
By: Delegates Taylor, Guns, Dewberry, Hurson, Arnick, Busch, Curran, Harrison, Hixson, Menes, Owings, Rawlings, and Vallario

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Environmental Matters

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; providing
9 for the construction of this Act; and generally relating to regulatory standards and
10 accountability.

11 BY adding to

12 Article - State Government
13 Section 8-501 through 8-503, inclusive, to be under the new subtitle "Subtitle 5.
14 Regulatory Standards and Accountability Act"
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1996 Supplement)

17 Preamble

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

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

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 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 OF THIS ARTICLE.

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

10 8-502.

11 (A) AFTER OCTOBER 1, 1997, A UNIT MAY NOT ADOPT A REGULATION THAT
12 PROVIDES A STANDARD OR REQUIREMENT THAT IS MORE RESTRICTIVE THAN AN
13 APPLICABLE STANDARD OR REQUIREMENT ESTABLISHED UNDER A FEDERAL LAW
14 OR REGULATION WHICH GOVERNS THE SAME PROGRAM OR CONDUCT, UNLESS THE
15 UNIT THAT PROPOSES THE REGULATION:

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

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

22 (3) ANALYZES THE IMPACT OF THE REGULATION ON THE COMPETITIVE
23 POSITION OF BUSINESSES IN THE STATE THAT MAY BE REQUIRED TO CONFORM TO
24 THE PROPOSED REGULATION;

25 (4) EXCEPT FOR A PROPOSED REGULATION SUBMITTED FOR
26 EMERGENCY ADOPTION UNDER § 10-111(B) OF THIS ARTICLE, PUBLISHES A NOTICE
27 OF THE PROPOSED REGULATION IN THE MARYLAND REGISTER THAT:

28 (I) CONTAINS A FULL AND COMPLETE SUMMARY OF THE FINDING
29 AND OTHER INFORMATION REQUIRED BY ITEMS (1) THROUGH (3) OF THIS
30 SUBSECTION; AND

31 (II) STATES PROMINENTLY AND CLEARLY IN AN INTRODUCTION
32 TO THE PROPOSED REGULATION THAT THE REGULATION WOULD ESTABLISH A
33 STANDARD OR REQUIREMENT THAT IS MORE RESTRICTIVE THAN AN APPLICABLE
34 STANDARD OR REQUIREMENT ESTABLISHED UNDER A FEDERAL LAW OR
35 REGULATION; AND

36 (5) EXCEPT FOR A PROPOSED REGULATION SUBMITTED FOR
37 EMERGENCY ADOPTION UNDER § 10-111(B) OF THIS ARTICLE, SPECIFIES A PROPOSED

3

1 EFFECTIVE DATE FOR THE REGULATION THAT IS NOT EARLIER THAN 60 DAYS
2 AFTER PUBLICATION OF THE NOTICE.

3 (B) (1) EXCEPT FOR A PROPOSED REGULATION SUBMITTED FOR
4 EMERGENCY ADOPTION UNDER § 10-111(B) OF THIS ARTICLE, IF THE COMMITTEE
5 DECIDES BY MAJORITY VOTE TO CONDUCT A HEARING ON A PROPOSED
6 REGULATION UNDER THIS SECTION, THE HEARING SHALL BE HELD NOT LATER
7 THAN 30 DAYS AFTER THE DATE THAT THE NOTICE OF THE PROPOSED REGULATION
8 IS PUBLISHED IN THE MARYLAND REGISTER.

9 (2) IF THE COMMITTEE FAILS TO HOLD A HEARING UNDER PARAGRAPH
10 (1) OF THIS SUBSECTION, 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 10 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 may not be
24 construed to establish any private cause of action.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1997.