

# SENATE BILL 1168

P3

6lr3866  
CF HB 1631

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By: **Senator Manno**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 16, 2016

Assigned to: Rules

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## 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.

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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.