



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Charles Glass, Deputy Secretary

March 3, 2020

The Honorable Shane Pendergrass
Chair, Health and Government Operations Committee
241 House Office Building
Annapolis, MD 21401

Re: Letter of Information – House Bill 817- Regulations Affecting Small Businesses – Certification of Comparable Local Regulation

Dear Chair Pendergrass and Committee Members:

The bill would require the agency, when submitting proposed regulations to the Joint Committee on Administrative, Executive, and Legislative Review, to review all existing local regulations and certify whether any comparable local regulations are at least as stringent as the proposed agency regulation. .

The bill would have a substantial operational impact on the department. The department would need to check all 157 municipalities and 24 counties potentially each time a regulation is proposed in order to comply with the provisions of the bill. This will significantly slow the process of rulemaking at the agency level. This may cause issues with federal compliance for inter-jurisdictionally managed species. When it comes to species management where rules may change annually, the agency may certify the existence of a certain local rule only to have to turn around and rescind the certification because the local regulation has been altered.

There are no other statutes requiring the department to certify the stringency of local regulations when proposing new regulations. If the department is required to review local regulations prior to submission of any proposed regulation package, then those local regulations would require tracking. Local governments would need to assist agencies in reviewing their laws and regulations. Local governments would need to have appointed staff to work with agencies as well as vice versa for the agency in order to keep up with regulation changes on both sides. The state may also need to address local certifications with any rules being more restrictive than federal law, which is something currently not done either.

For these reasons, the Maryland Department of Natural Resources respectfully submits to the Committee this information on House Bill 817.

Respectfully submitted,
James W. McKitrick
Director, Legislative and Constituent Services