

Maryland Register

Issue Date: December 26, 2014

Volume 41 • Issue 26 • Pages 1557—1618

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Evaluation
Regulations
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General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before December 5, 2014, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of December 5, 2014.

Brian Morris
Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at www.dsd.state.md.us/CumulativeIndex.pdf. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
January 9	December 22	December 30	December 29
January 23	January 5	January 14	January 12
February 6**	January 16	January 28	January 26
February 20	February 2	February 11	February 9
March 6**	February 13	February 25	February 23
March 20	March 2	March 11	March 9
April 3	March 16	March 25	March 23
April 17	March 30	April 8	April 6
May 1	April 13	April 22	April 20
May 15	April 27	May 6	May 4
May 29**	May 11	May 19	May 15
June 12**	May 21	June 3	June 1
June 26	June 8	June 17	June 15
July 10	June 22	July 1	June 29
July 24	July 6	July 15	July 13

COMAR Online

The Code of Maryland Regulations is available at www.dsd.state.md.us as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.sos.state.md.us, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title "Maryland Documents". This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. "Maryland Documents" also includes local publications.

Anyone wishing to receive "Maryland Documents" should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9 POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.

** Note closing date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

09.12.01.01D(2)(c)(iii)
 Title Chapter Section Paragraph
 Subtitle Regulation Subsection Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at www.dsd.state.md.us.

Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

01 EXECUTIVE DEPARTMENT

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The Governor

EXECUTIVE ORDER 01.01.2014.14

SECOND PRINTING

Strengthening Climate Action in Maryland

(Rescinds Executive Order 01.01.2007.07)

WHEREAS, As reported by the United Nations Intergovernmental Panel on Climate Change (IPCC) in March 2014, the effects of climate change are already occurring on all continents and across the oceans, and numerous opportunities exist to respond to and mitigate associated risks;

WHEREAS, Human activities, notably the burning of fossil fuels, continue to contribute to the causes and consequences of climate change;

WHEREAS, Maryland has already experienced some effects of climate change, including sea level rise of more than one foot in the last century; increasing water temperatures within the Chesapeake Bay; more rain and flooding in the winter and spring, and less in the summer; and more water shortages;

WHEREAS, Recent reports by the United States Geological Survey, the National Oceanic and Atmospheric Administration, and the University of Maryland's Center for Environmental Science show the negative impact that climate change is having on water quality in the Chesapeake Bay and its aquatic life;

WHEREAS, Maryland's people, their property, natural environment, and public investments are extremely vulnerable to the impacts of climate change, including sea level rise, increased storm intensity, extreme droughts and heat waves, and increased wind and rainfall events;

WHEREAS, Recent actions demonstrate Maryland's strong commitment to addressing both the drivers and consequences of climate change:

- Passage of the Clean Cars Act (2007);
- Participation in the Regional Greenhouse Gas Initiative (2007);
- Establishment of the Maryland Commission on Climate Change (2007);
- Release of the Maryland Climate Action Plan (2008);
- Amendments to the Critical Area Act (2008);
- Passage of the Living Shorelines Protection Act (2008);
- Passage of the EmPOWER Maryland Energy Efficiency Act (2008);
- Passage of the Greenhouse Gas Emissions Reduction Act (2009);
- Issuance of Executive Order on Climate Change and "Coast Smart" Construction (2012);
- Passage of the Maryland Offshore Wind Energy Act (2013);
- Passage of the Transportation Infrastructure Investment Act (2013);
- Final issuance of Maryland's Greenhouse Gas Reduction Act Plan (2013);

- Launch of State Zero-Emission Vehicle Programs (2013);and
- Passage of the Coast Smart Council and Bay Acidification Task Force Legislation (2014);

WHEREAS, It is imperative that Maryland State Government, as well as local governments in Maryland, continue to lead by example in the scope and variety of services and activities that government provides and undertakes; and

WHEREAS, More must be done to reduce greenhouse gas emissions in Maryland and prepare the State and its residents for the likely health, environmental, and socioeconomic consequences of climate change.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2007.07 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Commission Strengthened. To continue to advise the Governor and General Assembly on matters related to climate change, the Maryland Commission on Climate Change (the Commission) is modified and reinforced as indicated below.

B. Membership. The Commission's membership shall be expanded to extend the Commission's reach and effectiveness. The Commission's membership shall consist of no more than 25 members and include:

- (1) One member appointed by the Speaker of the House of Delegates;
 - (2) One member appointed by the President of the Senate;
 - (3) The Treasurer of the State of Maryland;
 - (4) The Secretary of the Maryland Department of the Environment;
 - (5) The Secretary of the Department of Agriculture;
 - (6) The Secretary of the Department of Natural Resources;
 - (7) The Secretary of the Department of Planning;
 - (8) The State Superintendent of Schools;
 - (9) The Secretary of the Department of Transportation;
 - (10) The Secretary of the Department of General Services;
 - (11) The Director of the Maryland Energy Administration;
 - (12) The President of the University of Maryland's Center for Environmental Science;
 - (13) At least two representatives from local governments;
 - (14) At least two representatives from the business community;
 - (15) At least two representatives from non-profit organizations;
- and
- (16) No more than seven at large members appointed by the Governor.

C. Terms. Members appointed by the Governor shall serve at the pleasure of the Governor for renewable, two-year terms.

D. Chair. The Secretary of the Maryland Department of the Environment shall serve as Chair of the Commission.

E. Commission Tasks. The Commission shall:

- (1) Strengthen and maintain existing State action plans to further mitigate the causes and drivers of climate change, and address (prepare for and adapt to) the consequences of climate change.
- (2) Reestablish Scientific and Technical, Greenhouse Gas (GHG) Mitigation, and Adaptation and Response Working Groups, and create other working groups as needed.

(3) Prioritize working group actions, including:

(a) Developing broader public/private and federal/State/local partnerships to better mitigate the causes and address the consequences of climate change, and to better communicate with and educate citizens about the urgency of the challenge and options to address it;

(b) Maintaining an inventory of Maryland's GHG emission sources and sinks;

(c) Addressing the challenge that low income and otherwise vulnerable communities will likely be disproportionately impacted by climate change;

(d) Assessing the impacts that climate change will likely have on the State's economy, revenues, and investment decisions;

(e) Recommending short and longer-term strategies and initiatives to better mitigate the causes and address the consequences of climate change;

(f) Delivering tools and assistance to local governments to support community-scale climate vulnerability assessments and the development and integration of specific strategies for enhancing resilience to the impacts of climate change into local plans and ordinances;

(g) Establishing comprehensive and accountable, annual working group work plans that set annual goals and performance benchmarks, and prioritize new and existing climate change mitigation and adaptation actions and initiatives;

(h) Maintaining a comprehensive action plan, with five year benchmarks, to achieve science-based reductions in Maryland's GHG emissions of 80% of 2006 levels by 2050; and

(i) Convening regular working group and full Commission meetings to ensure that sufficient progress is being made across all sectors and communities in Maryland.

(4) Consider other related matters as the Commission deems necessary.

F. Appointments. The Chair of the Commission shall appoint working group and sub-committee members who represent both public and private interests in climate change, including but not limited to: academic institutions, renewable and traditional energy providers, environmental organizations, government representatives, labor organizations, and business interests. Working group and subcommittee members shall serve at the pleasure of the Commission Chair.

G. Milestones.

(1) Within 30 days of the effective date of this

Executive Order, the Commission shall be convened and working group members shall be appointed.

(2) Within 60 days of the effective date of this Executive Order, working groups shall meet and establish individual work plans.

H. Staff Coordination. The Departments of the Environment (MDE) and Natural Resources (DNR) shall jointly staff the Commission in coordination with other State agencies as directed by the Chair.

I. Enhanced State Action. To address concerns related to climate change:

(1) All State agencies shall review State planning, regulatory and fiscal programs to identify and recommend actions to more fully integrate the consideration of Maryland's GHG reduction goal and the impacts of climate change; including sea level rise, increased precipitation and temperature, and extreme weather. State agencies shall also identify and recommend specific policy, planning, regulatory and fiscal changes for existing programs that do not currently support the State's GHG reduction efforts or address climate change impacts.

(2) GHG Reduction Plan agencies shall submit an annual program implementation status report to Maryland's Commission on

Climate Change and to the Governor, through MDE. The annual status report should include: program descriptions and objectives; implementation milestones; enhancement opportunities; funding or other challenges; and any other information that the reporting agency considers relevant. Status reports should include estimated GHG emission reductions, by program, for the prior calendar year.

(3) DNR shall issue Maryland Environmental Policy Act (MEPA) guidelines that require consideration of climate change factors, including both mitigation and adaptation.

(4) The Department of Information Technology (DoIT) shall create an online climate data and information portal to increase public access to the latest climate science, projections and technical resources.

(5) StateStat shall continue to monitor and further drive State agencies' progress toward climate change mitigation and reduction goals through quarterly ClimateStat sessions.

J. Reporting. Maryland's Commission on Climate Change shall report to the Governor and General Assembly on or before November 15 of each year, beginning with November 15, 2015, on the status of the State's efforts to address the causes and consequences of climate change, including future plans and recommendations for legislation, if any, for consideration by the General Assembly.

Given Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 19th Day of November, 2014.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[14-26-43]

EXECUTIVE ORDER 01.01.2014.15

Juvenile Grant Planning and Review Council

(Rescinds Executive Order 01.01.2010.06)

WHEREAS, The federal Juvenile Justice and Delinquency Prevention Act of 2002 (the Act) sets forth federal requirements for states to qualify to receive formula grants under the Act;

WHEREAS, One such requirement is that a state create a State Advisory Group responsible for carrying out the requirements of the Act as they pertain to a state's responsibilities;

WHEREAS, The Act requires the State Advisory Group to develop and submit a three-year State plan, with annual updates, advise the State agency administering the plan and grant funds, and review and comment on all juvenile justice and delinquency prevention grant applications for federal funds that are submitted to the designated State agency;

WHEREAS, In Maryland, the Governor's Office of Crime Control and Prevention is the State agency responsible for supervising the preparation and administration of the three-year State plan, annual updates to the plan, and awarded funds; and

WHEREAS, The Act also requires compliance monitoring of a State's juvenile centers and any holding areas that fall within the parameters of the monitoring guidelines of the federal Office of Juvenile Justice and Delinquency Prevention.

