

## **AELR Regulation Review Process**

### **Generally**

The Joint Committee on Administrative, Executive, and Legislative Review (AELR) is composed of 20 members - 10 senators appointed by the President of the Senate and 10 delegates appointed by the Speaker of the House. There is a House chair and a Senate chair who alternate each calendar year as the presiding chair. The Department of Legislative Services (DLS) provides two counsel as the primary staff to AELR. In providing oversight of the regulatory activities of State agencies for the General Assembly, the primary function of AELR is to review any regulations that are proposed for adoption by a unit of the Executive Branch of State government to determine whether the regulations conform to the statutory authority of the unit and the legislative intent of the statute under which the regulations are proposed.

### **DLS Role and Analysis**

To assist AELR in its oversight responsibility, each regulation, after submission to AELR and prior to publication in the [Maryland Register](#), is analyzed for legal sufficiency by legislative staff of DLS. Fiscal analysts with DLS evaluate the Executive Branch agency's assessment of the economic impact of a proposed regulation, as it pertains to the fiscal impact on State and local agencies, the State budget, and small businesses in the State.

Beginning in 2014, each proposed regulation and accompanying legal and fiscal analysis is being posted on this website under *Committees/AELR/Analyses/Regulations*. For emergency regulations, the regulation and analysis are posted as soon as the analysis is complete. For all other regulations, the regulation as initially proposed and the analysis are posted after publication of the regulation in the [Maryland Register](#). Please note that the final version of the regulation may change through the regulatory adoption process. Revisions to the proposed regulations are not being posted on the Maryland General Assembly website but may be accessed through the [Maryland Register](#). Please also note that the DLS analysis reflects only the text of the regulation as initially proposed and does not reflect any subsequent changes before final adoption of the regulation.

### **Procedures for Proposed Regulations**

All proposed regulations are submitted to the AELR Committee for review at least 15 days before they are submitted to the [Maryland Register](#) for publication. Often changes are negotiated between the committee and the unit before publication. The committee is not required to give its explicit approval in order for a proposed regulation to become effective. In the usual course, the unit may adopt a proposed regulation 45 days after the regulation was published in the [Maryland Register](#). Thirty of the 45 days must be reserved as a public comment period.

If the committee cannot complete its review of the proposed regulation within the 45-day period, it may delay, or "hold," the adoption of the regulation. During this time, the committee may suggest to the unit that certain changes be made. If no agreement is reached, the unit may

subsequently notify the committee of its intent to adopt the regulation despite the committee's hold. The hold period ends on the later of the 30th day after the unit's notice to the committee or the 105th day after the initial publication of the regulation in the [\*Maryland Register\*](#).

At any time, the committee may formally vote to oppose the adoption of the regulation. In this case, notice of the opposition is sent to the Governor and the unit, and further negotiations ensue. The Governor may instruct the unit to withdraw or modify the regulation. However, once the committee has opposed the adoption of the regulation, it may not be adopted unless approved by the Governor.

### **Procedures for Emergency Regulations**

Emergency regulations, which bypass the normal public notice and comment period, remain in effect for a limited period of time - not to exceed 180 days - to meet exigent circumstances. Although emergency regulations are not published in the [\*Maryland Register\*](#) before adoption, notice of the committee's receipt of the regulation is posted on the MGA website. In addition, the agency submitting the request for adoption of emergency status must post the text of the regulations on the agency website within three business days of submission to the AELR committee.

If a member of the committee requests a public hearing on the emergency adoption of a regulation, the committee must hold the hearing. If no public hearing is requested, staff to the committee may poll on the emergency regulation as soon as 10 business days after receipt of the regulation. Approval by the committee is required for an emergency regulation to take effect.