6 **(1) EVALUATING THE EFFICIENCY, EFFECTIVENESS, AND ECONOMY**
7 **WITH WHICH RESOURCES ARE USED;**

8 **(2) DETERMINING WHETHER DESIRED PROGRAM RESULTS ARE**
9 **ACHIEVED;**

10 **(3) DETERMINING WHETHER A PROGRAM ALIGNS WITH THE UNIT'S**
11 **MISSION;**

12 **(4) EVALUATING WHETHER A PROGRAM DUPLICATES ANOTHER**
13 **PROGRAM OR ACTIVITY WITHIN ANOTHER UNIT;**

14 **(5) EVALUATING WHETHER THE GOVERNMENTAL ACTIVITY OR UNIT**
15 **UNDER EVALUATION OPERATES:**

16 **(I) IN AN OPEN AND ACCOUNTABLE MANNER, WITH PUBLIC**
17 **ACCESS TO RECORDS AND MEETINGS, SAFEGUARDS AGAINST CONFLICTS OF**
18 **INTEREST, AND OPPORTUNITY FOR PUBLIC PARTICIPATION; AND**

19 **(II) IN A FAIR AND NONDISCRIMINATORY MANNER THAT**
20 **COMPLIES FULLY WITH LAW AND STATE POLICY;**

21 **(6) DETERMINING THE RELIABILITY OF PERFORMANCE MEASURES,**
22 **AS DEFINED IN § 3-1001 OF THE STATE FINANCE AND PROCUREMENT ARTICLE,**
23 **IDENTIFIED IN:**

24 **(I) THE MANAGING FOR RESULTS AGENCY STRATEGIC PLAN**
25 **DEVELOPED UNDER § 3-1002(C) OF THE STATE FINANCE AND PROCUREMENT**
26 **ARTICLE; OR**

27 **(II) THE STATE STAT STRATEGIC PLAN AND PERFORMANCE**
28 **MEASUREMENT REPORT SUBMITTED TO THE SECRETARY OF BUDGET AND**
29 **MANAGEMENT UNDER § 3-1003(D) OF THE STATE FINANCE AND PROCUREMENT**
30 **ARTICLE; AND**

1 **(7) FOR A PERFORMANCE EVALUATION OF A LOCAL SCHOOL SYSTEM:**

2 **(I) EVALUATING WHETHER OR NOT THE SCHOOL SYSTEM IS**
3 **COMPLYING WITH FEDERAL AND STATE LAWS AND REGULATIONS;**

4 **(II) ANALYZING GRADING STANDARDS, GRADUATION**
5 **REQUIREMENTS, ASSESSMENTS, PROCUREMENT, AND EQUITABLE USE OF**
6 **RESOURCES AMONG THE SCHOOLS WITHIN THE SYSTEM EVALUATED; AND**

7 **(III) IDENTIFYING INSTANCES OF FRAUD, WASTE, AND ABUSE.**

8 **2-1236.**

9 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERFORMANCE**
10 **EVALUATION CONDUCTED BY THE OFFICE SHALL BE MADE AT THE OFFICES OF THE**
11 **STATE UNIT, COUNTY OFFICER OR UNIT, CORPORATION, ASSOCIATION, OR LOCAL**
12 **SCHOOL SYSTEM THAT IS SUBJECT TO EXAMINATION.**

13 **(B) IF CONSIDERED APPROPRIATE AND AFTER CONSULTATION WITH THE**
14 **UNIT OR BODY BEING EXAMINED, THE DIRECTOR MAY AUTHORIZE ALL OR A**
15 **PORTION OF A PERFORMANCE EVALUATION TO BE CONDUCTED AT THE OFFICES OF**
16 **THE OFFICE.**

17 **(C) BEFORE THE OFFICE REMOVES THE ORIGINAL OR ONLY COPY OF ANY**
18 **RECORD FROM THE PREMISES OF A STATE UNIT, COUNTY UNIT, OR A SCHOOL**
19 **SYSTEM, THE OFFICE SHALL OBTAIN THE APPROVAL OF THE STATE UNIT, COUNTY**
20 **UNIT, OR THE SCHOOL SYSTEM.**

21 **2-1237.**

22 **(A) (1) EXCEPT AS PROHIBITED BY THE INTERNAL REVENUE CODE, THE**
23 **EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF THE OFFICE SHALL HAVE**
24 **ACCESS TO AND MAY INSPECT THE RECORDS, INCLUDING THOSE THAT ARE**
25 **CONFIDENTIAL BY LAW, OF ANY UNIT OF STATE GOVERNMENT OR OF A PERSON OR**
26 **OTHER BODY RECEIVING STATE FUNDS, WITH RESPECT TO ANY MATTER UNDER THE**
27 **JURISDICTION OF THE OFFICE.**

28 **(2) IN CONJUNCTION WITH A PERFORMANCE EVALUATION**
29 **AUTHORIZED UNDER THIS SUBTITLE, THE ACCESS REQUIRED BY PARAGRAPH (1) OF**
30 **THIS SUBSECTION SHALL INCLUDE ACCESS TO THE RECORDS OF CONTRACTORS AND**
31 **SUBCONTRACTORS THAT PERFORM WORK UNDER STATE CONTRACTS.**

32 **(3) THE EMPLOYEES OR AUTHORIZED REPRESENTATIVES OF THE**

1 OFFICE SHALL HAVE ACCESS TO AND MAY INSPECT THE RECORDS, INCLUDING
2 THOSE THAT ARE CONFIDENTIAL BY LAW, OF ANY LOCAL SCHOOL SYSTEM TO
3 UNDERTAKE THE PERFORMANCE EVALUATIONS AUTHORIZED UNDER § 2-1234 OF
4 THIS SUBTITLE.

5 (B) EACH OFFICER OR EMPLOYEE OF THE UNIT OR BODY THAT IS SUBJECT
6 TO A PERFORMANCE EVALUATION SHALL PROVIDE ANY INFORMATION THAT THE
7 DIRECTOR DETERMINES TO BE NEEDED FOR THE EXAMINATION OF THAT UNIT OR
8 BODY, OR OF ANY MATTER UNDER THE AUTHORITY OF THE OFFICE, INCLUDING
9 INFORMATION THAT OTHERWISE WOULD BE CONFIDENTIAL UNDER ANY PROVISION
10 OF LAW.

