



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
Georgianne Carter, AELR Committee Counsel

Date: August 20, 2021

Re: **Synopses of Regulations received from 8/6/2021 through 8/19/2021**

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: Sally Robb
Alexandra M. Hughes

Elections, State Board of

Proposed Regulations

DLS Control No. 21-106

Board of Elections:

Definitions: General Provisions:

Definitions: COMAR 33.01.01.01

Voter Registration: Processing VRAs and Other Requests: COMAR 33.05.04.02

Absentee Ballots: Applications: COMAR 33.11.02.01 and .05

Issuance and Return: COMAR 33.11.03.06 and .08

Early Voting: Election Judges: COMAR 33.17.05.01

According to the board, the purpose of this action is to formalize procedures implemented for the 2020 elections and update and correct other provisions, including:

- defining the term “ballot drop box;”
- determining when a voter registration application or mail-in ballot envelope is timely when an application or mail-in ballot envelope is returned via a ballot drop box;
- streamlining the processing of mail-in ballot applications and mail-in ballot return envelopes while preserving the ability to identify the date the application or ballot envelope was received; and
- removing the requirement that a representative of the local board must be physically present to open or close the vote center every day of early voting.

Natural Resources, Department of

Proposed Regulation

DLS Control No. 21-105

Department of Natural Resources:

Boating–Speed Limits and Operation of Vessels:

Middle River: COMAR 08.18.14.05

According to the department, the purpose of this action is to change the speed limit in the Frog Mortar Creek and Stansbury Creek area from 6-knots on Saturdays, Sundays, and State holidays all year to a speed limit of 6-knots on Saturdays, Sundays, and State holidays during the boating season.

Environment, Department of the

Proposed Regulation

DLS Control No. 21-102

Department of the Environment:

Air Quality:

Mobile Sources: COMAR 26.11.20.02

According to the department, the purpose of this action is to repeal current Regulation .02, Sections A-C and adopt new Regulation .02 sections A-F under COMAR 26.11.20.02, which pertains to motor vehicle emission control devices. This action clarifies and expands Maryland's regulations prohibiting:

- the removal or alteration of a motor vehicle's air pollution control systems, and
- the operation of motor vehicles with removed, altered, or inoperative air pollution control systems.

Secretary of State

Proposed Regulations

DLS Control No. 21-103

Executive Department:

Secretary of State:

Maryland Safe at Home Address Confidentiality Program:

COMAR 01.02.11.01-.03, .05-.07, .09-.16, .18, .19, and .22

According to the Secretary, the purpose of this action is to update regulations to implement statutory changes going into effect on October 1, 2021 pursuant to Ch. 124 (S.B. 109) of the 2021 Legislative Session. This legislation merges the Address Confidentiality Program for victims of domestic violence and the Human Trafficking Address Confidentiality Program for victims of human trafficking into a single Address Confidentiality Program administered by the Secretary of State. This action clarifies that program eligibility requirements are expanded to expressly include threatened individuals and victims of sexual assault, stalking and harassment, as well as individuals who reside in the same household as an eligible applicant or program participant. This action also informs the cancellation of Program participation and makes certain technical changes.

Maryland Department of Health

Proposed Regulation

DLS Control No. 21-100

Maryland Department of Health:

Maryland Health Care Commission:

Small Group Market Data Collection: COMAR 10.25.05.01 through .14

According to the department, the purpose of this action is to repeal Regulations .01 through .05 under COMAR 10.25.05 Small Group Market Data Collection in its entirety and adopt new Regulations .01 through .14 under COMAR 10.25.05 Data Release. The entire existing chapter of COMAR 10.25.05 is being repealed because it is now obsolete, as the Commission no longer collects enrollment and premium information from participating carriers in Maryland's small group insurance market since the enactment of the Affordable Care Act and the establishment of the Maryland Health Benefit Exchange, which now regulates that market. The new data release regulations broaden the scope of permissible uses of Maryland Medical Care Data Base (MCDB) data through an expanded and updated data release process. In addition, the new data release regulations will better align the review standards for requests for release of Medicaid data with those for privately insured data. Finally, the new regulations will provide for the implementation of a new data fee structure and improve the transparency and efficiency of the overall application review and approval process.

Proposed Regulation

DLS Control No. 21-104

Maryland Department of Health:

Procedures:

Sexual Abuse Awareness and Prevention Training: COMAR 10.01.18.02 through .08

According to the department, the purpose of this action is to incorporate in regulation the policies and procedures adopted pursuant to the settlement agreement in Doe v. Department of Health & Mental Hygiene, Case No. 14-03906-WMN (D. Md. Oct. 12, 2016).

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 21-101

Maryland Department of Labor:

Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors – Real Estate Appraisers:

Work Experience Requirements: COMAR 09.19.03.01

According to the department, the purpose of this action is to reduce work experience hours and the time within which these hours may be completed that are required for certain appraisal

license classifications in accordance with requirements established by the Appraisal Qualifications Board, the federal agency responsible for establishing real property appraisal qualification criteria for state licensing.

Retirement and Pension System, State

Proposed Regulation

DLS Control No. 21-094

State Retirement and Pension System:

Board of Trustees:

Investment Division - Brokerage Commissions: COMAR 22.03.05.01 through .05

According to the State Retirement Agency, the purpose of this action is to implement the Board of Trustees' statutory power to issue administrative subpoenas, as well as a proposed administrative subpoena form.