

# SENATE BILL 147

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Ethics Commission, State)**

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Government – Administrative Procedure Act – Changes to Previously**  
3 **Published Proposed Regulations**

4 FOR the purpose of requiring the Administrator of State Documents to refuse to  
5 publish a notice of adoption of a regulation that differs from text previously  
6 published unless the unit counsel of the Maryland Commission on Civil Rights,  
7 the Public Service Commission, or the State Ethics Commission provides a  
8 certain certification; defining a certain term; and generally relating to the  
9 Administrative Procedure Act and the publication of proposed regulations.

10 BY repealing and reenacting, without amendments,  
11 Article – State Government  
12 Section 10–107  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – State Government  
17 Section 10–113  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2011 Supplement)

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

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**Article – State Government**

10–107.

(a) “Unit counsel” means the unit counsel for the Commission on Civil Rights, the Public Service Commission, and the State Ethics Commission.

(b) Unless a proposed regulation is submitted to the Attorney General or to the unit counsel for approval as to legality, the regulation:

(1) may not be adopted under any statutory authority; and

(2) if adopted, is not effective.

10–113.

**(A) IN THIS SECTION, “UNIT COUNSEL” HAS THE MEANING STATED IN § 10–107 OF THIS SUBTITLE.**

**[(a)] (B)** If a unit wishes to change the text of a proposed regulation so that any part of the text differs substantively from the text previously published in the Register, the unit may not adopt the proposed regulation unless it is proposed anew and adopted in accordance with the requirements of §§ 10–111 and 10–112 of this subtitle.

**[(b)] (C)** If the regulation is proposed anew, the changes in the text shall be shown with the symbols that the Administrator requires.

**[(c)] (D)** (1) The Administrator shall refuse to publish the notice of adoption of a regulation that differs from the text previously published unless the notice is accompanied by a certification from the Attorney General **OR THE UNIT COUNSEL** that the provisions of subsections **[(a) and] (b) AND (C)** of this section are not applicable.

(2) The certification shall:

(i) be prepared in the form and according to guidelines specified by the Administrator;

(ii) contain a description of the nature of each change and the basis for the conclusion; and

(iii) be published in the Register as part of the notice of adoption.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2012.