



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: Georgeanne Carter, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel
Kelvin V. Lucas, AELR Committee Counsel

Date: September 13, 2024

Re: **Synopses of Regulations received from 8/29/2024 through 9/12/2024**

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.

GC:KPK:KVL/bal

cc: Sally Robb
Jeremy Baker

Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

Proposed Regulations

DLS Control No. 24-105

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 27.01.02.01, .01-1, .02, .02-1, .02-2, .03 – .06, .06-1, .06-2, .06-3, .07, and .08

Water Dependent Facilities: COMAR 27.01.03.02 – .04

Forest and Woodland Protection: COMAR 27.01.05.01 and .02

Agriculture: COMAR 27.01.06.02 and .03

Surface Mining in the Critical Area: COMAR 27.01.07.02 and .03

Natural Parks: COMAR 27.01.08.03

Habitat Protection Areas in the Critical Area:

COMAR 27.01.09.01, .01-1, .01-2, .01-3, .01-6, .01-7, and .02 – .05

Directives for Local Program Development: COMAR 27.01.10.01 and .02

Directives for Updating Critical Area Maps: COMAR 27.01.11.04 – .06

Variances: COMAR 27.01.12.06 and .07

Renewable Energy: COMAR 27.01.14.03, .05, and .06

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

General Provisions: COMAR 27.02.01.01

State and Local Agency Actions Resulting in Development of Local Significance on

Private Lands or Lands Owned by Local Jurisdictions: COMAR 27.02.02.01 and .02

General Approval of State and Local Agency Programs Which Result in Development

of Local Significance on Private Lands or Lands Owned by Local Jurisdictions:

COMAR 27.02.03.01 and .02

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 27.02.05.01, .03, .03-1, .03-2, .04-1, .04-2, .06, .07, .08-2, .08-3, .09 – .13, .15, .15-1, .15-2, and .15-3

Conditional Approval of State or Local Agency Programs in the Critical Area:

COMAR 27.02.06.01

Commission Review, Decision Process, and Time Frames:

COMAR 27.02.07.01, .02, .02-1, .03, and .04

Appeals: COMAR 27.02.08.01 and .02

Project Applications: Notification of Project Applications:

COMAR 27.03.01.01 – .05

According to the commission, the purpose of this action is to repeal outdated provisions and definitions that are not used in the text, perform stylistic changes (bring text under current Division of State Documents Standards), add new definitions for clarity, and make corrective changes to reinforce existing provisions or to remove duplicative language.

Secretary of State

Proposed Regulations

DLS Control No. 24-095

Executive Department: Secretary of State:

Maryland Safe at Home Address Confidentiality Program:

COMAR 01.02.11.03 and .11

According to the Secretary, the purpose of this action is to clarify residency requirements for individuals seeking to apply to the program and to clarify the eligibility criteria for reinstatement following a previous program cancellation. This action adds program eligibility for participants who have not been previously cancelled for non-compliance and confirms existing practice for participants to remain eligible for participation when they are in the process of relocating due to their address becoming public. It also updates the returned mail requirements for participants to maintain their program eligibility.

Labor, Maryland Department of

Proposed Regulations

DLS Control No. 24-101

Maryland Department of Labor: Family and Medical Leave Insurance Program:

Equivalent-Private Insurance Plan: COMAR 09.42.03.01 – .10

According to the department, the purpose of this action is to detail the requirements and procedures for private commercially and self-insured insurance plans that offer equivalent or better benefits than the State plan, including temporary provisions applicable to the beginning of the program.

Proposed Regulations

DLS Control No. 24-102

Maryland Department of Labor: Family and Medical Leave Insurance Program:

Contributions: COMAR 09.42.02.01 – .10

According to the department, the purpose of this action is to define and detail the contribution requirements, due dates, and related filings of employers and employees in the State.

Proposed Regulations

DLS Control No. 24-103

Maryland Department of Labor: Family and Medical Leave Insurance Program:

General Provisions: COMAR 09.42.01.01 – .03

According to the department, the purpose of this action is to define terms for use throughout the entire subtitle, establish the Division, and outline required templates and forms.

Proposed Regulations

DLS Control No. 24-104

Maryland Department of Labor: Family and Medical Leave Insurance Program:

Claims: COMAR 09.42.04.01 – .12

According to the department, the purpose of this action is to detail the procedures applicable to the State plan and self and commercially insured private plans for claim submittal, review, and decision.