NOW THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2010.06, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Juvenile Grant Planning and Review Council (the Council), which will serve as the State Advisory Group for purposes of the federal Juvenile Justice and Delinquency Prevention Act of 2005 (the Act). The Council shall be within the Governor's Office of Crime Control and Prevention (GOCCP), the State administering agency for funds received under the Act and the agency responsible for supervising the preparation and administration of the three-year State plan, annual updates to the plan, and awarded funds.

B. Membership and Procedures.

(1) The Council shall consist of not less than 15 members and not more than 33 members appointed by the Governor, consistent with the requirements of the Act.

(2) At least one fifth of the members must be under the age of 24 at the time of appointment, and at least three members must have been or currently be under the jurisdiction of the juvenile justice system, consistent with the requirements of the Act.

(3) The Executive Director of GOCCP will serve as the Governor's designee on the Council and shall designate a member of the Council to serve as Chair.

(4) Members may serve up to two consecutive three-year terms, which shall be staggered on initial appointment. A member selected to fill a vacancy serves only for the balance of a term remaining at the time of appointment. Terms end on June 30 of each year, and at the end of a term, a member continues to serve until a successor is appointed.

(5) Unless otherwise provided by law, the members of the Council shall serve at the pleasure of the Governor.

(6) A majority of the Council shall constitute a quorum for the transaction of any business. The Council may adopt such other procedures, including the creation of subcommittees and workgroups, as may be necessary to ensure the orderly transaction of business.

(7) Adult members of the Council may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the Standard State Travel Regulations, as provided in the State budget and as provided in the Council's allocation from the federal Office of Juvenile Justice and Delinquency Prevention.

(8) Appointed youth members may receive stipends and expenses as deemed necessary by the majority of council members that constitute a quorum, as provided in the State budget and in the Council's allocation from the federal Office of Juvenile Justice and Delinquency Prevention.

C. Staffing.

(1) GOCCP shall provide such staff and technical assistance to the Council as necessary and appropriate, including staff to serve as the designated Compliance Monitor, the Statewide Disproportionate Minority Contact (DMC) Coordinator, and the Juvenile Justice Specialist required under federal law and regulations.

(2) The Compliance Monitor shall perform the required functions to ensure compliance with federal standards regarding detention of juveniles in secure detention facilities, secure correctional facilities, non-secure facilities, secure adult lockup facilities and court holding facilities.

(3) The DMC Coordinator's primary focus shall be the disproportionate minority youth within the State's juvenile justice system and the Coordinator shall provide technical assistance to the Council as necessary and appropriate.

D. Duties and Responsibilities.

(1) The Council shall serve as the State Advisory Group required by the Act. The Council shall perform the functions, and have the duties and responsibilities, set forth in the Act, as amended from time to time.

(2) The Council shall review and make recommendations on all juvenile and delinquency prevention grant applications, and the Executive Director will consider these recommendations when making grant awards under the Act.

(3) The Council shall provide advice to GOCCP in developing, maintaining and expanding efforts to divert juveniles from the juvenile justice system and to provide community-based alternatives to juvenile detention and correctional facilities.

(4) The Council shall advise the State's Compliance Monitor, DMC Coordinator, and Juvenile Justice Specialist when necessary, and the State's Compliance Monitor, DMC Coordinator, and Juvenile Justice Specialist shall advise the Council of the status of all juvenile detention/correctional facilities and community-based programs to ensure compliance with the Act.

(5) The Council shall perform any additional duties as directed by the Executive Director of GOCCP on behalf of the Governor.

E. Reporting. The Council shall report annually to the Governor, by way of the Executive Director of GOCCP, on its activities and recommendations on or before June 1 of each year.

F. Conflicts of Interest. The Council shall acknowledge and abide by policies and procedures set forth by GOCCP to guard against actual conflicts of interest or the appearance of conflicts of interest for its members when making recommendations for grant awards. The procedures shall provide that members of the Council may not participate in any way in consideration of, or decisions about, grants to their own organization, an organization in which they have a financial interest, or an organization in which their family member is involved.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 8th Day of December, 2014.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[14-26-45]

Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

Title 15 DEPARTMENT OF AGRICULTURE

Notice of Opportunity for Public Inspection and Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130 — 10-139, Annotated Code of Maryland, the Department of Agriculture is currently reviewing and evaluating all regulations codified under the following subtitles of COMAR Title 15:

Subtitles 01 — 08

- Subtitle 01 Office of the Secretary
- Subtitle 02 Board of Review
- Subtitle 03 Weights and Measures
- Subtitle 04 Maryland Egg Law
- Subtitle 05 Pesticide Use Control
- Subtitle 06 Plant Pest Control
- Subtitle 07 Apiary Inspection
- Subtitle 08 Turf and Seed

The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions.

Pursuant to its work plan, MDA will evaluate the need to retain, amend, or repeal regulations based on whether the regulations are:

- Still necessary to the public interest;
- Drafted in a clear and understandable manner;
- Still supported by statutory authority and judicial opinions and consistent with federal regulations and other State regulations;
- Still effective in accomplishing the intended purpose of the regulations; and
- Obsolete, duplicative, or otherwise appropriate for amendment or repeal.

The Department of Agriculture would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on these regulations. All parties interested in participating in this process may submit comments by mail to Tonia Martin, Regulations Coordinator, Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, by fax to (410) 841-5914, or by email to tonia.martin@maryland.gov.

Comments must be received no later than December 31, 2014. Parties may contact the Department at (410) 841-5883 with questions regarding this process.

[14-26-03]

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

09.13.06 Minimum Standards of Practice

Authority: Business Occupations and Professions Article, §15-208(b)(4),
Annotated Code of Maryland

Notice of Final Action

[14-300-F]

On December 3, 2014, the Board for Professional Land Surveyors adopted amendments to Regulations .02 — .10 and .12 under **COMAR 09.13.06 Minimum Standards of Practice**. This action, which was proposed for adoption in 14:21 Md. R. 1270—1272 (October 17, 2014), has been adopted with the nonsubstantive changes shown below.

Effective Date: January 5, 2015.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .03:

- Section F (2) (l) is being amended to state that a plat prepared by a surveyor must contain evidence of any easements, servitudes or uses burdening the surveyed property, observed by a surveyor in the process of conducting a survey. This is a clarifying change based on public comments on the proposed regulations.
- Section F (3) (g) is being revised to delete the term “approved” and replace it with “was in responsible charge over the preparation” to make it stylistically consistent with the existing similar provisions contained in the Code of Ethics.
- Section G is being amended to clarify references to measurement and accuracy standards, and also to correct a typographical error.

Regulation .04: is being amended to delete the term “approved” and replace it with “was in responsible charge over the preparation” to make it stylistically consistent with the existing similar provisions contained in the Code of Ethics.

Regulation .05: is being amended to delete the term “approved” and replace it with “was in responsible charge over the preparation” to make it stylistically consistent with the existing similar provisions contained in the Code of Ethics.

Regulation .06: is being amended to delete the term “approved” and replace it with “was in responsible charge over the preparation” to make it stylistically consistent with the existing similar provisions contained in the Code of Ethics.

Regulation .07: is being amended to delete the term “approved” and replace it with “was in responsible charge over the preparation” to make it stylistically consistent with the existing similar provisions contained in the Code of Ethics.

Regulation .08: is being amended to delete the term “approved” and replace it with “was in responsible charge over the preparation” to make it stylistically consistent with the existing similar provisions contained in the Code of Ethics.

Regulation .09: is being amended to delete the term “approved” and replace it with “was in responsible charge over the preparation” to make it stylistically consistent with the existing similar provisions contained in the Code of Ethics.

.03 Boundary Surveys.

A. — E. (proposed text unchanged)

F. Plats.

(1) (proposed text unchanged)

(2) A plat shall be prepared in conformity with the following procedures:

(a) — (k) (proposed text unchanged)

(l) [[Easements ascertained from public records or prescriptive easements available from observation shall be labeled accordingly.]] Evidence of any easements, servitudes, or uses burdening the surveyed property, whether or not disclosed in the record documents provided to the surveyor, observed in the process of conducting the survey.

(3) In addition to the criteria set forth in §F(2) of this regulation, each plat shall show the following:

(a) — (f) (proposed text unchanged)

(g) [[The seal]] Seal and signature of the surveyor who personally prepared or [[approved a]] was in responsible charge over the preparation of the boundary survey.

G. [[Measurement]] Accuracy Standards.

[[1) The measurements standards under §G(2) and (3) of this regulation address the relative positional precision requirements for boundary surveys.]]

[[2)] (1) (proposed text unchanged)

[[3)] (2) The surveyor shall ascertain that the positional [[errors]] uncertainties resulting from the survey measurements do not exceed the allowable relative positional precision.

[[4)] (3) — [[5)] (4) (proposed text unchanged)

[[6)] (5) The surveyor shall use appropriate [[effort]] error propagation and other measurement design theory to select the proper instruments, field procedures, geometric layouts, and computational procedures to control and adjust random errors to achieve the allowable relative positional precision tolerance.

.04 Field Run Topographic Surveys.

A. — C. (proposed text unchanged)

D. Plats.

(1) — (2) (proposed text unchanged)

(3) *In addition to the criteria set forth in §D(2) of this regulation, the plat shall show the following:*

(a) — (e) (proposed text unchanged)

(f) *Seal and signature of the surveyor who personally prepared or [[approved a]] was in responsible charge over the preparation of the topographic survey.*

E. (proposed text unchanged)

.05 Field Run Planimetric Surveys.

A. — C. (proposed text unchanged)

D. Plats.

(1) — (2) (proposed text unchanged)

(3) *In addition to the criteria set forth in §D(2) of this regulation, the plat shall show the following:*

(a) — (e) (proposed text unchanged)

(f) *Seal and signature of the surveyor who personally prepared or [[approved a]] was in responsible charge of the preparation of the planimetric survey.*

E. (proposed text unchanged)

.06 Location Drawings.

