

TO: Regulations Coordinators

FROM: Division of State Documents

SUBJECT: Regulatory Review and Evaluation Act

In order to make compliance with the Regulatory Review and Evaluation Act as simple and uniform as possible, the Division of State Documents (DSD) is providing the following outline of the process. This outline was derived from State Government Article, §§10-130—10-139, Annotated Code of Maryland, and the implementing executive order (COMAR 01.01.2003.20).

The regulatory review process should proceed as outlined below.

(1) Work Plan (State Government Article, §10-134, Annotated Code of Maryland; COMAR 01.01.2003.20B).

(a) Prepare the work plan in accordance with the requirements of State Government Article, §10-134, Annotated Code of Maryland. A template prepared by the Department of Health and Mental Hygiene and approved by Administrative, Executive, and Legislative Review (AELR) Committee counsel is available for your use and is an attachment to this memo. It will also be included on our website as discussed below.

(b) Include in the work plan any exemptions claimed under State Government Article, §10-132.1(b). Under that statute, exemptions are available for regulations that are:

- (i)** adopted to implement federally mandated or federally approved programs; or
- (ii)** initially adopted or comprehensively amended within the 8 years before the work plan due date.

Although DSD collected this information previously, please provide it with the work plan. Please note that exemptions should be requested for entire chapters only.

(c) File the work plan with the AELR Committee and the Division of State Documents on the date specified in Attachment A of COMAR 01.01.2003.20. Within 30 days of the filing of the work plan, the Committee will determine whether it is acceptable.

(d) We have developed a section on www.dsd.state.md.us for regulatory review. It includes a section for agency notices as a method for soliciting public participation. Publication here will satisfy §10-134(b)(1)(i)3 for publication on “a statewide website created for units to post notices of regulations review”. Notices should be submitted as an email attachment to support@sos.state.md.us. Please specify in your email that you would like the attached notice published on the regulatory review website.

(e) The work plan is to be submitted as follows:

- (i)** One copy to AELR Committee, 90 State Circle, Annapolis, MD 21401.
- (ii)** One copy to the Division of State Documents, 16 Francis Street, Annapolis, MD

21401. (If sent via U.S. Post Office, our mailing address is Division of State Documents, State House, Annapolis, MD 21401.)

(iii) Five copies to the Department of Legislative Services Library, 90 State Circle, Annapolis, MD 21401 (State Government Article, §2-1246).

(2) Change Evaluation Report Due Date. A request to change the evaluation report due date should be made, in writing, to the Division of State Documents. DSD will contact and advise the Governor concerning the request. The request should include a justification and suggest an alternate due date. If the Governor approves the change, the agency must notify the Committee and submit a notice of the change to the Division of State Documents for publication in the Maryland Register.

(3) In accordance with COMAR 01.01.2003.20E(5), submit to the Division of State Documents, for approval, any reorganization of regulations to be proposed in the evaluation report.

(4) Evaluation Report.

(a) The criteria for the review are found at §10-132(1)(i) of the Act and §E(2), (3), and (4) of the Executive Order. Please remember that the review should include a check of the accuracy of all cross-references to COMAR and to other legal sources. The evaluation report is to be submitted on the form distributed by the Division of State Documents. One form is to be used for each chapter of regulations. This form is in PDF format, is an attachment to this memo, and is available for download on DSD's website.

(b) The report is to contain a summary of any amendment, repeal, or reorganization of regulations to be promulgated. Actual text should not be submitted.

(c) File the completed evaluation report by the date specified in Attachment A of COMAR 01.01.2003.20. The report is to be distributed as follows:

(i) One copy to the AELR Committee, 90 State Circle, Annapolis, MD 21401.

(ii) One copy to the Governor's Office, State House, Annapolis, MD 21401, directed to the individual listed in Appendix A below.

(iii) One copy to the Division of State Documents, 16 Francis Street, Annapolis, MD 21401. (If sent via U.S. Post Office, our mailing address is Division of State Documents, State House, Annapolis, MD 21401.)

(iv) 16 copies to the State Library Resource Center for distribution to depository libraries. This distribution is to be accomplished by sending the copies to: Brigid Sye-Jones, State Publications Depository and Distribution Program, Enoch Pratt Free Library, 400 Cathedral Street, Baltimore, MD 21201.

(v) Five copies to Department of Legislative Services Library, 90 State Circle, Annapolis, MD 21401.

(5) File a notice with the Division of State Documents for publication in the Maryland Register, stating that the report is available for public inspection and comment for 60 days (§10-135(b)(1)). Please submit this notice separately from the evaluation reports.

