



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: Kathryn H. Selle, AELR Committee Counsel
John J. Joyce, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel

Date: March 6, 2020

Re: **Synopses of Regulations received from 2/21/2020 through 3/5/2020**

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

Elections, State Board of

Proposed Regulations

DLS Control No. 20-015

Board of Elections:

Provisional Voting:

Issuance of Provisional Ballot: COMAR 33.16.03.01

Early Voting: Definitions; General Provisions: COMAR 33.17.01.02

Violations: Definitions; General Provisions: COMAR 33.19.01.01

According to the board, the purpose of this action is to clarify (1) when a provisional ballot shall be issued for an individual who registers to vote during early voting using the same day registration process; (2) which elections early voting is applicable; and (3) which elections the same day registration process is applicable.

Agriculture, Department of

Emergency/Proposed Regulations

DLS Control No. 20-019

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 15.05.01.02

According to the department, the purpose of this action is to place certain restrictions on the use of insecticides containing Chlorpyrifos and seeds that have been treated with Chlorpyrifos in this State. This includes prohibiting the aerial application of such insecticides on the effective date of this action and prohibiting other applications of such insecticides and treated seeds after certain other dates. Several agribusiness associations in this State recommend promulgating regulations to phase out the use of these products within a certain period of time – such as the phase-out provisions in the proposed action. In addition, Corteva Agriscience, a principal manufacturer of Chlorpyrifos and one of the registrants in Maryland, recently announced its strategic decision to exit the manufacture and sales business of Chlorpyrifos product.

Workers' Compensation Commission

Proposed Regulations

DLS Control No. 20-014

Independent Agencies:

Workers' Compensation Commission:

Procedural Regulations: COMAR 14.09.01.01

Procedural Regulations: COMAR 14.09.01.02

Procedural Regulations: COMAR 14.09.01.04

Procedural Regulations: COMAR 14.09.01.09

Requirements for Filing and Amending Claims: COMAR 14.09.02.02

Legal Representation and Fees: COMAR 14.09.04.01

According to the commission, the purpose of this action is to facilitate migration from legacy system WFMS to CompHub by updating WFMS references to CompHub; to simplify the regulation regarding roles for subscribers to CompHub to require that subscribers adhere to the terms of service assigned to their designated roles; to clarify that "papers" filed electronically need not be on physical paper, and to use the term "paper" as that term is used in the Maryland Rules; to permit filing by power of attorney in CompHub and to ensure that the power of attorney form meets minimum statutory requirements; and to bring the regulation concerning terminating the appearance of an attorney into alignment with the practice in civil matters before the District Court of Maryland (see Md. Rule 3-132), while recognizing that claims under the Maryland Workers' Compensation Law never "close" unless they are settled and there is no possibility of future medical benefits.

Agriculture, Department of

Proposed Regulations

DLS Control No. 20-013

Maryland Department of Aging:

Grants and Subsidies:

Senior Assisted Living Group Home Subsidy Program:

COMAR 32.03.03.01-.03, .05, and .07-.08

According to the department, the purpose of this action is to generally update the Senior Assisted Living Group Home Subsidy (SALGHS) regulations by removing references to outdated cross references, removing ancillary references, and providing new definitions. More substantial changes to the SALGHS program include increasing the subsidy amount, raising the resource limit, clarifying provisions relating to artificial impoverishment, expanding monthly personal expense allowance, and allowing for funeral and burial expenses.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 20-018

Maryland Insurance Administration:

Life Insurance and Annuities:

Variable Life Insurance: COMAR 31.09.02.11

According to the administration, the purpose of this action is to amend Regulation .11 under COMAR 31.09.02 Variable Life Insurance. The proposal of this change is to clarify that an insurance producer must be licensed by the Insurance Commissioner and have life and variable lines of authority in order to sell variable life insurance products.

Public Service Commission

Proposed Regulations

DLS Control No. 20-012

Public Service Commission:

Community Solar Energy Generation Systems:

Pilot Program: COMAR 20.62.02.01, .02, .03, and .04

Pilot Program Administration: COMAR 20.62.03.04 and .08

According to the commission, the purpose of this action is to: (1) revise COMAR 20.62 to be consistent with statutory revisions to Public Utilities Article §7-306.2 which revisions became effective June 1, 2019; (2) extend the length of the Community Solar Pilot Program (“Pilot”); (3) require that the Pilot’s capacity increase annually; (4) eliminate the limitation on the number of enrollments for any given community solar energy generating system (“CSGES”); and (5) revise the schedule for operational deadlines.

Education, State Board of

Proposed Regulations

DLS Control No. 20-017

State Board of Education:

Local School Administration:

Emergency Plans: COMAR 13A.02.02.03 and .04

According to the board, the purpose of this action is to update the Emergency Planning Guidelines for Local School Systems and Schools.

Procurement Regulations, State

Proposed Regulation

DLS Control No. 20-016

State Procurement Regulations:

Socioeconomics Policies:

Veteran-Owned Small Business Enterprises: COMAR 21.11.13.01 through .11

According to the department, the purpose of this action is to implement the provisions of §§ 17-6A-01 through 17-6A-06 of the State Finance and Procurement Article. The statute requires contractors and some subcontractors on certain capital construction projects to employ apprentices from a registered apprenticeship program or to make contributions to a registered apprenticeship program or the State Apprenticeship Training Fund.