

II.

THE STATUTORY SCHEME

Under present Code, Article 40, §40A(f), each of the several departments, boards, commissions, or other agencies of the Executive Branch, 18 must submit to the A.E.L.R. Committee every proposed rule, regulation or standard, including the amendment or repeal thereof; however, Committee approval of the proposal is not required, except to the extent that the agency desires that a rule be adopted on an emergency basis. 19 House Bill 619 would amend Sec. 40A for the purpose of vesting in the A.E.L.R. Committee, subject to ultimate review by the General Assembly at its next Session, the duty to approve or disapprove all such rules, regulations and standards proposed after July 1, 1978. Specifically, the bill would amend Code, Art. 40, §40A to provide:

"(H) (1) DURING THE 45-DAY PERIOD PROVIDED FOR IN SUBSECTION (F) THE COMMITTEE SHALL APPROVE OR DISAPPROVE ALL RULES, REGULATIONS, AND STANDARDS SUBMITTED AFTER JULY 1, 1978, BY A DEPARTMENT, BOARD, COMMISSION, OR OTHER AGENCY OF THE EXECUTIVE BRANCH. THIS APPROVAL OR DISAPPROVAL BY THE COMMITTEE MAY BE OF THE WHOLE OR A PART OF ANY RULE, REGULATION, OR STANDARD.

(2) PURSUANT TO THIS SUBSECTION THE COMMITTEE SHALL PROVIDE THE DEPARTMENT, BOARD, COMMISSION, OR OTHER AGENCY OF THE EXECUTIVE BRANCH AND THE DIVISION OF STATE DOCUMENTS WITH WRITTEN NOTICE OF ITS APPROVAL OR DISAPPROVAL. IN THE EVENT OF DISAPPROVAL THE NOTICE SHALL CONTAIN THE GROUNDS THEREFORE AND A BRIEF EXPLANATION OF THE COMMITTEE'S ACTION.

(3) IN THE EVENT OF THE FAILURE OF THE COMMITTEE TO PROVIDE WRITTEN NOTICE TO THE DEPARTMENT, BOARD, COMMISSION, OR OTHER AGENCY OF THE EXECUTIVE BRANCH OF ITS APPROVAL OR DISAPPROVAL THE RULE, REGULATION, OR STANDARD IS DEEMED TO HAVE BEEN APPROVED.

(4) UPON THE RECEIPT OF WRITTEN NOTICE OF DISAPPROVAL, THE DEPARTMENT, BOARD, COMMISSION, OR OTHER AGENCY OF THE EXECUTIVE BRANCH PROPOSING THE REGULATION SHALL DETERMINE WHETHER TO WITHDRAW OR TEMPORARILY ADOPT THE DISAPPROVED RULE, REGULATION, OR STANDARD OR PORTION THEREOF AND SHALL ADVISE THE COMMITTEE OF ITS DECISION IN WRITING.

(5) DISAPPROVAL BY THE COMMITTEE HAS THE EFFECT OF PROHIBITING FINAL ADOPTION OF THE