

## Rulemaking Process

### Maryland Register

#### **Citizen Participation In The Regulation-Making Process** (from the Maryland Register)

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined.

Listed below are some of the ways in which citizens may participate.

Submitting data or views on proposed regulations either orally or in writing, to the proposing agency.

Petitioning

an agency to adopt, amend, or repeal regulations. The agency must respond to the petition.

an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies.

the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner.

Inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register.

### (AELR) Regulation Review Process

## Procedures for Proposed Regulations

All proposed regulations are submitted to the AELR Committee for review at least 15 days before they are submitted to the Maryland Register for publication. Often changes are negotiated between the committee and the unit before publication. The committee is not required to give its explicit approval in order for a proposed regulation to become effective. In the usual course, the unit may adopt a proposed regulation 45 days after the regulation was published in the Maryland Register. Thirty of the 45 days must be reserved as a public comment period.

If the committee cannot complete its review of the proposed regulation within the 45-day period, it may delay, or "hold," the adoption of the regulation. During this time, the committee may suggest to the unit that certain changes be made. If no agreement is reached, the unit may subsequently notify the committee of its intent to adopt the regulation despite the committee's hold. The hold period ends on the later of the 30th day after the unit's notice to the committee or the 105th day after the initial publication of the regulation in the Maryland Register.

At any time, the committee may formally vote to oppose the adoption of the regulation. In this case, notice of the opposition is sent to the Governor and the unit, and further negotiations ensue. The Governor may instruct the unit to withdraw or modify the regulation. However, once the committee has opposed the adoption of the regulation, it may not be adopted unless approved by the Governor.

## Emergency Rulemaking

Emergency regulations, which bypass the normal public notice and comment period, remain in effect for a limited period of time - not to exceed 180 days - to meet exigent circumstances. Although emergency regulations are not published in the Maryland Register before adoption, notice of the committee's receipt of the regulation is posted on the Maryland General Assembly's website. In addition, the agency submitting the request for adoption of emergency status must post the text of the regulations on the agency website within three business days of submission to the AELR committee.

If a member of the committee requests a public hearing on the emergency adoption of a regulation, the committee must hold the hearing. If no public hearing is requested, staff to the committee may vote on the emergency regulation as soon as 10 business days after receipt of the regulation. Approval by the committee is required for an emergency regulation to take effect.

### Maryland Register

**Maryland Administrative Act**