11 (C) (1) THE DIRECTOR MAY ISSUE PROCESS THAT REQUIRES AN
12 OFFICIAL OF A STATE UNIT OR SCHOOL SYSTEM THAT IS SUBJECT TO PERFORMANCE
13 EVALUATION TO PRODUCE A RECORD THAT IS NEEDED FOR THE PERFORMANCE
14 EVALUATION.

15 (2) THE PROCESS SHALL BE SENT TO THE SHERIFF FOR THE COUNTY
16 WHERE THE OFFICIAL IS LOCATED.

17 (3) THE SHERIFF PROMPTLY SHALL SERVE THE PROCESS.

18 (4) THE STATE SHALL PAY THE COST OF PROCESS.

19 (5) IF A PERSON FAILS TO COMPLY WITH PROCESS ISSUED UNDER
20 THIS SUBSECTION OR FAILS TO PROVIDE INFORMATION THAT IS REQUESTED
21 DURING A PERFORMANCE EVALUATION, A CIRCUIT COURT MAY ISSUE AN ORDER
22 DIRECTING COMPLIANCE WITH THE PROCESS OR COMPELLING THAT THE
23 INFORMATION REQUESTED BE PROVIDED.

24 2-1238.

25 (A) THIS SECTION DOES NOT APPLY TO A PERFORMANCE EVALUATION
26 CONDUCTED IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.

27 (B) ON THE COMPLETION OF EACH PERFORMANCE EVALUATION, THE
28 DIRECTOR SHALL SUBMIT A FULL AND DETAILED REPORT TO THE JOINT AUDIT AND
29 EVALUATION COMMITTEE.

30 (C) A FULL AND DETAILED REPORT PREPARED BY THE OFFICE SHALL
31 INCLUDE:

32 (1) A SUMMARY OF SIGNIFICANT LEGISLATIVE AND REGULATORY

1 CHANGES;

2 (2) THE FINDINGS OF THE PERFORMANCE EVALUATION;

3 (3) SPECIFIC RECOMMENDATIONS FOR MAKING THE PROGRAM OR
4 ACTIVITY MORE EFFICIENT OR EFFECTIVE, INCLUDING RECOMMENDATIONS FOR
5 CONSOLIDATION OR ELIMINATION OF ANY DUPLICATIVE PROGRAMS OR ACTIVITIES;

6 (4) AN ESTIMATE OF THE COSTS OR SAVINGS, IF ANY, EXPECTED FROM
7 IMPLEMENTING THE FINDINGS AND RECOMMENDATIONS;

8 (5) RECOMMENDED LEGISLATION NEEDED TO IMPLEMENT THE
9 FINDINGS AND RECOMMENDATIONS; AND

10 (6) ANY RESPONSE OF THE UNIT OR BODY THAT IS THE SUBJECT OF
11 THE REPORT, SUBJECT TO PROCEDURES APPROVED BY THE JOINT AUDIT AND
12 EVALUATION COMMITTEE.

13 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYEE
14 OR AUTHORIZED REPRESENTATIVE OF THE OFFICE MAY SUBMIT A DRAFT REPORT
15 OF FINDINGS ONLY TO THE DIRECTOR OR THE EXECUTIVE DIRECTOR.

16 (2) A DRAFT REPORT SHALL BE PROVIDED TO THE UNIT OR BODY
17 THAT IS THE SUBJECT OF THE REPORT FOR THE PURPOSE OF SOLICITING THE
18 RESPONSE OF THE UNIT OR BODY THAT IS REQUIRED TO BE INCLUDED IN THE FULL
19 AND DETAILED REPORT UNDER SUBSECTION (C)(6) OF THIS SECTION.

20 (E) THE DIRECTOR SHALL SEND A COPY OF THE FULL AND DETAILED
21 REPORT TO:

22 (1) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
23 HOUSE OF DELEGATES;

24 (2) THE COMMITTEES OF JURISDICTION;

25 (3) MEMBERS OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §
26 2-1257 OF THIS SUBTITLE;

27 (4) THE GOVERNOR;

28 (5) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;

29 (6) THE SECRETARY OF BUDGET AND MANAGEMENT;

1 **(7) THE EXECUTIVE DIRECTOR; AND**

2 **(8) ANY OTHER PERSON WHOM THE JOINT AUDIT AND EVALUATION**
3 **COMMITTEE SPECIFIES.**

4 **(F) AFTER THE EXPIRATION OF ANY PERIOD THAT THE JOINT AUDIT AND**
5 **EVALUATION COMMITTEE SPECIFIES, THE DIRECTOR SHALL MAKE A REPORT**
6 **AVAILABLE TO THE PUBLIC UNDER THE PUBLIC INFORMATION ACT.**

7 **(G) (1) THE DIRECTOR SHALL REVIEW EACH UNIT'S RESPONSE AND**
8 **ADVISE THE UNIT OF THE RESULTS OF THE REVIEW.**

9 **(2) THE DIRECTOR SHALL ADVISE THE JOINT AUDIT AND**
10 **EVALUATION COMMITTEE WHEN:**

11 **(I) A UNIT DOES NOT SUBMIT A RESPONSE TO A**
12 **RECOMMENDATION;**

13 **(II) A UNIT DOES NOT INDICATE ACTION, AS RELEVANT, TO BE**
14 **TAKEN IN RESPONSE TO A RECOMMENDATION;**

15 **(III) A UNIT REQUESTS A MODIFICATION OF OR A WAIVER FROM**
16 **A RECOMMENDATION; OR**

17 **(IV) THE RESPONSE BY THE UNIT IS NOT CONSIDERED**
18 **APPROPRIATE TO CARRY OUT THE RECOMMENDATION.**

19 **(3) THE EXECUTIVE DIRECTOR OR THE JOINT AUDIT AND**
20 **EVALUATION COMMITTEE MAY DIRECT THE DIRECTOR TO UNDERTAKE A REVIEW**
21 **TO DETERMINE THE EXTENT TO WHICH ACTION HAS BEEN TAKEN BY A UNIT TO**
22 **IMPLEMENT A REPORT RECOMMENDATION.**

