

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	05/20/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/24/2016

2. COMAR Codification

**Title Subtitle Chapter Regulation**

09 34 03 03

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

**4. Name of Regulations Coordinator Telephone Number**  
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**Title 09**  
**DEPARTMENT OF LABOR, LICENSING, AND**  
**REGULATION**

**Subtitle 34 OFFICE OF CEMETERY OVERSIGHT**

**09.34.03 Fees**

Authority: Business Regulation Article, §§ 5-204 and 5-205 Annotated Code of Maryland

**Notice of Proposed Action**

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The Office of Cemetery Oversight proposes to amend Regulation .03 under COMAR 09.34.03 Fees.

**Statement of Purpose**

The purpose of this action is to amend the regulation to reduce the fees charged for business name changes, personal name changes, and business address changes from \$50.00 to \$25.00 for each change.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
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A. On issuing agency:		
Fees	(E-)	0
B. On other State agencies:		
Fees	(E-)	0
C. On local governments:		
Fees	(E-)	0
	Benefit (+) Cost (-)	Magnitude
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D. On regulated industries or trade groups:		
Fees	(-)	0
E. On other industries or trade groups:		
Fees	(-)	0
F. Direct and indirect effects on public:		
Fees	(-)	0

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. The Office has historically not charged these fees. The fee reductions are being done to align the fees with those of other boards in the department.

B. The Office has historically not charged these fees.

C. The Office has historically not charged these fees.

D. The Office has historically not charged these fees.

E. The Office has historically not charged these fees.

F. The Office has historically not charged these fees.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Marilyn Harris-Davis, Director, Office of Cemetery Oversight, 500 N. Calvert Street, 3rd Floor, Baltimore, Maryland 21202, or call 410-230-6228, or email to [marilyn.harris-davis@maryland.gov](mailto:marilyn.harris-davis@maryland.gov), or fax to 410-333-6314. Comments will be accepted through July 25, 2016. A public hearing will be held, on July 28, 2016 at 10:30 a.m. at 500 N. Calvert Street, Ste. 300, Baltimore, Maryland 21202 to consider the comments and advice of the Advisory Council on Cemetery Operations, representatives of the cemetery industry, and the public.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:  
Special Fund, Cemetery Oversight Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

See Small Business Worksheet attached.

G. Small Business Worksheet:

Impact Statement Part C — Legislative Information

Part C requests agencies to provide information required by the Department of Legislative Services in its report to the AELR Committee. Answer the questions in the space provided. Part C is not printed in the Maryland Register.

### Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that: (i) is independently owned and operated; (ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses? The intended beneficiaries are licensees. They are businesses and individuals.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate

the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

The industry affected is the cemetery industry. The licensees and businesses will be impacted by paying no fees when they need to change a personal or business name or a business address. We cannot estimate the payroll.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected?

(Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

Not applicable

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

Maryland businesses are minimally impacted.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

There are no long-term impacts.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

Impacts are minimal.

Attached Document:

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# **Title 09 Department of Labor, Licensing and Regulation**

## **Subtitle 34 Office of Cemetery Oversight**

### **Chapter 03 Fees**

Authority: Business Regulation Article, §§ 5-204, 5-205, 5-303, 5-307, 5-312, 5-404, 5-605, and 5-710, Annotated Code of Maryland

#### **.03 Other Fees.**

Other fees are as follows:

A. – H. (text unchanged)

I. Business name change—[\$50] \$25;

J. Personal name change—[\$50] \$25; and

K. Business address change—[\$50] \$25.

Marilyn Harris-Davis  
Director  
Office of Cemetery Oversight