A. — C. (proposed text unchanged)

D. Plats.

(1) — (2) (proposed text unchanged)

(3) *In addition to the criteria set forth in §D(2) of this regulation, the plat shall show the following:*

(a) — (d) (proposed text unchanged)

(e) *A statement to the effect that a licensee either personally prepared a [[planimetric survey]] location drawing or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter; and*

(f) *Seal and signature of the surveyor who personally prepared or [[approved a]] was in responsible charge over the preparation of the location drawing.*

.07 As-Constructed or Record Surveys.

A. — B. (proposed text unchanged)

C. Seal and signature of the surveyor who personally prepared or was in responsible charge over the preparation of the as-constructed or record survey.

.08 Metes and Bounds Descriptions.

A. (proposed text unchanged)

B. *Result.*

(1) — (6) (proposed text unchanged)

(7) *The metes and bounds description shall be signed and sealed by a surveyor who personally prepared or [[approved it]] was in responsible charge over the preparation of the metes and bounds description.*

.09 Right-of-Way/Easement Surveys.

A. — C. (proposed text unchanged)

D. Seal and signature of the surveyor who personally prepared or was in responsible charge of the preparation of the right-of-way/easement survey.

JOHN V. METTEE III
Chair

State Board for Professional Land Surveyors

**Title 11
DEPARTMENT OF
TRANSPORTATION**

**Subtitle 05 MARYLAND PORT
ADMINISTRATION**

Notice of Final Action

[14-284-F]

On December 2, 2014, the Executive Director of the Maryland Port Administration adopted amendments to:

(1) Regulation .02 under **COMAR 11.05.02 Hazardous Materials;**

(2) Regulations .02 — .05, .07 — .09, .12, and .14 under **COMAR 11.05.03 Vehicle Access, Parking, and Operation on Maryland Port Administration Property;** and

(3) Regulation .03 under **COMAR 11.05.07 Maryland Port Terminals, Properties, and Vessels Security.**

This action, which was proposed for adoption in 41:20 Md. R. 1168—1172 (October 3, 2014), has been adopted as proposed.

Effective Date: January 5, 2015.

JAMES J. WHITE
Executive Director

**Title 14
INDEPENDENT AGENCIES**

**Subtitle 25 MARYLAND STADIUM
AUTHORITY**

Notice of Final Action

[14-303-F]

On December 9, 2014, the Maryland Stadium Authority adopted:

(1) Amendments to Regulation .01 under **COMAR 14.25.01 General;**

(2) Amendments to Regulations .01, .04, .08, .13, .15, and .18, the repeal of existing Regulation .11, and new Regulation .11 under **COMAR 14.25.02 Prohibited Activities;** and

(3) Amendments to Regulations .01 and .02, the repeal of existing Regulations .03—05, and new Regulations .03 and .04 under **COMAR 14.25.03 Free Speech Activities.**

This action, which was proposed for adoption in 41:21 Md. R. 1276—1280 (October 17, 2014), has been adopted as proposed.

Effective Date: January 5, 2015.

MICHAEL J. FRENZ
Executive Director
Maryland Stadium Authority

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 20 SOIL AND WATER CONSERVATION

15.20.11 Maryland Agricultural Certainty Program

Authority: Agriculture Article, §§8-1001—8-1013 Annotated Code of Maryland

Notice of Final Action

[14-306-F]

On December 2, 2014, the Secretary of Agriculture adopted new Regulations .01 — .10 under a new chapter, **COMAR 15.20.11 Maryland Agricultural Certainty Program**. This action, which was proposed for adoption in 41:21 Md. R. 1280 — 1285 (October 17, 2014), has been adopted with the nonsubstantive changes shown below.

Effective Date: January 5, 2015.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

- Regulation .05G: Remove an unnecessary word.
- Regulation .06C: Stylistic change.
- Regulation .06F(3)(d)(ii): Stylistic change.
- Regulation .08C(1): Correct a typographical error.

.05 Agricultural Certainty Certification — General Requirements.

A — F. (proposed text unchanged)

G. *At the expiration of the certification, an operation shall be in compliance with all laws, regulations, or permit requirements relating to nitrogen, phosphorus, and sediment runoff control [[and]] that are in effect at that time.*

H. — K. (proposed text unchanged)

.06 Verification.

A. — B. (proposed text unchanged)

C. *As required by law, the verifier shall [[handle]] keep confidential information that is collected and submitted to the Department as a result of the verification for the Certainty certification [[as confidential]].*

D. — E. (proposed text unchanged)

F. *Department Certainty Agreement Compliance Requirements.*

(1) — (2) (proposed text unchanged)

(3) *The Department may take the following actions based on the outcome of any inspections or the report of the verifier:*

(a) — (c) (proposed text unchanged)

(d) *Address any failure to comply with any of the conditions described in Regulation .04E of this chapter or in the Certainty agreement as follows:*

(i) (proposed text unchanged)

(ii) *Require the operator to apply for a new Certainty [[agreement]] certification without penalty when changes to the operation have occurred; or*

(iii) (proposed text unchanged)

.08 Record-Keeping and Reporting Requirements.

A. — B. (proposed text unchanged)

C. *Public Access to Program Information.*

(1) *As required by law all records concerning any agricultural operation shall be maintained by the Department and shall be made available for public review, in a manner that provides the greatest public disclosure [[or]] of records and information, after the Department redacts records to protect the identity of the person to whom the record or information relates.*

(2) (proposed text unchanged)

D. (proposed text unchanged)

EARL F. HANCE
Secretary of Agriculture

Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Subtitle 05 TABLE GAMES

36.05.05 Craps Rules

Authority: State Government Article, §§9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

Notice of Final Action

[14-294-F]

On November 24, 2014, the Maryland Lottery and Gaming Control Agency adopted amendments to Regulation .06 under **COMAR 36.05.05 Craps Rules**. This action, which was proposed for adoption in 41:20 Md. R. 1173—1174 (October 3, 2014), has been adopted as proposed.

Effective Date: January 5, 2015.

STEPHEN L. MARTINO
Director
Maryland State Lottery and Gaming Control Agency

Withdrawal of Regulations

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 04 REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE

26.04.05 Shared Facilities *and* Community Systems

Authority: Environment Article, §§9-206, 9-252, 9-252, 9-314, 9-319, 9-510,
9-1110, and 10-103, Annotated Code of Maryland

Notice of Withdrawal

[13-397-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to repeal existing Regulations **.01—.03** and adopt new Regulations **.01—.03** under **COMAR 26.04.05 Shared Facilities and Community Systems**, which was published in 40:25 Md. R. 2105—2107 (December 13, 2013), has been withdrawn by operation of law.

BRIAN MORRIS
Administrator
Division of State Documents

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 05

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Proposed Action

[14-383-P]

The Acting Secretary of Housing and Community Development proposes to amend:

- (1) Regulation **.20** under **COMAR 05.03.02 Community Development Administration Residential Mortgage Program;**
- (2) Regulation **.19** under **COMAR 05.04.01 Maryland Housing Rehabilitation Program—Regular Rehabilitation Program;**
- (3) Regulation **.18** under **COMAR 05.04.05 Indoor Plumbing Loan Program;**
- (4) Regulation **.18** under **COMAR 05.04.06 Lead Hazard Reduction Grant and Loan Program;**
- (5) Regulation **.18** under **COMAR 05.04.08 Accessory, Shared, and Sheltered Housing Program;**
- (6) Regulation **.18** under **COMAR 05.04.09 Group Home Financing Program;**
- (7) Regulation **.18** under **COMAR 05.04.11 Special Housing Opportunities Program;**
- (8) Regulation **.09** under **COMAR 05.04.12 Construction Loan Program;**
- (9) Regulation **.18** under **COMAR 05.04.13 Federal Lead Hazard Reduction Program;**
- (10) Regulation **.14** under **COMAR 05.05.03 Rental Allowance Program;**
- (11) Regulation **.16** under **COMAR 05.05.09 Shelter and Transitional Housing Facilities Grant Program;**
- (12) Regulation **.12** under **COMAR 05.05.10 Maryland Appalachian Housing Program;**
- (13) Regulation **.15** under **COMAR 05.09.01 Local Government Infrastructure Financing Program;**

(14) Regulation **.10** under **COMAR 05.11.01 Operating and Technical Assistance Grants;**

(15) Regulation **.09** under **COMAR 05.11.02 Radium Pilot Grant Program;**

(16) Regulation **.11** under **COMAR 05.13.02 Main Street Improvement Program;**

(17) Regulation **.10** under **COMAR 05.13.03 Maryland Town Manager Circuit Rider Grant Program;**

(18) Regulation **.25** under **COMAR 05.13.04 Capital Access Program;**

(19) Regulation **.11** under **COMAR 05.14.01 Community Investment Tax Credit Program;**

(20) Regulation **.12** under **COMAR 05.15.01 State Action Loans for Targeted Areas Program;**

(21) Regulation **.10** under **COMAR 05.17.01 Community Legacy Program;** and

(22) Regulation **.10** under **COMAR 05.18.01 Self-Help Homeownership Technical Assistance Program.**

Statement of Purpose

The purpose of this action is to provide uniformity and clarity of language across the various programs' nondiscrimination sections.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Elaine Cornick, Acting Director of Multifamily Housing, Division of Development Finance, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-514-7449, or email to Elaine.Cornick@maryland.gov, or fax to 410-987-4097. Comments

will be accepted through January 26, 2015. A public hearing has not been scheduled.

Subtitle 03 HOMEOWNERSHIP PROGRAMS

05.03.02 Community Development Administration Residential Mortgage Program

Authority: Housing and Community Development Article, §§4-237—4-240; State Finance and Procurement Article, §§5-7B-01—5-7B-10; Annotated Code of Maryland Executive Orders 01.01.1992.27C and 01.01.1998.04

.20 Nondiscrimination; Drug and Alcohol Free Workplace.

