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By: **Chair, Health and Government Operations (By Request - Departmental  
- Secretary of State)**

Introduced and read first time: February 1, 2006

Assigned to: Health and Government Operations

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Committee Report: Favorable

House action: Adopted

Read second time: March 1, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Register - Filing and Publishing Requirements**

3 FOR the purpose of altering the requirement for the Handgun Roster Board to  
4 publish the handgun roster in the Maryland Register; modifying the  
5 requirements for filing certain documents with the Division of State Documents  
6 for publication in the Maryland Register; authorizing the Administrator of the  
7 Division of State Documents to require that electronic copies of certain  
8 documents be filed; eliminating certain obsolete provisions related to the filing  
9 and publishing of documents in the Maryland Register; making stylistic  
10 changes; and generally relating to filing and publication requirements for the  
11 Maryland Register.

12 BY repealing and reenacting, with amendments,  
13 Article - Public Safety  
14 Section 5-405  
15 Annotated Code of Maryland  
16 (2003 Volume and 2005 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - State Government  
19 Section 3-405, 7-206.2, 7-213, 10-112, 10-114, and 10-117  
20 Annotated Code of Maryland  
21 (2004 Replacement Volume and 2005 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Public Safety**

2 5-405.

3 (a) The Board shall:

4 (1) compile and maintain a handgun roster of authorized handguns that  
5 are useful for legitimate sporting, self-protection, or law enforcement purposes;6 (2) [semiannually] ANNUALLY publish the handgun roster in the  
7 Maryland Register; and8 (3) semiannually send a copy of the handgun roster to all persons who  
9 hold a State regulated firearm dealer's license under Subtitle 1 of this title.10 (b) The Board shall consider carefully each of the following characteristics of a  
11 handgun without placing undue weight on any one characteristic in determining  
12 whether any handgun should be placed on the handgun roster:

13 (1) concealability;

14 (2) ballistic accuracy;

15 (3) weight;

16 (4) quality of materials;

17 (5) quality of manufacture;

18 (6) reliability as to safety;

19 (7) caliber;

20 (8) detectability by the standard security equipment that is commonly  
21 used at an airport or courthouse and that is approved by the Federal Aviation  
22 Administration for use at airports in the United States; and23 (9) utility for legitimate sporting activities, self-protection, or law  
24 enforcement.25 (c) (1) The Board may place a handgun on the handgun roster on its own  
26 initiative.27 (2) The Board shall place a handgun on the handgun roster on the  
28 successful petition of any person subject to subsections (d) and (e) of this section,  
29 unless a court, after all appeals are exhausted, has made a finding that the decision  
30 of the Board shall be affirmed.31 (3) A petition to place a handgun on the handgun roster shall be  
32 submitted to the Board in writing in the form and manner that the Board requires.

1 (4) A person who petitions for placement of a handgun on the handgun  
2 roster has the burden of proving to the Board that the handgun should be placed on  
3 the handgun roster.

4 (d) (1) Within 45 days after receipt of a petition to place a handgun on the  
5 handgun roster, the Board shall:

6 (i) deny the petition in writing, stating the reasons for denial; or

7 (ii) approve the petition and publish a description of the handgun  
8 in the Maryland Register, including notice that any objection to the handgun's  
9 inclusion on the handgun roster shall be filed with the Board within 30 days.

10 (2) If the Board fails to deny or approve a petition within the time  
11 required under paragraph (1) of this subsection, the petition shall be considered  
12 denied.

13 (e) (1) If the Board denies a petition to place a handgun on the handgun  
14 roster, the Board shall notify the petitioner by certified mail, return receipt  
15 requested.

16 (2) The petitioner may request a hearing within 15 days after the date  
17 that the Board's denial letter is received.

18 (3) (i) If the petitioner requests a hearing under paragraph (2) of this  
19 subsection, within a reasonable time not to exceed 90 days after receiving the request,  
20 the Board shall:

21 1. hold a hearing on the petition; and

22 2. issue a written final decision on the petition.

23 (ii) The Board shall provide notice of the hearing in accordance  
24 with Title 10, Subtitle 2 of the State Government Article.

25 (iii) At a hearing held under this paragraph, the petitioner has the  
26 burden of proving to the Board that the handgun should be placed on the handgun  
27 roster because the handgun is useful for legitimate sporting activities,  
28 self-protection, or law enforcement purposes.

