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HB 401/95 - CGM

1996 Regular Session  
6lr1007

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**By: Delegates Arnick, Poole, and Preis**

Introduced and read first time: January 10, 1996

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Regulatory Standards and Accountability Act**

3 FOR the purpose of prohibiting a unit of State government after a certain date from  
4 adopting a regulation that is more restrictive than an applicable federal standard or  
5 regulation governing the same program or conduct unless certain conditions are  
6 met; authorizing the AELR Committee to take certain action concerning certain  
7 proposed regulations; specifying the effect of a request of the AELRCommittee for  
8 reconsideration of certain proposed regulations; defining certain terms; and  
9 generally relating to regulatory standards and accountability.

10 BY adding to

11 Article - State Government  
12 Section 8-501 through 8-503, inclusive, to be under the new subtitle"Subtitle 5.  
13 Regulatory Standards and Accountability Act"  
14 Annotated Code of Maryland  
15 (1995 Replacement Volume)

16 Preamble

17 WHEREAS, The General Assembly urges the Governor, by whatever meansthe  
18 Governor determines, to institute within the Executive Branch a programto reduce  
19 regulatory overlap and duplication among and between State agencies, and among and  
20 between the State and federal government and the State and local governments, in the  
21 regulation of programs and conduct; and

22 WHEREAS, The specific purpose of the program is to reduce, wherever  
23 practicable, the number of governmental units that are involved in the regulation of  
24 programs and conduct, the number of standards and requirements used in the regulation  
25 of programs and conduct, and the number of licenses, permits, approvals, and other  
26 compliance requirements used in the regulation of programs and conduct;now, therefore,

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

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1           **Article - State Government**

2           SUBTITLE 5. REGULATORY STANDARDS AND ACCOUNTABILITY ACT.

3 8-501.

4           (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6           (B) "COMMITTEE" MEANS THE JOINT COMMITTEE ON ADMINISTRATIVE,  
7 EXECUTIVE, AND LEGISLATIVE REVIEW.

8           (C) "REGULATION" HAS THE MEANING STATED IN § 10-101(E) OF THIS  
9 ARTICLE.

10          (D) "UNIT" HAS THE MEANING STATED IN § 10-101(G) OF THIS ARTICLE.

11 8-502.

12          (A) AFTER OCTOBER 1, 1996, A UNIT MAY NOT ADOPT A REGULATION THAT  
13 PROVIDES A STANDARD OR REQUIREMENT THAT IS MORE RESTRICTIVE THAN AN  
14 APPLICABLE STANDARD OR REQUIREMENT ESTABLISHED UNDER A FEDERAL LAW  
15 OR REGULATION WHICH GOVERNS THE SAME PROGRAM OR CONDUCT, UNLESS:

16               (1) THE UNIT THAT PROPOSES THE REGULATION:

17                       (I) MAKES A SPECIFIC FINDING CONCERNING THE COMPELLING  
18 PUBLIC INTEREST THAT, IN THE JUDGMENT OF THE UNIT, REQUIRES THE PROPOSED  
19 DEVIATION FROM THE FEDERAL STANDARD OR REQUIREMENT;

20                       (II) INDICATES THE EXTENT TO WHICH THE COST OF COMPLIANCE  
21 WITH THE PROPOSED REGULATION EXCEEDS THE COST OF COMPLIANCE WITH THE  
22 FEDERAL STANDARD OR REQUIREMENT;

23                       (III) ANALYZES:

24                               1. THE IMPACT OF THE REGULATION ON THE COMPETITIVE  
25 POSITION OF BUSINESSES IN THE STATE THAT MAY BE REQUIRED TO CONFORM TO  
26 THE PROPOSED REGULATION; AND

27                               2. THE SIGNIFICANT INCREMENTAL BENEFIT OR  
28 IMPROVEMENT THAT WOULD BE GAINED BY ADOPTION OF THE PROPOSED  
29 REGULATION;

30               (IV) PUBLISHES A NOTICE OF THE PROPOSED REGULATION IN THE  
31 MARYLAND REGISTER THAT:

32                               1. CONTAINS A FULL AND COMPLETE SUMMARY OF THE  
33 FINDING AND OTHER INFORMATION REQUIRED BY SUBITEMS (I) THROUGH (III) OF  
34 THIS ITEM; AND

35                               2. STATES PROMINENTLY AND CLEARLY IN AN  
36 INTRODUCTION TO THE PROPOSED REGULATION THAT THE REGULATION WOULD  
37 ESTABLISH A STANDARD OR REQUIREMENT THAT IS MORE RESTRICTIVE THAN AN

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1 APPLICABLE STANDARD OR REQUIREMENT ESTABLISHED UNDER A FEDERAL LAW  
2 OR REGULATION; AND

3 (V) SPECIFIES A PROPOSED EFFECTIVE DATE FOR THE  
4 REGULATION THAT IS NOT EARLIER THAN 90 DAYS AFTER PUBLICATION OF THE  
5 NOTICE; AND

6 (2) THE COMMITTEE HOLDS A HEARING NO LATER THAN 45 DAYS  
7 AFTER THE DATE ON WHICH THE NOTICE OF THE PROPOSED REGULATION IS  
8 PUBLISHED IN THE MARYLAND REGISTER.

9 (B) IF THE COMMITTEE FAILS TO HOLD A HEARING UNDER SUBSECTION  
10 (A)(2) OF THIS SECTION, THE UNIT MAY PROCEED TO ADOPT THE PROPOSED  
11 REGULATION.

12 8-503.

13 (A) THE COMMITTEE MAY:

14 (1) SOLICIT FURTHER COMMENT ON THE PROPOSED REGULATION FOR  
15 10 DAYS AFTER ITS PUBLIC HEARING ON THE PROPOSED REGULATION; OR

16 (2) WITHIN 45 DAYS AFTER THE PUBLIC HEARING, REQUEST THAT THE  
17 UNIT RECONSIDER ANY PART OR ALL OF THE PROPOSED REGULATION.

18 (B) A REQUEST FOR RECONSIDERATION OF THE PROPOSED REGULATION BY  
19 THE COMMITTEE SUSPENDS THE EFFECT OF THE PROPOSED REGULATION FOR A  
20 PERIOD SPECIFIED BY THE COMMITTEE IN ITS REQUEST FOR RECONSIDERATION,  
21 BUT FOR NOT MORE THAN 30 DAYS AFTER THE EFFECTIVE DATE THAT THE UNIT  
22 ORIGINALLY PROPOSED FOR THE REGULATION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 1996.