



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: September 6, 2019

Re: **Synopses of Regulations received from 8/23/2019 through 9/5/2019**

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 Regulation

DLS Control No. 19-156

Board of Elections:

Meetings and Training:

Election Day Page Program: COMAR 33.02.04.01 through .08

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

- bring the regulations into line with recent statutory enactments, specifically §10-401 through 405 of the Election Law Article (Chapter 468 of the Laws of 2019);
- define the terms “page” and “program”;
- clarify the purpose of the program;
- specify the responsibilities of the State Administrator to the program;
- clarify that local boards have the option to participate, and the steps required to participate or to request a waiver;
- specify the requirements of local boards to implement the program;
- specify the qualifications an individual shall meet to qualify as a page in the program;
- specify responsibilities of a page; and
- specify activities that are prohibited from the program.

Proposed Regulations

DLS Control No. 19-157

Board of Elections:

Absentee Ballots:

Definitions; General Provisions: COMAR 33.11.01.01

Issuance and Return: COMAR 33.11.03.06 and .08

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

- include the definition of absentee ballot bag;

- include instructions for a chief judge or designee upon receiving a voted absentee ballot at an early voting center or polling place; and
- clarify when a voted absentee ballot is considered to be received as timely.

Environment, Department of the

Proposed Regulations

DLS Control No. 19-149

Department of the Environment:

Water Pollution:

Permits: COMAR 26.08.04.09 and .09-1

According to the department, the purpose of this action is to amend regulations regarding the requirements for a Concentrated Animal Feeding Operation (“CAFO”) applying for or continuing coverage under a discharge permit for Animal Feeding Operations (“AFOs”), in conformance with statutory changes. The proposed action establishes permit application fees that are based on a CAFO’s size category, repeals the existing annual permit fees in regulation, and adopts the permit application and annual fees for CAFOs with a house capacity of 350,000 square feet or more established under Chapter 760 of 2019. This action also, in conformance with Chapter 760 of 2019, requires a person to hold a discharge permit before beginning construction on any part of a new CAFO.

Proposed Regulation

DLS Control No. 19-154

Department of the Environment:

Air Quality:

Nonattainment Provisions for Major New Sources and Major Modifications:

COMAR 26.11.17.04

According to the department, the purpose of this action is to amend COMAR 26.11.17.04 to remove the Environmental Protection Agency (EPA) from the submittal and approval process for interprecursor trading (IPT). The amendments will be submitted to the U.S. Environmental Protection Agency for approval as part of Maryland's State Implementation Plan (SIP).

Proposed Regulations

DLS Control No. 19-155

Department of the Environment:

Air Quality:

Control of Incinerators: COMAR 26.11.08.01

Control of Incinerators: COMAR 26.11.08.10

According to the department, the purpose of this action is to amend nitrogen oxide (NOx) reasonable available control technology (RACT) requirements under COMAR 26.11.08.01 and

COMAR 26.11.08.10 for large municipal waste combustors (Large MWCs). In order to satisfy the Environmental Protection Agency's (EPA) updated startup, shutdown and malfunction (SSM) policy (80 Fed. Reg. 33840), NOx emission limits shall be extended to cover periods when a Large MWC is combusting only fossil fuel, as a means to warm-up the furnace and other critical components prior to municipal solid waste being fed to the combustor. Additional amendments are being made to clarify how the 24-hour block average emission rates and 30-day rolling average emission rates are to be calculated. The amendments will be submitted to the U.S. Environmental Protection Agency for approval as part of Maryland's State Implementation Plan (SIP).

Health Benefit Exchange, Maryland

Proposed Regulations

DLS Control No. 19-160

Independent Agencies:

Maryland Health Benefit Exchange:

Individual Exchange Navigator Certification and Training Standards:

COMAR 14.35.02.04

Individual Exchange Navigator Certification - Renewal, Reinstatement,

Deactivation, and Suspension or Revocation of Certification:

COMAR 14.35.03.02 through .04

Insurance Producer Authorization to Sell Qualified Plans in the SHOP Exchange and Individual Exchange: COMAR 14.35.04.04

Insurance Producer Authorization - Renewal, Reinstatement, and Suspension or Revocation of Authorization: COMAR 14.35.05.02

Captive Producer Training and Authorization Standards Authority:

COMAR 14.35.08.06

Consolidated Service Center Employee Training and Permit Standards:

COMAR 14.35.09.06

Application Counselor Sponsoring Entity Designation Standards:

COMAR 14.35.12.02, .04, .05, .07, and .08

Application Counselor Training and Certification Standards:

COMAR 14.35.13.02 through .05, .09, and .10

According to the exchange, the purpose of this action is to amend existing regulations for clarity and consistency.