23 **(4) WITH RESPECT TO PERFORMANCE-RELATED FINDINGS AND**
24 **RECOMMENDATIONS, THE JOINT AUDIT AND EVALUATION COMMITTEE MAY MAKE**
25 **RECOMMENDATIONS TO THE GOVERNOR OR PROPOSE LEGISLATION AFTER**
26 **REVIEWING A UNIT'S RESPONSE TO A RECOMMENDED ACTION.**

27 **(H) (1) THE GOVERNOR AND THE CHIEF JUDGE OF THE COURT OF**
28 **APPEALS SHALL IMPLEMENT SYSTEMS AND PROCESSES TO MONITOR THE EFFORTS**
29 **OF THE EXECUTIVE DEPARTMENTAL UNITS AND THE JUDICIARY, RESPECTIVELY,**
30 **TO ADDRESS PERFORMANCE EVALUATION FINDINGS REPORTED BY THE OFFICE.**

1 **(2) WITHIN 9 MONTHS OF A PERFORMANCE EVALUATION REPORT,**
2 **ANY UNIT DIRECTED TO DO SO SHALL REPORT TO THE OFFICE FOR EACH FINDING**
3 **OR RECOMMENDATION IN THAT PERFORMANCE EVALUATION REPORT:**

4 **(I) THE ACTIONS TAKEN TO ADDRESS THE FINDING OR**
5 **RECOMMENDATION; OR**

6 **(II) A SCHEDULE FOR WHEN SPECIFIC ACTIONS WILL BE**
7 **IMPLEMENTED.**

8 **2-1239.**

9 **(A) (1) IN ADDITION TO THE REPORTS UNDER § 2-1238 OF THIS**
10 **SUBTITLE, THE DIRECTOR SHALL REPORT AN APPARENT VIOLATION OF LAW BY A**
11 **UNIT OF STATE GOVERNMENT OR OTHER BODY THAT IS EXAMINED.**

12 **(2) A REPORT UNDER THIS SUBSECTION SHALL BE SUBMITTED TO:**

13 **(I) THE JOINT AUDIT AND EVALUATION COMMITTEE;**

14 **(II) THE EXECUTIVE DIRECTOR;**

15 **(III) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;**

16 **AND**

17 **(IV) THE OFFICE OF THE ATTORNEY GENERAL.**

18 **(B) (1) IF THE DIRECTOR DISCOVERS ANY ALLEGED CRIMINAL**
19 **VIOLATION BY A PERSON DURING THE COURSE OF A PERFORMANCE EVALUATION,**
20 **THE DIRECTOR SHALL REPORT THE ALLEGED VIOLATION TO THE ATTORNEY**
21 **GENERAL AND THE APPROPRIATE STATE'S ATTORNEY.**

22 **(2) A REPORT UNDER THIS SUBSECTION SHALL ASK THE ATTORNEY**
23 **GENERAL AND STATE'S ATTORNEY TO TAKE APPROPRIATE ACTION.**

24 **(3) UNLESS THE ATTORNEY GENERAL OR STATE'S ATTORNEY**
25 **DECIDES TO PROSECUTE AN ALLEGED CRIMINAL VIOLATION REPORTED UNDER**
26 **THIS SUBSECTION, THE ATTORNEY GENERAL AND STATE'S ATTORNEY SHALL KEEP**
27 **THE REPORT OF THE DIRECTOR UNDER THIS SUBSECTION CONFIDENTIAL.**

28 **(4) THE ATTORNEY GENERAL MAY INVESTIGATE AND PROSECUTE**
29 **ANY ALLEGED CRIMINAL VIOLATION REPORTED UNDER THIS SUBSECTION AND HAS**
30 **ALL THE POWERS AND DUTIES OF A STATE'S ATTORNEY, INCLUDING THE USE OF A**

1 GRAND JURY IN ANY COUNTY, TO INVESTIGATE AND PROSECUTE THE ALLEGED
2 VIOLATION.

3 (C) (1) THE OFFICE OF THE ATTORNEY GENERAL SHALL RESPOND, IN
4 WRITING, TO A REPORT RECEIVED FROM THE DIRECTOR UNDER THIS SECTION.

5 (2) THE RESPONSE OF THE ATTORNEY GENERAL SHALL INCLUDE
6 WHAT ACTIONS, IF ANY, WERE TAKEN AS A RESULT OF THE FINDINGS OF THE
7 DIRECTOR.

8 (3) THE RESPONSE OF THE ATTORNEY GENERAL SHALL BE
9 SUBMITTED TO:

10 (I) THE JOINT AUDIT AND EVALUATION COMMITTEE;

11 (II) THE EXECUTIVE DIRECTOR;

12 (III) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;

13 AND

14 (IV) THE DIRECTOR.

15 2-1240.

16 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, CONFIDENTIAL
17 INFORMATION THAT AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE
18 OFFICE OR THE OFFICE OF POLICY ANALYSIS OBTAINS DURING A PERFORMANCE
19 EVALUATION:

20 (1) REMAINS CONFIDENTIAL; AND

21 (2) MAY NOT BE DISCLOSED EXCEPT TO ANOTHER EMPLOYEE OR
22 AUTHORIZED REPRESENTATIVE OF THE OFFICE OR THE OFFICE OF POLICY
23 ANALYSIS.

24 (B) INFORMATION OBTAINED DURING A PERFORMANCE EVALUATION MAY
25 BE PROVIDED IN A FORMAT THAT PROTECTS THE CONFIDENTIALITY OF
26 INDIVIDUALS AS NECESSARY.

27 (C) THE DIRECTOR MAY AUTHORIZE THE DISCLOSURE OF CONFIDENTIAL
28 INFORMATION OBTAINED DURING A PERFORMANCE EVALUATION ONLY TO THE
29 FOLLOWING:

1 **(1) ANOTHER EMPLOYEE OF THE DEPARTMENT, WITH THE APPROVAL**
2 **OF THE EXECUTIVE DIRECTOR;**

3 **(2) FEDERAL, STATE, OR LOCAL OFFICIALS, OR THEIR AUDITORS,**
4 **WHO PROVIDE EVIDENCE TO THE DIRECTOR THAT THEY ARE PERFORMING**
5 **INVESTIGATIONS, STUDIES, OR AUDITS RELATED TO THAT SAME EXAMINATION AND**
6 **WHO PROVIDE JUSTIFICATION FOR THE SPECIFIC INFORMATION REQUESTED; OR**

