

SENATE BILL 640

P5

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CF HB 1113

By: **Senators Zucker and Miller**

Introduced and read first time: February 4, 2019

Assigned to: Rules

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2019

CHAPTER _____

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; altering the powers and duties of the Committee;
6 establishing the Office of Program Evaluation and Government Accountability as a
7 unit in the Department of Legislative Services; requiring the Executive Director of
8 the Department, with the approval of and in consultation with certain individuals,
9 to appoint the Director of the Office; authorizing the Director, with the approval of
10 the Executive Director, to appoint a Deputy Director and certain staff; providing for
11 the duties and authority of the Director and the Deputy Director; requiring the Office
12 to conduct certain performance evaluations of units of State government in
13 accordance with a certain work plan; authorizing the Office to conduct certain
14 performance evaluations under certain circumstances; requiring the Office to
15 conduct certain investigations under certain circumstances; authorizing the Office
16 to conduct certain evaluations in accordance with the Maryland Program Evaluation
17 Act; authorizing the Committee to direct the Office to conduct a certain assessment
18 or scoping evaluation of a unit of State government and, based on the findings of the
19 assessment or scoping evaluation, waive the unit from an evaluation under this Act;
20 requiring the Office to conduct a performance evaluation of certain corporations or
21 associations and certain local school systems under certain circumstances; requiring
22 that performance evaluation reports include certain information; providing for the
23 manner in which performance evaluations are to be conducted; granting employees
24 and authorized representatives of the Office, except under certain circumstances,
25 access to and the authority to inspect certain records; authorizing the Director to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

33 BY renumbering

34 Article – State Government
 35 Section 2–1234 through 2–1241, and 2–1243 through 2–1249, respectively
 36 to be Section 2–1244 through 2–1251, and 2–1254 through 2–1260, respectively
 37 Annotated Code of Maryland
 38 (2014 Replacement Volume and 2018 Supplement)

39 BY repealing and reenacting, with amendments,

40 Article – State Government
 41 Section 2–601, 2–602, 2–605, 2–1206, 8–401, 8–402(a)(1) and (b)(2), and 8–405
 42 through 8–409
 43 Annotated Code of Maryland
 44 (2014 Replacement Volume and 2018 Supplement)

1 BY adding to
2 Article – State Government
3 Section 2–1230 through 2–1241 to be under the new part “Part V. Office of Program
4 Evaluation and Government Accountability”; 8–403 and 8–408
5 Annotated Code of Maryland
6 (2014 Replacement Volume and 2018 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 2–1247(a)(7), (13), and (15), 2–1251(2), and 2–1256(3)
10 Annotated Code of Maryland
11 (2014 Replacement Volume and 2018 Supplement)
12 (As enacted by Section 1 of this Act)

13 BY repealing
14 Article – State Government
15 Section 8–403 and 8–404
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – State Government
20 Section 8–410 and 8–411
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2018 Supplement)

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

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

29 **Article – State Government**

30 2–601.

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

32 2–602.

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

35 2–605.

In addition to any powers and duties set forth elsewhere, the Committee shall:

(1) review audit reports issued by the Legislative Auditor and submit findings and recommendations to the General Assembly with respect to issues in audit reports; [and]

(2) review the audit process and procedures and provide comment and recommendations to the President and the Speaker, the Executive Director of the Department of Legislative Services, and the Legislative Auditor;

(3) REVIEW PERFORMANCE EVALUATIONS CONDUCTED AND REPORTS ISSUED BY THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY AND SUBMIT FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY WITH RESPECT TO ISSUES RAISED IN THE PERFORMANCE EVALUATIONS AND REPORTS; AND

(4) REVIEW THE PERFORMANCE EVALUATION PROCESS AND PROCEDURES AND PROVIDE COMMENT AND RECOMMENDATIONS TO THE PRESIDENT AND THE SPEAKER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE DIRECTOR OF THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY.

2-1206.

(a) The following units are in the Department:

(1) the Office of Legislative Audits;

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

~~(2)~~ (3) the Office of Policy Analysis;

~~(3)~~ (4) the Office of Operations and Support Services; and

~~(4)~~ (5) any other offices as may be designated by the President and the Speaker.

(b) With the approval of the President and the Speaker and in consultation with the minority leader of the Senate and the minority leader of the House of Delegates, the Executive Director shall appoint the following office directors:

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

1 **(2) THE DIRECTOR OF THE OFFICE OF PROGRAM EVALUATION AND**
2 **GOVERNMENT ACCOUNTABILITY;**

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

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

5 ~~[(4)]~~ **(5)** any director of an office designated by the President and the
6 Speaker under subsection ~~[(a)(4)]~~ **(A)(5)** of this section.

7 (c) Each office director serves without a fixed term and, subject to the approval of
8 the President and the Speaker and in consultation with the minority leader of the Senate
9 and the minority leader of the House of Delegates, may be removed by the Executive
10 Director.

11 (d) Each office director shall serve in a nonpartisan capacity and ensure that all
12 activities of the office are conducted in a nonpartisan manner.

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

14 (f) After consultation with the Executive Director, each office director may
15 appoint an appropriate number of qualified individuals to serve in management functions
16 in the respective offices.

