

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 Maryland Department of Health 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.maryland.gov 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 Gail.Klaking@maryland.gov. 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) 13 copies to the State Library Resource Center for distribution to depository libraries. This distribution is to be accomplished by sending the copies to: 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.

ATTACHMENT A - Review Schedule

<u>Work Plan Due</u>	<u>Evaluation Report Due</u>	<u>COMAR Citation</u>	<u>Unit (Department/Agency)</u>
July 1, 2019	July 1, 2020	05.01—05.03; 05.16; 05.18	Department of Housing and Community Development
		31.01—31.05	Maryland Insurance Administration
		12.01	Department of Public Safety and Correctional Services
Oct. 1, 2019	Oct. 1, 2020	23	Board of Public Works
		04	Department of General Services
		09.01, 09.03	Maryland Department of Labor
		14.06	Public Defender
		14.08	Blind Industries and Services
		31.06	Maryland Insurance Administration
Jan. 1, 2020	Jan. 1, 2021	01.03	Health Claims Arbitration Office
		24	Department of Commerce
		31.07	Maryland Insurance Administration
		32	Department of Aging
April 1, 2020	April 1, 2021	02	Office of the Attorney General
		05.04, 05.05	Department of Housing and Community Development
		12.02	Department of Public Safety and Correctional Services
		14.07	Maryland Automobile Insurance Fund
		14.24	Office of Planning
		31.08	Maryland Insurance Administration
		13B.01 and 13B.02	Higher Education Commission
July 1, 2020	July 1, 2021	14.03	Human Relations Commission
		26.19—26.22	Department of the Environment
		31.09	Maryland Insurance Administration
Oct. 1, 2020	Oct. 1, 2021	01.02	Secretary of State
		09.12	Department of Labor—Labor and Industry
		14.05	Veterans' Commission
		14.09	Workers' Compensation Commission
		31.10	Maryland Insurance Administration
Jan. 1, 2021	Jan. 1, 2022	03	Comptroller of the Treasury
		14.10	Property Tax Assessment Appeal Boards
		14.12	Tax Court
		17.01—17.03, 17.05	Department of Budget and Fiscal Planning
		18	Department of Assessments and Taxation
		25	State Treasurer
Apr. 1, 2021	Apr. 1, 2022	31.11	Maryland Insurance Administration
		08.01—08.03	Department of Natural Resources
		11.14	Department of Transportation (MVA)
		30.09	MIEMSS Emergency Medical Services Board
July 1, 2021	July 1, 2022	31.12	Maryland Insurance Administration
		10.01—10.04, 10.06, and 10.23	Department of Health
		12.04, 12.05, and 12.07	Department of Public Safety and Correctional Services
		13A.01—13A.06	State Board of Education

Oct. 1, 2021	Oct. 1, 2022	31.13	Maryland Insurance Administration
		07.01—07.07	Department of Human Services
		10.09	Department of Health—Medical Assistance
		14.16	Veterans' Home Commission
Jan. 1, 2022	Jan. 1, 2023	31.14	Maryland Insurance Administration
		14.01	State Lottery Agency
		30.01—30.08	MIEMSS Emergency Medical Services Board
		14.18	State Archives
		20	Public Service Commission
		31.15	Maryland Insurance Administration
Apr. 1, 2022	Apr. 1, 2023	05.06—05.11	Department of Housing and Community Development
		09.10, 09.14	Department of Labor
		10.24 and 10.25	Department of Health
		16	Department of Juvenile Justice
		19A.01	State Ethics Commission
		31.16	Maryland Insurance Administration
		12.08—12.10	Department of Public Safety and Correctional Services
July 1, 2022	July 1, 2023	14.14	Hazardous Waste Facilities Siting Board
		14.21	Maryland Food Center Authority
		14.26	Maryland Energy Administration
		19A.02	State Ethics Commission
		26.01—26.03	Department of the Environment
		11.01—11.03	Department of Transportation
		15.01—15.08	Department of Agriculture
		19A.03	State Ethics Commission
		21	Procurement Regulations
		09.08 and 09.09	Department of Labor
Jan. 1, 2023	Jan. 1, 2024	09.11	Department of Labor
		09.13	Department of Labor
		09.15—09.20	Department of Labor
		10.21, 10.22, 10.47	Department of Health
		19A.04	State Ethics Commission
		08.04—08.12	Department of Natural Resources
		10.10—10.14 and 10.50	Department of Health
		11.11—11.13	Department of Transportation (MVA)
		19A.05	State Ethics Commission
		26.11 and 26.12	Department of the Environment
		33.02—33.04, 33.09, and 33.10	State Board of Elections
July 1, 2023	July 1, 2024	12.11	Department of Public Safety and Correctional Services
		19A.06 to end	State Ethics Commission
		14.25	Maryland Stadium Authority
		27	Chesapeake Bay Critical Area Commission
		33.01 and 33.12	State Board of Elections
Oct. 1, 2023	Oct. 1, 2024	10.26—10.30 and 10.39	Department of Health
		33.13—33.16	State Board of Elections
Jan. 1, 2024	Jan. 1, 2025	11.04—11.07	Department of Transportation

