

SENATE BILL 12

P3

EMERGENCY BILL

3lr3541

By: **Senators Pipkin and Kittleman**

Introduced and read first time: August 9, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Regulatory Review and Evaluation Act – Work Plan – Additional Procedures**

3 FOR the purpose of revising the procedures for a work plan under the Regulatory
4 Review and Evaluation Act to require participation by a certain panel of
5 stakeholders and to require public hearings on certain regulations under certain
6 circumstances; defining certain terms; making this Act an emergency measure;
7 and generally relating to work plan procedures under the Regulatory Review
8 and Evaluation Act.

9 BY repealing and reenacting, without amendments,
10 Article – State Government
11 Section 10–130(a), (c), and (f) through (h)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 10–134
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

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

21 **Article – State Government**

22 10–130.

23 (a) In this Part VI the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) “Committee” means the Joint Committee on Administrative, Executive,
2 and Legislative Review.

3 (f) “Stakeholder” means a person that has an interest in or is impacted by an
4 existing regulation.

5 (g) “Unit” means each unit in the Executive Branch of State government that
6 is authorized by law to adopt regulations.

7 (h) “Work plan” means a unit’s proposal for the evaluation of its regulations.

8 10–134.

9 (a) At least 1 year before the commencement of the review and evaluation of
10 its regulations, each unit shall prepare a work plan and submit the work plan to the
11 Governor and, subject to § 2–1246 of this article, the Committee.

12 (b) (1) (I) The work plan shall[:

13 (1)] include a description of the procedures and methods to be used by
14 the unit [, which may include:].

15 [(i)] (II) **THE PROCEDURES USED BY THE UNIT SHALL**
16 **INCLUDE:**

17 **1. PROCEDURES FOR ENSURING THE**
18 **PARTICIPATION OF A DIVERSE PANEL OF STAKEHOLDERS IN THE REVIEW**
19 **PROCESS; AND**

20 **2. PROCEDURES FOR THE HOLDING OF A PUBLIC**
21 **HEARING ON A SPECIFIC REGULATION AT THE REQUEST OF A STAKEHOLDER**
22 **WHO IS PARTICIPATING IN THE REVIEW PROCESS.**

23 (III) **THE PROCEDURES USED BY THE UNIT MAY INCLUDE:**

24 1. procedures for inviting public comment, including:

25 [1.] A. the publication of notices in the Maryland
26 Register;

27 [2.] B. the publication of notices in newspapers of
28 general circulation in the State;

29 [3.] C. the posting of a notice on the unit’s website or
30 on a statewide website created for units to post notices of regulations review;

1 [4.] D. the mailing of notices; and

2 [5.] E. the holding of public hearings at various
3 locations around the State;

4 [(ii) procedures for ensuring the participation of stakeholders in
5 the review process;]

6 [(iii)] 2. procedures for ensuring the participation in the
7 review process of other units affected by the regulations; and

8 [(iv)] 3. procedures for gathering and reviewing:

9 [1.] A. recent scientific information related to the
10 regulations being reviewed;

11 [2.] B. similar regulations adopted or repealed by
12 other states or the federal government; and

13 [3.] C. other appropriate information[;].

14 (2) **THE WORK PLAN SHALL:**

15 (I) identify the individual or individuals in the unit who will
16 coordinate the evaluation and communicate with the Committee; and

17 [(3)] (II) establish the schedule the unit will follow to complete its
18 evaluation report in a timely manner.

19 (c) (1) Within 30 days after receipt of the work plan by the Committee, it
20 shall:

21 (i) advise the unit in writing of any part of the work plan with
22 which it disagrees;

23 (ii) submit to the unit in writing any changes it recommends to
24 the work plan; and

25 (iii) in the event of a disagreement, attempt to meet with the
26 head of the unit.

27 (2) The head of the unit and the Committee shall attempt to resolve
28 any disagreements within 30 days after the Committee acts under this subsection.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.