

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/19/2017	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/18/2017

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
14	28	02	01-.14
14	28	07	01-.07

3. Name of Promulgating Authority

Department of Planning

4. Name of Regulations Coordinator **Telephone Number**
Margaret H Drake 410-514-7826

Mailing Address

OAG/MDP 100 Community Place, 3rd Floor

City **State** **Zip Code**
Crownsville MD 21032-2023

Email
margaret.drake@maryland.gov

5. Name of Person to Call About this Document **Telephone No.**
Paul Cucuzzella 410-767-1409

Email Address
paul.cucuzzella@maryland.gov

6. Check applicable items:
 New Regulations

- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: .
 - Repeal of Existing Regulations
 - Recodification
 - Incorporation by Reference of Documents Requiring DSD Approval
 - Reproposal of Substantively Different Text:
:
Md. R
(vol.) (issue) (page nos) (date)
- Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Paul Cucuzzella, Assistant Attorney General, (telephone #410-767-1409) on July 18, 2017. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Deidra L. Ritchie

Title

Executive Director, CPPDA

Telephone No.

(301) 724-3655

Date

July 18, 2017

Title 14
INDEPENDENT AGENCIES
Subtitle 28 CANAL PLACE PRESERVATION AND DEVELOPMENT
AUTHORITY

14.28.02 Public Information Requests

Subtitle 28 CANAL PLACE PRESERVATION AND DEVELOPMENT
AUTHORITY

14.28.07 State Economic Growth, Resource Protection, and Planning Policy Project Review

Authority: 14.28.02 Public Information Requests Authority: Financial Institutions Article, §13-1008(4), and General Provisions Article, Title 4, Annotated Code of Maryland 14.28.07 State Economic Growth, Resource Protection, and Planning Policy Project Review Authority: Financial Institutions Article, §13-1008(4), and State Finance and Procurement Article, §5-7A-02A, Annotated Code of Maryland; Executive Order 01.01.1992.27

Notice of Proposed Action

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The Canal Place Preservation and Development Authority proposes to The Canal Place Preservation and Development Authority (the “CPPDA”) proposes to repeal COMAR 14.28.02.01-.14 and COMAR 14.28.07.01-.07.

Statement of Purpose

The purpose of this action is to 1. This action is to repeal the CPPDA’s regulations implementing Maryland’s Public Information Act, Title 4, General Provisions Article, Code of Maryland (the “PIA”), which were first adopted by the CPPDA in 1995 and have never been modified. The PIA establishes when and how State agencies must, upon request, release public records. Numerous statutory changes to the PIA since 1995 have rendered the CPPDA’s regulations obsolete. There is now sufficient specificity in the statutory law and the CPPDA no longer needs implementing regulations.

2. This action is also to repeal regulations, originally adopted in 1995, which were directed by a 1992 Executive Order, EO 01.01.1992.27, that implemented the Economic Growth, Resource Protection and Planning Act of 1992, Subtitle 7A, Title 5, State Finance and Procurement Article, Code of Maryland (the “Planning Act”). The Planning Act sought to organize and direct comprehensive planning and regulate the funding of State and local projects towards and in furtherance of specific economic growth and resource protection policies. The 1992 Executive Order established that State agencies were to adopt procedures for evaluating whether projects undertaken by the agency were consistent the State’s growth policies and the local comprehensive plans. However, only a handful of agencies ever adopted regulations as called for in the Executive Order. The body established within the Department of Planning for conducting Planning Act reviews effectively dissolved in the mid-1990s, and the purposes of the Planning Act were

subsequently overtaken and largely rendered obsolete through enactment in the late-1990s of the Priority Funding Act. On March 25, 2016, the Governor rescinded the 1992 Executive Order. See EO 01.01.2016.06. As such, the CPPDA's regulations, as required by the now-rescinded 1992 Executive Order, have no utility and should be rescinded.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Paul J. Cucuzzella, Counsel, Canal Place Preservation & Development Authority, Office of the Attorney General/ Maryland Department of Planning, 301 W. Preston St., 11th Floor, Baltimore, Maryland 21201, or call 410-767-1409, or email to paul.cucuzzella@maryland.gov, or fax to 410-697-9566. Comments will be accepted through September 18, 2017. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 18

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds are needed to implement these changes.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

Repealing the CPPDA's PIA regulations will not materially change or alter the procedures followed by the CPPDA in responding to requests made under the PIA.

Repeal of the Planning Act regulations will not change or alter in any way the manner in which the CPPDA conducts project reviews.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Repealing the CPPDA's PIA regulations will not materially change or alter the procedures followed by the CPPDA in responding to requests made under the PIA.

Repeal of the Planning Act regulations will not change or alter in any way the manner in which the CPPDA conducts project reviews.

G. Small Business Worksheet:

Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that: (i) is independently owned and operated; (ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

The intended beneficiary of the proposed rescission of these regulations is the CPPDA and the efficiency of its operations.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

Households will not be affected by the proposed action.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

Businesses will not be affected by the proposed action.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how

Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

None.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

None.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

There is no long-term economic impact.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

(1) There is no anticipated effect on the cost of providing goods and services; (2) There is no anticipated effect on the work force; (3) There is no anticipated effect on the cost of housing; (4) There is no anticipated effect on efficiency in production and marketing; (5) There is no anticipated capital investment, taxation, competition, and economic development; and (6) There is no anticipated effect on consumer choice.