



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: September 3, 2021

Re: **Synopses of Regulations received from 8/20/2021 through 9/2/2021**

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 M. Robb
Alexandra M. Hughes

Comptroller of the Treasury

Proposed Regulations

DLS Control No. 21-111

Comptroller of the Treasury:

Digital Advertising Tax:

General Regulations: COMAR 03.12.01.01

General Regulations: COMAR 03.12.01.02

General Regulations: COMAR 03.12.01.03

General Regulations: COMAR 03.12.01.04

General Regulations: COMAR 03.12.01.05

General Regulations: COMAR 03.12.01.06

According to the office, the purpose of this action is to adopt regulations which provide guidance on the state from which digital advertising services are derived and general guidance on the digital advertising gross revenues tax. Additionally, these regulations clarify filing requirements for the digital advertising gross revenues tax.

Planning, Department of

Proposed Regulations

DLS Control No. 21-108

Department of Planning:

Historical and Cultural Programs:

Heritage Structure Rehabilitation Tax Credit Certifications: COMAR 34.04.07.02

Maryland Historical Trust African American Heritage Preservation Grant

Program: COMAR 34.04.09.02-.04, and .08

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

- with respect to the amendments to COMAR 34.04.07, Historic Revitalization Tax Credit Certifications, incorporate statutory changes made during the 2021 Session of the General Assembly (see 2021 Md. Laws, chapter 521); and
- with respect to the amendment to COMAR 34.04.09, African American Heritage Preservation Program, make a non-substantive technical change that substitutes “local jurisdiction” for “political subdivision” as a qualifying grantee under the Program in order to standardize terminology across the Maryland Historical Trust’s funding programs.

Higher Education Commission, Maryland

Emergency/Proposed Regulations

DLS Control No. 21-109

Maryland Higher Education Commission:

Nonpublic Schools:

Minimum Requirements for Private Career Schools: COMAR 13B.01.01.19 and .26

According to the commission, as we enter the post-pandemic era, private career schools that want to continue to offer online programs will need to apply for approval to do so, resulting in a financial guarantee that would make offering online education cost-prohibitive. Emergency status for these regulations will allow them to continue to offer online education without interruption while the normal regulatory process is pending.

Administrative Hearings, Office of

Proposed Regulations

DLS Control No. 21-112

Office of Administrative Hearings:

Fees: Fee Assessment and Payment; Waivers: COMAR 28.03.01.01

Compensation to Individual Erroneously Convicted, Sentenced, And Confined:

Fee Assessment and Payment; Waivers: COMAR 28.05.01.01 through .08

According to the office, the purpose of the action is to:

- adopt the emergency regulations that became effective on July 16, 2021 as the substantive final regulations for the procedure of hearings on a request for order of eligibility or a petition for supplemental compensation made by an individual erroneously convicted, sentenced, and confined; and
- make substantive additions to existing OAH procedural regulations that, among other things, incorporate current agency practices and implement new practices determined necessary and appropriate.

Education, State Board of

Emergency Regulation

DLS Control No. 21-110

State Board of Education:

State School Administration:

Educational Equity: COMAR 13A.01.06.01 through .04

According to the board, these emergency regulations require all individuals, except under certain circumstances, to wear a specified face covering inside a school facility in each public school in every local school system in the State. Each local school system is required to expeditiously adopt policies and procedures to implement this requirement.

Procurement Regulations, State

Emergency Regulations

DLS Control No. 21-107

State Procurement Regulations:

Administrative and Civil Remedies:

Maryland State Board of Contract Appeals – General:

COMAR 21.10.05.01-.02, and 04-15

Maryland State Board of Contract Appeals – Procedures For Appealing Contract

Disputes: COMAR 21.10.06.01, .03-.04, .06, .08-.15, .17-.25, and .31

Maryland State Board of Contract Appeals – Procedures for Appealing Protests:

COMAR 21.10.07.01-.06

According to the department, the regulations make procedural changes to the adjudication of appeals before the Maryland State Board of Contract Appeals (Appeals Board). These changes are necessary to implement a provision of Chapter 356 of the Acts of 2021, among other matters. Chapter 356 authorizes an unsuccessful applicant for the award of a sports wagering license to seek review by the Appeals Board under Title 15 of the State Finance and Procurement Article.