

HOUSE BILL 1631

P3

6lr3855

By: **Delegate Rosenberg**

Introduced and read first time: March 7, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Administrative Procedure Act – Proposed Regulation – Explanatory Reasons**
3 **Justifying Adoption**

4 FOR the purpose of requiring a promulgating unit to include, under certain circumstances,
5 certain explanatory reasons with the submission of a proposed regulation to the Joint
6 Committee on Administrative, Executive, and Legislative Review and the
7 Department of Legislative Services; and generally relating to regulatory adoption
8 procedures under the Administrative Procedure Act.

9 BY repealing and reenacting, without amendments,
10 Article – State Government
11 Section 10–101(a), (d), and (l) and 10–110(d)(1)
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2015 Supplement)

14 BY adding to
15 Article – State Government
16 Section 10–110(d)(4)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2015 Supplement)

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

21 **Article – State Government**

22 10–101.

23 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) "Committee" means the Joint Committee on Administrative, Executive, and
2 Legislative Review.

3 (l) "Unit" means an officer or unit authorized by law to adopt regulations.

4 10–110.

5 (d) (1) At least 15 days before the date a proposed regulation is submitted to
6 the Maryland Register for publication under § 10–112 of this subtitle, the promulgating
7 unit shall submit the proposed regulation to the Committee and the Department of
8 Legislative Services.

9 **(4) THE PROMULGATING UNIT SHALL INCLUDE WITH ITS SUBMISSION**
10 **CLEARLY WRITTEN EXPLANATORY REASONS THAT JUSTIFY THE ADOPTION OF THE**
11 **REGULATION IF THE PROPOSED REGULATION, EITHER IN WHOLE OR IN PART:**

12 **(I) AMENDS A PREVIOUSLY ADOPTED REGULATION;**

13 **(II) IS SUBMITTED BY THE PROMULGATING UNIT UNDER**
14 **STATUTORY AUTHORITY THAT HAS NOT BEEN ALTERED SINCE THE PROMULGATION**
15 **OF THE PREVIOUSLY ADOPTED REGULATION; AND**

16 **(III) IS NOT BASED ON RECENT PEER-REVIEWED RESEARCH**
17 **RELEVANT TO THE PROPOSED REVISION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.