7 **(3) THE JOINT AUDIT AND EVALUATION COMMITTEE, IF NECESSARY**
8 **TO ASSIST THE COMMITTEE IN REVIEWING A REPORT ISSUED BY THE OFFICE.**

9 **(D) EXCEPT AS PROVIDED IN § 2-1239 OF THIS SUBTITLE, IF INFORMATION**
10 **THAT AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OBTAINS DURING A**
11 **PERFORMANCE EVALUATION ALSO IS CONFIDENTIAL UNDER ANOTHER LAW, THE**
12 **EMPLOYEE, AUTHORIZED REPRESENTATIVE, OR THE DIRECTOR MAY NOT INCLUDE**
13 **IN A REPORT OR OTHERWISE USE THE INFORMATION IN ANY MANNER THAT**
14 **DISCLOSES THE IDENTITY OF ANY PERSON WHO IS THE SUBJECT OF THE**
15 **CONFIDENTIAL INFORMATION.**

16 **2-1241.**

17 **A PERSON IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
18 **A FINE NOT EXCEEDING \$1,000 IF THE PERSON:**

19 **(1) FAILS TO COMPLY PROMPTLY WITH PROCESS THAT THE**
20 **DIRECTOR ISSUES UNDER THIS PART; OR**

21 **(2) VIOLATES ANY PROVISION OF § 2-1238(D) OR § 2-1240 OF THIS**
22 **SUBTITLE.**

23 **2-1247.**

24 (a) In addition to any duties set forth elsewhere, the Office shall:

25 (7) report, subject to [§ 2-1246] § 2-1257 of this subtitle, on the public
26 debt of the State, including the effect of an additional debt authorization or issue on State
27 finances;

28 (13) as directed by the General Assembly, the Legislative Policy Committee,
29 the Joint Audit AND EVALUATION Committee, or other legislative committees:

30 (i) subject to [§ 2-1246] § 2-1257 of this subtitle, submit reports on
31 the studies on units of the State government; and

1 (ii) conduct other special studies and prepare other special reports;

2 (15) subject to [§ 2–1246] **§ 2–1257** of this subtitle, publish an annual report
3 on the revenues and expenditures of each county, municipal corporation, and special taxing
4 district created by law; and

5 2–1251.

6 In addition to any other duties set forth elsewhere, the Office shall:

7 (2) index and preserve all information prepared as a result of the provisions
8 of [§ 2–1238] **§ 2–1248** of this subtitle; and

9 2–1256.

10 The Department shall:

11 (3) subject to [§ 2–1246] **§ 2–1257** of this subtitle, annually submit the list
12 to the General Assembly.

13 8–401.

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

15 (b) “Committees of jurisdiction” means the committees of the General Assembly
16 that routinely handle the policy issues and legislation related to a specific governmental
17 activity or unit subject to review under this subtitle.

18 (c) “Department” means the Department of Legislative Services.

19 (d) “Evaluation” means the [two–tiered] process of legislative review of a
20 governmental activity or unit used to determine:

21 (1) whether the governmental activity or unit should be reestablished or
22 terminated; and

23 (2) what, if any, statutory or nonstatutory changes should be recommended
24 to the General Assembly to improve the operations of the governmental activity or unit.

25 (e) [“Evaluation year” means the year in which either a preliminary or full
26 evaluation of a governmental activity or unit is to be completed.

27 (f) “Full evaluation” means:

28 (1) an examination of issues identified in a preliminary evaluation as
29 requiring further study; or

1 (2) a follow-up review of how issues identified in a previous evaluation
2 have been implemented by a governmental activity or unit.

3 (g) “Governmental activity” means a program, service, or other function of
4 government.

5 (h) (F) “Office” means the [Office of Policy Analysis] OFFICE in the
6 Department of Legislative Services DESIGNATED BY THE EXECUTIVE DIRECTOR OF
7 THE DEPARTMENT.

8 (i) “Preliminary evaluation” means a review of a governmental activity or unit
9 limited to the items specified under § 8–403(b) of this subtitle that is undertaken to provide
10 a recommendation to the Legislative Policy Committee on whether a governmental activity
11 or unit should undergo a full evaluation.]

12 8–402.

13 (a) The General Assembly finds that:

14 (1) a [system] FRAMEWORK THAT ALLOWS for periodic, legislative review
15 of the regulatory, licensing, and other governmental activities of the Executive Branch of
16 the State government is essential for the maintenance of a government in which the citizens
17 have confidence and of a healthy State economy; and

18 (b) The purposes of this subtitle are to:

19 (2) ensure that the legislative review takes place by establishing, by
20 statute, [dates] A PROCESS for the review and other legislative action.

21 [8–403.

22 (a) On or before December 15 of the evaluation year specified, the Department
23 shall:

24 (1) conduct a preliminary evaluation of each governmental activity or unit
25 to be evaluated under this section; and

26 (2) prepare a report on each preliminary evaluation conducted.

27 (b) Each of the following governmental activities or units and the statutes and
28 regulations that relate to the governmental activities or units are subject to preliminary
29 evaluation in the evaluation year specified:

30 (1) Acupuncture Board, State (§ 1A–201 of the Health Occupations Article:
31 2022);

- 1 (2) Amusement Ride Safety, State Advisory Board (§ 3–303 of the Business
2 Regulation Article: 2021);
- 3 (3) Apprenticeship and Training Council (§ 11–403 of the Labor and
4 Employment Article: 2021);
- 5 (4) Architects, State Board of (§ 3–201 of the Business Occupations and
6 Professions Article: 2020);
- 7 (5) Athletic Commission, State (§ 4–201 of the Business Regulation Article:
8 2018);
- 9 (6) Audiologists, Hearing Aid Dispensers, and Speech–Language
10 Pathologists, State Board of Examiners for (§ 2–201 of the Health Occupations Article:
11 2023);
- 12 (7) Barbers, State Board of (§ 4–201 of the Business Occupations and
13 Professions Article: 2018);
- 14 (8) Behavior Analyst Advisory Committee (§ 17–6A–05 of the Health
15 Occupations Article: 2021);
- 16 (9) Boiler Rules, Board of (§ 12–904 of the Public Safety Article: 2021);
- 17 (10) Cemetery Oversight, Office of (§ 5–201 of the Business Regulation
18 Article: 2020);
- 19 (11) Chiropractic Examiners, State Board of (§ 3–201 of the Health
20 Occupations Article: 2019);
- 21 (12) Collection Agency Licensing Board, State (§ 7–201 of the Business
22 Regulation Article: 2019);
- 23 (13) Cosmetologists, State Board of (§ 5–201 of the Business Occupations
24 and Professions Article: 2018);
- 25 (14) Counselors and Therapists, State Board of Professional (§ 17–201 of the
26 Health Occupations Article: 2016);
- 27 (15) Dietetic Practice, State Board of (§ 5–201 of the Health Occupations
28 Article: 2022);
- 29 (16) Electricians, State Board of Master (§ 6–201 of the Business
30 Occupations and Professions Article: 2020);
- 31 (17) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public
32 Safety Article: 2026);