A. A mortgage lender, servicer, master servicer, developer, or mortgage insurer[;]

(1) May] *may* not discriminate [against any person] on the basis of race, color, religion, national origin, sex, marital status, [family status,] physical or mental disability, sexual orientation, or age, except *with regard to age* as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in any aspect of the Program, *or in any aspect of employment by any mortgage lender, servicer, master servicer, developer or mortgage insurer in connection with any property financed or assisted under the Program.*[; and]

[(2) Shall] B. A mortgage lender, servicer, master servicer, developer, or mortgage insurer shall comply with all applicable[;]

[(a) Federal] *federal*, State, and local laws *and Department policies and programs* regarding discrimination,[and] equal opportunity in employment, housing, and credit practices, *and drug and alcohol free workplaces*, including:

[(i)] (1)—[(ii)] (2) (text unchanged)

[(iii)] (3) [The Governor’s Code of Fair Practices] *The Fair Housing Amendments Act of 1988*, as amended;

[(iv)] (4) (text unchanged)

[(v)] (5) *The Americans with Disabilities Act of 1990*, as amended;[and]

[(vi)] (6) *State Government Article, [Subtitle 7] Title 20, Annotated Code of Maryland*, as amended; and

[(b)] (7) *Executive Order 01.01.1989.18* [relating to], *Drug and Alcohol Free [Workplaces] Workplace*, and any Department or State regulations [regarding a drug-free and alcohol-free workplace] *adopted or to be adopted to carry out the requirements of that Order.*

[B.] C. (text unchanged)

Subtitle 04 SPECIAL LOAN PROGRAMS

05.04.01 Maryland Housing Rehabilitation Program — Regular Rehabilitation Program

Authority: Housing and Community Development Article, Title 4, Subtitles 5 and 9, §§4-704—4-706, Annotated Code of Maryland; Executive Order 01.01.1992.27C

.19 Nondiscrimination; Drug and Alcohol Free Workplace.

A. A sponsor, nonprofit sponsor, contractor, local administrator, or subcontractor may not discriminate [against any person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the Program, *or in any aspect of employment by any sponsor, nonprofit sponsor, contractor, local*

administrator, or subcontractor in connection with any property financed or assisted under the Program.

B. Each sponsor, nonprofit sponsor, contractor, local administrator, and subcontractor shall comply with all applicable federal, State, and local laws *and Department policies and programs* regarding discrimination and equal opportunity in employment, housing, and credit practices, *and drug and alcohol free workplaces*, including:

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended[; and]

(2) Title VIII of the Civil Rights Act of 1968, as amended;

[(2)] (3) [The Governor’s Code of Fair Practices, COMAR 01.01.1987.20 and COMAR 01.01.1988.05] *The Fair Housing Amendments Act of 1988*, as amended; [and]

[(3)] (4) *The Department’s Minority Business Enterprise Program*, as amended[;]

(5) *The Americans with Disabilities Act of 1990, as amended;*

(6) *State Government Article, Title 20, Annotated Code of Maryland, as amended; and*

(7) *Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order.*

[B.] C. (text unchanged)

05.04.05 Indoor Plumbing Loan Program

Authority: Housing and Community Development Article, §§4-910 and 4-927, Annotated Code of Maryland

.18 Nondiscrimination; Drug and Alcohol Free Workplace.

A. A borrower, contractor, local administrator, or subcontractor may not discriminate [against an individual] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the Program, *or in any aspect of employment by any borrower, contractor, local administrator, or subcontractor in the connection with any property financed or assisted under the Program.*

B. Each borrower, contractor, local administrator, and subcontractor shall comply with all applicable federal, State, and local laws *and Department policies and programs* regarding discrimination and equal opportunity in employment, housing, and credit practices, *and drug and alcohol free workplaces*, including:

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended[; and];

(2) Title VIII of the Civil Rights Act of 1968, as amended;

[(2)] (3) [The Governor’s Code of Fair Practices, COMAR 01.01.1987.20 and 01.01.1988.05] *The Fair Housing Amendments Act of 1988, as amended;* [and]

[(3)] (4) *The Department’s Minority Business Enterprise Program*[;]

(5) *The Americans with Disabilities Act of 1990, as amended;*

(6) *State Government Article, Title 20, Annotated Code of Maryland, as amended; and*

(7) *Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order.*

[B.] C. (text unchanged)

05.04.06 Lead Hazard Reduction Grant and Loan Program

Authority: Housing and Community Development Article, Title 4, Subtitle 9, and §§4-704—4-706, Annotated Code of Maryland

.18 Nondiscrimination; Alcohol[-Free] and Drug[-]Free Workplace.

A. A borrower, contractor, local administrator, or subcontractor may not discriminate [against a person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the Program, *or in any aspect of employment by any borrower, contractor, local administrator, or subcontractor in connection with any property financed or assisted under the Program.*

B. Each borrower, contractor, local administrator, and subcontractor shall comply with all applicable federal, State, and local laws *and Department policies and programs* regarding discrimination and equal opportunity in employment, housing, and credit practices, *and drug and alcohol free workplaces*, including:

- (1) Titles VI and VII of the Civil Rights Act of 1964, [and] *as amended;*
- (2) Title VIII of the Civil Rights Act of 1968, *as amended;*
- [(2)] (3) [The Governor’s Code of Fair Practices, COMAR 01.01.1995.19] *The Fair Housing Amendments Act of 1988, as amended;* [and]
- [(3)] (4) The Department’s Minority Business Enterprise Program[,], *as amended;*
- (5) *The Americans with Disabilities Act of 1990, as amended;*
- (6) *State Government Article, Title 20, Annotated Code of Maryland, as amended; and*
- (7) *Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order.*

[B. The borrower shall agree to abide by any regulations promulgated by the Department implementing the Governor’s Executive Order 01.01.1989.18, requiring recipients of State funds to maintain a workplace free of any drug and alcohol abuse.]

C. (text unchanged)

05.04.08 Accessory, Shared, and Sheltered Housing Program

Authority: Housing and Community Development Article, §§4-910 and 4-926, Annotated Code of Maryland

.18 Nondiscrimination; Drug and Alcohol Free Workplace.

A. A borrower, contractor, local administrator, or subcontractor may not discriminate [against a person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the Program, *or in any aspect of employment by any borrower, contractor, local administrator, or subcontractor in connection with any property financed or assisted under the Program.*

B. Each borrower, contractor, local administrator, and subcontractor shall comply with all applicable federal, State, and local laws and [Departmental] *Department policies and programs*

regarding discrimination and equal opportunity in employment, housing, and credit practices, *and drug and alcohol free workplaces*, including:

- (1) Titles VI and VII of the Civil Rights Act of 1964, as amended [from time to time, and];
 - (2) Title VIII of the Civil Rights Act of 1968, as amended [from time to time];
 - [(2)] (3) [The Governor’s Code of Fair Practices, COMAR 01.01.1987.20 and 01.01.1988.05, as amended from time to time] *The Fair Housing Amendments Act of 1988, as amended;* [and]
 - [(3)] (4) The Department’s Minority Business Enterprise Program, as amended [from time to time].
 - (5) *The Americans with Disabilities Act of 1990, as amended;*
 - (6) *State Government Article, Title 20, Annotated Code of Maryland, as amended; and*
 - (7) *Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order.*
- [B.] C. (text unchanged)

05.04.09 Group Home Financing Program

Authority: Housing and Community Development Article, §4-606, Annotated Code of Maryland; Executive Order 01.01.1992.27C

.18 Nondiscrimination [and Compliance with Law]; Drug and Alcohol Free Workplace.

A. A borrower or contractor may not discriminate [against any person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the program, *or in any aspect of employment by any borrower or contractor in connection with any property financed or assisted under the program.*

B. A borrower or contractor shall comply with all applicable federal, State, and local laws and [Departmental] *Department policies and programs* regarding discrimination and equal opportunity in employment, housing, and credit practices, and drug and alcohol[-]free [work places] *workplaces*, including:

- (1) (text unchanged)
- (2) Title VIII of the Civil Rights Act of 1968, as amended[, including the];
- (3) *The Fair Housing Amendments Act of 1988, as amended;*
- [(3)] (4) The Department’s Minority Business Enterprise Program, as amended;
- [(4)] (5) [For group home projects containing nonresidential uses, the] *The Americans with Disabilities Act of 1990, as amended;* [and]
- (6) *State Government Article, Title 20, Annotated Code of Maryland, as amended; and*
- [(5)] (7) Executive Order 01.01.1989.18 [relating to] Drug and Alcohol Free [Work Places] *Workplace*, and any [Departmental] *Department or State regulations adopted or to be adopted to carry out [more specifically] the requirements of [the] that Order.*

C. Covenants implementing these requirements, *including affirmative action measures*, shall be included in appropriate agreements between the Department and [the] other parties.

05.04.11 Special Housing Opportunities Program

Authority: Housing and Community Development Article, Title 4, Subtitle 2, Annotated Code of Maryland; Executive Order 01.01.1992.27C

.18 [Assurances of Compliance with Law] *Nondiscrimination; Drug and Alcohol Free Workplace.*

A. A sponsor or contractor may not discriminate on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, physical or mental [handicap] *disability, sexual orientation*, or age, except [for projects for elderly persons which are in compliance with the Fair Housing Act Amendments of 1988, in providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or facility financed or assisted in whole or part under the Act, or in any aspect of employment by any sponsor or contractor in the construction, repair, or maintenance of any property financed or assisted in whole or in part under the Act] *with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in any aspect of the program, or in any aspect of employment by any borrower or contractor in connection with any property financed or assisted under the program.*

B. Each sponsor and contractor shall comply with all applicable federal, State, and local laws and [Departmental] *Department* policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices, and drug[-free] and alcohol[-]free workplaces, including:

(1) (text unchanged)

(2) Title VIII of the Civil Rights Act of 1968, as amended[, including the];

(3) *The Fair Housing Amendments Act of 1988, as amended;*

[(3)] (4) [Article 49B] *State Government Article, Title 20, Annotated Code of Maryland, as amended;*

[(4)] (5) [For projects containing nonresidential uses, the] *The Americans with Disabilities Act of 1990, as amended;*

[(5)](6) (text unchanged)

[(6)] (7) Executive Order [01.01.1991.16 relating to drug-free and alcohol-free work places] *01.01.1989.18 Drug and Alcohol Free Workplace*, and any [Departmental] *Department or State* regulations adopted *or to be adopted* to carry out [more specifically] the requirements of [the order] *that Order.*

[C. Sponsors, contractors, and subcontractors shall agree to comply with the Governor's Executive Order 01.01.1991.16 on drug-free and alcohol-free workplaces.]

