

§§ 10-106 and 10-107), the Administrative Procedure Act, the State Documents Law, and the law on the Joint Committee on Administrative, Executive, and Legislative Review, and the various provisions had different scopes with respect to particular governmental units. Generally, however, the provisions apply to all units of the Executive Branch that are not expressly exempted from the provisions. See SG § 10-102 and the revisor's note to that section. Therefore, the limited reference, in former Art. 89, § 31(j), to SG §§ 10-106 and 10-107 was misleadingly incomplete.

Subsection (b) of this section is new language derived without substantive change from former Art. 89, § 31(i), as that subsection related to notice of the intention to adopt and issue proposed regulations.

Former Art. 89, § 31(i), as that subsection required the Commissioner to "afford interested persons opportunity to submit data or views in writing or orally at such public hearing or hearings as the Commissioner may prescribe" is deleted as unnecessary in light of SG § 10-112(a). The Committee notes that former Art. 89, § 31(l) contained an express exemption from the hearing requirement for adoption of regulations by reference and, thus, could have been interpreted to require a hearing in all other instances. However, under SG § 10-112(a)(3)(ii), most units of the Executive Branch are required only to give an "opportunity for comment" by setting a date for a hearing or giving a telephone number and an address for comments.

Subsection (c) of this section is new language derived without substantive change from former Art. 89, § 29(g) and (h) and the first clause of § 31(l).

In subsection (b) of this section, the former words "or otherwise circulate" are deleted as obsolete since SG § 10-111 requires publication.

Subsection (c)(2) and (3) of this section is revised to incorporate the substance of former Art. 89, § 29(g) and (h), which defined, respectively, the terms "[n]ational consensus standard" and "[e]stablished federal standard", since the terms were used only in former Art. 89, § 31(l) and, therefore, separate definitions were unnecessary.

The second clause of former Art. 89, § 31(l), which required the Commissioner to circulate notice of an intent to adopt a proposed regulation by reference and to submit copies to the clerk of the Court of Appeals, the Secretary of State, the State Library, each circuit court library, the Department of Legislative Reference, and the General Assembly, is deleted as unnecessary in light of the requirements for publication in SG § 10-112 and, with respect to submission of copies, as obsolete. The Labor and Employment Article Review Committee concluded that the General Assembly intended for publication in the Maryland Register to be sufficient for purposes of the governmental units specifically listed in the second clause of former Art. 89, § 31(l). Indeed, SG § 2-1312 generally precludes distribution of government documents to the members of the General Assembly and requires instead delivery of 5 copies to the Department of Legislative Reference. While the