

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Executive Department
(DLS Control No. 16-002)**

Overview and Legal and Fiscal Impact

The regulation eases the filing requirements for charitable organizations that request additional time to submit annual fiscal reports to the Office of the Secretary of State.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Executive Department:

Secretary of State: Charitable Organizations: Substantive Regulations:
COMAR 01.02.04.03

Legal Analysis

Summary of Regulation

The regulation eases the filing requirements for charitable organizations that request additional time to submit annual fiscal reports to the Office of the Secretary of State. The regulation repeals the requirement for charitable organizations to submit a written request to the office for an extension. The regulation also repeals the requirement for an organization to be granted an extension by the Internal Revenue Service before the office may grant an extension. Instead, the regulation allows the office to grant an extension that may not exceed the fifteenth day of the eleventh month after the end of the organization's fiscal year.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Secretary of State cites § 6-204 of the Business Regulation Article as authority for the regulation. Section 6-204 requires the Secretary of State to adopt regulations to carry out the provisions of Title 6, which regulates charitable organizations and charitable representatives.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

In response to a suggestion from staff with the Department of Legislative Services, staff for the office agreed to change the statutory authority to § 6-204 of the Business Regulation Article rather than § 6-204 of the State Government Article, which was listed in error.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The Secretary of State advises that the regulation has minimal or no impact on State or local governments. The regulation allows the Secretary of State to reallocate approximately \$10,400 in staff resources to processing other higher priority registration information. The Department of Legislative Services concurs and notes that the Secretary of State processes approximately 10,000 extensions annually.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The Secretary of State advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Dana Tagalicod – (410) 946/(301) 970-5350

Fiscal Analysis: Stephen M. Ross – (410) 946/(301) 970-5510