Higher Education Commission, Maryland

Proposed Regulations

DLS Control No. 24-094

Maryland Higher Education Commission: Academic Regulations:

Academic Programs - Degree-Granting Institutions:

COMAR 13B.02.03.02, .03, .06, and .20

According to the commission, the purpose of this action is to make changes to the standard that triggers the academic program review process for a substantial modification to an existing program in accordance with Chapter 963 of the Acts of 2024. These regulatory amendments: (1) increase the threshold for changes to an existing program's coursework from 33% to 50%; (2) except from review any changes required by accreditors, licensing boards, or other state or national entity that governs academic program elements required to enter into a particular field or industry; (3) eliminate the requirement to submit the same information required in a new program proposal as a proposal for a substantial change and existing language regarding the criteria for off-campus programs; (4) amend or remove text that is outdated or confusing; and (5) make other changes to align the regulations with the requirements of Chapter 963 of the Acts of 2024

Insurance Administration, Maryland

Proposed Regulations

DLS Control No. 24-106

Maryland Insurance Administration: Insurance Producers and Other Insurance Professionals: Public Adjusters: COMAR 31.03.18.02 and .17

According to the administration, the purpose of this action is to amend and add to COMAR 31.03.18 Public Adjusters to clarify requirements established in 2024 Maryland Laws Ch. 826. The regulation defines “business day” as it is used in the law, describes how the “the date of a loss giving rise to an insurance claim” shall be determined, and describes how a public adjuster shall notify the Insurance Commissioner that they entered into a contract for public adjuster services during or within 72 hours after a loss giving rise to an insurance claim, as required by the law.

Proposed Regulations

DLS Control No. 24-107

Maryland Insurance Administration: Insurers:

Form Filings Under Maryland Insurance Acquisitions Disclosure and Control Act: COMAR 31.04.18.02 and .15

According to the administration, the purpose of this action is to amend and add to COMAR 31.04.18 Form Filings Under Maryland Insurance Acquisitions Disclosure and Control Act to clarify reporting requirements established by 2024 Maryland Laws Ch. 121 (H.B. 252). The regulation clarifies when the ultimate controlling person of an insurance holding company system is required to submit an annual group capital calculation, may be exempt from submitting an annual group capital calculation, or may be permitted to submit a limited group capital filing in lieu of a group capital calculation.

Executive Department

Work Plan

DLS Control No. 24-099

Office of the Attorney General: Consumer Protection Division:

Unit Pricing: COMAR 01.01.01.

Rules of Practice and Procedure – Cease and Desist Order Hearings:

COMAR 01.01.02.

Petitions for Adoption of Regulations: COMAR 01.01.03.

New Home Builder Registration Fee - Vacant (Refund Policy of Retailers):

COMAR 01.01.04.

Refund Policy of Retailers: COMAR 01.01.05.

Arbitration Procedures: COMAR 01.01.06.

Invention Development Services: COMAR 01.01.07.

Disclosure Statements for Sale of Kosher Food: COMAR 01.01.08.

Deposits on New Homes – Escrow Account, Surety Bond and Letter of Credit Requirements: COMAR 01.01.09.

Disclosure Statements for Sale of Halal Food: COMAR 01.01.10.

Work Plan submitted for review by the Joint Committee on Administrative, Executive, and Legislative Review under the Regulatory Review and Evaluation Act.

Treasurer, Office of the State

Proposed Regulation

DLS Control No. 24-100

Office of the State Treasurer: Treasury Management:

Policy Regarding the Investment of Public Money by the State of Maryland:

COMAR 25.03.04.04

According to the office, the purpose of this action is to ensure that public money is invested that will: (a) provide the highest interest return, (b) conform to all State laws governing the investment of all public money, and (c) specify the asset classes thresholds for maximum investments

Education, State Board of

Proposed Regulations

DLS Control No. 24-096

State Board of Education: Certification:

General Provisions: COMAR 13A.12.01.05 and .06

Teachers: COMAR 13A.12.02.06 and .07

Specialists: COMAR 13A.12.03.05

Administrators and Supervisors: COMAR 13A.12.04.02, .06, .07, .13, and .15

Suspensions and Revocations: COMAR 13A.12.05.06 – .08, .10, and .15

According to the board, the purpose of this action is to align requirements to new state and federal laws, correct identified errors, and clarify language.

Proposed Regulation

DLS Control No. 24-097

State Board of Education: Certification:

Teachers: COMAR 13A.12.02.03

According to the board, the purpose of this action is to align regulations with statute which was changed during the 2023 and 2024 legislative sessions.