[D.] C. (text unchanged)

05.04.12 Construction Loan Program

Authority: Housing and Community Development Article, §§4-225 and 4-226, Annotated Code of Maryland; Executive Order 01.01.1992.27C

.09 *Nondiscrimination; Drug and Alcohol Free Workplace.*

A. [Discrimination] *A sponsor, developer or contractor may not discriminate* on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age [(except for a project intended in whole or in part for elderly persons)], *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, [may not exist] in selling, leasing, or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted [in whole or part] under the [Act] *program*, or in any aspect of employment by any *sponsor, developer or contractor* in the construction, repair, or maintenance of any

property financed or assisted in whole or in part under the [Act] *program.*

B. [Each] *A sponsor, developer or contractor* shall comply with all applicable federal, State, and local laws, and [Departmental] *Department* policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices *and drug and alcohol free workplaces*, including:

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended[, and];

(2) Title VIII of the Civil Rights Act of 1968, as amended;

[(2)] (3) [The Governor's Code of Fair Practices] *The Fair Housing Amendments Act of 1988, as amended;* [and]

[(3)] (4) The Department's Minority Business Enterprise Program, as amended[.];

(5) *The Americans with Disabilities Act of 1990, as amended;*

(6) *State Government Article, Title 20, Annotated Code of Maryland, as amended; and*

(7) *Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order.*

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Administration and [the] other parties.

05.04.13 Federal Lead Hazard Reduction Program

Authority: Housing and Community Development Article. §4-211(a)(8) and (9), Annotated Code of Maryland

.18 *Nondiscrimination; [and] Drug[-Free] and Alcohol[-]Free Workplace.*

A. Recipients of Program funds, contractors, local administrators, and subcontractors may not discriminate [against a person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of [their projects] *the Program, or in any aspect of employment by any recipient of Program funds, contractors, local administrators, or subcontractors in connection with any property financed or assisted under the Program.*

B. Each recipient of Program funds, contractor, local administrator, and subcontractor shall comply with applicable federal, State, and local laws *and Department policies and programs* regarding discrimination and equal opportunity in employment, housing, and credit practices, *and drug and alcohol free workplaces* including:

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended;

(2) Title VIII of the Civil Rights Act of 1968, as amended;

(3) [The Governor's Code of Fair Practices] *The Fair Housing Amendments Act of 1988, as amended;* [and]

(4) The Department's Minority Business Enterprise Program, as amended[.];

(5) *The Americans with Disabilities Act of 1990, as amended;*

(6) *State Government Article, Title 20, Annotated Code of Maryland, as amended; and*

[C. Program funding recipients shall comply with the provisions of the Governor's] (7) Executive Order 01.01.1989.18 [regarding a drug-free and alcohol-free workplace], *Drug and Alcohol Free Workplace*, and any *Department or State* regulations [promulgated under it] *adopted or to be adopted to carry out the requirements of that Order.*

[D] C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and [the recipient] *other parties*.

Subtitle 05 RENTAL HOUSING PROGRAMS

05.05.03 Rental Allowance Program

Authority: Housing and Community Development Article, Title 4, Subtitle 14, Annotated Code of Maryland

.14 Nondiscrimination; *Drug and Alcohol Free Workplace*.

A. Grantees may not discriminate [against any person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability*, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended *from time to time*, or other similar federal laws, in any aspect of the local program.

B. [Each] A grantee shall comply with all applicable federal, State, and local laws and [Departmental] *Department* policies and programs regarding discrimination, equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:

(1)—(2) (text unchanged)

(3) Executive Order 01.01.1989.18 [relating to drug and alcohol free workplaces], *Drug and Alcohol Free Workplace*, and any *Department or State regulations adopted to carry out the requirements of that Order*;

(4) [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, *as amended*; [and]

(5) The Americans with Disabilities Act of 1990, as amended[.];

(6) *The Fair Housing Amendments Act of 1988, as amended*; and

(7) *The Department's Minority Business Enterprise Program, as amended*.

C. *Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and other parties.*

05.05.09 Shelter and Transitional Housing Facilities Grant Program

Authority: *Housing and Community Development Article, §2-102(7), Annotated Code of Maryland*; Chapter 46, Acts of 2006; Chapter 488, Acts of 2007; and Chapter 336, Acts of 2008

.16 Nondiscrimination; *Drug and Alcohol Free Workplace*.

A. A sponsor or contractor may not discriminate on the basis of [age, except with respect to residents in elderly projects,] race, color, religion, national origin, sex, marital status, sexual orientation, or physical or mental [handicap] *disability, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project financed or assisted under the Program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, reconstruction, and rehabilitation of any project financed or assisted under the Program.

B. Each sponsor or [.] contractor[, and subcontractor] shall comply with all applicable federal, State, and local laws and [departmental] *department* policies and programs regarding

discrimination and equal opportunity in employment, housing, and credit practices, and *drug and alcohol free workplaces*, including:

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended[, and];

(2) Title VIII of the Civil Rights Act of 1968, as amended[, including the Fair Housing Act Amendments of 1988];

[(2)] (3) [The Governor's Code of Fair Practices] *The Fair Housing Amendments Act of 1988*, as amended;

[(3)] (4) [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, *as amended*;

[(4)](5) (text unchanged)

[(5)] (6) The Department's Minority Business Enterprise Program, as amended[, if the local government does not have its own minority business participation program that is acceptable to the Department]; and

[(6)] (7) Executive Order 01.01.1989.18 [relating to drug-free and alcohol-free workplaces], *Drug and Alcohol Free Workplace*, and any [Departmental] *Department or State regulations adopted or to be adopted to carry out the requirements of that Order*.

C. (text unchanged)

05.05.10 Maryland Appalachian Housing Program

Authority: Housing and Community Development Article, §2-102(7), Title 11, Annotated Code of Maryland; Executive Order 01.01.1992.27C

.12 Nondiscrimination; *Drug and Alcohol Free Workplace*.

A. [Sponsors] A sponsor or contractor may not discriminate [against a person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project financed or assisted under the Program, or in any aspect of employment by any sponsor or contractor in the construction, repair, or maintenance of any property financed or assisted under [in any aspect of] the Program*.

B. [Each] A sponsor or contractor shall comply with all applicable federal, State, and local laws, and Department policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices, and *drug and alcohol free workplaces*, including:

(1) — (2) (text unchanged)

(3) [The Governor's Code of Fair Practices] *The Fair Housing Amendments Act of 1988*, as amended; [and]

(4) The Department's Minority Business Enterprise Program, as amended[.];

(5) *State Government Article, Title 20, Annotated Code of Maryland, as amended*;

(6) *The Americans with Disabilities Act of 1990, as amended*; and

(7) *Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order*.

C. (text unchanged)

Subtitle 09 INFRASTRUCTURE PROGRAMS

05.09.01 Local Government Infrastructure Financing Program

Authority: Housing and Community Development Article, §§2-102(7), 2-111, and 2-202 and Title 4, Subtitle 2; State Finance and Procurement Article, §5-7A-02; Annotated Code of Maryland; Executive Order 01.01.1992.27C

.15 Nondiscrimination; Drug and Alcohol Free Workplace.

[A local government may not discriminate against any person on the basis of race, color, religion, national origin, sex, marital status, physical or mental handicap, or age in any aspect of the project. The local government shall comply with all applicable federal, State, and local laws and Departmental policies and programs regarding discrimination and equal opportunity, including Titles VI and VII of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968, as amended, and the Governor's Code of Fair Practices, as amended.]

A. A local government may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in any aspect of the Program, or in any aspect of employment by any local government in the construction, repair, or maintenance of any property financed or assisted under the Program.

B. Each local government shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:

- (1) Titles VI and VII of the Civil Rights Act of 1964, as amended;
- (2) Title VIII of the Civil Rights Act of 1968, as amended;
- (3) The Fair Housing Amendments Act of 1988, as amended;
- (4) The Department's Minority Business Enterprise Program, as amended;
- (5) The Americans with Disabilities Act of 1990, as amended;
- (6) State Government Article, Title 20, Annotated Code of Maryland, as amended; and
- (7) Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order.

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and other parties.

Subtitle 11 DEMONSTRATION PROGRAMS

05.11.01 Operating and Technical Assistance Grants

Authority: Housing and Community Development Article, §§2-102 and 4-211 and Title 4, Subtitle 11, Annotated Code of Maryland

.10 [Assurance of Compliance with Law] Nondiscrimination; Drug and Alcohol Free Workplace.

A. Grantees may not discriminate [against any person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] disability, sexual orientation or age [in any aspect of their projects] except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to

time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the program, or in any aspect of employment by any grantee in the construction, repair, or maintenance of any property financed or assisted under the program.

B. Each grantee shall comply with applicable federal, State, and local laws and Department policies and programs regarding discrimination, [and] equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended;

(2) (text unchanged)

(3) [For nonresidential properties, the] The Americans with Disabilities Act of 1990, as amended; [and]

(4) (text unchanged)

[C. Grantees shall comply with the provisions of the Governor's]

(5) Executive Order 01.01.1989.18 [regarding a drug and alcohol free workplace], Drug and Alcohol Free Workplace, and any Department or State regulations [promulgated under it] adopted or to be adopted to carry out the requirements of that Order.

(6) The Fair Housing Amendments Act of 1988, as amended; and

(7) State Government Article, Title 20, Annotated Code of Maryland, as amended.

[D.] C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and [the grantee] other parties.

05.11.02 Radium Pilot Grant Program

Authority: Housing and Community Development Article, Title 4, Subtitle 13, Annotated Code of Maryland

.09 Nondiscrimination[—Compliance with Law]; Drug and Alcohol Free Workplace.

A. Grant recipients, contractors, agencies, or subcontractors may not discriminate [against any person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in any aspect of the Program, or in any aspect of employment by any grant recipient, contractor, agency, local administrator, and subcontractor in connection with any property assisted under the Program.

B. Each grant recipient, contractor, agency, local administrator, and subcontractor shall comply with all applicable federal, State, and local laws and the [Departmental] Department policies and programs regarding discrimination, equal opportunity in employment, housing and credit practices, and drug[-free] and alcohol[-] free workplaces, including:

(1) — (2) (text unchanged)

(3) The Department's Minority Business Enterprise Program, as amended; [and]

(4) Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace [(Non-State Entities)], and any [Departmental] Department or State regulations adopted or to be adopted to carry out the requirements of that [order.]Order;

(5) The Fair Housing Amendments Act of 1988, as amended;

(6) The Americans with Disabilities Act of 1990, as amended; and

(7) State Government Article, Title 20, Annotated Code of Maryland, as amended.