17 **2-1228. RESERVED.**

18 **2-1229. RESERVED.**

19 **PART V. OFFICE OF PROGRAM EVALUATION AND GOVERNMENT**
20 **ACCOUNTABILITY.**

21 **2-1230.**

22 **(A) IN THIS PART V THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

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

28 **(C) “DIRECTOR” MEANS THE DIRECTOR OF THE OFFICE.**

29 **(D) “OFFICE” MEANS THE OFFICE OF PROGRAM EVALUATION AND**
30 **GOVERNMENT ACCOUNTABILITY.**

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

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

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

8 (F) (1) "UNIT" INCLUDES EACH STATE DEPARTMENT, AGENCY, UNIT,
9 AND PROGRAM, INCLUDING ~~EACH CLERK OF COURT~~, EACH REGISTER OF WILLS, AND
10 EACH LOCAL SCHOOL SYSTEM.

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

13 2-1231.

14 THERE IS AN OFFICE OF PROGRAM EVALUATION AND GOVERNMENT
15 ACCOUNTABILITY IN THE DEPARTMENT.

16 2-1232.

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

18 (B) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT AND
19 THE SPEAKER, THE JOINT AUDIT AND EVALUATION COMMITTEE, AND THE
20 OVERALL SUPERVISION AND CONTROL OF THE EXECUTIVE DIRECTOR, THE
21 DIRECTOR HAS GENERAL ADMINISTRATIVE CONTROL OF THE OPERATION OF THE
22 OFFICE.

23 2-1233.

24 (A) WITH THE APPROVAL OF THE EXECUTIVE DIRECTOR, THE DIRECTOR
25 MAY APPOINT A DEPUTY DIRECTOR AND OTHER PROFESSIONAL STAFF AND
26 CONTRACT WITH CONSULTANTS AS AUTHORIZED REPRESENTATIVES.

27 (B) THE DEPUTY DIRECTOR:

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

1 **(2) MAY BE DESIGNATED BY THE EXECUTIVE DIRECTOR TO ACT AS**
2 **DIRECTOR IF THE OFFICE IS VACANT OR THE DIRECTOR IS UNABLE TO PERFORM**
3 **THE DUTIES OF OFFICE.**

4 **2-1234.**

5 **(A) (1) THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF**
6 **UNITS OF STATE GOVERNMENT, IN ACCORDANCE WITH THE WORK PLAN DEVELOPED**
7 **BY THE DIRECTOR IN CONSULTATION WITH THE JOINT AUDIT AND EVALUATION**
8 **COMMITTEE.**

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

11 **(3) IN ADDITION TO THE PERFORMANCE EVALUATIONS CONDUCTED**
12 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OFFICE:**

13 **(I) MAY CONDUCT A PERFORMANCE EVALUATION OF A UNIT ON**
14 **A REQUEST BY THE LEGISLATIVE AUDITOR; AND**

15 **(II) SHALL CONDUCT A PERFORMANCE EVALUATION OF A UNIT:**

16 **1. WHEN DIRECTED BY THE JOINT AUDIT AND**
17 **EVALUATION COMMITTEE OR THE EXECUTIVE DIRECTOR; OR**

18 **2. WHEN OTHERWISE REQUIRED BY LAW.**

19 **(4) (I) WHEN DIRECTED BY THE JOINT AUDIT AND EVALUATION**
20 **COMMITTEE, THE EXECUTIVE DIRECTOR, OR THE DIRECTOR, THE OFFICE SHALL**
21 **CONDUCT A SEPARATE INVESTIGATION OF AN ACT OR ALLEGATION OF FRAUD,**
22 **WASTE, OR ABUSE IN THE OBLIGATION, EXPENDITURE, RECEIPT, OR USE OF STATE**
23 **RESOURCES.**

24 **(II) THE DIRECTOR SHALL DETERMINE WHETHER AN**
25 **INVESTIGATION SHALL BE CONDUCTED IN CONJUNCTION WITH AN AUDIT**
26 **UNDERTAKEN IN ACCORDANCE WITH PART IV OF THIS SUBTITLE OR SEPARATELY.**

27 **(B) IN ADDITION TO THE PERFORMANCE EVALUATIONS CONDUCTED UNDER**
28 **SUBSECTION (A) OF THIS SECTION, THE OFFICE MAY CONDUCT PERFORMANCE**
29 **EVALUATIONS IN ACCORDANCE WITH THE MARYLAND PROGRAM EVALUATION ACT.**

30 **(C) THE JOINT AUDIT AND EVALUATION COMMITTEE MAY DIRECT THE**
31 **OFFICE TO:**

1 **(1) CONDUCT AN ASSESSMENT OR A SCOPING PERFORMANCE**
2 **EVALUATION OF A UNIT OF STATE GOVERNMENT IN ORDER TO DETERMINE**
3 **WHETHER THE UNIT SHOULD UNDERGO A MORE COMPREHENSIVE PERFORMANCE**
4 **EVALUATION UNDER THIS PART; AND**

5 **(2) BASED ON THE FINDINGS OF THE ASSESSMENT OR SCOPING**
6 **PRELIMINARY EVALUATION CONDUCTED UNDER ITEM (1) OF THIS SUBSECTION,**
7 **WAIVE THE UNIT FROM A MORE COMPREHENSIVE PERFORMANCE EVALUATION**
8 **UNDER THIS PART.**

