

(I) TESTIMONY THAT WAS PRESENTED AT ANY PUBLIC HEARING; AND

(II) TECHNICAL INFORMATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 31(h).

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

Defined terms: "Board" § 5-301

"Commissioner" § 5-101

5-312. DECISION BY COMMISSIONER; ADOPTION.

(A) APPLICATION OF STATE GOVERNMENT ARTICLE.

TO ADOPT A PROPOSED REGULATION, THE COMMISSIONER SHALL COMPLY WITH THIS SECTION AND TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

(B) NOTICE OF INTENT.

IF, AFTER RECEIPT OF A RECOMMENDATION FROM THE BOARD, THE COMMISSIONER DECIDES TO ADOPT THE PROPOSED REGULATION, WITHIN 45 DAYS AFTER THE BOARD SUBMITS THE RECOMMENDATION, THE COMMISSIONER SHALL COMPLY WITH THE REQUIREMENTS FOR PUBLICATION OF A PROPOSED REGULATION AND ISSUE THE PROPOSED REGULATION.

(C) HEARING.

A PUBLIC HEARING IS NOT REQUIRED TO ADOPT, BY REFERENCE, A PROPOSED REGULATION THAT IS IDENTICAL TO:

(1) A REGULATION OR RULE ADOPTED BY ANOTHER UNIT OF THE STATE GOVERNMENT;

(2) A STANDARD ON OCCUPATIONAL SAFETY AND HEALTH THAT IS ADOPTED BY AN ORGANIZATION THAT IS NATIONALLY RECOGNIZED AS SETTING STANDARDS; OR

(3) A STANDARD ON OCCUPATIONAL SAFETY AND HEALTH THAT IS ADOPTED BY THE FEDERAL GOVERNMENT AND THAT IS CURRENTLY IN EFFECT.

REVISOR'S NOTE: Subsection (a) of this section is new language substituted for former Art. 89, § 31(j), which specifically required compliance with SG §§ 10-106 and 10-107 but failed to account for other provisions in Title 10, Subtitle 1 of the State Government Article. Until the revision of that Article, provisions for adoption of regulations appeared in then Art. 41, § 9 (now SG