C. (text unchanged)

**Subtitle 13 NEIGHBORHOOD
BUSINESS DEVELOPMENT**

05.13.02 Main Street Improvement Program

Authority: Housing and Community Development Article, §6-102, Annotated Code of Maryland

.11 Nondiscrimination; Drug and Alcohol Free Workplace.

A. Local jurisdictions *and approved nonprofit organizations* may not discriminate [against a person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the Program, *or in any aspect of employment by any local jurisdiction and approved nonprofit organization in connection with any project financed or assisted under the Program* .

B. Each local jurisdiction *and approved nonprofit organization* shall comply with all applicable federal, State, and local laws and [Departmental] *Department* policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug[-free] and alcohol[-]free workplaces, including:

- (1) — (2) (text unchanged)
- (3) *The Americans with Disabilities Act of 1990, as amended;*
- [(3)] (4) [The Governor’s Executive Order 01.01.1995.19, Code of Fair Employment Practices] *The Fair Housing Amendments Act of 1988, as amended;*

[(4)] (5) The Department’s Minority Business Enterprise Program, as amended; [and]

[(5)] (6) The Governor’s Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace [(Non-State Entities)], *and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order; and*

(7) *State Government Article, Title 20, Annotated Code of Maryland, as amended.*

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and [the local jurisdiction] *other parties*.

05.13.03 Maryland Town Manager Circuit Rider Grant Program

Authority: Housing and Community Development Article, §§2-102 and 2-111, Annotated Code of Maryland

.10 Nondiscrimination; Drug and Alcohol Free Workplace.

A. Circuits and circuit sponsors may not discriminate [against a person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the Program, *or in any aspect of employment by any circuit or circuit sponsor in connection with any project financed or assisted under the Program*.

B. Each circuit and circuit sponsor shall comply with all applicable federal, State, and local laws and [Departmental] *Department* policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices, *and drug and alcohol free workplaces*, including:

- (1) — (2) (text unchanged)
- (3) [The Governor’s Code of Fair Practices] *The Fair Housing Amendments Act of 1988, as amended;*
- (4) *The Americans with Disabilities Act of 1990, as amended;*

[(4)] (5) The Department’s Minority Business Enterprise Program, as amended; [and]

[(5)] (6) Executive Order 01.01.1989.18 [relating to], Drug and Alcohol Free [Workplaces] *Workplace*, and [Departmental] *Department or State* regulations adopted or to be adopted to carry out the requirements of that Order[.]; *and*

(7) *State Government Article, Title 20, Annotated Code of Maryland, as amended.*

C. Covenants implementing these requirements, including affirmative action measures, shall be included in the grant agreement between the Department and [the circuit sponsor] *other parties*.

05.13.04 Capital Access Program

Authority: Housing and Community Development Article, §§2-102 and 4-504, and Title 6, Subtitle 3, Annotated Code of Maryland

.25 Nondiscrimination; Drug and Alcohol Free Workplace.

A. A lender or borrower under the Program may not discriminate [against a person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability, sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the Program, *or in any aspect of employment by any borrower in connection with any project financed or assisted under the Program*.

B. A lender or borrower shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug[-free] and alcohol[-]free workplaces, including:

- (1) Titles VI and VII of the Civil Rights Act of 1964, *as amended;*
- (2) Title VIII of the Civil Rights Acts of 1968, *as amended;*
- (3) *The Americans with Disabilities Act of 1990, as amended;*
- [(3)] (4) [The Governor’s Code of Fair Practices] *The Fair Housing Amendments Act of 1988, as amended;*

[(4)] (5) The Department’s Minority Business Enterprise Program, *as amended;* [and]

[(5)] (6) The Governor’s Executive Order 01.01.1989.18 [on], Drug and Alcohol Free [Workplaces] *Workplace*, *and Department or State regulations adopted or to be adopted to carry out the requirements of that Order; and*

(7) *State Government Article, Title 20, Annotated Code of Maryland, as amended.*

C. Covenants implementing the requirements of [§§A and B of] this regulation, including affirmative action measures, shall be included in appropriate [loan documents] *agreements* between the *Department and other parties, and between [lender] lenders and [the borrower] other parties*.

**Subtitle 14 NEIGHBORHOOD AND
COMMUNITY ASSISTANCE
PROGRAM**

05.14.01 Community Investment Tax Credit Program

Authority: Housing and Community Development Article, Title 6, Subtitle 4, Annotated Code of Maryland

.11 Nondiscrimination; Drug and Alcohol Free Workplace.

In order to participate in the Program, the nonprofit organization shall comply with the following requirements:

A. A nonprofit organization may not discriminate [against a person] on the basis of race, color, religion, national origin, sex,

marital status, physical or mental [handicap] *disability*, *sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the Program, or in any aspect of employment by any nonprofit organization in connection with any project financed or assisted under the Program;

B. A nonprofit organization shall comply with all applicable federal, State, and local laws, and Department policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug[-free] and alcohol[-]free workplaces, including:

(1) Titles VI and VII of the Civil Rights Act of 1968, as amended[.];

(2) Title VIII of the Civil Rights Act of 1968, as amended[.];

(3) [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, *as amended*;

(4) The Department’s Minority Business Enterprise Program, as amended[, and];

(5) The Governor’s Executive Order 01.01.1989.18, [on] Drug and Alcohol Free [Workplaces] *Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order*;

(6) *The Fair Housing Amendments Act of 1988, as amended; and*

(7) *The Americans with Disabilities Act of 1990, as amended.*

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements with the Department *and other parties*.

Subtitle 15 STATE ACTION LOANS FOR TARGETED AREAS

05.15.01 State Action Loans for Targeted Areas Program

Authority: Housing and Community Development Article, §§2-102 and 2-111, Annotated Code of Maryland; Chapter 654, Acts of 1996

.12 Nondiscrimination; Drug and Alcohol Free Workplace.

A. Neither local jurisdictions nor sponsors may discriminate [against a person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability*, *sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws*, in any aspect of the Program, or in any aspect of employment by any local jurisdiction or sponsor in connection with any project financed or assisted under the Program.

B. Each local jurisdiction and sponsor shall comply with all applicable federal, State, and local laws and [Departmental] *Department* policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug and alcohol free workplaces, including:

(1) — (2) (text unchanged)

(3) [The Governor’s Code of Fair Practices] *The Fair Housing Amendments Act of 1988, as amended*;

(4) *State Government Article, Title 20, Annotated Code of Maryland, as amended*;

[(4)] (5) The Department’s Minority Business Enterprise Program, as amended; [and]

[(5)] (6) The Governor’s Executive Order 01.01.1989.18, [on] Drug and Alcohol Free [Workplaces.] *Workplace, and any Department or State regulations adopted or to be adopted to carry out that Order; and*

(7) *The Americans with Disabilities Act of 1990, as amended.*

C. (text unchanged)

Subtitle 17 COMMUNITY LEGACY

05.17.01 Community Legacy Program

Authority: Housing and Community Development Article, Title 6, Subtitle 2, Annotated Code of Maryland; Ch. 567, Acts of 2001

.10 Nondiscrimination; Drug and Alcohol Free Workplace.

A. A Sponsor may not discriminate [against a person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability*, *sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in any aspect of the Program, or in any aspect of employment by any Sponsor in connection with any project financed or assisted under [in any aspect of] the Program.*

B. A Sponsor shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug[-free] and alcohol[-]free workplaces, including:

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended;

(2) Title VIII of the Civil Rights Acts of 1968, as amended;

(3) [The Governor’s Executive Order 01.01.1995.19, Code of Fair Employment Practices] *The Fair Housing Amendments Act of 1988, as amended*;

(4) *State Government Article, Title 20, Annotated Code of Maryland, as amended*;

[(4)] (5) The Department’s Minority Business Enterprise Program, as amended;

[(5)] (6) The Governor’s Executive Order 01.01.1989.18, [on] Drug and Alcohol Free [Workplaces (Non-State Entities)] *Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order; and*

[(6)] (7) *The Americans with Disabilities Act of 1990, as amended [; and*

(7) *The Maryland Building Rehabilitation Code.]*

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and [Sponsors] *other parties, and between Sponsors and other parties.*

Subtitle 18 SELF-HELP TECHNICAL ASSISTANCE

05.18.01 Self-Help Homeownership Technical Assistance Program

Authority: Housing and Community Development Article, Title 4, Subtitle 17, Annotated Code of Maryland

.10 [Assurance of Compliance with Law] Nondiscrimination; Drug and Alcohol Free Workplace.

A. Grantees may not discriminate [against any person] on the basis of race, color, religion, national origin, sex, marital status, physical or mental [handicap] *disability*, *sexual orientation*, or age, *except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the Program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, repair, or maintenance of any property financed or assisted under the Program [in any aspect of their projects].*

B. Each grantee shall comply with applicable federal, State, and local laws and Department policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including [but not limited to]:

- (1) Titles VI and VII of the Civil Rights Act of 1964, as amended;
- (2) (text unchanged)
- (3) [For nonresidential properties, the] *The Americans with Disabilities Act of 1990, as amended*; [and]
- (4) The Department’s Minority Business Enterprise Program, as amended[.];
- [C.] (5) [Grantees shall comply with the provisions of the Governor’s] Executive Order 01.01.1989.18 [regarding a drug-free and alcohol-free workplace], *Drug and Alcohol Free Workplace*, and any Department or State regulations [promulgated under it] *adopted or to be adopted to carry out the requirements of that order*[.];
- (6) *The Fair Housing Amendments Act of 1988, as amended*; and
- (7) *State Government Article, Title 20, Annotated Code of Maryland, as amended*.

[D.] C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and [the grantee] *other parties*.

