

Art. 40, § 40A(f) and (g), which required submission of a proposed regulation to the Committee. Similarly, in subsection (c) of this section, reference to a "proposed or adopted regulation" is substituted for the former language "submitted to the committee under any provision of this section ... or of the State Documents Law". Although the former reference to submission could be read to limit former Art. 40, § 40A(h) to proposed regulations, it seemed unlikely that the General Assembly intended for inaction as to an adopted regulation to be used as an indication of the elements set forth in subsection (c)(1) through (3) of this section. This substitution also conforms to the deletions of the specific references to submission of proposed regulations in § 10-111(a) of this article.

Also in subsection (a)(1) of this section, the former reference to "rules" is deleted to conform to Title 10, Subtitle 1 of this article. Similarly, in subsection (b)(2)(ii)2. of this section, the former words "rule" and "standard" are deleted.

In subsections (a)(3) and (b)(2)(ii)1. of this section, the words "statutory" and "constitutional", which formerly modified the references to the "laws", are deleted since there seemed to be no intent to exclude common law.

In subsection (a)(3) of this section, the word "actual", which formerly modified "failure", is deleted since, until after the inquiry, the failure is encompassed within the phrase "alleged failure".

In subsection (a)(4) of this section, the former word "controls" is deleted as unnecessary in light of the broad reference to "operations".

In subsection (b)(2)(ii)2. of this section, reference to a regulation "of a unit of the Executive Branch" is substituted for the former reference to a regulation "which the committee has considered", to conform to subsection (a)(1) of this section.

The second clause of former Art. 40, § 40A(c)(3), which provided for recommendations on units in the Executive Branch of the State government, is deleted as unnecessary in light of subsection (b)(2)(ii)1. of this section.

As to the use of the word "unit", see the General Revisor's Note to this article.

Defined terms: "Committee" § 2-501
"Includes"; "including" § 1-101