



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 28, 2019

Re: **Synopses of Regulations received from 6/17/2019 through 6/27/2019**

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

Agriculture, Department of

Proposed Regulation

DLS Control No. 19-085

Department of Agriculture:

Pesticide Use Control:

Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses: COMAR 15.05.01.17

According to the department, the purpose of this action is to require licensees or permittees in the public health pest control category to notify persons who are registered with the department as pesticide sensitive individuals before the licensee or permittee makes a pesticide application to a property adjacent to the property of the registered individual. This would include a pesticide application to control for mosquitoes.

Proposed Regulation

DLS Control No. 19-089

Department of Agriculture:

State Chemist:

Commercial Fertilizer and Soil Conditioner: COMAR 15.18.03.01

According to the department, the purpose of this action is to amend the definition of the term "Soil Conditioner" in COMAR 15.18.03.01B(21).

Proposed Regulation

DLS Control No. 19-090

Department of Agriculture:

State Chemist:

Compost: COMAR 15.18.04.01

According to the department, the purpose of this action is to amend the definition of the term "Soil Conditioner" in COMAR 15.18.03.01B(26).

Natural Resources, Department of

Proposed Regulation

DLS Control No. 19-084

Department of Natural Resources:

Wildlife:

Use of Wildlife Areas: COMAR 08.03.02.02

According to the department, the purpose of this action is to add three recently acquired landholdings by the Department of Natural Resources to the wildlife management area system.

The three new wildlife management areas are Browns Branch Wildlife Management Area and Tall Oak Wildlife Management Area in Queen Anne's County and Popes Creek Wildlife Management Area in Charles County. The new wildlife management areas will be opened to the public for hunting, birdwatching and other wildlife-oriented recreation. The name of Chicone Creek Wildlife Management Area in Dorchester County is being renamed to Chicone Creek Woods Wildlife Management Area.

Proposed Regulation

DLS Control No. 19-086

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.16

According to the department, the purpose of this action is to clarify the documentation requirements for out-of-state finfish suppliers.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 19-087

Maryland Insurance Administration:

Powers and Duties-Hearings:

Hearings: COMAR 31.02.01.06 through .08

According to the administration, the purpose of this action is to amend Regulations .06-.08 under COMAR 31.02.01 Hearings as follows:

- to clarify the expectations that the party requesting a subpoena for a hearing is responsible for the delivery;
- to clarify that the service of subpoenas must comply with the Maryland Rules of Civil Procedure;
- to clarify that that the Maryland Rules of Civil Procedure may be used as a guide for resolving all hearing issues, not simply issues dealing with procedural matters; and
- to require a hearing officer to conduct the hearing in a manner necessary to ensure a fair resolution of issues and to rule on all procedural issues.

Education, State Board of

Proposed Regulation

DLS Control No. 19-088

State Board of Education:

Supporting Programs:

School Supplies and Equipment: COMAR 13A.06.05.01

According to the board, the purpose of this action is to address the transformation that has occurred over the last 10 years in teaching and learning that includes digital formats of textbooks, resources, and equipment.

Retirement and Pension System, State

Proposed Regulation

DLS Control No. 19-091

State Retirement and Pension System:

General Regulations:

Transfer of Membership to the Pension System: COMAR 22.01.10.01 through .06

According to the State Retirement Agency, the purpose of this action is to repeal obsolete regulations that address the procedures for a member to transfer membership from the Teachers' Retirement System or the Employees' Retirement System to the Teachers' Pension System or the Employees' Pension System. Before January 1, 2005, the law allowed a member of the Teachers' Retirement System or the Employees' Retirement System to transfer his or her membership to the Teachers' Pension System or the Employees' Pension System. This provision of the law was repealed during the 2004 Legislative Session of the General Assembly.

Proposed Regulation

DLS Control No. 19-092

State Retirement and Pension System:

General Regulations:

Enrollment in the State System: COMAR 22.01.12.01 through .03

According to the State Retirement Agency, the purpose of this action is to provide for the proper enrollment process of an eligible employee into a State system. Specifically, these proposed regulations remove the requirement to submit a Designation of Beneficiary form, which no longer is an operational requirement to complete the enrollment procedure. The proposed regulations also add a requirement for submission of a job description to ensure proper enrollment in the Teachers' Retirement System, the Law Enforcement Officers' Pension System, the State Police Retirement System, or the Correctional Officers' Retirement System (for PGU employees only). Additionally, these proposed regulations also make technical, non-substantive changes to COMAR 22.01.12.

Proposed Regulation

DLS Control No. 19-093

State Retirement and Pension System:

General Regulations:

Payment of Allowance: COMAR 22.01.06.01 through .06

According to the State Retirement Agency, the purpose of this action is to provide clarity with regard to certain procedures addressing the payment of benefits from the State Retirement and Pension System.

Proposed Regulation

DLS Control No. 19-094

State Retirement and Pension System:

General Regulations:

Interest - Annuity Savings Fund: COMAR 22.01.09.01 through .03

According to the State Retirement Agency, the purpose of this action is to conform these proposed regulations to reflect changes in the State Personnel and Pensions Article. In 2014, § 23-213(b) of the State Personnel and Pensions Article, was changed to provide that if the member is not eligible to receive a vested allowance, then the accrual of interest stops after membership ends. In 2018, § 23-213(c) of the State Personnel and Pensions Article was added to provide that, for the Teachers' and Employees' Pension Systems, in instances where a former member of the Alternate Contributory Pension Selection of either system has become re-enrolled as a member of the Reformed Contributory Pension Benefit of either system, interest will be paid on the individual's Alternate Contributory Pension Selection account.