CLARENCE J. SNUGGS
Acting Secretary of Housing and Community Development

Title 07
DEPARTMENT OF HUMAN
RESOURCES
Subtitle 02 SOCIAL SERVICES
ADMINISTRATION

07.02.04 Social Services Eligibility Requirements Based on Income

Authority: Human Services Article §§4-205 and 4-207, Annotated Code of Maryland Federal Statutory Reference: 42 U.S.C. §621 and 9902

Notice of Proposed Action
[14-386-P]

The Secretary of Human Resources proposes to repeal existing Regulation .08 and adopt new Regulation .08 under COMAR **07.02.04 Social Services Eligibility Requirements Based on Income**.

Statement of Purpose

The purpose of this action is to adjust the social services income eligibility table to reflect the increase in State median income for FY 2015. The social services income eligibility table is used in determining financial eligibility for various social services programs including the Social Services to Adults, Services to Families with Children, and In-Home Services Programs. The updated figures are based on federal guidelines.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Andrea Shuck, Regulations Coordinator, Department of Human Resources, 301 W. Saratoga St., Room 265, Baltimore, MD 21201, or call 410-767-2149, or email to andrea.shuck@maryland.gov, or fax to 410-333-0637. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.08 Schedule.

SCHEDULE A						
Income by Family Size						
(For the period July 1, 2014—June 30, 2015)						
Family Size/Percent	Median Income	40%	50%	60%	80%	115%
1 person — (52%)	\$55,355	\$22,142	\$27,678	33,213	\$44,284	\$63,658
2 persons — (68%)	72,387	28,955	36,194	43,432	57,910	83,245
3 persons — (84%)	89,420	35,768	44,710	53,652	71,536	102,833
4 persons — (100%)	106,452	42,581	53,226	63,871	85,162	122,420
5 persons — (116%)	123,484	49,394	61,742	74,091	98,787	142,007
6 persons — (132%)	140,517	56,207	70,258	84,310	112,413	161,594
7 persons — (135%)	143,710	57,484	71,855	86,226	114,968	165,267
8 persons — (138%)	146,904	58,762	73,452	88,142	117,523	168,939
9 persons — (141%)	150,097	60,039	75,049	90,058	120,078	172,612
10 persons — (144%)	153,291	61,316	76,645	91,975	122,633	176,285

*For each additional family member above 10 persons, add \$3,194 to the median income for a family of 10.

TED DALLAS
Secretary of Human Resources

**Subtitle 03 FAMILY INVESTMENT
ADMINISTRATION**

07.03.17 Food Supplement Program

Authority: Human Services Article, §§5-207, 5-501, and 5-604; State Government Article, §8-206; Annotated Code of Maryland Federal Regulatory Reference—7 CFR §§271—274

Notice of Proposed Action

[14-389-P]

The Secretary of Human Resources proposes to amend Regulations **.30**, **.32**, and **.39** under **COMAR 07.03.17 Food Supplement Program**.

Statement of Purpose

The purpose of this action is to make technical changes that delete references to obsolete regulations and terminology.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Andrea Shuck, Regulations Coordinator, Department of Human Resources, 311 West Saratoga Street #270, or call 410-767-7193, or email to Andrea.Shuck@Maryland.gov, or fax to 410-333-0637. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.30 Income.

A. (text unchanged)

B. Earned income includes:

(1)—(3) (text unchanged)

(4) Payments under Title I of the Domestic Services Act of 1973, such as the Volunteer in Service to America (VISTA) program when the individual was not receiving food [stamps] *supplement* or public assistance at the time of entry into the volunteer program.

C. Unearned income includes:

(1)—(5) (text unchanged)

(6) Foster care and subsidized guardianship payments only if the household chooses to include the foster care individual in the food [stamp] *supplement* household;

(7)—(14) (text unchanged)

D. (text unchanged)

.32 Earned Income and Self-Employment Deductions.

A. Earned Income Deduction. The local department:

(1) (text unchanged)

(2) May not include in the calculation of the earned income deduction any earnings excluded under Regulation [.30D] *.39B* of this chapter.

B. The local department shall allow a deduction from self-employment income as described in Regulation [.39C and D] *.39B* of this chapter.

.39 Self-Employment Income.

A. (text unchanged)

B. Deduction. [With the exception of farmers as described in §C of this regulation, the] *The* local department shall allow a deduction of 30 percent of the gross receipts of self-employment income as the cost of producing income, *with the exception of the self-employment of farmers as described in §C of this regulation.*

C. (text unchanged)

TED DALLAS

Secretary of Human Resources

Title 08

**DEPARTMENT OF NATURAL
RESOURCES**

Subtitle 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §4-214, Annotated Code of Maryland

Notice of Proposed Action

[14-395-P]

The Secretary of Natural Resources proposes to amend Regulation **.07** under **COMAR 08.02.01 General**.

Statement of Purpose

The purpose of this action is to maintain a geographically diverse network of license free fishing areas (LFFAs) throughout the state in order to promote sustainable fishing. LFFAs recruit anglers to fishing that may not otherwise try it if they had to pay a license fee. This action adds new LFFAs with a focus on youth, families and demographic diversity, as well as removes underperforming, unsafe, or unproductive areas.

In September 2013, an intra-Departmental survey was conducted to determine whether additional areas may be suitable for LFFA designation and to determine whether current LFFAs were no longer appropriate. Based on the results of this survey, the Department took those locations to the Sport Fisheries Advisory Commission at the April 2014 meeting. In May 2014, Department staff solicited comment from local jurisdictions that would be affected by the removal of sites and also asked for alternative sites. Based on all comments and evaluations, a finalized list of additions, removals, and sites marked for further study were submitted for public scoping. Based on the results of all evaluations and public input, the Department finalized the list of removals and additions to the LFFA program.

The proposed action adds LFFAs in Baltimore City, at the Canton Waterfront Park, Caroline County, at the Federalsburg Municipal Park, Frederick County, at Gambrill State Park, and Somerset County, at Janes Island State Park. These areas were chosen based on the quality of fishing, public safety, geographic distribution, and site usage by anglers. Two of the new sites are in State Parks which have nature centers, which allows for the potential to offer programs such as fishing clinics or tackle loaner programs to provide instruction and access to youth and adults who have never fished before to experience fishing in a supportive and safe location. The other two additions are well-used areas that provide adequate parking, park areas, and safe, family environments. The additions also expand the geographic distribution of LFFAs while keeping the total number of areas approximately the same. This action represents significant progress toward the long-term goal of ensuring that most Maryland residents live within one hour's drive of an area where they have the

opportunity to fish recreationally year-round without purchasing a fishing license.

The Department is removing LFFAs in Baltimore City, at the Hull Street Recreational Pier, Kent County, at the Worton Bridge over Still Pond Creek, Somerset County, at the Manokin River Park in Princess Anne, and Worcester County, at the dock at Cedar Hall Landing in Pocomoke City and the county bridge on Porter’s Crossing Road over the Pocomoke River in Snow Hill. The Hull Street Recreational Pier is being removed because the site is now utilized by the Inner Harbor Ferry and has been posted with “No Fishing” signs. The bridge over Still Pond Creek is being removed because the site lacks safe parking near the bridge and safe fishing areas on the bridge. The Manokin River Park is being removed because it is a marginally performing site and the new site at Janes Island State Park will better serve Somerset County anglers. The dock at Cedar Hall Landing boat ramp is being removed because it is underutilized as it is a long drive for most users. The bridge on Porter’s Crossing Road over the Pocomoke River is being removed because of unsafe parking and fishing conditions.

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 may have an economic impact on recreational anglers, but that impact is indeterminable.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1) Short-term effects	(R-)	Indeterminable
(2) Long-term effects	(R+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
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(1). It is possible that the Department may see a small drop in license sales due to the fact that new license free fishing areas are being created. If anglers only fish those areas, they will no longer need to purchase a license. It is not known how many anglers fish at the new license free fishing areas exclusively, so it is not possible to determine the possible extent in the decrease in revenue.

A(2). The Department anticipates that by creating new license free fishing areas in better and more diverse locations, individuals with no previous fishing experience may be more likely to try fishing. Assuming those individuals enjoy the experience, the hope is that they will then become license purchasers, increasing Department

revenues in the long-term. Because it is not known at this time how many new anglers will visit the new license free fishing areas, or how many of those new anglers will ultimately purchase fishing licenses to be able to go fishing elsewhere, the economic impact is indeterminable.

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 an impact on individuals with disabilities as follows:

The proposed action adds license free fishing areas that provide access to individuals with disabilities and removes license free fishing areas that were possibly dangerous or inaccessible to individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to License Free Fishing Area Regulations, Regulatory Staff, Department of Natural Resources, Fisheries Service B-2, 580 Taylor Avenue, Annapolis MD, 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.07 Recreational Fishing License and Registration.

A.—C. (text unchanged)

D. Free Fishing Areas *in Tidal Waters*. An individual fishing in an area described in this section shall be registered in accordance with Natural Resources Article, §4-745, Annotated Code of Maryland and is exempt from all other license fees and requirements.

(1) North East — North East Community Park at mouth of North East Creek.

(2) Chestertown — Maryland Route 213 Bridge over Chester River.

(3) Cambridge — Long Wharf from south end of city-owned bulkhead associated with the Municipal Yacht Basin within Cambridge Creek to the end of east breakwater at mouth of the Municipal Yacht Basin.

(4) Denton — Pier associated with G. Daniel Crouse Memorial Park on the east side of Choptank River north of Maryland Route 404 Bridge.

(5) Sharptown — Pier and town dock off Ferry Street on the Nanticoke River.

(6) Salisbury — Designated city-owned bulkhead on the Wicomico River between Mill Street and Division Street.

(7) Snow Hill — All city-owned riverfront property, which includes Byrd Park, Sturgis Park, and city bulkheading adjacent to the municipal parking lot near the Route 12 bridge over the Pocomoke River.

(8) Pocomoke City — City docks from Laurel Street boat ramp to U.S. Route 13 overpass and Winter Quarter dock on Pocomoke River.

(9) Havre de Grace — Tydings Memorial Park within designated area, and pier at the end of Congress Street.

(10) Baltimore County — Cox’s Point on Back River and Deep Creek.

(11) Baltimore City — Canton Recreational Pier at Boston Street, Hull Street Recreational Pier, and Middle Branch Park from fishing pier south of the Hanover — Pottee Street Bridges, to Hanover Street Bridge over Middle Branch.

(12) Annapolis — Maryland Route 450 bridge over the Severn River.