29 (4) Any party of record who is aggrieved may appeal within 30 days after  
30 a final decision of the Board in accordance with Title 10, Subtitle 2 of the State  
31 Government Article.

32 (f) This section does not require the Board to test any handgun or have any  
33 handgun tested at the expense of the Board.

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**Article - State Government**

2 3-405.

3 (a) Within 10 days after the Governor delivers an executive order to the  
4 Secretary of State, the Secretary shall deliver 2 copies of the executive order to the  
5 Executive Director of the Department of Legislative Services.

6 (b) The Secretary of State shall deliver [2] 1 certified [copies] COPY of each  
7 executive order to the Administrator of the Division of State Documents.

8 7-206.2.

9 (a) The Division may arrange for data bases derived from publications issued  
10 by the Division to be made available to the public for direct on-line searching by  
11 contracting with third-party or value-added resellers.

12 (b) [Notwithstanding the provisions of subsection (a) of this section, the State  
13 Data Center shall charge for on-line access to the Maryland Information Retrieval  
14 System.

15 (c) This section may not be construed to require a State data center to provide  
16 a member of the public with direct on-line access or any other type of access to the  
17 computers or data bases of the State Data Center.

18 (d) Notwithstanding any other provision of law, the Division shall make  
19 available to the public, at no cost, direct on-line searching of:

20 (1) the Code of Maryland Regulations (COMAR);

21 (2) the Maryland Register; and

22 (3) any other material the Division determines to be in the public  
23 interest.

24 [(e)] (C) The receipt of any material made available to the public under the  
25 terms of subsection [(d)] (B) of this section shall be preceded by a legend stating that:

26 "The information you are about to receive is made available for personal use  
27 only. By proceeding beyond this point you agree that you will not use the information  
28 for any prohibited commercial purpose, as defined in [§ 7-206.2(g)] § 7-206.2(E) of the  
29 State Government Article, including, by way of example and not in limitation, the  
30 downloading of this information for resale in any other electronic or printed form."

31 [(f)] (D) The legend referenced in subsection [(e)] (C) of this section shall be  
32 presented to the recipient in a manner that affords the recipient an opportunity to  
33 refuse to access the material.

34 [(g)] (E) (1) In this subsection, "prohibited commercial purpose" includes  
35 any use that involves the resale or other compensated transfer of information made  
36 available under subsection [(d)] (B) of this section.

1           (2)     "Prohibited commercial purpose" does not include the incorporation  
2 of portions of information made available under subsection [(d)] (B) of this section  
3 into documents commenting upon or advising persons of the legal effect of that  
4 information, even though the person incorporating the information may be  
5 compensated for the comments or advice.

6           (3)     Data or material obtained under subsection [(d)] (B) of this section  
7 may not be used for any prohibited commercial purpose.

8     [(h)]   (F)     A person who violates subsection [(g)] (E) of this section is subject to  
9 a fine not exceeding \$1,000 for each violation.

10 7-213.

11     (a)     Except as provided in subsections (b) and (c) of this section and § 3-405(b)  
12 of this article, [2 certified copies of] each document to be published in the Code of  
13 Maryland Regulations or the Register shall be submitted to the Administrator, who:

14           (1)     for 1 year after the publication of the document, shall keep and  
15 permit inspection of the [copies] DOCUMENT; and

16           (2)     then shall deliver the [copies] DOCUMENT to the State Archives.

17     (b)     (1)     The Clerk of the Court of Appeals shall submit to the Administrator  
18 [2 copies of]:

19           (i)     each rule of court that the Court of Appeals adopts or permits to  
20 be adopted; and

21           (ii)    each administrative order or memorandum of the Chief Judge of  
22 the Court of Appeals or the Administrative Office of the Courts that the Chief Judge  
23 directs to be published.

24           (2)     The Chief Clerk of the District Court shall submit to the  
25 Administrator [2 copies of] each administrative regulation that the Chief Judge of  
26 the District Court adopts.

27     (c)     [(1)     After consultation between a submitting authority and the  
28 Administrator, the] THE Administrator may [request] REQUIRE that any document  
29 required or permitted to be published in the Register be submitted electronically OR  
30 ON PAPER, OR BOTH.

31           [(2)     In addition to the electronic filing, the Administrator may require the  
32 unit to file 2 certified copies of the document as required in subsection (a) of this  
33 section.]

