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HB 401/95 - CGM

1996 Regular Session
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CF HB 110

By: Senators Stoltzfus, Amoss, Cade, Astle, Colburn, Craig, Della, Dyson, Derr, Ferguson, Hafer, Haines, Hogan, McCabe, and Munson

Introduced and read first time: February 1, 1996

Assigned to: Economic and Environmental Affairs

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 AELR Committee 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 means the
18 Governor determines, to institute within the Executive Branch a program to 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:

2

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

3
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.