		29	Department of State Police
		26.04	Department of the Environment
Apr. 1, 2024	April 1, 2025	05.12—05.15; 05.17	Department of Housing and Community Development
		10.15—10.17, 10.19, 10.20	Department of Health
		12.12	Department of Public Safety and Correctional Services
July 1, 2024	July 1, 2025	17.04	Department of Personnel
		10.05, 10.07, 10.08	Department of Health
		26.13—26.18	Department of the Environment
		33.06, 33.07, 33.08	State Board of Elections
Oct. 1, 2024	Oct. 1, 2025	01.04	Office of Children, Youth, and Families
		10.31—10.36	Department of Health
		14.27	Environmental Service
		22	State Retirement and Pension Systems
Jan. 1, 2024	Jan. 1, 2025	11.15—11.19	Department of Transportation (MVA)
		13A.07—end	Board of Education
		14.22	Commission on Criminal Sentencing Policy
Apr. 1, 2025	Apr.1, 2026	08.13—end	Department of Natural Resources
July 1, 2025	July 1, 2026	09.21—09.29	Department of Labor
		09.32—end	Department of Labor
		12.13 and 12.14	Department of Public Safety and Correctional Services
		26.05—26.07	Department of the Environment
		26.23—end	Department of the Environment
Oct. 1, 2025	Oct.1, 2026	10.37, 10.38, 10.41—10.44	Department of Health
		33.05, 33.11	State Board of Elections
Jan. 1, 2026	Jan. 1, 2027	10.18, 10.47—10.49, 10.51 and 10.52	Department of Health
		13B.03—end	Higher Education Commission
		26.08	Department of the Environment
		28	Office of Administrative Hearings
April 1, 2026	April 1, 2027	10.45, 10.46, 10.53—end	Department of Health
		11.20—end	Department of Transportation (MVA)
		26.10	Department of the Environment
July 1, 2026	July 1, 2027	01.05	Governor's Drug and Alcohol Abuse Commission
		12.15, 12.16	Department of Public Safety and Correctional Services
		14.13	Northeast Maryland Waste Disposal Authority
		14.15	Maryland Higher Education Investment Program
		14.28	Canal Place Preservation and Development Authority
		14.29	Heritage Areas Authority
		14.30	State Higher Education Labor Relations Board
		15.11—end	Department of Agriculture

Attachment B

Title	Department/Agency	Point of Contact
01.01	Executive Orders	Amanda LaForge
	Secretary of State	Andy Parker
01.03	Health Care Alternative Dispute Resolution Office	Jonny Dorsey
01.04	Governor's Office Crime Prevention and Policy	Adam Flash
01.05	Governor's Drug and Alcohol Abuse Commission	Jonny Dorsey
01.06	Governor's Office of Community Initiatives	
02	Office of the Attorney General	
03	Comptroller of the Treasury	
04	General Services	Manny Welsh
05	Housing and Community Development	Shaina Hernandez
07	Human Resources	Jonny Dorsey
08	Natural Resources	Shaina Hernandez
09	Labor	Jonny Dorsey
10	Health	Jonny Dorsey
11	Transportation	Shaina Hernandez
12	Public Safety and Correctional Services	Adam Flash
13A	State Board of Education	Jonny Dorsey
13B	Maryland Higher Education Commission	Jonny Dorsey
14	Independent Agencies	
14.01	Vacant	
14.02	Vacant	
14.03	Commission on Human Relations	Jonny Dorsey
14.04	Maryland Technology Development Corporation	Manny Welsh
14.05	Vacant	
14.06	Office of the Public Defender	
14.07	Maryland Automobile Insurance Fund	Shaina Hernandez
14.08	Blind Industries and Services	Manny Welsh
14.09	Workers' Compensation Commission	Jonny Dorsey
14.1	Property Tax Assessment Appeals Board	Andy Parker
14.11	Program Services - Attendant Care Program	Jonny Dorsey
14.12	Tax Court	Andy Parker
14.13	Northeast Maryland Waste Disposal Authority	Shaina Hernandez
14.14	Hazardous Waste Facilities Siting Board	Shaina Hernandez
14.15	College Savings Plans of Maryland	
14.16	Vacant	
14.17	Vacant	
14.18	State Archives	
14.19	Vacant	
14.2	Chesapeake Bay Critical Area	Shaina Hernandez
14.21	Maryland Food Center Authority	Jonny Dorsey
14.22	Commission on Criminal Sentencing Policy	Adam Flash
14.23	Injured Workers' Insurance Fund	Jonny Dorsey
14.24	Vacant	
14.25	Maryland Stadium Authority	Andy Parker
14.26	Maryland Energy Administration	Shaina Hernandez
14.27	Environmental Service	Shaina Hernandez
14.28	Canal Place Preservation and Development Auth.	Manny Welsh

14.29	Maryland Heritage Areas Authority	Shaina Hernandez
14.3	State Higher Education Labor Relations Board	Jonny Dorsey
14.31	Governor's Office for Children	Jonny Dorsey
14.32	State Labor Relations Board	Jonny Dorsey
14.33	Department of Information Technology	Jonny Dorsey
14.34	Public School Labor Relations Board	Jonny Dorsey
14.35	Maryland Health Benefit Exchange	Jonny Dorsey
14.36	Maryland Logitudinal Data System Center	Jonny Dorsey
15	Agriculture	Shaina Hernandez
16	Juvenile Services	Jonny Dorsey
17	Budget and Management	
18	Assessments and Taxation	Andy Parker
19A	Ethics Commission	
20	Public Service Commission	Shaina Hernandez
21	Procurement Regulations	Manny Welsh
22	State Retirement and Pension System	
23	Board of Public Works	Manny Welsh
24	Commerce	Manny Welsh
25	State Treasurer	
26	Environment	Shaina Hernandez
27	Critical Area Commis for the Chesapeake and Atlantic Coast Bays	Shaina Hernandez
28	Office of Administrative Hearings	
29	State Police	Adam Flash
30	MIEMSS	Jonny Dorsey
31	Insurance Administration	
32	Aging	Jonny Dorsey
33	State Board of Elections	Jonny Dorsey /Amanda LaForge
34	Department of Planning	Shaina Hernandez
35	Department of Veterans' Affairs	Jonny Dorsey
36	MD State Lottery and Gaming Control Agency	Andy Parker