



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 Lucas, AELR Committee Counsel

Date: January 24, 2022

Re: **Synopses of Regulations received from 12/24/2021 through 1/23/2022**

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
Jeremy Baker

Environment, Department of the

Proposed Regulation

DLS Control No. 22-269

Department of the Environment:

Water Pollution:

Discharge Limitations: COMAR 26.08.03.01

According to the department, the purpose of this action is to designate a new area of the waters of the State as a no discharge zone (NDZ) in the waters of Anne Arundel County, in thirteen enumerated rivers, coves, embayments, where the discharge from Type I and II marine sanitation devices aboard vessels is prohibited, and to adopt an amendment to Regulation 01 under COMAR 26.08.03.

Maryland Department of Health

Emergency Regulations

DLS Control No. 22-268

Maryland Department of Health:

Developmental Disabilities:

Fee Payment System for Licensed Residential and Day Programs:

COMAR 10.22.17.02 and .10

According to the department, these regulations are nearly identical to emergency regulations previously submitted by the Maryland Department of Health and published on September 10, 2021 in Volume 48, Issue 19 of the Maryland Register (DLS Control No. 21 089E). The regulations, beginning January 1, 2022, make changes distinguishing between the Developmental Disabilities Administration's (DDA) prospective payment system and fee for service payment system, reduce the number of absences or vacancy days which DDA will reimburse, and make changes regarding reimbursement to providers in the event of a public health emergency or state of emergency.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 21-267

Maryland Department of Labor:

Job Service:

Hospital Employees Retraining Program: COMAR 09.33.03.01 through .06

According to the department, the purpose of this action is to implement the provisions of § 11-201 of the Labor and Employment Article; § 2-102 and 2-105 of the Business Regulation

Article; § 19-325 and 19-326.1 of the Health – General Article of the Annotated Code of Maryland. The statute revises certain aspects of the Hospitals – Changes in Status – Hospital Employee.

Lottery and Gaming Control Agency, Maryland State

Emergency/Proposed Regulations

DLS Control No. 21-266

Maryland State Lottery and Gaming Control Agency:

Sports Wagering Provisions:

Specific Requirements for Sports Wagering Facility Licensees:

COMAR 36.10.04.03 and .08

Collection of Taxes, Fees, and Penalties: COMAR 36.10.12.03

Sports Wagering Licensee Minimum Internal Control Standards:

COMAR 36.10.13.40

Sports Wagering Requirements and Limitations: COMAR 36.10.14.01 and .03

Wagering Using Online, Web-based, or Mobile Applications:

COMAR 36.10.16.03 and .04

Sports Wagering Equipment: COMAR 36.10.17.04

Sports Wagering Technical Standards: COMAR 36.10.18.05 and .06

According to the agency, the Agency promulgated all new regulations under a new Subtitle 10 (Sports Wagering Provisions) to implement the requirements of the new Sports Wagering Law pursuant to Chapter 356 of 2021 Laws. We are requesting approval of these emergency regulations until such time that the non-substantive and substantive changes to the sports wagering regulations take effect on both a permanent and emergency basis.

Procurement Regulations, State

Proposed Regulation

DLS Control No. 22-270

State Procurement Regulations:

Socioeconomics Policies:

American-Manufactured Goods and Services – Preferences:

COMAR 21.11.14.02 through 10

According to the department, the purpose of this action is to align management of the Veteran Small Business Enterprise (VSBE) preference program with existing socioeconomic preference program management structures (e.g., Small Business Reserve and the Minority Business Enterprise). The purpose is also to make conforming changes that bring the regulations into compliance with SB1165 of the 2018 Legislative Session and SB598 of the 2021 Legislative Session. Those bills had the effect of transferring authority for administering the State's VSBE program from the Board of Public Works (BPW) to the Governor's Office of Small, Minority, and Women Business Affairs (GOSBA) as well as altering the definition of "veteran" for purposes

of certain provisions of law governing VSBE participation in procurement to include only individuals who are verified by the State Department of Veterans Affairs as having served on active duty in the armed forces of the United States, other than for training and were discharged or released under conditions other than dishonorable.