



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannle Haddaway-Riccio, Secretary

January 14, 2021

The Honorable Paul G. Pinsky
Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

The Honorable Cheryl C. Kagan
Vice Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

***Re: Letter of Support – Senate Bill 346 – Department of Natural Resources –
Public Notices and Hearings***

Dear Chair, Vice Chair and Committee Members,

The bill would modernize the manner in which the Department of Natural Resources notifies the public of certain changes to rules and regulations. Additionally, the bill would remove provisions of statute enacted prior to the Administrative Procedures Act which are in conflict with the timeline laid out by the Administrative Procedures Act.

Currently, when notifying the public of a rule change through regulation or public notice, the department posts the information on its website and various social media platforms and emails constituents who have signed up for contact through email, and in some cases sends text messages to individuals who have signed up to receive notification in that manner as well. A number of statutes, all of which have existed for many decades, also require notice to be published either in a newspaper of general daily circulation in the State, a newspaper circulated in each affected county, or both. Some of the statutes also require that a public hearing be held prior to the change becoming effective.

Based on current societal patterns and preferences, the department believes that the public is no longer served in a meaningful way by providing notice of regulatory changes in the legal sections of newspapers, especially given the many alternative ways the department already provides notice to affected user groups. Furthermore, of the hearings that the department has been required by statute to hold in order to promulgate regulations, none have been well attended. In contrast, the department does hold regulatory hearings for regulatory packages that the department has seen as potentially controversial or of special interest to the public even when not required by statute. Those hearings have been much better attended and the department would continue to hold hearings for those types of regulatory changes which are likely to elicit more public feedback.

Ultimately, the goal of this bill is to provide meaningful access to regulatory information to as many citizens as possible, while being fiscally responsible to our citizens and stakeholders. Additionally, the department wants to continue to be able to adapt to technological advances that assist in providing information to our citizens.

The department recognizes that there may be concerns from other stakeholders, and therefore supports amending the bill to keep these important procedures transparent and fair.

Respectfully submitted,

James W. McKitrick
Director, Legislative and Constituent Services

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