

In subsection (d)(1) of this section, the former reference to holding a hearing at "such time and place as the Board shall specify" is deleted as unnecessary in light of § 5-305(b) of this subtitle.

Subsection (d)(2) of this section is revised in the active voice to clarify that the Commissioner is responsible for publishing notice. This revision conforms to subsection (d)(3) of this section and to the practice of the Commissioner.

Also in subsection (d)(2) of this section, the former phrase "of general circulation" is deleted as misleading surplusage since Art. 1, § 28 of the Code imposes additional criteria with regard to publication of notices.

In subsection (d)(3) of this section, the word "interested", which formerly modified "person", is deleted since the term "interested person" has a legal connotation that is not appropriate in this context.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that while subsection (b) of this section requires the "public" to be represented on a special committee, Article 41, § 8-102(c) through (e) requires each board, commission, and council in the Department of Licensing and Regulation, "whether regulatory or advisory", to include at least 1 "consumer" member. The Committee felt that the term "consumer" is not appropriate in the context of occupational safety and health. See the revisor's note to § 5-303 of this subtitle.

The Committee also notes that SG § 10-506 specifies several means by which a unit of the State government may give notice of a public meeting. However, the specific requirement of former Art. 89, § 31(g) for publication in a newspaper has been construed to prevail over the general authority in SG § 10-506. Accordingly, the Commissioner publishes the notice in the Maryland Register and a newspaper. In light of subsection (d)(3) of this section, the General Assembly may wish to consider whether the requirement for publication in a newspaper needs to be retained.

As to the substitution of "regulations" for the former reference to "rules, regulations and standards", see the General Revisor's Note to this subtitle.

Defined terms: "Board" § 5-301

"Commissioner" § 5-101 "Employee" § 5-101

"Employer" § 5-101 "Person" § 1-101

5-311. REPORT TO COMMISSIONER.

THE BOARD SHALL SUBMIT TO THE COMMISSIONER, WITH EACH RECOMMENDATION FOR A PROPOSED REGULATION, A REPORT THAT:

(1) EXPLAINS THE NEED FOR THE PROPOSED REGULATION;
AND

(2) SUMMARIZES THE INFORMATION AVAILABLE TO THE BOARD, INCLUDING: