

In subsection (c)(2) of this section, the former phrase "of general circulation" is deleted as misleading surplusage since Art. 1, § 28 of the Code imposes additional criteria with regard to publication of notices.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that the Commissioner is required to comply with Title 10, Subtitle 1 of the State Government Article, which applies to the adoption of regulations by each unit in the Executive Branch of State Government. This section, however, imposes more stringent requirements on the Commissioner in the adoption of regulations than Title 10, Subtitle 1 of the State Government Article. Subsection (a) of this section requires a public hearing before adoption of a regulation. Subsection (c) of this section requires that specific notice of the public hearing be given to each licensed employment agency at least 30 days before the hearing and in a newspaper at least 10 days before the hearing. SG § 10-112(a)(3)(ii) requires only an "opportunity to comment" by setting a date for a hearing or giving a telephone number and an address for comments. The Committee concluded that, even though the provisions now codified as SG § 10-112(a)(3)(ii) were enacted after former Art. 56, § 165, the provisions are too general to have repealed by implication the specific requirements of former § 165. The General Assembly, however, may wish to consider the continued need for the requirement of a hearing. SG § 10-506 specifies several means by which a unit of the State government may give notice of a public meeting. The General Assembly may wish to consider whether the specific requirements for notice to all licensed employment agencies and for publication in a newspaper need to be retained.

Defined terms: "Commissioner" § 9-101

"Employment agency" § 9-101

"Licensed employment agency" § 9-101

9-205. INVESTIGATIVE POWERS.

(A) IN GENERAL.

TO ENSURE THAT EACH EMPLOYMENT AGENCY IN THE STATE COMPLIES WITH THIS TITLE AND EACH REGULATION THAT THE COMMISSIONER ADOPTS UNDER THIS TITLE, THE COMMISSIONER MAY:

(1) INVESTIGATE THE WAY IN WHICH EACH EMPLOYMENT AGENCY DOES BUSINESS AS AN EMPLOYMENT AGENCY; AND

(2) EXAMINE AT ANY TIME DURING BUSINESS HOURS EACH BOOK OR RECORD OF AN EMPLOYMENT AGENCY.

(B) ENFORCEMENT OF TITLE.

THE COMMISSIONER MAY MAKE ANY OTHER INVESTIGATION THAT MAY HELP TO ENFORCE THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 168.