



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: John J. Joyce, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel
Georgeanne Carter, AELR Committee Counsel

Date: November 13, 2020

Re: **Synopses of Regulations received from 10/30/2020 through 11/12/2020**

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

Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

Proposed Regulations

DLS Control No. 20-153

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 27.01.02.05

Habitat Protection Areas in the Critical Area: COMAR 27.01.09.01

Renewable Energy: COMAR 27.01.14.01 through .07

Development in the Critical Area Resulting From State and Local Agency Programs:

General Provisions: COMAR 27.02.01.01

State or Local Agency Actions Resulting in Major Development on Private Lands or Lands Owned by Local Jurisdictions: COMAR 27.02.04.01 and .02

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

COMAR 27.02.05.02, .03-3, 15, .15-1, .15-2, and .15-3

Commission Review, Decision Process, and Time Frames: COMAR 27.02.07.02

Appeals: COMAR 27.02.08.02

According to the commission, the purpose of this action is to provide development standards for minor (2 MW or less) and major (greater than 2MW) solar projects in the Critical Area on private lands, State lands, and lands owned by local jurisdictions. The regulations balance the State's renewable energy goals while providing measures to protect habitat and water quality in the Critical Area. Specifically, the regulations create a mechanism to permit major solar energy generating systems in the Resource Conservation Area without the use of growth allocation; in lieu of this, a reservation of development rights mechanism is required. The regulations apply to all three Critical Area designations (Intensely Developed Areas, Limited Development Areas and Resource Conservation Areas). The regulations include provisions related to buffer disturbance, forest clearing, habitat protection areas, mitigation, and density provisions for location in the Resource Conservation Area of the Critical Area.

Natural Resources, Department of

Proposed Regulation

DLS Control No. 20-143

Department of Natural Resources:

Fisheries Service:

Striped Bass: COMAR 08.02.15.04

According to the department, the purpose of this action is to remove the cap on the amount of striped bass shares that can be permanently transferred within a single year by a permittee registered in a Chesapeake Bay commercial striped bass fishery. Removing the annual transfer cap

allows a permit holder to sell or buy up to that maximum amount in one transaction, rather than having to break it up in multiple transactions over multiple years.

Proposed Regulation

DLS Control No. 20-144

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.12

According to the department, the purpose of this action is to make corrections in submerged aquatic vegetation protection zones. Amendments to the zones became effective June 2020 and maps of each area were created so that users have a visual description of each area rather than just the coordinates. During the mapping process, errors or points needing clarification were found within the text.

The proposed action:

- modifies a direction between points, corrects the name of an island, removes duplicate text, and corrects a coordinate in Somerset County;
- corrects coordinates in Dorchester County;
- modifies directions between points, corrects coordinates, adds missing text needed to describe an area properly, and corrects the name of a creek in Talbot County;
- corrects the coordinates of a point in Saint Mary's County; and
- corrects descriptions of defined points and better describes the water bodies included in the zones in Kent County.

Transportation, Department of

Proposed Regulation

DLS Control No. 20-146

Department of Transportation:

State Highway Administration:

Heavy Weight Port Corridor Permit: COMAR 11.04.17.04

According to the department, the purpose of this action is to add additional routes to those permitted for the Heavy Weight Port Corridor.

Technology Development Corporation, Maryland

Proposed Regulations

DLS Control No. 20-148

Independent Agencies:

Maryland Technology Development Corporation:

Definitions: COMAR 14.04.01.01

Investment Programs: COMAR 14.04.02.05

Builder Fund: COMAR 14.04.03.04

Builder Fund: COMAR 14.04.03.05

Maryland Venture Fund: COMAR 14.04.06.05

Investment Committee: COMAR 14.04.07.04

Stem Cell Research Commission: COMAR 14.04.08.03

Stem Cell Research Commission: COMAR 14.04.08.05

According to the commission, the purpose of this action is to update certain statutory references in the regulations to Title 10, Subtitle 4 of the Economic Development Article, to conform to amendments enacted by Chapter 580 of the Laws of 2020 and to update obsolete statutory references.

The Maryland Technology Development Corporation (TEDCO) receives on-going, regular information and reporting from any business in which TEDCO or one of its affiliated investment entities has made an investment. Because of these reporting and information requirements, a portfolio company applying for follow-on investment may be required to submit information and documents to TEDCO that TEDCO already has in its possession, creating duplicative submissions and information in the follow-on investment application process. The purpose of this action also is to clarify that the follow-on application process only requires portfolio company applicants to submit and verify only information and documents necessary for TEDCO to determine eligibility for investment and evaluate investment criteria as mandated by the COMAR 14.04.01 – .07.

The purpose of this action also is to modify the eligibility requirements for companies with multiple founders applying for investment from the Builder Fund so that those companies have more flexibility in raising capital in the private sector.

Maryland Department of Health

Proposed Regulation

DLS Control No. 20-150

Maryland Department of Health:

Board of Nursing:

Nursing Education Programs: COMAR 10.27.03.

According to the department, the purpose of this action is to comply with the federal standards under Title VIII of the Public Health Services Act and maintain recognition by the

United States Department of Education as a reliable authority on the quality of nursing education. These amendments are designed to clarify, reorganize, eliminate, and streamline existing language in order to reduce regulatory uncertainty and the overall regulatory burden on nursing education programs in Maryland.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 20-149

Maryland Department of Labor:

Workforce Development and Adult Learning:

**Grant Programs for Law Enforcement Cadet Apprenticeship Program and the
Apprenticeship Career Training Pilot Program for Formerly Incarcerated**

Individual: COMAR 09.37.03.01 through .09

According to the department, the purpose of this action is to define the requirements of the grant programs for the Law Enforcement Cadet Apprenticeship Program and the Apprenticeship Career Training Pilot Program for Formerly Incarcerated Individuals.

Institute for Emergency Medical Services Systems, Maryland

Proposed Regulation

DLS Control No. 20-145

Maryland Institute for Emergency Medical Services Systems:

EMS Operational Programs:

Base Stations: COMAR 30.03.06.01-02

According to the institute, the purpose of this action is to endorse the hospitals' expectation that information they are providing the Health Information Exchange will be transmitted to MIEMSS for the purpose of developing a statewide emergency department surveillance system.