- 1 (18) Engineers, State Board for Professional (§ 14–201 of the Business
2 Occupations and Professions Article: 2020);
- 3 (19) Engineers, State Board of Stationary (§ 6.5–201 of the Business
4 Occupations and Professions Article: 2021);
- 5 (20) Environmental Health Specialists, State Board of (§ 21–201 of the
6 Health Occupations Article: 2023);
- 7 (21) Financial Regulation, Office of the Commissioner of (§ 2–101 of the
8 Financial Institutions Article: 2019);
- 9 (22) Foresters, State Board of (§ 7–201 of the Business Occupations and
10 Professions Article: 2022);
- 11 (23) Health Care Commission, Maryland (§ 19–103 of the Health – General
12 Article: 2015);
- 13 (24) Health Services Cost Review Commission, State (§ 19–202 of the Health
14 – General Article: 2015);
- 15 (25) Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors,
16 State Board of (§ 9A–201 of the Business Regulation Article: 2020);
- 17 (26) Home Improvement Commission, Maryland (§ 8–201 of the Business
18 Regulation Article: 2019);
- 19 (27) Horse Industry Board, Maryland (§ 2–701 of the Agriculture Article:
20 2023);
- 21 (28) Individual Tax Preparers, State Board of (§ 21–201 of the Business
22 Occupations and Professions Article: 2023);
- 23 (29) Interior Designers, State Board of Certified (§ 8–201 of the Business
24 Occupations and Professions Article: 2021);
- 25 (30) Labor and Industry, Division of (Title 2 of the Labor and Employment
26 Article: 2021) and related programs;
- 27 (31) Land Surveyors, State Board for Professional (§ 15–201 of the Business
28 Occupations and Professions Article: 2021);
- 29 (32) Landscape Architects, State Board of Examiners of (§ 9–201 of the
30 Business Occupations and Professions Article: 2021);
- 31 (33) Law Examiners, State Board of (§ 10–201 of the Business Occupations

1 and Professions Article: 2027);

2 (34) Maryland–Bred Race Fund Advisory Committee (§ 11–531 of the
3 Business Regulation Article: 2021);

4 (35) Massage Therapy Examiners, State Board of (§ 6–201 of the Health
5 Occupations Article: 2023);

6 (36) Nursing Home Administrators, State Board of Examiners of (§ 9–201 of
7 the Health Occupations Article: 2024);

8 (37) Occupational Safety and Health Advisory Board (§ 5–302 of the Labor
9 and Employment Article: 2021);

10 (38) Occupational Therapy Practice, State Board of (§ 10–201 of the Health
11 Occupations Article: 2022);

12 (39) Optometry, State Board of Examiners in (§ 11–201 of the Health
13 Occupations Article: 2020);

14 (40) Physical Therapy Examiners, State Board of (§ 13–201 of the Health
15 Occupations Article: 2019);

16 (41) Pilots, State Board of (§ 11–201 of the Business Occupations and
17 Professions Article: 2019);

18 (42) Plumbing, State Board of (§ 12–201 of the Business Occupations and
19 Professions Article: 2020);

20 (43) Podiatric Medical Examiners, State Board of (§ 16–201 of the Health
21 Occupations Article: 2019);

22 (44) Prescription Drug Monitoring Program in the Maryland Department of
23 Health (§ 21–2A–02 of the Health – General Article: 2013);

24 (45) Psychologists, State Board of Examiners of (§ 18–201 of the Health
25 Occupations Article: 2020);

26 (46) Public Accountancy, State Board of (§ 2–201 of the Business
27 Occupations and Professions Article: 2022);

28 (47) Racing Commission, State (§ 11–201 of the Business Regulation Article:
29 2021);

30 (48) Real Estate Appraisers, Appraisal Management Companies, and Home
31 Inspectors, State Commission of (§ 16–201 of the Business Occupations and Professions
32 Article: 2020);

1 (49) Real Estate Commission, State (§ 17–201 of the Business Occupations
2 and Professions Article: 2019);

3 (50) Residential Child Care Program Professionals, State Board for
4 Certification of (§ 20–202 of the Health Occupations Article: 2021);

5 (51) security systems technicians, licensing and regulation of (§ 18–201 of
6 the Business Occupations and Professions Article: 2018);

7 (52) Social Work Examiners, State Board of (§ 19–201 of the Health
8 Occupations Article: 2021);

9 (53) Standardbred Race Fund Advisory Committee, Maryland (§ 11–625 of
10 the Business Regulation Article: 2021);

11 (54) Veterinary Medical Examiners, State Board of (§ 2–302 of the
12 Agriculture Article: 2018);

13 (55) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of
14 the Environment Article: 2018); and

15 (56) Well Drillers, State Board of (§ 13–201 of the Environment Article:
16 2018).

17 (c) A report on a preliminary evaluation shall:

18 (1) include a summary of:

19 (i) significant legislative and regulatory changes since the last
20 evaluation;

21 (ii) licensing and enforcement activities since the last evaluation;

22 (iii) registered complaints, complaint outcomes, and disciplinary
23 activities since the last evaluation; and

24 (iv) revenues and expenditures for the most recent 6–year period,
25 including indirect costs; and

26 (2) recommend whether a full evaluation should be undertaken by the
27 Department.

28 (d) The Department shall consider recommending a full evaluation of a
29 governmental activity or unit if problems are identified regarding:

30 (1) implementation of the governmental activity or unit’s mandate or

1 statutory requirements;

2 (2) management or disposition of licensing, enforcement, complaint, or
3 disciplinary activities;

4 (3) finances or resources; or

5 (4) other issues as identified by the General Assembly or the Department.

