

HOUSE BILL 737

P3, M4, M3

4lr2343

By: **Delegates Ready, Afzali, Bates, Boteler, Dwyer, Elliott, Hough, Jacobs, Krebs, McComas, Schulz, Stocksdales, and Vitale**

Introduced and read first time: January 31, 2014

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Legislative and Regulatory Procedures – Efficacy**
3 **Analyses**

4 FOR the purpose of requiring certain Executive Branch agencies and the Department
5 of Legislative Services to prepare efficacy analyses for certain bills that add to
6 or amend certain articles of the Annotated Code; requiring certain Executive
7 Branch agencies to prepare efficacy analyses for regulations proposed by those
8 agencies; providing for the submission of certain efficacy analyses to the
9 Department, certain committees, and certain individuals within certain time
10 frames; specifying the minimum requirements of an efficacy analysis; requiring
11 an Executive Branch agency or the Department to consult as appropriate with
12 certain persons on the preparation of an efficacy analysis; requiring a unit of
13 State or local government to provide the Department with assistance or
14 information under certain circumstances; authorizing the Department to
15 include an efficacy analysis of a bill as part of a fiscal note, comment on an
16 efficacy analysis of a bill, and revise an efficacy analysis of a bill under certain
17 circumstances; requiring the Department to comment on certain efficacy
18 analyses of proposed regulations and to transmit the Department's comments to
19 the Joint Committee on Administrative, Executive, and Legislative Review;
20 requiring the Department to revise an efficacy analysis of a proposed regulation
21 under certain circumstances; requiring the Department to maintain a copy of
22 each efficacy analysis on the Web site of the General Assembly; providing that
23 an efficacy analysis of a bill need not be published in the Senate journal or
24 House journal; requiring an efficacy analysis of a proposed regulation to be
25 published in the Maryland Register at a certain time; providing that the
26 validity of the enactment of a bill or regulation is not affected by the presence,
27 absence, or content of an efficacy analysis; defining certain terms; and generally
28 relating to efficacy analyses of certain bills and proposed regulations.

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Government
2 Section 2–1505.3 and 2–1505.4
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2013 Supplement)

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

7 **Article – State Government**

8 **2–1505.3.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
10 MEANINGS INDICATED.

11 (2) “DEPARTMENT” MEANS THE DEPARTMENT OF LEGISLATIVE
12 SERVICES.

13 (3) “EFFICACY ANALYSIS” MEANS AN ASSESSMENT OF THE
14 EFFICIENCY AND EFFECTIVENESS OF A PROPOSED BILL INTRODUCED AT A
15 SESSION OF THE GENERAL ASSEMBLY.

16 (B) (1) AN EFFICACY ANALYSIS SHALL BE PREPARED BY THE
17 APPROPRIATE EXECUTIVE BRANCH AGENCY FOR EACH BILL THAT:

18 (I) IS INTRODUCED AT THE REQUEST OF THE
19 ADMINISTRATION OR A DEPARTMENT, AN AGENCY, OR A COMMISSION OF THE
20 EXECUTIVE BRANCH OF STATE GOVERNMENT; AND

21 (II) ADDS TO OR AMENDS A SECTION OF:

22 1. THE AGRICULTURE ARTICLE;

23 2. THE ENVIRONMENT ARTICLE;

24 3. THE LAND USE ARTICLE; OR

25 4. THE NATURAL RESOURCES ARTICLE.

26 (2) A COPY OF THE EFFICACY ANALYSIS REQUIRED UNDER THIS
27 SUBSECTION SHALL BE SUBMITTED BY THE GOVERNOR’S OFFICE:

1 **(I) TO THE DEPARTMENT WITHIN A REASONABLE TIME**
2 **FRAME BEFORE THE HEARING ON THE BILL TO ALLOW THE DEPARTMENT TO**
3 **COMMENT ON THE EFFICACY ANALYSIS; AND**

4 **(II) TO THE COMMITTEE TO WHICH THE BILL IS REFERRED**
5 **BEFORE THE HEARING ON THE BILL.**

6 **(C) (1) AN EFFICACY ANALYSIS SHALL BE PREPARED BY THE**
7 **DEPARTMENT FOR EACH BILL THAT:**

8 **(I) IS INTRODUCED BY A MEMBER OF THE GENERAL**
9 **ASSEMBLY; AND**

10 **(II) ADDS TO OR AMENDS A SECTION OF:**

- 11 1. **THE AGRICULTURE ARTICLE;**
- 12 2. **THE ENVIRONMENT ARTICLE;**
- 13 3. **THE LAND USE ARTICLE; OR**
- 14 4. **THE NATURAL RESOURCES ARTICLE.**