9 **(D) IF DIRECTED BY THE JOINT AUDIT AND EVALUATION COMMITTEE, THE**
10 **OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF A CORPORATION OR AN**
11 **ASSOCIATION TO WHICH THE GENERAL ASSEMBLY HAS APPROPRIATED MONEY OR**
12 **THAT HAS RECEIVED FUNDS FROM AN APPROPRIATION FROM THE STATE**
13 **TREASURY.**

14 **(E) (1) IF DIRECTED BY THE JOINT AUDIT AND EVALUATION**
15 **COMMITTEE, THE EXECUTIVE DIRECTOR, THE DIRECTOR, OR WHEN OTHERWISE**
16 **REQUIRED BY LAW, THE OFFICE SHALL CONDUCT A PERFORMANCE EVALUATION OF**
17 **A LOCAL SCHOOL SYSTEM.**

18 **(2) A PERFORMANCE EVALUATION CONDUCTED UNDER PARAGRAPH**
19 **(1) OF THIS SUBSECTION MAY BE PERFORMED CONCURRENTLY WITH OR**
20 **SEPARATELY FROM AN AUDIT CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS**
21 **IN ACCORDANCE WITH § 2-1220 OF THIS SUBTITLE.**

22 **(3) THE OFFICE SHALL PROVIDE INFORMATION REGARDING THE**
23 **PERFORMANCE EVALUATION PROCESS TO THE LOCAL SCHOOL SYSTEM BEFORE THE**
24 **PERFORMANCE EVALUATION IS CONDUCTED.**

25 **2-1235.**

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

28 **(B) A PERFORMANCE EVALUATION CONDUCTED BY THE OFFICE MAY**
29 **INCLUDE:**

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

32 **(2) DETERMINING WHETHER DESIRED PROGRAM RESULTS ARE**
33 **ACHIEVED;**

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

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

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

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

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

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

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

18 **(II) THE STATESTAT STRATEGIC PLAN AND PERFORMANCE**
19 **MEASUREMENT REPORT SUBMITTED TO THE SECRETARY OF BUDGET AND**
20 **MANAGEMENT UNDER § 3-1003(D) OF THE STATE FINANCE AND PROCUREMENT**
21 **ARTICLE; AND**

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

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

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

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

29 **2-1236.**

30 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERFORMANCE**
31 **EVALUATION CONDUCTED BY THE OFFICE SHALL BE MADE AT THE OFFICES OF THE**

1 STATE UNIT, COUNTY OFFICER OR UNIT, CORPORATION, ASSOCIATION, OR LOCAL
2 SCHOOL SYSTEM THAT IS SUBJECT TO EXAMINATION.

3 (B) IF CONSIDERED APPROPRIATE AND AFTER CONSULTATION WITH THE
4 UNIT OR BODY BEING EXAMINED, THE DIRECTOR MAY AUTHORIZE ALL OR A
5 PORTION OF A PERFORMANCE EVALUATION TO BE CONDUCTED AT THE OFFICES OF
6 THE OFFICE.

7 (C) BEFORE THE OFFICE REMOVES THE ORIGINAL OR ONLY COPY OF ANY
8 RECORD FROM THE PREMISES OF A STATE UNIT, COUNTY UNIT, OR A SCHOOL
9 SYSTEM, THE OFFICE SHALL OBTAIN THE APPROVAL OF THE STATE UNIT, COUNTY
10 UNIT, OR THE SCHOOL SYSTEM.

11 2-1237.

12 (A) (1) EXCEPT AS PROHIBITED BY THE INTERNAL REVENUE CODE, THE
13 EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF THE OFFICE SHALL HAVE
14 ACCESS TO AND MAY INSPECT THE RECORDS, INCLUDING THOSE THAT ARE
15 CONFIDENTIAL BY LAW, OF ANY UNIT OF STATE GOVERNMENT OR OF A PERSON OR
16 OTHER BODY RECEIVING STATE FUNDS, WITH RESPECT TO ANY MATTER UNDER THE
17 JURISDICTION OF THE OFFICE.

18 (2) IN CONJUNCTION WITH A PERFORMANCE EVALUATION
19 AUTHORIZED UNDER THIS SUBTITLE, THE ACCESS REQUIRED BY PARAGRAPH (1) OF
20 THIS SUBSECTION SHALL INCLUDE ACCESS TO THE RECORDS OF CONTRACTORS AND
21 SUBCONTRACTORS THAT PERFORM WORK UNDER STATE CONTRACTS.

22 (3) THE EMPLOYEES OR AUTHORIZED REPRESENTATIVES OF THE
23 OFFICE SHALL HAVE ACCESS TO AND MAY INSPECT THE RECORDS, INCLUDING
24 THOSE THAT ARE CONFIDENTIAL BY LAW, OF ANY LOCAL SCHOOL SYSTEM TO
25 UNDERTAKE THE PERFORMANCE EVALUATIONS AUTHORIZED UNDER § 2-1234 OF
26 THIS SUBTITLE.

27 (B) EACH OFFICER OR EMPLOYEE OF THE UNIT OR BODY THAT IS SUBJECT
28 TO A PERFORMANCE EVALUATION SHALL PROVIDE ANY INFORMATION THAT THE
29 DIRECTOR DETERMINES TO BE NEEDED FOR THE EXAMINATION OF THAT UNIT OR
30 BODY, OR OF ANY MATTER UNDER THE AUTHORITY OF THE OFFICE, INCLUDING
31 INFORMATION THAT OTHERWISE WOULD BE CONFIDENTIAL UNDER ANY PROVISION
32 OF LAW.