6 (e) On completion, the Department shall submit each report on a preliminary
7 evaluation to the Legislative Policy Committee.]

8 **8-403.**

9 **THIS SUBTITLE APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL**
10 **ACTIVITIES AND UNITS:**

11 (1) **ACUPUNCTURE BOARD, STATE (§ 1A-201 OF THE HEALTH**
12 **OCCUPATIONS ARTICLE);**

13 (2) **AMUSEMENT RIDE SAFETY, STATE ADVISORY BOARD (§ 3-303 OF**
14 **THE BUSINESS REGULATION ARTICLE);**

15 (3) **APPRENTICESHIP AND TRAINING COUNCIL (§ 11-403 OF THE**
16 **LABOR AND EMPLOYMENT ARTICLE);**

17 (4) **ARCHITECTS, STATE BOARD OF (§ 3-201 OF THE BUSINESS**
18 **OCCUPATIONS AND PROFESSIONS ARTICLE);**

19 (5) **ATHLETIC COMMISSION, STATE (§ 4-201 OF THE BUSINESS**
20 **REGULATION ARTICLE);**

21 (6) **AUDIOLOGISTS, HEARING AID DISPENSERS, AND**
22 **SPEECH-LANGUAGE PATHOLOGISTS, STATE BOARD OF EXAMINERS FOR (§ 2-201**
23 **OF THE HEALTH OCCUPATIONS ARTICLE);**

24 (7) **BARBERS, STATE BOARD OF (§ 4-201 OF THE BUSINESS**
25 **OCCUPATIONS AND PROFESSIONS ARTICLE);**

26 (8) **BEHAVIOR ANALYST ADVISORY COMMITTEE (§ 17-6A-05 OF THE**
27 **HEALTH OCCUPATIONS ARTICLE);**

28 (9) **BOILER RULES, BOARD OF (§ 12-904 OF THE PUBLIC SAFETY**
29 **ARTICLE);**

1 **(10) CEMETERY OVERSIGHT, OFFICE OF (§ 5-201 OF THE BUSINESS**
2 **REGULATION ARTICLE);**

3 **(11) CHIROPRACTIC EXAMINERS, STATE BOARD OF (§ 3-201 OF THE**
4 **HEALTH OCCUPATIONS ARTICLE);**

5 **(12) COLLECTION AGENCY LICENSING BOARD, STATE (§ 7-201 OF**
6 **THE BUSINESS REGULATION ARTICLE);**

7 **(13) COSMETOLOGISTS, STATE BOARD OF (§ 5-201 OF THE BUSINESS**
8 **OCCUPATIONS AND PROFESSIONS ARTICLE);**

9 **(14) COUNSELORS AND THERAPISTS, STATE BOARD OF**
10 **PROFESSIONAL (§ 17-201 OF THE HEALTH OCCUPATIONS ARTICLE);**

11 **(15) DENTAL EXAMINERS, STATE BOARD OF (§ 4-201 OF THE HEALTH**
12 **OCCUPATIONS ARTICLE);**

13 **(16) DIETETIC PRACTICE, STATE BOARD OF (§ 5-201 OF THE HEALTH**
14 **OCCUPATIONS ARTICLE);**

15 **(17) ELECTRICIANS, STATE BOARD OF MASTER (§ 6-201 OF THE**
16 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

17 **(18) ELEVATOR SAFETY REVIEW BOARD (§§ 12-819 THROUGH 12-841**
18 **OF THE PUBLIC SAFETY ARTICLE);**

19 **(19) ENGINEERS, STATE BOARD FOR PROFESSIONAL (§ 14-201 OF**
20 **THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

21 **(20) ENGINEERS, STATE BOARD OF STATIONARY (§ 6.5-201 OF THE**
22 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

23 **(21) ENVIRONMENTAL HEALTH SPECIALISTS, STATE BOARD OF (§**
24 **21-201 OF THE HEALTH OCCUPATIONS ARTICLE);**

25 **(22) FINANCIAL REGULATION, OFFICE OF THE COMMISSIONER OF (§**
26 **2-101 OF THE FINANCIAL INSTITUTIONS ARTICLE);**

27 **(23) FORESTERS, STATE BOARD OF (§ 7-201 OF THE BUSINESS**
28 **OCCUPATIONS AND PROFESSIONS ARTICLE);**

1 **(24) HEALTH CARE COMMISSION, MARYLAND (§ 19-103 OF THE**
2 **HEALTH – GENERAL ARTICLE);**

3 **(25) HEALTH SERVICES COST REVIEW COMMISSION, STATE (§ 19-202**
4 **OF THE HEALTH – GENERAL ARTICLE);**

5 **(26) HEATING, VENTILATION, AIR-CONDITIONING, AND**
6 **REFRIGERATION CONTRACTORS, STATE BOARD OF (§ 9A-201 OF THE BUSINESS**
7 **REGULATION ARTICLE);**

8 **(27) HOME IMPROVEMENT COMMISSION, MARYLAND (§ 8-201 OF THE**
9 **BUSINESS REGULATION ARTICLE);**

10 **(28) HORSE INDUSTRY BOARD, MARYLAND (§ 2-701 OF THE**
11 **AGRICULTURE ARTICLE);**

12 **(29) INDIVIDUAL TAX PREPARERS, STATE BOARD OF (§ 21-201 OF**
13 **THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

14 **(30) INTERIOR DESIGNERS, STATE BOARD OF CERTIFIED (§ 8-201 OF**
15 **THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

16 **(31) LABOR AND INDUSTRY, DIVISION OF (TITLE 2 OF THE LABOR AND**
17 **EMPLOYMENT ARTICLE) AND RELATED PROGRAMS;**

18 **(32) LAND SURVEYORS, STATE BOARD FOR PROFESSIONAL (§ 15-201**
19 **OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

20 **(33) LANDSCAPE ARCHITECTS, STATE BOARD OF EXAMINERS OF (§**
21 **9-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

22 **(34) LAW EXAMINERS, STATE BOARD OF (§ 10-201 OF THE BUSINESS**
23 **OCCUPATIONS AND PROFESSIONS ARTICLE);**

24 **(35) MARYLAND-BRED RACE FUND ADVISORY COMMITTEE (§ 11-531**
25 **OF THE BUSINESS REGULATION ARTICLE);**

26 **(36) MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§ 6-201 OF**
27 **THE HEALTH OCCUPATIONS ARTICLE);**

