

2-109. ADVISORY UNITS.

(A) IN GENERAL.

WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY MAY CREATE ADVISORY UNITS.

(B) CONSUMER MEMBERS.

(1) EACH ADVISORY UNIT CREATED UNDER THIS SECTION SHALL INCLUDE AT LEAST 1 CONSUMER MEMBER.

(2) EACH CONSUMER MEMBER OF AN ADVISORY UNIT CREATED UNDER THIS SECTION SHALL BE A MEMBER OF THE GENERAL PUBLIC.

(3) A CONSUMER MEMBER OF AN ADVISORY UNIT CREATED UNDER THIS SECTION MAY NOT BE REQUIRED TO MEET THE QUALIFICATIONS FOR THE PROFESSIONAL MEMBERS OF THE UNIT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 8-104(c) and § 8-102(e) and the first and fourth sentences and the first clause of the second sentence of § 8-102(c).

In subsection (a) of this section, the former phrases "[i]n addition to such advisory boards as are or may be established by law" are deleted as surplusage.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that Ch. 859, Acts of 1974, enacted former Art. 41, § 8-102(c) through (e) to ensure that each "board, commission, and council", whether regulatory or advisory, that was part of the Department as of July 1, 1974, or created later had at least 1 member who met certain qualifications as a consumer member.

The Committee concluded that the provisions of former Art. 41, § 8-102(c) through (e) should not be retained as broad statements of general scope but, instead, should be incorporated in the substantive provisions for each "board, commission, or council" to which the provisions applied. This conclusion is based on several considerations.

The overriding consideration is that general provisions such as former Art. 41, § 8-102(c) through (e) generate inconsistencies in the statutes. For example, in the revision of the Business Occupations and Professions Article, many former provisions that stated the numbers of members of regulatory units were found to be incorrect since additional members had been added in accordance with former Art. 41, § 8-102(c). These errors led to anomalies such as quorum and voting requirements that were less than a simple majority of the membership of a unit.