

are subject to the Administrative Procedure Act (Article 41, § 244 et seq. of the Code) and the State Documents Law (Article 41, § 256B et seq. of the Code) -- including their publication and notice requirements -- no substantive change results from this usage.

Paragraph (1) of this subsection is rephrased to state expressly that the Secretary may adopt rules and regulations to carry out the provisions of law that are under the Secretary and, thus, to eliminate the necessity for comparable provisions elsewhere in this article. The addition is nonsubstantive in light of Article 41, § 3B of the Code, which contains a related provision that states: "The secretary of each principal department created by law shall have full authority and responsibility for the promulgation of all rules and regulations for all departments and other instrumentalities within his jurisdiction, except as otherwise provided by law."

In paragraph (2)(ii) of this subsection, the clause "that is authorized by law to adopt rules and regulations" is added for clarity.

As to paragraph (2)(i) of this subsection, the Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that this provision is unique to this Department -- no other secretary of a principal department has this authority. The Board is not a unit "in" the Department, and the Secretary may not control its decisions, as distinguished from any of its rules and regulations. See § 2-106 of this subtitle. See also the General Revisor's Note to this article. As to rules and regulations of the Board, see § 2-207 of this subtitle.

As to use of the term "unit", see revisor's note to § 2-103(d) of this subtitle.

Defined terms: "Department" § 1-101  
"Secretary" § 1-101

(C) CREATION OF ADVISORY BOARD.

THE SECRETARY MAY CREATE AN ADVISORY BOARD FOR THE DEPARTMENT. THE SECRETARY SHALL DETERMINE THE SIZE OF THE ADVISORY BOARD. THE MEMBERS SHALL BE REPRESENTATIVE OF THE DIFFERENT PROFESSIONAL AREAS OR FIELDS OF ENDEAVOR WITH WHICH THE DEPARTMENT IS CONCERNED.

REVISOR'S NOTE: This subsection formerly appeared as Article 41, § 206C.