28 **(37) MORTICIANS AND FUNERAL DIRECTORS, STATE BOARD OF (§**
29 **7-201 OF THE HEALTH OCCUPATIONS ARTICLE);**

1 **(38) NURSING, STATE BOARD OF (§ 8-201 OF THE HEALTH**
2 **OCCUPATIONS ARTICLE: 2021), INCLUDING THE ALLIED HEALTH ADVISORY**
3 **COMMITTEES UNDER THE JURISDICTION OF THE BOARD;**

4 **(39) NURSING HOME ADMINISTRATORS, STATE BOARD OF**
5 **EXAMINERS OF (§ 9-201 OF THE HEALTH OCCUPATIONS ARTICLE);**

6 **(40) OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD (§**
7 **5-302 OF THE LABOR AND EMPLOYMENT ARTICLE);**

8 **(41) OCCUPATIONAL THERAPY PRACTICE, STATE BOARD OF (§**
9 **10-201 OF THE HEALTH OCCUPATIONS ARTICLE);**

10 **(42) OPTOMETRY, STATE BOARD OF EXAMINERS IN (§ 11-201 OF THE**
11 **HEALTH OCCUPATIONS ARTICLE);**

12 **(43) PHARMACY, STATE BOARD OF (§ 12-201 OF THE HEALTH**
13 **OCCUPATIONS ARTICLE);**

14 **(44) PHYSICAL THERAPY EXAMINERS, STATE BOARD OF (§ 13-201 OF**
15 **THE HEALTH OCCUPATIONS ARTICLE);**

16 **(45) PHYSICIANS, STATE BOARD OF (§ 14-201 OF THE HEALTH**
17 **OCCUPATIONS ARTICLE), INCLUDING THE ALLIED HEALTH ADVISORY COMMITTEES**
18 **UNDER THE JURISDICTION OF THE BOARD;**

19 **(46) PILOTS, STATE BOARD OF (§ 11-201 OF THE BUSINESS**
20 **OCCUPATIONS AND PROFESSIONS ARTICLE);**

21 **(47) PLUMBING, STATE BOARD OF (§ 12-201 OF THE BUSINESS**
22 **OCCUPATIONS AND PROFESSIONS ARTICLE);**

23 **(48) PODIATRIC MEDICAL EXAMINERS, STATE BOARD OF (§ 16-201**
24 **OF THE HEALTH OCCUPATIONS ARTICLE);**

25 **(49) PRESCRIPTION DRUG MONITORING PROGRAM IN THE**
26 **MARYLAND DEPARTMENT OF HEALTH (§ 21-2A-02 OF THE HEALTH - GENERAL**
27 **ARTICLE);**

28 **(50) PSYCHOLOGISTS, STATE BOARD OF EXAMINERS OF (§ 18-201 OF**
29 **THE HEALTH OCCUPATIONS ARTICLE);**

30 **(51) PUBLIC ACCOUNTANCY, STATE BOARD OF (§ 2-201 OF THE**

1 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

2 **(52) RACING COMMISSION, STATE (§ 11-201 OF THE BUSINESS**
3 **REGULATION ARTICLE);**

4 **(53) REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT**
5 **COMPANIES, AND HOME INSPECTORS, STATE COMMISSION OF (§ 16-201 OF THE**
6 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

7 **(54) REAL ESTATE COMMISSION, STATE (§ 17-201 OF THE BUSINESS**
8 **OCCUPATIONS AND PROFESSIONS ARTICLE);**

9 **(55) RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS, STATE**
10 **BOARD FOR CERTIFICATION OF (§ 20-202 OF THE HEALTH OCCUPATIONS**
11 **ARTICLE);**

12 **(56) SECURITY SYSTEMS TECHNICIANS, LICENSING AND REGULATION**
13 **OF (§ 18-201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

14 **(57) SOCIAL WORK EXAMINERS, STATE BOARD OF (§ 19-201 OF THE**
15 **HEALTH OCCUPATIONS ARTICLE);**

16 **(58) STANDARD BRED RACE FUND ADVISORY COMMITTEE,**
17 **MARYLAND (§ 11-625 OF THE BUSINESS REGULATION ARTICLE);**

18 **(59) VETERINARY MEDICAL EXAMINERS, STATE BOARD OF (§ 2-302**
19 **OF THE AGRICULTURE ARTICLE);**

20 **(60) WATERWORKS AND WASTE SYSTEMS OPERATORS, STATE BOARD**
21 **OF (§ 12-201 OF THE ENVIRONMENT ARTICLE); AND**

22 **(61) WELL DRILLERS, STATE BOARD OF (§ 13-201 OF THE**
23 **ENVIRONMENT ARTICLE).**

24 [8-404.

25 (a) On or before the 10th day of the regular session of the General Assembly
26 immediately following the evaluation year for a governmental activity or unit specified
27 under § 8-403(b) of this subtitle, the Legislative Policy Committee shall approve or
28 disapprove the recommendations contained in each report on a preliminary evaluation
29 submitted by the Department.

30 (b) If the Legislative Policy Committee approves the Department's
31 recommendation to waive a governmental activity or unit from full evaluation, the

1 Department shall prepare legislation to extend the termination date and evaluation year
2 of the governmental activity or unit.

3 (c) The Department shall conduct a full evaluation of a governmental activity or
4 unit as specified under § 8–405 of this subtitle if the Legislative Policy Committee:

5 (1) approves the Department’s recommendation that a governmental
6 activity or unit undergo full evaluation; or

7 (2) requests that a governmental activity or unit that the Department has
8 recommended be waived from full evaluation instead undergo full evaluation.]

9 [8–405.] **8–404.**

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: 2026);

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 2021), including:

31 (i) Athletic Training Advisory Committee (§ 14–5D–04 of the Health

1 Occupations Article: 2021);

2 (ii) Naturopathic Medicine Advisory Committee (§ 14–5F–04 of the
3 Health Occupations Article: 2021);

4 (iii) Perfusion Advisory Committee (§ 14–5E–05 of the Health
5 Occupations Article: 2021);

6 (iv) Physician Assistant Advisory Committee (§ 15–201 of the Health
7 Occupations Article: 2021);

8 (v) Polysomnography Professional Standards Committee (§
9 14–5C–05 of the Health Occupations Article: 2021);

10 (vi) Radiation Therapy, Radiography, Nuclear Medicine Technology
11 Advisory, and Radiology Assistance Committee (§ 14–5B–05 of the Health Occupations
12 Article: 2021); and

13 (vii) Respiratory Care Professional Standards Committee (§
14 14–5A–05 of the Health Occupations Article: 2021).

