

sets forth requirements governing the proposal and adoption of regulations, including publication in the Maryland Register and review by the Joint Committee on Administrative, Executive, and Legislative Review. See Title 10, Subtitle 1 of the State Government Article. Also, Title 7, Subtitle 2 of the State Government Article, which was formerly the State Documents Law and is now entitled "Division of State Documents", has no particular relevance to the responsibilities of an executive agency in connection with the "development, adoption, and enforcement" of regulations. The General Assembly may wish to repeal subsection (c) of this section as meaningless.

Defined terms: "Center" § 11-301
"Secretary" § 1-101

11-306. EVALUATION AND DETERMINATION OF NEED.

(A) SECRETARY TO EVALUATE AND DETERMINE NEED; REQUEST FOR EVALUATION OF NEED.

(1) WITH THE ASSISTANCE AND ADVICE OF THE COMMISSIONER, THE SECRETARY SHALL EVALUATE AND DETERMINE THE NEED, IF ANY, FOR ONE OR MORE CENTERS OR REGIONAL CENTERS IN EACH COUNTY OR MULTICOUNTY REGION OF THE STATE.

(2) IN PREPARING AN EVALUATION OF NEED AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL:

(I) FOR A CENTER THAT SERVES A SINGLE COUNTY, CONSULT WITH THE GOVERNING BODY OF THAT COUNTY; OR

(II) FOR A REGIONAL CENTER, CONSULT WITH THE GOVERNING BODY OF EACH COUNTY IN THE REGION.

(3) A COUNTY OR THE COUNTIES IN A REGION MAY REQUEST A COMPLETED EVALUATION OF NEED STUDY FROM THE SECRETARY.

(B) STANDARD.

THE STANDARD TO BE USED BY THE SECRETARY IN MAKING A DETERMINATION OF NEED IS WHETHER AND TO WHAT EXTENT, BASED ON HISTORIC DATA AND REASONABLE PROJECTIONS, THERE ARE AND WILL BE RESIDENTS OF THE COUNTY OR REGION CONVICTED OF CRIMES WHO CAN BEST BE REHABILITATED IN COMMUNITY-BASED FACILITIES WITHOUT SUBSTANTIAL DANGER TO THE COMMUNITY.

(C) CERTIFICATION OF NEED.

(1) IF THE SECRETARY DETERMINES THAT A CENTER OR A REGIONAL CENTER IS NEEDED, THE SECRETARY SHALL:

(I) FOR A CENTER THAT SERVES A SINGLE COUNTY, CERTIFY THE DETERMINATION OF NEED TO THE GOVERNING BODY OF THAT COUNTY; OR