

INSTRUCTIONS FOR WORK PLAN AND EVALUATION REPORT REQUIRED UNDER THE REGULATORY REVIEW AND EVALUATION ACT (RREA)

I. General Information.

- A. In 1985, the Regulatory Review and Evaluation Act (RREA) was created by an Executive Order and State Government Article, §§10-130 -- 10-139, Annotated Code of Maryland. The law was substantively changed during the 2001 Legislative Session.
- B. All chapters of COMAR must be reviewed and evaluated every 8 years in order to ensure that the regulations are necessary, supported by statutory authority and judicial opinion, or are not otherwise obsolete or in need of amendments, UNLESS an exemption has been requested based on the fact that the regulations:
 - (1) Are adopted to implement federally mandated or federally approved programs; or
 - (2) Have been initially adopted or comprehensively amended with the preceding 8 years before the evaluation report due date.
- C. The Office of Regulation and Policy Coordination (ORPC) has full responsibility for coordinating this Act.
- D. The Division of State Documents developed a schedule that must be followed for submission of the work plans and evaluation reports. A report needs to be filled out even if no changes are being recommended.
- E. The RREA is basically broken down into two procedures:
 - (1) The Work Plan; and
 - (2) The Evaluation Report.

II. The Work Plan.

- A. The ORPC sends a notice to the affected Administrations requesting a confirmation of those chapters affected during the specified timeframe and a confirmation of the list of exemptions for those affected chapters. The exempted chapters will be submitted as a separate section along with the Work Plans. The ORPC also includes the Work Plan template along with additional instructions.

- B. The Work Plan template should be completed and include the following specific criteria which is outlined on the form:
- (1) Procedures and methods to be used to ensure comments from public / stakeholders / other affected units;
 - (2) Procedures for gathering and reviewing of:
 - (a) Any recent scientific information related to the regulations being reviewed, if applicable;
 - (b) Similar regulations adopted or repealed by other states or the federal government; and
 - (c) Other appropriate information;
 - (3) Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:
 - (a) Continue to be necessary for public interest;
 - (b) Continue to be supported by statutory authority and judicial opinions;
 - (c) Are obsolete or otherwise appropriate for amendment or repeal;
 - (d) Continue to be effective in accomplishing the intended purpose of the regulations;
 - (e) The information gathered under Action Steps 1 - 3.
 - (4) Who the Unit's coordinator will be; and
 - (5) The time frame which will be followed to ensure completion by ___ (the date the evaluation reports are due in this office).
- C. Once the Work Plans are completed, the Administration submits them through their Deputy Secretary for sign offs before returning them to the ORPC.
- D. One (1) year before the Evaluation Reports are due, the Work Plans are to be submitted to the:
- (1) AELR Committee (1 copy);
 - (2) Division of State Documents (1 copy); and
 - (3) Department of Legislative Services Library (5 copies).
- E. The AELR Committee will send an approval of the Work Plans within 30 days of receipt.

III. The Evaluation Reports.

- A. Once the AELR Committee has approved the Work Plans, the Administrations shall proceed and complete the Evaluation Report devised by the Division of State Documents.
- B. Even if there are no recommended changes, an Evaluation Report should be submitted for each affected chapter of COMAR (unless an exemption has been requested).
- C. The Evaluation Report is to contain a summary of any amendment, repeal, or reorganization of regulations to be promulgated. Actual text is not submitted with the Evaluation Report.
- D. Once the Evaluation Reports are completed, the Proposing Unit obtains signoffs through their Deputy Secretary on the yellow signature sheet and submits the packet to the ORPC.
- E. When all Evaluation Reports and signature sheets for the scheduled review have been received, the ORPC submits them to the Secretary for approval before distributing the reports as follows:
 - (1) AELR Committee (1 copy);
 - (2) Governor's Office (2 copies);
 - (3) Division of State Documents (1 copy);
 - (4) State Library Resource Center (16 copies); and
 - (5) Department of Legislative Services Library (5 copies)
- F. Once Evaluation Reports are filed, wait for AELR Committee's approval or comments.
- G. Within 120 days after approval of the Evaluation Reports, the Department shall file the regulatory proposal (if any) for publication in the Maryland Register under the normal (Administrative Procedures Act) process.