



THE MARYLAND GENERAL ASSEMBLY  
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

**Memorandum**

**To:** Members of the AELR Committee  
Standing Committee Chairs

**From:** George H. Butler, Jr., AELR Committee Counsel  
Kathryn H. Selle, AELR Committee Counsel  
Nathan W. McCurdy, AELR Committee Counsel

**Date:** June 17, 2019

**Re:** **Synopses of Regulations received from 5/31/2019 through 6/16/2019**

---

Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/cr

cc: Jake Weissmann  
Alexandra M. Hughes

## **Public Works, Board of**

### **Proposed Regulations**

#### **DLS Control No. 19-082**

#### **Board of Public Works:**

#### **Public School Construction:**

**Terminology:** COMAR 23.03.01.01

#### **Administration of the Public School Construction Program:**

COMAR 23.03.02.01 through .29

**Construction Procurement Methods:** COMAR 23.03.03.01 through .14

**Project Delivery Methods:** COMAR 23.03.04.01 through .09

**Alternative Financing:** COMAR 23.03.05.01 through .12

#### **Relocatable Classroom Indoor Environmental Quality Standards:**

COMAR 23.03.06.01 through .03

According to the board, the purpose of this action is to recodify and amend the commission's regulations to conform to the changes made during the 2018 legislative session, to repeal outdated language, and to make technical and clarifying changes. The amendments clarify definitions, reflect the statutory requirement for final IAC approval of State funded school construction projects, and include new programs and programmatic changes as a result of statutory, technological, or procedural changes.

## **Critical Area Commission for the Chesapeake and Atlantic Coastal Bays**

### **Proposed Regulations**

#### **DLS Control No. 19-072**

#### **Critical Area Commission for the Chesapeake and Atlantic Coastal Bays:**

#### **Criteria For Local Critical Area Program Development:**

**General Provisions:** COMAR 27.01.01.01,

**Development in the Critical Area:** COMAR 27.01.02.06-1 and .06-3

**Surface Mining in the Critical Area:** COMAR 27.01.07.03

**Habitat Protection Areas in the Critical Area:** COMAR 27.01.09.03 and .04

**Directives for Local Program Development:** COMAR 27.01.10.01

#### **Development in the Critical Area Resulting From State and Local Agency**

**Programs: General Provisions:** COMAR 27.02.01.01

#### **State Agency Actions Resulting in Development on State-Owned Lands:**

COMAR 27.02.05.04, .08, .11 and .12

According to the commission, the purpose of this action is to modernize the drafting style, update, and where necessary, delete certain outdated provisions. The amendments generally affect plant and wildlife habitat regulations and threatened and endangered species regulations where these regulations are located throughout COMAR, Title 27. The proposal does not include any additional regulatory requirements of the affected regulated community.

**Agriculture, Department of**

**Proposed Regulation**

**DLS Control No. 19-078**

**Department of Agriculture:**

**Office of the Secretary:**

**Food Donation Pilot Program:** COMAR 15.01.12.01 through .04

According to the department, the purpose of this action is to implement the 2019 amendment to Tax Property Article, 10-745 by:

- altering the definition of “qualified farms” to include farm businesses located throughout the State rather than certain counties;
- altering the taxable years for which a qualified farm may claim a credit;
- extending the period of time during which the Maryland Department of Agriculture may issue certain tax credit certificates; and
- effectuating other changes relating to tax credits for certain food donations.

**Housing and Community Development, Department of**

**Proposed Regulation**

**DLS Control No. 19-073**

**Department of Housing and Community Development:**

**Neighborhood Business Development:**

**Business Development Program:** COMAR 05.13.01.01 through .14

According to the department, the purpose of this action is to conform the regulations to SB 581 and Chapter 482 of the Laws of Maryland 2016; and, prescribe the policies, procedures, and authorization for the origination of loans and other financial assistance provided for qualified businesses in the State of Maryland through the Business Development Program operated by the Department of Housing and Community Development.

**Labor, Licensing and Regulation, Department of**

**Proposed Regulation**

**DLS Control No. 19-074**

**Department of Labor, Licensing, and Regulation:**

**Racing Commission:**

**Thoroughbred Rules:** COMAR 09.10.01.90

According to the department, the purpose of this action is to allow a racing licensee to offer patrons an opportunity to wager future races.

**Proposed Regulation**

**DLS Control No. 19-077**

**Department of Labor, Licensing, and Regulation:**

**Division of Labor and Industry:**

**Board of Boiler Rules:** COMAR 09.12.01.28

According to the department, the purpose of this action is to restore the responsibility of filing a boiler or pressure vessel manufacturer's data report with the Chief Boiler Inspector to the manufacturer. This responsibility was inadvertently shifted to the authorized insurer during prior regulatory revisions.

**Proposed Regulation**

**DLS Control No. 19-083**

**Department of Labor, Licensing, and Regulation:**

**Division of Labor and Industry:**

**Wage and Hour Law:** COMAR 09.12.41.20

According to the department, the purpose of this action is to adopt regulations to require restaurant employers who utilize a tip credit to provide employees with a written or electronic wage statement. This action is to address the requirement of Chapters 10 and 11 of 2019 (House Bill 166 and Senate Bill 280) which amended the Wage and Hour Law to require the Commissioner to adopt regulations requiring restaurant employers of certain tipped employees to receive a wage statement that shows the effective hourly tip rate.

**State Police, Department of**

**Proposed Regulations**

**DLS Control No. 19-080**

**Department of State Police:**

**Fire Prevention Commission:**

**Fire Prevention Code:** COMAR 29.06.01.02, .06 through .10, .14, and .15

According to the department, the purpose of this action is to amend COMAR 29.06.01, updating its incorporation by reference to the 2018 edition of the NFPA 101 Life Safety Code.

**Transportation, Department of**

**Proposed Regulations**

**DLS Control No. 19-081**

**Department of Transportation:**

**Motor Vehicle Administration–Administrative Procedures:**

**Ignition Interlock Program:** COMAR 11.11.13.02 and .04

**Motor Vehicle Administration–Vehicle Equipment: Ignition Interlock Systems:**  
COMAR 11.13.10.02 through .04, .08, .10, and .18

According to the department, the purpose of this action is to update the definitions and to establish regulations for the requirement for the Ignition Interlock System to be equipped with a camera pursuant to the passage of Chapter 65 (HB 55) and Chapter 66 (SB 245) of 2019.

**Higher Education Commission, Maryland**

**Proposed Regulation**

**DLS Control No. 19-075**

**Maryland Higher Education Commission:**

**Financial Aid:**

**Student Loan Debt Relief Tax Credit:** COMAR 13B.08.17.04

According to the commission, the purpose of this action is to modify the application process for a tax credit to remove an unnecessary requirement.

**Proposed Regulations**

**DLS Control No. 19-076**

**Maryland Higher Education Commission:**

**Financial Aid:**

**Maryland Community College Promise Scholarships:**  
COMAR 13B.08.21.05, .09, .12 and .17

According to the commission, the purpose of this action is to clarify language and alter certain due dates.

**Education, State Board of**

**Proposed Regulation**

**DLS Control No. 19-079**

**State Board of Education:**

**Specific Subjects:**

**Program in English Language Arts: COMAR 13A.04.14.02**

According to the board, the purpose of this action is to define the process that local school systems can use to demonstrate evidence of alignment of curriculum to Maryland College and Career Ready Standards.