

specific requirements of former Art. 89, § 31(l) arguably were not affected by the later enacted but more general requirements of the State Documents Law, this deletion reflects practice since 1974.

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

The Committee also notes that, in subsection (c)(2)(iii) of this section, the reference to a standard that is adopted by the federal government "and that is currently in effect" excludes a standard that has a delayed effective date.

Defined term: "Commissioner" § 5-101

5-313. DELAYED EFFECTIVE DATE.

THE COMMISSIONER MAY DELAY THE EFFECTIVE DATE OF A REGULATION FOR NOT MORE THAN 90 DAYS AFTER PUBLICATION OF THE NOTICE OF ADOPTION, IF THE COMMISSIONER DETERMINES THAT THE DELAY IS NECESSARY TO ENSURE THAT EMPLOYERS WHOM THE REGULATION AFFECTS KNOW ABOUT AND HAVE AN OPPORTUNITY TO FAMILIARIZE EMPLOYEES WITH THE REQUIREMENTS OF THE REGULATION.

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

The phrases "after publication of the notice of adoption" are added to clarify the date on which the 90-day period would begin. This addition is based on SG § 10-117(a)(1)(i), which generally precludes a regulation becoming effective until the 10th day after publication of the notice.

The first sentence of former Art. 89, § 31(m), which made regulations "effective as of the date of issuance" and gave the regulations "the force and effect of law", is deleted as obsolete and surplusage. As noted, under SG § 10-117(a)(1)(i), the earliest effective date of a regulation, other than an emergency regulation, is the 10th calendar day after notice of adoption is published. Also, a regulation adopted in accordance with statutory authority has the force and effect of law. Staley v. Board of Education, 308 Md. 42, 47 n. 4 (1986); Maryland Port Administration v. John W. Brawner Contracting Co., 303 Md. 44, 60 (1985).

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

Defined terms: "Commissioner" § 5-101

"Employee" § 5-101 "Employer" § 5-101

5-314. EMERGENCY ADOPTION.

(A) AUTHORITY.