

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

House Bill 1327 (Chairman, Health and Government Operations Committee)  
(By Request – Departmental – Secretary of State)

Health and Government Operations Education, Health, and Environmental  
Affairs

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**Code of Maryland Regulations, Maryland Register, and Contract Weekly -  
Incorporation by Reference of Laws and Documents**

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The departmental bill changes certain aspects of the process whereby federal statutes and regulations and other documents are incorporated by reference into the Code of Maryland Regulations (COMAR), Maryland Register, or Contract Weekly. The bill provides that federal laws and regulations may be incorporated prospectively, *i.e.*, all future changes to the federal statute or regulation will be incorporated into COMAR. However, outside sources (*e.g.*, International Building Code, Fire Codes) may not be incorporated prospectively, *i.e.*, any changes to these documents will have to be reincorporated into COMAR. The bill specifies that the Annotated Code of Maryland and the Session Laws need not be incorporated by reference.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** The Secretary of State has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** The follow sources may be incorporated by reference into COMAR, Maryland Register, or Contract Weekly: (1) Annotated Code of Maryland; (2) Session laws; (3) United States Code; (4) United States Statutes at Large; (5) Code of Federal Regulations; (6) Federal Register; and (7) any other generally available publication that the Administrator of the Division of State Documents (DSD) in the office of the Secretary of State specifies.

**Background:** Incorporation by reference has long been in practice to give certain principles and laws the force of law in Maryland. Additionally, the practice has been a method to save printing costs for DSD as well as increase ease of use for users of COMAR. Some of the documents that are incorporated by reference into COMAR would add thousands of pages to the COMAR volumes, thereby increasing subscription prices, as well as making the regulations too cumbersome to navigate.

State statutes and chapter laws have force of law, as well as supremacy over COMAR regulations in a conflict of laws. Therefore, these laws need not be incorporated by reference into COMAR.

Federal laws and regulations, while already given force of federal law, are not part of the State body of laws until they are incorporated into the regulations.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Secretary of State, Department of Legislative Services

**Fiscal Note History:** First Reader - March 18, 2005  
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