



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: August 9, 2019

Re: **Synopses of Regulations received from 7/26/2019 through 8/8/2019**

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

Elections, State Board of

Proposed Regulations

DLS Control No. 19-128

Board of Elections:

Violations:

Definitions; General Provisions: COMAR 33.19.01.01 and .02

Public Notice: COMAR 33.19.02.01

Election Judges: COMAR 33.19.03.01

Processing New Registrants and Address Changes: COMAR 33.19.04.01 and .02

According to the board, the purpose of this action is to:

- bring the regulations into line with recent statutory enactments;
- clarify which elections same day registration and same day address change are eligible for;
- update the required information to be included on a pre-election mailing to pre-qualified voters;
- clarify the number of election judges and their responsibilities related to same day registration and same day address change; and
- clarify the circumstances of when an election judge would give a regular ballot or a provisional ballot for same day registration and same day address change.

Proposed Regulations

DLS Control No. 19-131

Board of Elections:

Canvassing:

Post-Election Verification and Audit: COMAR 33.08.05.01

Post-Election Verification and Audit: COMAR 33.08.05.09 and .10

According to the board, the purpose of this action is to:

- define terms related to post-election audits;
- require local boards of election to provide notice of the post-election manual tabulation audit;

- define the process for selecting the early voting center and the scanner from that early voting center whose ballots will be manually audited and how the selected ballots shall be stored;
- explain how the manual tabulation will be conducted and generally how to prepare for and conduct the audit;
- explain how a local board would use the “sort” method to audit a “vote for one” contest;
- explain how a local board would use the “tally” method to audit a “voter for more than one” contest; and
- explain the post-audit reporting requirements.

Agriculture, Department of

Proposed Regulation

DLS Control No. 19-117

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. 19-118

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 15.18.04.01B(26) and the fee provision in COMAR 15.18.04.07 to reflect the recent amendments to Agriculture Article §§ 6-201 and 6-221, effective October 1, 2019.

Natural Resources, Department of

Proposed Regulation

DLS Control No. 19-134

Department of Natural Resources:

Fisheries Service:

Fish: COMAR 08.02.05.02

According to the department, the purpose of this action is to allow the use of monofilament gill nets in the Chesapeake Bay and its tidal tributaries, based on Chapter 80 of the 2019 Laws of Maryland. Currently, gill nets in the Chesapeake Bay and its tidal tributaries are required to be made out of material other than monofilament (multi-strand or multifilament nylon are typical materials). Monofilament gill nets have been allowed in Maryland's portion of the Atlantic Ocean, coastal bays and their tributaries since the late 1970s, and are widely used in other jurisdictions, including Virginia and the Potomac River Fisheries Commission. Because other states and most researchers have moved to monofilament material for gill nets, multi-strand and multifilament nylon nets have seen decreased demand and have become increasingly difficult to obtain for use in the Chesapeake Bay.

Transportation, Department of

Proposed Regulation

DLS Control No. 19-135

Department of Transportation:

Maryland Aviation Administration:

Baltimore/Washington International Thurgood Marshall Airport:

COMAR 11.03.01.13

According to the department, the purpose of this action is to propose a new regulation to define "Authorized Employee" and establish public hours of operation at the terminal, pedestrian bridges, hourly garage, and on-airport consolidated rental car facility BWI Marshall Airport. If adopted, this regulation will provide guidance to the MDOT MAA and Maryland Transportation Authority Police (MDTAP) officers on how to address persons who are in the BWI Marshall Airport during overnight hours with no legitimate business purpose.

Maryland Department of Health

Proposed Regulation

DLS Control No. 19-132

Maryland Department of Health:

Medical Care Programs:

Targeted Case Management for People with Intellectual and Developmental Disabilities: COMAR 10.09.48.08

According to the department, the purpose of this action is to implement a 3.5 percent rate increase for targeted case management providers in accordance with Health General Article, §7-307(d), Annotated Code of Maryland.

Proposed Regulation

DLS Control No. 19-133

Maryland Department of Health:

Medical Care Programs:

Community-Based Substance Use Disorder Services: COMAR 10.09.80.08

According to the department, the purpose of this action is to implement a 3.5 percent rate increase for community-based substance use disorder services providers beginning July 1, 2019, as provided for in the Fiscal Year 2020 budget.

Lottery and Gaming Control Agency, Maryland State

Proposed Regulations

DLS Control No. 19-129

Maryland State Lottery and Gaming Control Agency:

Gaming Provisions:

Video Lottery Facility Minimum Internal Control Standards:

COMAR 36.03.10.20, .26 through .28, and 38

Video Lottery Terminals: Video Lottery Technical Standards:

COMAR 36.04.01.12, .21, and .31

Table Games: Table Game Procedures: COMAR 36.05.03.02

Skill-based Amusement Devices: Registration: COMAR 36.08.02.01

Fantasy Competition: Online Fantasy Competition Claim Procedures:

COMAR 36.09.01.06, .07, .09, .11, and .13

According to the agency, the purpose of this action is to:

- under COMAR 36.03.10.20, increase the personal check cashing limit to \$25,000;

- under COMAR 36.03.10.26-.28, allow the facility operators to use an electronic credit system approved to process electronic counter check transactions, and to increase the check cashing limit to \$25,000;
- under COMAR 36.03.10.38, allow facility operators to perform a jackpot or credit meter payout less than \$5,000 with only one employee;
- under COMAR 36.04.01.12, clarify a single game event for an electronic table event;
- under COMAR 36.04.01.21, change certain VLT security requirements to better reflect that a casino owns or leases its VLTs;
- under COMAR 36.04.01.31, extend to 4 hours the time within which a facility operator must notify the commission of remote access to a video lottery system;
- under COMAR 36.05.03.02, provide alternative procedures for counting table inventory on table games not open for gaming during a gaming day;
- under COMAR 36.08.02.01, change the Skills-Based Amusement Device registration from annual to every other year;
- under COMAR 36.09.01.06, allow an individual to request exclusion directly from the fantasy competition operator through the fantasy competition operator's website;
- under COMAR 36.09.01.07, increase the limits on deposits to \$5,000 a month and exempt season-long fantasy competitions;
- under COMAR 36.09.01.09, clarify what constitutes amateur sports;
- under COMAR 36.09.01.11, further clarify how a fantasy competition operator shall hold player funds; and
- under COMAR 36.09.01.13, exempt a fantasy competition operator with annual revenues less than \$250,000 from having a financial audit performed, increase the number of days the fantasy competition operator has to submit the audit to the commission, and increase the number of consecutive financial audits a certified public accountant may perform.

Education, State Board of

Proposed Regulation

DLS Control No. 19-130

State Board of Education:

School Personnel:

Disqualification Criteria for Substitute Teachers: COMAR 13A.07.12.01

According to the board, the purpose of this action is to establish disqualification criteria for substitute teachers when a local school system has been informed that a substitute has been identified for possible involvement in child abuse, neglect, failure to report suspected child abuse or neglect, or is found guilty of specific crimes.