33 (C) (1) THE DIRECTOR MAY ISSUE PROCESS THAT REQUIRES AN
34 OFFICIAL OF A STATE UNIT OR SCHOOL SYSTEM THAT IS SUBJECT TO PERFORMANCE
35 EVALUATION TO PRODUCE A RECORD THAT IS NEEDED FOR THE PERFORMANCE
36 EVALUATION.

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

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

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

5 **(5) IF A PERSON FAILS TO COMPLY WITH PROCESS ISSUED UNDER**
6 **THIS SUBSECTION OR FAILS TO PROVIDE INFORMATION THAT IS REQUESTED**
7 **DURING A PERFORMANCE EVALUATION, A CIRCUIT COURT MAY ISSUE AN ORDER**
8 **DIRECTING COMPLIANCE WITH THE PROCESS OR COMPELLING THAT THE**
9 **INFORMATION REQUESTED BE PROVIDED.**

10 **2-1238.**

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

13 **(B) ON THE COMPLETION OF EACH PERFORMANCE EVALUATION, THE**
14 **DIRECTOR SHALL SUBMIT A FULL AND DETAILED REPORT TO THE JOINT AUDIT AND**
15 **EVALUATION COMMITTEE.**

16 **(C) A FULL AND DETAILED REPORT PREPARED BY THE OFFICE SHALL**
17 **INCLUDE:**

18 **(1) A SUMMARY OF SIGNIFICANT LEGISLATIVE AND REGULATORY**
19 **CHANGES;**

20 **(2) THE FINDINGS OF THE PERFORMANCE EVALUATION;**

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

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

26 **(5) RECOMMENDED LEGISLATION NEEDED TO IMPLEMENT THE**
27 **FINDINGS AND RECOMMENDATIONS; AND**

28 **(6) ANY RESPONSE OF THE UNIT OR BODY THAT IS THE SUBJECT OF**
29 **THE REPORT, SUBJECT TO PROCEDURES APPROVED BY THE JOINT AUDIT AND**
30 **EVALUATION COMMITTEE.**

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

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

8 **(E) THE DIRECTOR SHALL SEND A COPY OF THE FULL AND DETAILED**
9 **REPORT TO:**

10 **(1) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE**
11 **HOUSE OF DELEGATES;**

12 **(2) THE COMMITTEES OF JURISDICTION;**

13 **(3) MEMBERS OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §**
14 **2-1257 OF THIS SUBTITLE;**

15 **(4) THE GOVERNOR;**

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

17 **(6) THE SECRETARY OF BUDGET AND MANAGEMENT;**

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

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

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

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

26 **(2) THE DIRECTOR SHALL ADVISE THE JOINT AUDIT AND**
27 **EVALUATION COMMITTEE WHEN:**

28 **(I) A UNIT DOES NOT SUBMIT A RESPONSE TO A**
29 **RECOMMENDATION;**

1 (II) A UNIT DOES NOT INDICATE ACTION, AS RELEVANT, TO BE
2 TAKEN IN RESPONSE TO A RECOMMENDATION;

3 (III) A UNIT REQUESTS A MODIFICATION OF OR A WAIVER FROM
4 A RECOMMENDATION; OR

5 (IV) THE RESPONSE BY THE UNIT IS NOT CONSIDERED
6 APPROPRIATE TO CARRY OUT THE RECOMMENDATION.

7 (3) THE EXECUTIVE DIRECTOR OR THE JOINT AUDIT AND
8 EVALUATION COMMITTEE MAY DIRECT THE DIRECTOR TO UNDERTAKE A REVIEW
9 TO DETERMINE THE EXTENT TO WHICH ACTION HAS BEEN TAKEN BY A UNIT TO
10 IMPLEMENT A REPORT RECOMMENDATION.

11 (4) WITH RESPECT TO PERFORMANCE-RELATED FINDINGS AND
12 RECOMMENDATIONS, THE JOINT AUDIT AND EVALUATION COMMITTEE MAY MAKE
13 RECOMMENDATIONS TO THE GOVERNOR OR PROPOSE LEGISLATION AFTER
14 REVIEWING A UNIT'S RESPONSE TO A RECOMMENDED ACTION.

15 (H) (1) THE GOVERNOR ~~AND THE CHIEF JUDGE OF THE COURT OF~~
16 ~~APPEALS~~ SHALL IMPLEMENT SYSTEMS AND PROCESSES TO MONITOR THE EFFORTS
17 OF THE EXECUTIVE DEPARTMENTAL UNITS ~~AND THE JUDICIARY, RESPECTIVELY,~~
18 TO ADDRESS PERFORMANCE EVALUATION FINDINGS REPORTED BY THE OFFICE.

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

22 (I) THE ACTIONS TAKEN TO ADDRESS THE FINDING OR
23 RECOMMENDATION; OR

24 (II) A SCHEDULE FOR WHEN SPECIFIC ACTIONS WILL BE
25 IMPLEMENTED.

26 2-1239.