15 (c) In addition to the entities specified under subsection (b) of this section, the
16 Department shall conduct a full evaluation of each entity that has undergone a preliminary
17 evaluation for which the Legislative Policy Committee determines a full evaluation is
18 necessary.

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

20 (1) December 1 of the evaluation year specified for entities subject to a full
21 evaluation without a preliminary evaluation under subsection (b) of this section; or

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

24 **(A) WHEN DIRECTED BY THE LEGISLATIVE POLICY COMMITTEE, THE**
25 **JOINT AUDIT AND EVALUATION COMMITTEE, THE EXECUTIVE DIRECTOR, THE**
26 **DIRECTOR OF THE OFFICE OF POLICY ANALYSIS, OR THE DIRECTOR OF THE**
27 **OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, THE**
28 **OFFICE SHALL CONDUCT AN EVALUATION OF A GOVERNMENTAL ACTIVITY OR UNIT**
29 **AND THE STATUTES RELATED TO THE GOVERNMENTAL ACTIVITY OR UNIT.**

30 **(B) THE OFFICE, IN CONSULTATION WITH THE COMMITTEES OF**
31 **JURISDICTION, SHALL DEVELOP A WORK PLAN FOR AN EVALUATION CONDUCTED**
32 **UNDER SUBSECTION (A) OF THIS SECTION.**

33 ~~[(e)]~~ (C) [(1) If a preliminary evaluation has not been conducted, a full] **THE**

1 evaluation report **FOR AN EVALUATION CONDUCTED UNDER SUBSECTION (A) OF THIS**
2 **SECTION:**

3 **(1) shall BE CONSISTENT WITH THE WORK PLAN DEVELOPED UNDER**
4 **SUBSECTION (B) OF THIS SECTION; AND**

5 **(2) MAY** address [any issues raised in the previous sunset evaluation
6 conducted by the Department and] the governmental activity's or unit's:

7 (i) efficiency;

8 (ii) effectiveness;

9 (iii) role in protecting consumers;

10 (iv) sufficiency of resources; and

11 (v) accomplishment of legislative objectives.

12 [(2) If a preliminary evaluation has been conducted, a full evaluation report
13 shall focus on the issues identified in the preliminary evaluation of the governmental
14 activity or unit.]

15 [(f) (D) On completion, the Department shall submit each [full] evaluation
16 report, including draft legislation to implement any recommended statutory changes, to the
17 committees of jurisdiction.

18 [8-406.] **8-405.**

19 On or before the 10th day of the regular session of the General Assembly in the year
20 after the [full] evaluation of a governmental activity or unit has been completed, the
21 committees of jurisdiction for the governmental activity or unit shall hold a public hearing
22 to receive testimony on the evaluation report from the Department, the unit under
23 evaluation or responsible for the governmental activity under evaluation, and the public.

24 [8-407.] **8-406.**

25 (a) Subject to [§ 2-1246] **§ 2-1257** of this article, on or before the 20th day of the
26 regular session of the General Assembly in the year after [a full] AN evaluation of a
27 governmental activity or unit has been completed, the committees of jurisdiction for the
28 governmental activity or unit shall submit a report to the General Assembly.

29 (b) (1) The report shall recommend whether a governmental activity or unit
30 that has undergone [a full] AN evaluation should be reestablished, with or without changes,
31 or allowed to terminate.

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

3 ~~[8-408.]~~ **8-407.**

4 (a) During an evaluation ~~[required]~~ **CONDUCTED** under **§ 8-404 OF** this
5 subtitle, the unit under evaluation or responsible for the governmental activity under
6 evaluation shall:

7 (1) promptly provide any information that the Department or a committee
8 of the General Assembly requests; and

9 (2) otherwise cooperate with the Department to carry out the requirements
10 of this subtitle.

11 (b) Information requested under subsection (a)(1) of this section may be provided
12 in a format that protects the confidentiality of individuals as necessary.

13 (c) The Department shall follow procedures to maintain the confidentiality of any
14 information, documents, or proceedings obtained or observed in the course of carrying out
15 the requirements of this subtitle.

16 **8-408.**

17 **(A) EACH UNIT SUBJECT TO TERMINATION OR RESPONSIBLE FOR THE**
18 **GOVERNMENTAL ACTIVITY SUBJECT TO TERMINATION SHALL ENSURE THAT**
19 **LEGISLATION IS REQUESTED TO EXTEND THE TERMINATION DATE OF THE UNIT OR**
20 **GOVERNMENTAL ACTIVITY.**

21 **(B) LEGISLATION REQUESTED IN ACCORDANCE WITH SUBSECTION (A) OF**
22 **THIS SECTION MAY NOT PROPOSE A REESTABLISHMENT PERIOD THAT EXCEEDS 10**
23 **YEARS.**

24 **8-409.**

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

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

31 **(b)]** The term of office of a member of a unit under evaluation or responsible for a
32 governmental activity under evaluation is not affected by reason of reestablishment of the
33 governmental activity or unit unless the law that reestablishes the governmental activity

1 or unit provides otherwise.

2 8–410.

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

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

7 (2) any person against that unit.

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

9 8–411.

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
12 Assembly that the Department of Legislative Services shall:

13 (1) on or before December 1, 2019, conduct an evaluation of the State Board
14 of Veterinary Medical Examiners as approved by the Legislative Policy Committee in
15 December 2018; and

16 (2) on or before January 1, 2020, make recommendations to the committees
17 of jurisdiction on a new termination date for the State Board of Veterinary Medical
18 Examiners.

19 SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the
20 Annotated Code of Maryland, in consultation with and subject to the approval of the
21 Department of Legislative Services, shall correct, with no further action required by the
22 General Assembly, cross–references and terminology rendered incorrect by this Act. The
23 publisher shall adequately describe any correction that is made in an editor’s note following
24 the section affected.

25 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2019.