34 10-112.

35     (a)     (1)     This subsection does not apply to the emergency adoption of a  
36 regulation.

- 1                   (2)     To have a proposed regulation published in the Register, a unit shall  
2 submit to the Administrator:
- 3                   (i)     [2 certified copies of] the proposed regulation; and  
4                   (ii)    a notice of the proposed adoption.
- 5                   (3)     The notice under this subsection shall:
- 6                   (i)     state the estimated economic impact of the proposed regulation  
7 on:
- 8                             1.     the revenues and expenditures of units of the State  
9 government and of local government units; and
- 10                            2.     groups such as consumer, industry, taxpayer, or trade  
11 groups; [and]
- 12                   (II)    INCLUDE A STATEMENT OF PURPOSE;
- 13                   (III)   SATISFY THE REQUIREMENTS OF § 2-1505.2 OF THIS ARTICLE;
- 14                   (IV)   COMPLY WITH § 9-1104(C) OF THIS ARTICLE; AND
- 15                   [(ii)]   (V)    give persons an opportunity to comment before adoption of  
16 the proposed regulation, by:
- 17                             1.     setting a date, time, and place for a public hearing at  
18 which oral or written views and information may be submitted; or
- 19                             2.     giving a telephone number that a person may call to  
20 comment and an address to which a person may send comments.
- 21                   (4)     (i)     The estimated economic impact statement required under  
22 paragraph (3)(i) of this subsection shall state whether the proposed regulation  
23 imposes a mandate on a local government unit.
- 24                   (ii)    If the proposed regulation imposes a mandate, the fiscal impact  
25 statement shall:
- 26                             1.     indicate whether the regulation is required to comply with  
27 a federal statutory or regulatory mandate; and
- 28                             2.     include, in addition to the estimate under paragraph  
29 (3)(i)1 of this subsection, the estimated effect on local property tax rates, if applicable,  
30 and if the required data is available.
- 31                   [(5)     The Administrator shall file the regulation with the Committee.]

1 (b) As soon as the Committee approves emergency adoption of a regulation,  
2 the Committee shall submit THE REGULATION to the Administrator [2 certified  
3 copies of the regulation].

4 (c) If a regulation under this section amends or repeals an adopted regulation,  
5 the text of the regulation under this section shall show the changes with the symbols  
6 that the Administrator requires.

7 [(d) Immediately after the Administrator receives the copies of a regulation  
8 under this section, the Administrator shall:

9 (1) prepare 1 copy for publication; and

10 (2) send to the printer:

11 (i) the copy; and

12 (ii) any notice of the proposed adoption.]

13 10-114.

14 (a) After adopting a regulation, a unit shall submit to the Administrator a  
15 notice of adoption, for publication in the Register.

16 (b) [(1) Except as provided in paragraph (2) or paragraph (3) of this  
17 subsection, a notice under this section shall:

18 (i) contain the full text of the regulation; and

19 (ii) show each change in the text with the symbols that the  
20 Administrator requires.

21 (2)] If the text of the adopted regulation is the same or substantially  
22 similar to the proposed regulation, the notice shall:

23 [(i)] (1) state that the texts are the same or substantially similar;

24 [(ii)] (2) cite the date of the Register in which the proposed  
25 regulation was published; and

26 [(iii)] (3) show each change in the text with the symbols that the  
27 Administrator requires.

28 [(3) With the approval of the Committee, the notice may contain a  
29 synopsis of the regulation if, within 90 days after the synopsis is published, the full  
30 text will be published in the permanent supplements to the Code of Maryland  
31 Regulations.]

1 10-117.

2 (a) (1) Except as otherwise provided in subsection (b) of this section or in  
3 other law, the effective date of a regulation is:

4 (i) the 10th calendar day after notice of adoption is published in  
5 the Register [or the permanent supplements to the Code of Maryland Regulations];  
6 or

7 (ii) a later date that the notice sets.

8 (2) For calculation of the effective date under this subsection:

9 (i) Article 1, § 36 of the Code does not apply;

10 (ii) the issue date of the Register [or permanent supplements] in  
11 which the notice is published is not counted; and

12 (iii) each other calendar day, including Saturdays, Sundays, and  
13 legal holidays, is counted.

14 (b) The effective date of a regulation after its emergency adoption is the date  
15 that the Committee sets.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
17 effect October 1, 2006.