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

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

31 (I) THE JOINT AUDIT AND EVALUATION COMMITTEE;

- 1 **(II) THE EXECUTIVE DIRECTOR;**
2 **(III) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;**
3 **AND**
4 **(IV) THE OFFICE OF THE ATTORNEY GENERAL.**

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

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

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

15 **(4) THE ATTORNEY GENERAL MAY INVESTIGATE AND PROSECUTE**
16 **ANY ALLEGED CRIMINAL VIOLATION REPORTED UNDER THIS SUBSECTION AND HAS**
17 **ALL THE POWERS AND DUTIES OF A STATE'S ATTORNEY, INCLUDING THE USE OF A**
18 **GRAND JURY IN ANY COUNTY, TO INVESTIGATE AND PROSECUTE THE ALLEGED**
19 **VIOLATION.**

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

22 **(2) THE RESPONSE OF THE ATTORNEY GENERAL SHALL INCLUDE**
23 **WHAT ACTIONS, IF ANY, WERE TAKEN AS A RESULT OF THE FINDINGS OF THE**
24 **DIRECTOR.**

25 **(3) THE RESPONSE OF THE ATTORNEY GENERAL SHALL BE**
26 **SUBMITTED TO:**

- 27 **(I) THE JOINT AUDIT AND EVALUATION COMMITTEE;**
28 **(II) THE EXECUTIVE DIRECTOR;**
29 **(III) THE UNIT OR BODY THAT IS THE SUBJECT OF THE REPORT;**
30 **AND**
31 **(IV) THE DIRECTOR.**

1 2-1240.

2 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, CONFIDENTIAL
3 INFORMATION THAT AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE
4 OFFICE OR THE OFFICE OF POLICY ANALYSIS OBTAINS DURING A PERFORMANCE
5 EVALUATION:

6 (1) REMAINS CONFIDENTIAL; AND

7 (2) MAY NOT BE DISCLOSED EXCEPT TO ANOTHER EMPLOYEE OR
8 AUTHORIZED REPRESENTATIVE OF THE OFFICE OR THE OFFICE OF POLICY
9 ANALYSIS.

10 (B) INFORMATION OBTAINED DURING A PERFORMANCE EVALUATION MAY
11 BE PROVIDED IN A FORMAT THAT PROTECTS THE CONFIDENTIALITY OF
12 INDIVIDUALS AS NECESSARY.

13 (C) THE DIRECTOR MAY AUTHORIZE THE DISCLOSURE OF CONFIDENTIAL
14 INFORMATION OBTAINED DURING A PERFORMANCE EVALUATION ONLY TO THE
15 FOLLOWING:

16 (1) ANOTHER EMPLOYEE OF THE DEPARTMENT, WITH THE APPROVAL
17 OF THE EXECUTIVE DIRECTOR;

18 (2) FEDERAL, STATE, OR LOCAL OFFICIALS, OR THEIR AUDITORS,
19 WHO PROVIDE EVIDENCE TO THE DIRECTOR THAT THEY ARE PERFORMING
20 INVESTIGATIONS, STUDIES, OR AUDITS RELATED TO THAT SAME EXAMINATION AND
21 WHO PROVIDE JUSTIFICATION FOR THE SPECIFIC INFORMATION REQUESTED; OR

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

24 (D) EXCEPT AS PROVIDED IN § 2-1239 OF THIS SUBTITLE, IF INFORMATION
25 THAT AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OBTAINS DURING A
26 PERFORMANCE EVALUATION ALSO IS CONFIDENTIAL UNDER ANOTHER LAW, THE
27 EMPLOYEE, AUTHORIZED REPRESENTATIVE, OR THE DIRECTOR MAY NOT INCLUDE
28 IN A REPORT OR OTHERWISE USE THE INFORMATION IN ANY MANNER THAT
29 DISCLOSES THE IDENTITY OF ANY PERSON WHO IS THE SUBJECT OF THE
30 CONFIDENTIAL INFORMATION.

31 2-1241.

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

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

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

7 2-1247.

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

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

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

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

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

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

20 2-1251.

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

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

24 2-1256.

25 The Department shall:

26 (3) subject to [§ 2-1246] **§ 2-1257** of this subtitle, annually submit the list
27 to the General Assembly.

28 8-401.

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

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

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

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

7 (1) whether the governmental activity or unit should be reestablished or
8 terminated; and

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

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

13 (f) “Full evaluation” means:

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

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

18 (g) [“Governmental activity” means a program, service, or other function of
19 government.

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

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

27 8–402.

28 (a) The General Assembly finds that:

29 (1) a [system] FRAMEWORK THAT ALLOWS for periodic, legislative review
30 of the regulatory, licensing, and other governmental activities of the Executive Branch of

1 the State government is essential for the maintenance of a government in which the citizens
2 have confidence and of a healthy State economy; and

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

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

6 [8–403.

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

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

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

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

15 (1) Acupuncture Board, State (§ 1A–201 of the Health Occupations Article:
16 2022);

17 (2) Amusement Ride Safety, State Advisory Board (§ 3–303 of the Business
18 Regulation Article: 2021);

19 (3) Apprenticeship and Training Council (§ 11–403 of the Labor and
20 Employment Article: 2021);

21 (4) Architects, State Board of (§ 3–201 of the Business Occupations and
22 Professions Article: 2020);

23 (5) Athletic Commission, State (§ 4–201 of the Business Regulation Article:
24 2018);

25 (6) Audiologists, Hearing Aid Dispensers, and Speech–Language
26 Pathologists, State Board of Examiners for (§ 2–201 of the Health Occupations Article:
27 2023);