(6) Await Committee approval or comments under §10-135(d). Dispute resolution is described in §10-136 (or §10-137, if applicable), and COMAR 01.01.2003.20F.

(7) Within 120 days after approval, file the regulatory proposal, if any, for publication in the Maryland Register under the usual process.

We hope the above outline is of assistance. If you have any questions, please contact the Division of State Documents, or AELR Committee Counsel.

Title	Department/Agency	Point of Contact
01.01	Executive Orders	Craig Williams
01.02	Secretary of State	Craig Williams
01.03	Health Care Alternative Dispute Resolution Office	Craig Williams
01.04	Office of Crime Control and Prevention	Tim Hutchins
01.05	Governor's Drug and Alcohol Abuse Commission	Tim Hutchins
01.06	Governor's Office of Community Initiatives	Amanda O'Malley
02	Office of the Attorney General	Roy McGrath
03	Comptroller of the Treasury	Roy McGrath
04	General Services	Roy McGrath
05	Housing and Community Development	Roy McGrath
07	Human Resources	Amanda O'Malley
08	Natural Resources	Michael Richard
09	Labor, Licensing, and Regulation	Amanda O'Malley
10	Health and Mental Hygiene	Craig Williams
11	Transportation	Michael Richard
12	Public Safety and Correctional Services	Tim Hutchins
13A	State Board of Education	Amanda O'Malley
13B	Maryland Higher Education Commission	Craig Williams
14	Independent Agencies	
14.01	Vacant	
14.02	Vacant	
14.03	Commission on Human Relations	Amanda O'Malley
14.04	Maryland Technology Development Corporation	Craig Williams
14.05	Vacant	
14.06	Office of the Public Defender	Roy McGrath
14.07	Maryland Automobile Insurance Fund	Michael Richard
14.08	Blind Industries and Services	Amanda O'Malley
14.09	Workers' Compensation Commission	Amanda O'Malley
14.1	Property Tax Assessment Appeals Board	Roy McGrath
14.11	Program Services - Attendant Care Program	Amanda O'Malley
14.12	Tax Court	Roy McGrath
14.13	Northeast Maryland Waste Disposal Authority	Michael Richard
14.14	Hazardous Waste Facilities Siting Board	Michael Richard
14.15	College Savings Plans of Maryland	Amanda O'Malley
14.16	Vacant	
14.17	Vacant	
14.18	State Archives	Roy McGrath
14.19	Vacant	
14.2	Chesapeake Bay Critical Area	Michael Richard
14.21	Maryland Food Center Authority	Amanda O'Malley
14.22	Commission on Criminal Sentencing Policy	Tim Hutchins
14.23	Injured Workers' Insurance Fund	Amanda O'Malley
14.24	Vacant	
14.25	Maryland Stadium Authority	Michael Richard
14.26	Maryland Energy Administration	Michael Richard
14.27	Environmental Service	Michael Richard
14.28	Canal Place Preservation and Development Auth.	Michael Richard
14.29	Maryland Heritage Areas Authority	Roy McGrath
14.3	State Higher Education Labor Relations Board	Amanda O'Malley
14.31	Office for Children	Amanda O'Malley
14.32	State Labor Relations Board	Amanda O'Malley
14.33	Department of Information Technology	Tim Hutchins
14.34	Public School Labor Relations Board	Amanda O'Malley
14.35	Maryland Health Benefit Exchange	Craig Williams
14.36	Maryland Logitudinal Data System Center	Roy McGrath
15	Agriculture	Michael Richard
16	Juvenile Services	Amanda O'Malley
17	Budget and Management	Craig Williams

18	Assessments and Taxation	Roy McGrath
19A	Ethics Commission	Amanda O'Malley
20	Public Service Commission	Michael Richard
21	Procurement Regulations	Roy McGrath
22	State Retirement and Pension System	Craig Williams
23	Board of Public Works	Roy McGrath
24	Business and Economic Development	Craig Williams
25	State Treasurer	Roy McGrath
26	Environment	Michael Richard
27	Critical Area Commission for the Chesapeake and Atlantic Coast Bays	Michael Richard
28	Office of Administrative Hearings	Roy McGrath
29	State Police	Tim Hutchins
30	MIEMSS	Tim Hutchins
31	Insurance Administration	Michael Richard
32	Aging	Amanda O'Malley
33	State Board of Elections	Roy McGrath
34	Department of Planning	Michael Richard
35	Department of Veterans' Affairs	Tim Hutchins
36	MD State Lottery and Gaming Control Agency	Michael Richard