

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Office of Administrative Hearings  
(DLS Control No. 15-429)**

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**Overview and Legal and Fiscal Impact**

The regulations update COMAR 28.01.04 (Public Information Act Requests) and COMAR 28.01.05 (Correction or Amendment of Personal Records) to reflect recent legislative changes to the Public Information Act.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Office of Administrative Hearings:**

Administration: Public Information Act Requests:

COMAR 28.01.04.00, .01, .02, .03, .04, .05, .06, .07, .08, and .09

Public Information Act Requests:

COMAR 28.01.04.10, .11, .12, .13, .14, and .15

Correction or Amendment of Personal Records:

COMAR 28.01.05.00, .01, .02, .03, .04, .05, .06, .07, .08, and .09

Correction or Amendment of Personal Records: COMAR 28.01.05.10, and .11

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**Legal Analysis**

**Summary of Regulations**

The Office of Administrative Hearings proposes to repeal and replace its regulations governing procedures for filing and processing requests to inspect and copy public records and requests to correct or amend public records.

The regulations reflect changes made to the Public Information Act by Chapters 135 and 136 of 2015 and follow the *Model Regulations on Public Information Act* drafted by the Office of the Attorney General.

**Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The office cites § 9-1604(b)(1)(v) of the State Government Article, which authorizes the Chief Administrative Law Judge of the office to adopt regulations to implement Title 9, Subtitle 16 of that article, and §§ 4-101 through 4-601 of the General Provisions Article (the Public Information Act) as statutory authority for the regulations.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Technical Corrections and Special Notes**

In response to suggestions by the Department of Legislative Services, the office has agreed to modify the Statement of Purpose and make several technical corrections to the text of the regulations.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The office advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs and notes that the regulations merely implement a provision of Chapters 135 and 136 of 2015 (Senate Bill 695 and House Bill 755). Any fiscal impact is a result of that legislation and not these regulations.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The office advises that the regulations have minimal or no economic impact on small business in the State. The Department of Legislative Services concurs.

## **Contact Information**

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