28 (7) Barbers, State Board of (§ 4–201 of the Business Occupations and
29 Professions Article: 2018);

30 (8) Behavior Analyst Advisory Committee (§ 17–6A–05 of the Health
31 Occupations Article: 2021);

- 1 (9) Boiler Rules, Board of (§ 12–904 of the Public Safety Article: 2021);
- 2 (10) Cemetery Oversight, Office of (§ 5–201 of the Business Regulation
3 Article: 2020);
- 4 (11) Chiropractic Examiners, State Board of (§ 3–201 of the Health
5 Occupations Article: 2019);
- 6 (12) Collection Agency Licensing Board, State (§ 7–201 of the Business
7 Regulation Article: 2019);
- 8 (13) Cosmetologists, State Board of (§ 5–201 of the Business Occupations
9 and Professions Article: 2018);
- 10 (14) Counselors and Therapists, State Board of Professional (§ 17–201 of the
11 Health Occupations Article: 2016);
- 12 (15) Dietetic Practice, State Board of (§ 5–201 of the Health Occupations
13 Article: 2022);
- 14 (16) Electricians, State Board of Master (§ 6–201 of the Business
15 Occupations and Professions Article: 2020);
- 16 (17) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public
17 Safety Article: 2026);
- 18 (18) Engineers, State Board for Professional (§ 14–201 of the Business
19 Occupations and Professions Article: 2020);
- 20 (19) Engineers, State Board of Stationary (§ 6.5–201 of the Business
21 Occupations and Professions Article: 2021);
- 22 (20) Environmental Health Specialists, State Board of (§ 21–201 of the
23 Health Occupations Article: 2023);
- 24 (21) Financial Regulation, Office of the Commissioner of (§ 2–101 of the
25 Financial Institutions Article: 2019);
- 26 (22) Foresters, State Board of (§ 7–201 of the Business Occupations and
27 Professions Article: 2022);
- 28 (23) Health Care Commission, Maryland (§ 19–103 of the Health – General
29 Article: 2015);
- 30 (24) Health Services Cost Review Commission, State (§ 19–202 of the Health
31 – General Article: 2015);

- 1 (25) Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors,
2 State Board of (§ 9A–201 of the Business Regulation Article: 2020);
- 3 (26) Home Improvement Commission, Maryland (§ 8–201 of the Business
4 Regulation Article: 2019);
- 5 (27) Horse Industry Board, Maryland (§ 2–701 of the Agriculture Article:
6 2023);
- 7 (28) Individual Tax Preparers, State Board of (§ 21–201 of the Business
8 Occupations and Professions Article: 2023);
- 9 (29) Interior Designers, State Board of Certified (§ 8–201 of the Business
10 Occupations and Professions Article: 2021);
- 11 (30) Labor and Industry, Division of (Title 2 of the Labor and Employment
12 Article: 2021) and related programs;
- 13 (31) Land Surveyors, State Board for Professional (§ 15–201 of the Business
14 Occupations and Professions Article: 2021);
- 15 (32) Landscape Architects, State Board of Examiners of (§ 9–201 of the
16 Business Occupations and Professions Article: 2021);
- 17 (33) Law Examiners, State Board of (§ 10–201 of the Business Occupations
18 and Professions Article: 2027);
- 19 (34) Maryland–Bred Race Fund Advisory Committee (§ 11–531 of the
20 Business Regulation Article: 2021);
- 21 (35) Massage Therapy Examiners, State Board of (§ 6–201 of the Health
22 Occupations Article: 2023);
- 23 (36) Nursing Home Administrators, State Board of Examiners of (§ 9–201 of
24 the Health Occupations Article: 2024);
- 25 (37) Occupational Safety and Health Advisory Board (§ 5–302 of the Labor
26 and Employment Article: 2021);
- 27 (38) Occupational Therapy Practice, State Board of (§ 10–201 of the Health
28 Occupations Article: 2022);
- 29 (39) Optometry, State Board of Examiners in (§ 11–201 of the Health
30 Occupations Article: 2020);
- 31 (40) Physical Therapy Examiners, State Board of (§ 13–201 of the Health
32 Occupations Article: 2019);

- 1 (41) Pilots, State Board of (§ 11–201 of the Business Occupations and
2 Professions Article: 2019);
- 3 (42) Plumbing, State Board of (§ 12–201 of the Business Occupations and
4 Professions Article: 2020);
- 5 (43) Podiatric Medical Examiners, State Board of (§ 16–201 of the Health
6 Occupations Article: 2019);
- 7 (44) Prescription Drug Monitoring Program in the Maryland Department of
8 Health (§ 21–2A–02 of the Health – General Article: 2013);
- 9 (45) Psychologists, State Board of Examiners of (§ 18–201 of the Health
10 Occupations Article: 2020);
- 11 (46) Public Accountancy, State Board of (§ 2–201 of the Business
12 Occupations and Professions Article: 2022);
- 13 (47) Racing Commission, State (§ 11–201 of the Business Regulation Article:
14 2021);
- 15 (48) Real Estate Appraisers, Appraisal Management Companies, and Home
16 Inspectors, State Commission of (§ 16–201 of the Business Occupations and Professions
17 Article: 2020);
- 18 (49) Real Estate Commission, State (§ 17–201 of the Business Occupations
19 and Professions Article: 2019);
- 20 (50) Residential Child Care Program Professionals, State Board for
21 Certification of (§ 20–202 of the Health Occupations Article: 2021);
- 22 (51) security systems technicians, licensing and regulation of (§ 18–201 of
23 the Business Occupations and Professions Article: 2018);
- 24 (52) Social Work Examiners, State Board of (§ 19–201 of the Health
25 Occupations Article: 2021);
- 26 (53) Standardbred Race Fund Advisory Committee, Maryland (§ 11–625 of
27 the Business Regulation Article: 2021);
- 28 (54) Veterinary Medical Examiners, State Board of (§ 2–302 of the
29 Agriculture Article: 2018);
- 30 (55) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of
31 the Environment Article: 2018); and

1 (56) Well Drillers, State Board of (§ 13–201 of the Environment Article:
2 2018).

