

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

2-106. REGULATIONS.

(A) IN GENERAL.

THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THOSE PROVISIONS OF THIS DIVISION I THAT ARE SUBJECT TO THE AUTHORITY OF THE SECRETARY.

(B) REVISORY AUTHORITY.

THE SECRETARY SHALL REVIEW AND MAY APPROVE, DISAPPROVE, OR REVISE REGULATIONS OF ANY UNIT IN THE DEPARTMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 9-105(b) and the second clause of the first sentence of former Art. 64A, § 11.

In subsection (a) of this section, the reference to provisions that are "subject to the authority of the Secretary" is added to reflect that the Secretary's general authority might be limited with respect to some provisions of this Division I, such as the provisions governing political activities of all State employees, revised as Title 3, Subtitle 2 of this article.

Also in subsection (a) of this section, the former reference to "guidelines" is deleted as included in the general reference to "regulations". See General Revisor's Note to this Division I.

In subsection (b) of this section, the phrase "any unit in the Department" is substituted for the former phrase "all of the boards, offices and agencies within the jurisdiction of the Department of Personnel", for brevity and consistency. See General Revisor's Note to this Division I.

As to use of the word "adopt" and the omission of the former reference to "rules", see General Revisor's Note to this Division I.

The second sentence of former Art. 64A, § 10(b), which required the Secretary to make regulations available for public inspection at the Secretary's office, is deleted as unnecessary in light of SG §§ 10-612 and 10-613.

The second sentence of former Art. 64A, § 11, which stated that rules made by the Secretary may be altered and have the force and effect of law, is deleted as unnecessary. The Maryland Court of Appeals has ruled that regulations adopted under statutory authority have the force and effect of law. See Maryland Port Administration v. John W. Brawner Contracting Co., 303 Md. 44, 60 (1985).

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