Maryland Department of Health

Emergency Regulation

DLS Control No. 19-151

Maryland Department of Health:

Laboratories:

Law Enforcement Laboratories - Personnel Certification and Approval of Laboratory Procedures: COMAR 10.10.09.03

According to the department, this regulation adds a private forensic laboratory licensed by the Maryland Department of Health and that has a contract with a Maryland law enforcement agency to provide testing services for controlled dangerous substances to the list of authorized employers of individuals who are applying to be certified as a chemist, chemical analyst, or analyst.

Proposed Regulations

DLS Control No. 19-153

Maryland Department of Health:

Medical Care Programs:

Hospital Services: COMAR 10.09.06.07 and .09

According to the department, the purpose of this action is to align with the department's § 1115 waiver by clarifying that the program covers ASAM Level 1 services for individuals who are simultaneously receiving clinically managed low-intensity residential services. Additionally, this action implements a 3.5 percent rate increase effective July 1, 2019 for residential substance use disorder services levels of care 3.3, 3.5, 3.7, and 3.7-WM as provided in the Fiscal Year 2020 budget.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 19-159

Maryland Department of Labor:

Board of Pilots:

Pilots-in-Training, and Limited and Unlimited Licensed Pilots: COMAR 09.26.02.06

According to the department, the purpose of this action is to update the continuing education regulations for licensed pilots by removing certain obsolete portions of the requirements and substituting them with the updated subject matter areas to ensure proper alignment with the recent U.S. Coast Guard regulatory changes.

Institute for Emergency Medical Services Systems, Maryland

Proposed Regulations

DLS Control No. 19-158

Maryland Institute for Emergency Medical Services Systems:

Designation of Trauma and Specialty Referral Centers:

General Provisions: COMAR 30.08.01.02

Designation of Trauma and Specialty Referral Centers: COMAR 30.08.02.10

Adult and Pediatric Burn Center Standards: COMAR 30.08.06.01 through 21

According to the institute, the purpose of this action is to update standards for designation of pediatric and adult burn centers in Maryland to reflect current practices.

Lottery and Gaming Control Agency, Maryland State

Proposed Regulations

DLS Control No. 19-152

Maryland State Lottery and Gaming Control Agency:

Lottery Provisions:

General: COMAR 36.02.01.01

Retailer Requirements: COMAR 36.02.03.04 through .12

Common Provisions for All Lottery Games: COMAR 36.02.04.02 and .04

Specific Game Provisions: COMAR 36.02.05.01 through .04

Claims Procedures: COMAR 36.02.06.04 and .08 through .19

Unclaimed Lottery Prizes: COMAR 36.02.07.01

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

- under COMAR 36.02.01, correct references to the statute, use the term subtitle in place of title, add a definition of Coupon as used in lottery retailer locations;
- under COMAR 36.02.01, add a definition of Fast Play, a new type of lottery terminal printed game, remove the definition of Instant Ticket Vending Machine, which is now obsolete, and add a definition of progressive jackpot for Fast Play games which allows different methods of awarding prizes;
- under COMAR 36.02.03, describe Fast Play as a new lottery terminal printed game introduced by the Agency, and add a section addressing expiration of Fast Play tickets;
- under COMAR 36.02.04, add requirements for cashing Fast Play tickets, and specify that Fast Play tickets may not be cancelled;

- under COMAR 36.02.05, clarify and update drawing and ticket scanning information, and describe ticket information included on a Fast Play ticket;
- under COMAR 36.02.06, align with current practice to describe when a claim form may be required, and add the use of winning symbols as a means to visually determine if a ticket is entitled to a prize;
- under COMAR 36.02.06, explain validating and paying winning Fast Play tickets, add a Fast Play prize payout description, and permit the sale of Fast Play games with progressive prize; and
- under COMAR 36.02.07, identify when Fast Play game prizes may no longer be claimed.