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

4 (1) include a summary of:

5 (i) significant legislative and regulatory changes since the last
6 evaluation;

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

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

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

12 (2) recommend whether a full evaluation should be undertaken by the
13 Department.

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

16 (1) implementation of the governmental activity or unit’s mandate or
17 statutory requirements;

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

20 (3) finances or resources; or

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

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

24 **8–403.**

25 **THIS SUBTITLE APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL**
26 **ACTIVITIES AND UNITS:**

27 **(1) ACUPUNCTURE BOARD, STATE (§ 1A–201 OF THE HEALTH**
28 **OCCUPATIONS ARTICLE);**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **(16) DIETETIC PRACTICE, STATE BOARD OF (§ 5–201 OF THE HEALTH**
2 **OCCUPATIONS ARTICLE);**

3 **(17) ELECTRICIANS, STATE BOARD OF MASTER (§ 6–201 OF THE**
4 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

5 **(18) ELEVATOR SAFETY REVIEW BOARD (§§ 12–819 THROUGH 12–841**
6 **OF THE PUBLIC SAFETY ARTICLE);**

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

9 **(20) ENGINEERS, STATE BOARD OF STATIONARY (§ 6.5–201 OF THE**
10 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

11 **(21) ENVIRONMENTAL HEALTH SPECIALISTS, STATE BOARD OF (§**
12 **21–201 OF THE HEALTH OCCUPATIONS ARTICLE);**

13 **(22) FINANCIAL REGULATION, OFFICE OF THE COMMISSIONER OF (§**
14 **2–101 OF THE FINANCIAL INSTITUTIONS ARTICLE);**

15 **(23) FORESTERS, STATE BOARD OF (§ 7–201 OF THE BUSINESS**
16 **OCCUPATIONS AND PROFESSIONS ARTICLE);**

17 **(24) HEALTH CARE COMMISSION, MARYLAND (§ 19–103 OF THE**
18 **HEALTH – GENERAL ARTICLE);**

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

21 **(26) HEATING, VENTILATION, AIR–CONDITIONING, AND**
22 **REFRIGERATION CONTRACTORS, STATE BOARD OF (§ 9A–201 OF THE BUSINESS**
23 **REGULATION ARTICLE);**

24 **(27) HOME IMPROVEMENT COMMISSION, MARYLAND (§ 8–201 OF THE**
25 **BUSINESS REGULATION ARTICLE);**

26 **(28) HORSE INDUSTRY BOARD, MARYLAND (§ 2–701 OF THE**
27 **AGRICULTURE ARTICLE);**

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

1 **(30) INTERIOR DESIGNERS, STATE BOARD OF CERTIFIED (§ 8–201 OF**
2 **THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

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

5 **(32) LAND SURVEYORS, STATE BOARD FOR PROFESSIONAL (§ 15–201**
6 **OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

7 **(33) LANDSCAPE ARCHITECTS, STATE BOARD OF EXAMINERS OF (§**
8 **9–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

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

11 **(35) MARYLAND–BRED RACE FUND ADVISORY COMMITTEE (§ 11–531**
12 **OF THE BUSINESS REGULATION ARTICLE);**

13 **(36) MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§ 6–201 OF**
14 **THE HEALTH OCCUPATIONS ARTICLE);**

15 **(37) MORTICIANS AND FUNERAL DIRECTORS, STATE BOARD OF (§**
16 **7–201 OF THE HEALTH OCCUPATIONS ARTICLE);**

17 **(38) NURSING, STATE BOARD OF (§ 8–201 OF THE HEALTH**
18 **OCCUPATIONS ARTICLE: 2021), INCLUDING THE ALLIED HEALTH ADVISORY**
19 **COMMITTEES UNDER THE JURISDICTION OF THE BOARD;**

20 **(39) NURSING HOME ADMINISTRATORS, STATE BOARD OF**
21 **EXAMINERS OF (§ 9–201 OF THE HEALTH OCCUPATIONS ARTICLE);**

22 **(40) OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD (§**
23 **5–302 OF THE LABOR AND EMPLOYMENT ARTICLE);**

24 **(41) OCCUPATIONAL THERAPY PRACTICE, STATE BOARD OF (§**
25 **10–201 OF THE HEALTH OCCUPATIONS ARTICLE);**

26 **(42) OPTOMETRY, STATE BOARD OF EXAMINERS IN (§ 11–201 OF THE**
27 **HEALTH OCCUPATIONS ARTICLE);**

28 **(43) PHARMACY, STATE BOARD OF (§ 12–201 OF THE HEALTH**
29 **OCCUPATIONS ARTICLE);**

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

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

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

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

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

12 **(49) PRESCRIPTION DRUG MONITORING PROGRAM IN THE**
13 **MARYLAND DEPARTMENT OF HEALTH (§ 21-2A-02 OF THE HEALTH – GENERAL**
14 **ARTICLE);**

