

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 270

(The Speaker)(By Request - Department of Legislative
Services - Code Revision)

Health and Government Operations

Education, Health, and Environmental Affairs

General Provisions Article

This code revision bill revises, restates, and recodifies the laws of the State that relate to general provisions of law. The new General Provisions Article as a whole governs the laws relating to the rules of interpretation, official oaths, open meetings, public information, ethics, the United States, State emblems, and commemorative days and months. The article is composed of (1) the entirety of former Article 1 of the Code and (2) State Government Article, Title 10, Subtitles 5 and 6, and Titles 13 through 16. Provisions have been revised in the General Provisions Article, and are also repealed from the previous articles in their entirety.

Fiscal Summary

State Effect: None. The bill's provisions are intended as nonsubstantive revisions, restatements, recodifications, and transfers of existing provisions, and there is no fiscal impact.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The General Provisions Article consists of 7 titles as follows:

Title 1. Rules of Interpretation.

This title concerns definitions of specified terms, interpretations of Code provisions, time, and miscellaneous provisions.

Title 2. Official Oaths.

This title governs the form and administration of oaths. It also contains miscellaneous provisions concerning oaths.

Title 3. Open Meetings Act.

This title sets forth the applicability and requirements of the Open Meetings Act.

Title 4. Public Information Act.

This title concerns the applicability of the Public Information Act, the requirement for the inspection of public records, and the denial of inspections. The title also addresses liability, prohibited acts, penalties, and immunity under the title.

Title 5. Maryland Public Ethics Law.

This title contains provisions concerning the Maryland Public Ethics Law, the State Ethics Commission, advisory opinions of the commission, procedures for complaints of violations of the title, conflicts of interest, financial disclosure requirements, lobbying requirements, local government provisions, and enforcement of the provisions in the title.

Title 6. United States.

This title concerns the acquisition of land by the United States, jurisdiction, and reversions.

Title 7. Emblems; Designations; Commemorative Days and Months.

This title concerns the State seal, flags, additional emblems, and commemorative days and months.

Obsolete Material

Obsolete material that might still have some effect is transferred to the Session Laws and other material is repealed outright.

Special Sections

The bill contains a number of standard uncodified sections common to code revision projects, primarily designed to protect the status of the revision as a bulk, nonsubstantive restatement of former law.

Background: The General Provisions Article is a product of the continuing revision of the Annotated Code of Maryland by the legal staff of the Office of Policy Analysis of the Department of Legislative Services (DLS). The first revised articles were enacted at the First Extraordinary Session of 1973, and, as of the date of the introduction in the General Assembly of the General Provisions Article, 34 revised articles have become law: Agriculture, Business Occupations and Professions, Business Regulation, Commercial Law, Corporations and Associations, Correctional Services, Courts and Judicial Proceedings, Criminal Law, Criminal Procedure, Economic Development, Education, Election Law, Estates and Trusts, Family Law, Financial Institutions, Health – Environmental (now Environment), Health – General, Health Occupations, Housing and Community Development, Human Services, Insurance, Labor and Employment, Land Use, Local Government, Natural Resources, Public Safety, Public Utility Companies (now Public Utilities), Real Property, State Finance and Procurement, State Government, State Personnel and Pensions, Tax – General, Tax – Property, and Transportation.

Until 1985, the Commission to Revise the Annotated Code of Maryland supervised preparation of revised articles. In 1985, the Legislative Policy Committee established an article selection committee to recommend a schedule for production of revised articles and provided for article review committees, composed of experts in the area of the law being revised and in good drafting, to review drafts prepared by the staff.

House Bill 270 is the product of review by the General Provisions Article Review Committee. Each title of the General Provisions Article was prepared initially by DLS staff. In keeping with standard code revision practice, the committee reviewed the staff drafts page by page at monthly meetings from October 2012 to September 2013. After an additional review, the final versions of these drafts were then collected and printed as House Bill 270.

Additional Comments: Every effort is made to ensure that a proposed revision conforms as nearly as possible to the intent of the General Assembly, and all these revisions are highlighted in the revisor's notes. In other instances, the staff and the General Provisions Article Review Committee have used revisor's notes to call to the attention of the General Assembly policy issues that are beyond the purview of the revision process.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2014
mm/hlb

Analysis by: Joshua A. Lowery

Direct Inquiries to:
(410) 946-5510
(301) 970-5510