

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Labor, Licensing, and Regulation
(DLS Control No. 16-104)**

Overview and Legal and Fiscal Impact

This regulation reduces, from \$50 to \$25, the fee charged by the Office of Cemetery Oversight for a business name change, personal name change, or business address change.

The regulation presents no legal issue of concern.

Special fund revenues and expenditures are not affected, as the department has historically not charged these name or address change fees.

Regulation of COMAR Affected

Department of Labor, Licensing, and Regulation:

Office of Cemetery Oversight: Fees: COMAR 09.34.03.03

Legal Analysis

Background

On September 15, 2015, Governor Larry Hogan announced a plan to reduce or eliminate a number of fees across State government. Governor Hogan announced a second round of fee reductions or eliminations on May 12, 2016. This regulation is part of the second round of reductions or eliminations. Additional information regarding Governor Hogan's fee reduction initiative may be found [here](#).

Summary of Regulation

The regulation reduces, from \$50 to \$25, the fee charged by the office for a business name change, personal name change, or business address change.

Legal Issues

This regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The office cites §§ 5-204 and 5-205 of the Business Regulation Article as statutory authority for this regulation. Section 5-204 requires the Director of the office, in relevant part, to adopt rules and regulations to carry out the provisions of the title relating to the regulation of cemeteries. Section 5-205 requires the Director, by regulation, to set reasonable fees and a fee schedule for the issuance and renewal of registrations and permits. In addition, § 2-205 requires the Director to pay funds collected under this title to the Comptroller, who in turn distributes the fees to the Cemetery Oversight Fund. That fund is used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the office.

This authority is correct and complete. However, if the fee reductions affect the balance of the Cemetery Oversight Fund to the extent that the office would be unable to carry out its responsibilities, the regulation may not reflect the legislative intent of the law.

Fiscal Analysis

Special fund revenues and expenditures are not affected, as the department has historically not charged these name or address change fees.

Agency Estimate of Projected Fiscal Impact

The department advises that special fund (Cemetery Oversight Fund) revenues are not affected by the reduction of the name or address change fees from \$50 to \$25, as the Office of Cemetery Oversight has historically not charged these fees. The Department of Legislative Services concurs but notes that, to the extent that the office charges the fees in the future, special fund revenues associated with these fees are reduced by 50% from what they would have been.

Impact on Budget

There is no impact on the State operating or capital budget. The balance of the Cemetery Oversight Fund is \$224,574 as of June 1, 2016. Fiscal 2017 revenues (absent the regulation) are estimated to be \$685,125, while fiscal 2017 expenditures are estimated to be \$477,244.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no impact on small businesses. The Department of Legislative Services concurs, particularly since the fee has not historically been charged.

Contact Information

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