

.17 Fee Schedule: Permit to Construct.

A. A person who submits an application for a permit to construct shall pay one of the following:

- (1) A fee of \$100 for charbroilers and pit barbecues;
 - [(1)] (2) A fee of \$200 for tank farms at motor vehicle or off-road vehicle refueling facilities;[, charbroilers, and pit barbecues; or]
 - (3) A fee of \$400 for fuel-burning equipment with a rated heat input capacity of less than 10 million Btu per hour; or
 - [(2)] (4) A base fee of \$500 for all other sources, plus any applicable additional fees listed in §B of this regulation.
- B. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

**Subtitle 12 RADIATION
MANAGEMENT**

26.12.03 State Radiation Control Fund

Authority: Environment Article, §§8-301, 8-304, and 8-306, Annotated Code of Maryland

Notice of Proposed Action
[16-165-P]

The Secretary of the Environment proposes to amend Regulations .02—.04 under **COMAR 26.12.03 State Radiation Control Fund.**

Statement of Purpose

The purpose of this action is to amend the regulations to include reductions in the annual fee for general radioactive material licenses, veterinary dental radiation machines and portable lead paint analyzers. There is also a fee exemption for temporary pro bono dental clinics.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will result in reductions in annual fees for certain radiation machines and certain radioactive materials.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Revenues to the Department of the Environment will be decreased as a result of certain annual fee reductions and a fee exemption for pro bono temporary dental clinics. The expected annual lost revenue is approximately \$38,000.

D. Expenditures by certain stakeholders will decrease as a result of decreased annual fees. Based on current calculations for CY 2016, the total economic benefit for all businesses is approximately \$38,000.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Kurman, Regulations Coordinator, Radiological Health Program, Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230-1720, or call 410-537-3208, or email to michael.kurman@maryland.gov, or fax to 410-537-3198. Comments will be accepted through July 25, 2016. A public hearing has not been scheduled.

.02 Fee Required.

A. Exemptions. This regulation does not apply to persons using the following sources of radiation:

- (1) (text unchanged)
- (2) Radioactive materials that are not subject to licensing by Part C of Regulations for the Control of Ionizing Radiation (1994), which is incorporated by reference in COMAR 26.12.01.01; [and]
- (3) Radiation machines located at a school of dentistry accredited by the Commission on Dental Accreditation of the American Dental Association[.]; and
- (4) Temporary dental clinics that:
 - (a) Hold a permit under Health Occupations Article, Title 4, Annotated Code of Maryland;
 - (b) Provide all services on a pro bono basis; and
 - (c) Operate fewer than 100 hours per year.

B.—I. (text unchanged)

J. Annual General License Fees. Each person as defined in §A.2 of the Regulations for the Control of Ionizing Radiation who possesses radioactive material under the provisions of a general license in §C.22(a), (d), and (e) of [the Regulations for the Control of Ionizing Radiation] *COMAR 26.12.01.01* shall pay a calendar year [2011] 2016 base annual fee of [\$100] \$50 as adjusted each calendar year in accordance with the Consumer Price Index as provided in Regulation .04 of this chapter.

.03 Fee Schedule.

A. Table I — Past Due Fees for Unregistered Facilities.

Machine Type	Past Due Fee CY 2011 Base (Per Tube, Per Year Without Registration*)
Group 1** or Group 2 (Accelerator)—Group 6 (text unchanged)	
Group 7 (Veterinary Stationary)	1,000
Group 8 (Mammography) (text unchanged)	
Group 9 (Veterinary Dental)	80

*—** (text unchanged)

B. Table 2 — Radiation Machine Fees.

Machine Type	CY 2011 Base	
	Biennial Fee Per Tube	Annual Installment
Group 1 or Group 2 (Accelerator)— Group 6 (text unchanged)		
Group 7 (Veterinary Stationary)	400	200
Group 8 (Mammography) (text unchanged)		
Group 9 (Veterinary Dental)	—	80

C. Table 3 — Fees for Specific Radioactive Material Licenses and Reciprocity.

Code*	CY 2011 Base Annual Fee	Definition
01100— 03125 (text unchanged)		
03126	[750] 500**	Portable Lead Paint Analyzers
03214— 26000 (text unchanged)		

*(text unchanged)

**Revised fee [amount] is a CY [2015] 2016 base fee [and is effective January 1, 2015].

D. (text unchanged)

.04 Consumer Price Index Adjustment.

A. Beginning January 1, 2012, the annual fees set forth in this chapter, with the exception of Group 6 dental facilities and Group 9 veterinary dental machines, shall be increased each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year.

B. —C. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 04 INSURERS

31.04.02 Examination of Principal Management or Controllers of Insurers

Authority: Health-General Article, §§15-102.6, 19-705, 19-708, 19-7A-03, and 19-7A-04; Insurance Article, §§2-109, 2-205(c), 4-108, 4-113(a)(7)–(9), 7-304, 7-603, 8-412, 8-417, 14-109(3), and 14-405; Annotated Code of Maryland

Notice of Proposed Action

[16-062-R]

The Insurance Commissioner proposes to amend Regulations .01, .02, and .04, repeal existing Regulations .03 and .05—.08, and adopt new Regulations .03 and .05—.07 under Examination of Principal Management or Controllers of Insurers. Because substantive changes have been made to the original proposal as published in 43:4 Md. R. 343—345 (February 19, 2016), this action is being re-proposed at this time.

Statement of Purpose

The purpose of this action is to update certain provisions of COMAR that provide for the suitability of certain individuals who exercise control of any substantial portion of insurance companies that do business in the State. Specifically, these amendments specify the circumstances under which certain insurance companies are required to submit biographical affidavits of principal management to the Maryland Insurance Administration, and the means by which the Maryland Insurance Administration may verify the information contained therein. These proposed amendments implement procedures recommended by the NAIC in their 2014 Company Licensing Best Practices Handbook. The purpose of this reproposal is to: clarify the scope of the regulations with regard to workers' compensation self-insurance groups in Regulation .01; amend an inaccurate statutory cross-reference in Regulation .02; amend the lead in to Regulation .03A to clarify to whom biographical affidavits shall be submitted; and to correct an inaccurate reference to an inapplicable statutory requirement regarding principal management of an ultimate controlling person in Regulation .03A(4).

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will result in a minimal decrease in expenditures for the Maryland Insurance Administration and a minimal increase in costs for insurance companies.

II. Types of Economic Impact.

A. On issuing agency:

Reduction in affidavit review time

Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
	(E-)	Minimal

B. On other State agencies:

C. On local governments:

NONE	NONE	
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Benefit (+)	Cost (-)	Magnitude
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D. On regulated industries or trade groups:

Cost of background reports

E. On other industries or trade groups:

F. Direct and indirect effects on public:

(-)	Minimal
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NONE	
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NONE	
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III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. MIA staff members currently spend an average of 1½ hours reviewing information contained in each biographical affidavit submitted. Approximately 160 affidavits are currently reviewed by MIA staff per year. Under this regulation, the MIA staff will only be spending a few minutes reviewing the background report submitted by an independent third party for each affidavit submitted, opening up staff resources which may be expended elsewhere.

D. Insurance companies are responsible for the payment of the services provided by the independent third party for the preparation and submission of background reports to the Commissioner. The cost