15 **(2) A COPY OF THE EFFICACY ANALYSIS REQUIRED UNDER THIS**
16 **SUBSECTION SHALL BE SUBMITTED BY THE DEPARTMENT:**

17 **(I) TO THE PRIMARY SPONSOR OF THE BILL; AND**

18 **(II) TO THE COMMITTEE TO WHICH THE BILL IS REFERRED**
19 **BEFORE THE HEARING ON THE BILL.**

20 **(D) THE EFFICACY ANALYSIS REQUIRED UNDER THIS SECTION SHALL**
21 **INCLUDE, AT A MINIMUM:**

22 **(1) AN ASSESSMENT OF THE LIKELIHOOD THAT THE PROPOSED**
23 **BILL WILL ACHIEVE THE DESIRED OUTCOME;**

24 **(2) A COST-BENEFIT ANALYSIS OF THE PROPOSED BILL; AND**

25 **(3) AN EVALUATION OF THE EFFICIENCY AND EFFECTIVENESS OF**
26 **THE PROPOSED BILL COMPARED TO OTHER ALTERNATIVES FOR ACHIEVING THE**
27 **DESIRED OUTCOME.**

1 **(E) (1) THE EXECUTIVE BRANCH AGENCY OR THE DEPARTMENT**
2 **PREPARING THE EFFICACY ANALYSIS REQUIRED UNDER THIS SECTION SHALL**
3 **CONSULT WITH, AS APPROPRIATE:**

4 **(I) OTHER UNITS OF STATE GOVERNMENT;**

5 **(II) UNITS OF LOCAL GOVERNMENT; AND**

6 **(III) BUSINESS, TRADE, CONSUMER, LABOR, AND OTHER**
7 **GROUPS IMPACTED BY OR HAVING AN INTEREST IN THE LEGISLATION.**

8 **(2) ON REQUEST OF THE EXECUTIVE DIRECTOR OF THE**
9 **DEPARTMENT, A UNIT OF THE STATE OR A LOCAL GOVERNMENT SHALL**
10 **PROVIDE THE DEPARTMENT WITH ASSISTANCE OR INFORMATION IN THE**
11 **PREPARATION OF AN EFFICACY ANALYSIS.**

12 **(F) (1) THE DEPARTMENT MAY INCLUDE AN EFFICACY ANALYSIS**
13 **PREPARED BY THE DEPARTMENT OR BY THE APPROPRIATE EXECUTIVE**
14 **BRANCH AGENCY AS PART OF A FISCAL NOTE.**

15 **(2) THE DEPARTMENT MAY COMMENT ON THE EFFICACY**
16 **ANALYSIS PREPARED BY THE APPROPRIATE EXECUTIVE BRANCH AGENCY.**

17 **(G) THE DEPARTMENT MAY REVISE THE EFFICACY ANALYSIS**
18 **CONSISTENT WITH AN AMENDED VERSION OF A BILL.**

19 **(H) THE DEPARTMENT SHALL MAINTAIN A COPY OF EACH EFFICACY**
20 **ANALYSIS ON THE WEB SITE OF THE GENERAL ASSEMBLY.**

21 **(I) EFFICACY ANALYSES NEED NOT BE PUBLISHED IN THE SENATE**
22 **JOURNAL OR HOUSE JOURNAL.**

23 **(J) THE VALIDITY OF AN ENACTMENT OF A BILL IS NOT AFFECTED BY**
24 **THE PRESENCE, ABSENCE, OR CONTENT OF AN EFFICACY ANALYSIS.**

25 **2-1505.4.**

26 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
27 **MEANINGS INDICATED.**

28 **(2) “COMMITTEE” MEANS THE JOINT COMMITTEE ON**
29 **ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.**

1 **(3) “EFFICACY ANALYSIS” MEANS AN ASSESSMENT OF THE**
2 **EFFICIENCY AND EFFECTIVENESS OF A REGULATION PROPOSED BY AN AGENCY**
3 **UNDER TITLE 10, SUBTITLE 1 OF THIS ARTICLE.**