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

17 **(51) PUBLIC ACCOUNTANCY, STATE BOARD OF (§ 2-201 OF THE**
18 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);**

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

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

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

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

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

1 **(57) SOCIAL WORK EXAMINERS, STATE BOARD OF (§ 19–201 OF THE**
2 **HEALTH OCCUPATIONS ARTICLE);**

3 **(58) STANDARD BRED RACE FUND ADVISORY COMMITTEE,**
4 **MARYLAND (§ 11–625 OF THE BUSINESS REGULATION ARTICLE);**

5 **(59) VETERINARY MEDICAL EXAMINERS, STATE BOARD OF (§ 2–302**
6 **OF THE AGRICULTURE ARTICLE);**

7 **(60) WATERWORKS AND WASTE SYSTEMS OPERATORS, STATE BOARD**
8 **OF (§ 12–201 OF THE ENVIRONMENT ARTICLE); AND**

9 **(61) WELL DRILLERS, STATE BOARD OF (§ 13–201 OF THE**
10 **ENVIRONMENT ARTICLE).**

11 **[8–404.**

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

17 (b) If the Legislative Policy Committee approves the Department's
18 recommendation to waive a governmental activity or unit from full evaluation, the
19 Department shall prepare legislation to extend the termination date and evaluation year
20 of the governmental activity or unit.

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

23 (1) approves the Department's recommendation that a governmental
24 activity or unit undergo full evaluation; or

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

27 **[8–405.] 8–404.**

28 [(a) The Department shall:

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

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

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

4 (1) Dental Examiners, State Board of (§ 4–201 of the Health Occupations
5 Article: 2019);

6 (2) Morticians and Funeral Directors, State Board of (§ 7–201 of the Health
7 Occupations Article: 2026);

8 (3) Nursing, State Board of (§ 8–201 of the Health Occupations Article:
9 2021) including:

10 (i) Electrology Practice Committee (§ 8–6B–05 of the Health
11 Occupations Article: 2021); and

12 (ii) Direct–Entry Midwifery Advisory Committee (§ 8–6C–10 of the
13 Health Occupations Article: 2021);

14 (4) Pharmacy, State Board of (§ 12–201 of the Health Occupations Article:
15 2021); and

16 (5) Physicians, State Board of (§ 14–201 of the Health Occupations Article:
17 2021), including:

18 (i) Athletic Training Advisory Committee (§ 14–5D–04 of the Health
19 Occupations Article: 2021);

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

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

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

26 (v) Polysomnography Professional Standards Committee (§
27 14–5C–05 of the Health Occupations Article: 2021);

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

31 (vii) Respiratory Care Professional Standards Committee (§
32 14–5A–05 of the Health Occupations Article: 2021).

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

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

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

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

10 **(A) WHEN DIRECTED BY THE LEGISLATIVE POLICY COMMITTEE, THE**
11 **JOINT AUDIT AND EVALUATION COMMITTEE, THE EXECUTIVE DIRECTOR, THE**
12 **DIRECTOR OF THE OFFICE OF POLICY ANALYSIS, OR THE DIRECTOR OF THE**
13 **OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, THE**
14 **OFFICE SHALL CONDUCT AN EVALUATION OF A GOVERNMENTAL ACTIVITY OR UNIT**
15 **AND THE STATUTES RELATED TO THE GOVERNMENTAL ACTIVITY OR UNIT.**

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

19 **[(e)] (C) [(1) If a preliminary evaluation has not been conducted, a full] THE**
20 **evaluation report FOR AN EVALUATION CONDUCTED UNDER SUBSECTION (A) OF THIS**
21 **SECTION:**

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

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

26 (i) efficiency;

27 (ii) effectiveness;

28 (iii) role in protecting consumers;

29 (iv) sufficiency of resources; and

30 (v) accomplishment of legislative objectives.

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

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

7 [8-406.] **8-405.**

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

13 [8-407.] **8-406.**

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

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

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

23 [8-408.] **8-407.**

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

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

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

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

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

4 **8-408.**

5 (A) EACH UNIT SUBJECT TO TERMINATION OR RESPONSIBLE FOR THE
6 GOVERNMENTAL ACTIVITY SUBJECT TO TERMINATION SHALL ENSURE THAT
7 LEGISLATION IS REQUESTED TO EXTEND THE TERMINATION DATE OF THE UNIT OR
8 GOVERNMENTAL ACTIVITY.

9 (B) LEGISLATION REQUESTED IN ACCORDANCE WITH SUBSECTION (A) OF
10 THIS SECTION MAY NOT PROPOSE A REESTABLISHMENT PERIOD THAT EXCEEDS 10
11 YEARS.

12 **8-409.**

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

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

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

23 **8-410.**

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

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

28 (2) any person against that unit.

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

30 **8-411.**

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

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

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

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

9 SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the
10 Annotated Code of Maryland, in consultation with and subject to the approval of the
11 Department of Legislative Services, shall correct, with no further action required by the
12 General Assembly, cross-references and terminology rendered incorrect by this Act. The
13 publisher shall adequately describe any correction that is made in an editor's note following
14 the section affected.

15 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.