4 **(B) THIS SECTION APPLIES ONLY TO A REGULATION PROPOSED BY:**

5 **(1) THE DEPARTMENT OF AGRICULTURE;**

6 **(2) THE DEPARTMENT OF THE ENVIRONMENT;**

7 **(3) THE DEPARTMENT OF NATURAL RESOURCES; OR**

8 **(4) THE DEPARTMENT OF PLANNING.**

9 **(C) (1) AN EFFICACY ANALYSIS SHALL BE PREPARED BY THE**
10 **APPROPRIATE EXECUTIVE BRANCH AGENCY FOR EACH REGULATION THAT THE**
11 **AGENCY PROPOSES FOR ADOPTION UNDER TITLE 10, SUBTITLE 1 OF THIS**
12 **ARTICLE.**

13 **(2) A COPY OF THE EFFICACY ANALYSIS REQUIRED UNDER THIS**
14 **SUBSECTION SHALL BE SUBMITTED BY THE APPROPRIATE AGENCY TO:**

15 **(I) THE DEPARTMENT OF LEGISLATIVE SERVICES NO**
16 **LATER THAN THE TIME THE AGENCY SUBMITS THE REGULATION TO THE**
17 **COMMITTEE TO ALLOW THE DEPARTMENT TO COMMENT ON THE EFFICACY**
18 **ANALYSIS; AND**

19 **(II) THE COMMITTEE AT THE TIME THE AGENCY SUBMITS**
20 **THE REGULATION TO THE COMMITTEE.**

21 **(D) THE EFFICACY ANALYSIS REQUIRED UNDER THIS SECTION SHALL**
22 **INCLUDE, AT A MINIMUM:**

23 **(1) AN ASSESSMENT OF THE LIKELIHOOD THAT THE PROPOSED**
24 **REGULATION WILL ACHIEVE THE DESIRED OUTCOME;**

25 **(2) A COST–BENEFIT ANALYSIS OF THE PROPOSED REGULATION;**
26 **AND**

27 **(3) AN EVALUATION OF THE EFFICIENCY AND EFFECTIVENESS OF**
28 **THE PROPOSED REGULATION COMPARED TO OTHER ALTERNATIVES FOR**
29 **ACHIEVING THE DESIRED OUTCOME.**

1 **(E) (1) THE EXECUTIVE BRANCH AGENCY PREPARING THE EFFICACY**
2 **ANALYSIS REQUIRED UNDER THIS SECTION SHALL CONSULT WITH, AS**
3 **APPROPRIATE:**

4 **(I) OTHER UNITS OF STATE GOVERNMENT;**

5 **(II) UNITS OF LOCAL GOVERNMENT; AND**

6 **(III) BUSINESS, TRADE, CONSUMER, LABOR, AND OTHER**
7 **GROUPS IMPACTED BY OR HAVING AN INTEREST IN THE REGULATION.**

8 **(2) ON REQUEST OF THE EXECUTIVE DIRECTOR OF THE**
9 **DEPARTMENT OF LEGISLATIVE SERVICES, A UNIT OF THE STATE OR A LOCAL**
10 **GOVERNMENT SHALL PROVIDE THE DEPARTMENT OF LEGISLATIVE SERVICES**
11 **WITH ASSISTANCE OR INFORMATION IN THE REVIEW OF AN EFFICACY ANALYSIS.**

12 **(F) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL:**

13 **(1) COMMENT ON THE EFFICACY ANALYSIS PREPARED BY THE**
14 **APPROPRIATE EXECUTIVE BRANCH AGENCY; AND**

15 **(2) TRANSMIT ITS COMMENTS TO THE COMMITTEE.**

16 **(G) THE EXECUTIVE BRANCH AGENCY SHALL REVISE AN EFFICACY**
17 **ANALYSIS CONSISTENT WITH AN AMENDED VERSION OF A REGULATION.**

18 **(H) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL MAINTAIN A**
19 **COPY OF EACH EFFICACY ANALYSIS ON THE WEB SITE OF THE GENERAL**
20 **ASSEMBLY.**

21 **(I) EFFICACY ANALYSES SHALL BE PUBLISHED IN THE MARYLAND**
22 **REGISTER AT THE SAME TIME AS:**

23 **(1) A NOTICE OF PROPOSED ADOPTION OF A REGULATION IS**
24 **PUBLISHED IN THE MARYLAND REGISTER; OR**

25 **(2) A NOTICE OF EMERGENCY ADOPTION OF A REGULATION IS**
26 **PUBLISHED IN THE MARYLAND REGISTER.**

27 **(J) THE VALIDITY OF AN ENACTMENT OF A REGULATION IS NOT**
28 **AFFECTED BY THE PRESENCE, ABSENCE, OR CONTENT OF AN EFFICACY**
29 **ANALYSIS.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2014.