(13) Worton — Bridge No. K-004 over Still Pond Creek on Still Pond Creek Road near Chestertown.

(14) Snow Hill — County bridge on Porter’s Crossing Road west of U.S. Route 113 and east of Route 354 and Pocomoke River.

(15) Pocomoke City — County-owned dock at Cedar Hall Landing near western terminus of Route 371 on Pocomoke River.

(16) Wicomico County — Tyaskin Park — County-owned park on Wetipquin Creek west of Route 349 at Tyaskin.

(17) Charles County — Friendship Landing — County-owned pier and property adjacent to the pier off Friendship Landing Road southeast of Ironsides Riverside Road (Route 425) on Nanjemoy Creek.

(18) Cecil County — Charlestown — Town-owned stone wharf on the Northeast River near the corner of Conestoga and Water Streets and the historic site of Charlestown Wharf.

(19) Princess Anne — The Manokin River Park along approximately 350 feet of the south bank of the Manokin River west of the bridge at Somerset Avenue and the west side of that bridge.

(20) Ocean City — Northside Park — Town-owned pier and park at 125th Street.

(21) Ocean City — Chicago Avenue — Bulkhead between 2nd and 4th Streets.]

(1) Anne Arundel County — Annapolis — Maryland Route 450 bridge over the Severn River.

(2) Baltimore County — Cox’s Point on Back River and Deep Creek.

(3) Baltimore City:

(a) Canton Recreational Pier at Boston Street Pier Park;

(b) Canton Waterfront Park; and

(c) Middle Branch Park from fishing pier south of the Hanover — Potee Street Bridges, to Hanover Street Bridge over Middle Branch.

(4) Caroline County:

(a) Denton — Pier associated with G. Daniel Crouse Memorial Park on the east side of Choptank River north of Maryland Route 404 Bridge; and

(b) Federalsburg Municipal Park — City-owned bulkhead, pier and banks within park boundaries on Marshyhope Creek.

(5) Cecil County:

(a) Charlestown — Town-owned stone wharf on the Northeast River near the corner of Conestoga and Water Streets and the historic site of Charlestown Wharf; and

(b) North East — North East Community Park at mouth of North East Creek.

(6) Charles County — Friendship Landing — County-owned pier and property adjacent to the pier off Friendship Landing Road southeast of Ironsides Riverside Road (Route 425) on Nanjemoy Creek.

(7) Dorchester County — Cambridge — Long Wharf from south end of city-owned bulkhead associated with the Municipal Yacht Basin within Cambridge Creek to the end of east breakwater at mouth of the Municipal Yacht Basin.

(8) Harford County — Havre de Grace:

(a) Tydings Memorial Park within designated area; and

(b) Pier at the end of Congress Street.

(9) Kent County — Chestertown — Maryland Route 213 Bridge over Chester River.

(10) Somerset County — Janes Island State Park — Bulkhead area on Daugherty Creek within the boundaries of Janes Island State Park.

(11) Wicomico County:

(a) Salisbury — City-owned bulkhead on the Wicomico River between Mill Street and Division Street;

(b) Sharptown — Pier and town dock off Ferry Street on the Nanticoke River; and

(c) Tyaskin Park — County-owned park on Wetipquin Creek west of Route 349 at Tyaskin.

(12) Worcester County:

(a) Pocomoke City — City docks from Laurel Street boat ramp to U.S. Route 13 overpass and Winter Quarter dock on Pocomoke River;

(b) Snow Hill — County bridge on Porter’s Crossing Road west of U.S. Route 113 and east of Route 354 on the Pocomoke River; and

(c) Ocean City:

(i) Bulkhead on Chicago Avenue between 2nd and 4th Streets; and

(ii) Northside Park — Town-owned pier and park at 125th Street.

E. Free Fishing Area in Nontidal Waters.

(1) An individual fishing in the area described in this section is exempt from all license and stamp requirements.

(2) Frederick County — Gambrill State Park — Banks of the one acre pond located within Gambrill State Park boundaries, near the Park’s campground.

JOSEPH P. GILL
Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 11 MATERNAL AND CHILD HEALTH

10.11.04 Lead Poisoning Screening Program

Authority: Education Article, §7-403; Environmental Article, §6-303; Health-General Article, §§2-104(b) and 18-106; Annotated Code of Maryland

Notice of Proposed Action

[14-390-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under COMAR 10.11.04 Lead Poisoning Screening Program.

Statement of Purpose

The purpose of this action is to require physician office and point-of-care laboratories that perform whole blood lead testing on CLIA waived analyzers to comply with the proposed reporting requirements of COMAR 10.10.03.02B(36) and C. Currently, Health-General Article, §6-303(a)(3), provides that “medical laboratories that perform blood level testing shall report to the Department the results of blood lead level tests”.

Consequently, as a result of the recommendations provided by the Maryland Task Force for Point-of-Care Testing and the Laboratory Advisory Committee; and upon the approval and consent of the Maryland Department of the Environment, health care providers will be required to report point-of-care lead test results to MDE’s childhood lead registry.

The proposed amendment for COMAR 10.11.04.04 imposes reporting requirements to ensure timely follow-up for patients and to provide essential data for public health surveillance.

The proposed reporting requirements requests information concerning:

- (1) Demographics;
- (2) Type of specimen;
- (3) Name and address of the clinic;
- (4) Name and address of the draw site;

- (5) Blood lead level in micrograms/deciliter; and
- (6) Any additional information as required by the Maryland Department of the Environment.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.04 Blood Tests for Lead Poisoning.

A.—E. (text unchanged)

F. Physician offices and other point-of-care laboratories shall comply with the requirements under COMAR 10.10.03.02B(36) and C.

[F.] *G. Bona Fide Religious Beliefs—At Risk.*

(1) (text unchanged)

(2) If an affirmative response to the questionnaire under [F(1)(b)] §G(1)(b) of this regulation, or a response indicating that the parent or guardian does not know the answer, is entered for any question on the lead exposure risk questionnaire for the child, the provider shall:

(a)—(d) (text unchanged)

(3) If all the responses to the lead exposure risk questionnaire are negative, the provider shall:

(a) Follow procedures set forth in [F(2)(b)] §G(2)(b) of this regulation; and

(b) (text unchanged)

[G.] *H. Bona Fide Religious Beliefs—High Risk.*

(1) If the parent or guardian of a child at high risk refuses to consent to a blood test for lead poisoning due to the parent or guardian’s stated bona fide religious beliefs and practices, a primary care provider shall:

(a) Follow the procedures set forth in [F(1) and (2)] §G(1) and (2) of this regulation; and

(b) (text unchanged)

(2) (text unchanged)

[H.] *I.—[I.] J. (text unchanged)*

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 14 CANCER CONTROL

10.14.04 Breast Cancer Program

Authority: Health-General Article, §20-116, Annotated Code of Maryland

Notice of Proposed Action

[14-387-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under **COMAR 10.14.04 Breast Cancer Program.**

Statement of Purpose

The purpose of this action is to update regulatory language to ensure that the Breast Cancer Program (BCP) aligns with health care reform changes, effective January 1, 2014. The proposed amendments will allow insured applicants with a co-pay or co-insurance requirement for a covered service to be eligible for the BCP.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.04 Eligibility—Breast and Cervical Cancer Program.

A.—B. (text unchanged)

[C. Health Insurance Criteria and Coverage.]

[(1)] *C. To be eligible to receive breast cancer services under this chapter through the Breast and Cervical Cancer Program, an applicant shall meet one of the following health insurance criteria:*

[(a)] *(1) (text unchanged)*

[(b)] *(2) The applicant is currently covered by health insurance that:*

[(i)] *(a) (text unchanged)*

[(ii)] *(b) Requires the applicant to pay a co-pay, co-insurance, or a deductible that has not been met for a service covered under this chapter.*

[(2)] *If an applicant is eligible under §C(1)(b)(ii) of this regulation, the Breast Cancer Program shall pay the lesser amount of the deductible or the covered service.]*

D. An applicant may not receive breast cancer services under this chapter through the Breast and Cervical Cancer Program if:

(1) The applicant is enrolled in Medical Assistance; or

(2) The applicant is enrolled in a health maintenance organization; or]

[(3) The applicant is enrolled in a health insurance plan in which the deductible, if any, has been satisfied and the applicant is responsible only for a copayment for a service covered under this chapter].

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

Notice of Proposed Action

[14-385-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulations **.01— .03, .05, .06, .08, .09, .11, and .15** under **COMAR 10.18.05 Maryland AIDS Drug Assistance Program: Eligibility**;

(2) Regulations **.01, .04, .06, and .12** under **COMAR 10.18.06 Maryland AIDS Drug Assistance Program: Services**; and

(3) Regulations **.01, .03, .04, .06, .10, .13, and .16** under **COMAR 10.18.07 Maryland AIDS Drug Assistance Program: Health Insurance (MADAP-Plus)**.

Statement of Purpose

The purpose of this action is to:

(1) Clarify the authority of the Department of Health and Mental Hygiene to provide core medical services and support services to individuals enrolled in MADAP, as allowed under Health Resources and Services Administration (HRSA) policy; and

(2) Update outdated or inaccurate language.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

10.18.05 Maryland AIDS Drug Assistance Program: Eligibility

Authority: Health General Article, §§2-104(b) and (i) and 2-105(a) and (b), Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(7) (text unchanged)

(8) “Core medical services” means a set of essential, direct health care services as specified by the Health Resources and Services Administration.

[(8)] (9)—[(10)] (11) (text unchanged)

(12) “Formulary” means a list of drugs developed by the Department that is based on the recommendations of the MADAP Advisory Board.

[(11)] (13)—[(14)] (16) (text unchanged)

[(15)] (17) “Maryland AIDS Drug Assistance Program (MADAP)” means the program administered by the Department that provides [prescription] coverage assistance to [qualified applicants in need of specified U.S. Food and Drug Administration approved drugs recommended for treatment of individuals with HIV infection] individuals enrolled in the program for services specified in COMAR 10.18.06.04.

[(16)] “Maryland Pharmacy Assistance Program” means the program mandated by Health-General Article, §15-124, Annotated Code of Maryland.]

[(17)] (18)—[(19)] (20) (text unchanged)

(21) “Support services” means a set of services, as specified by the Health Resources and Services Administration, needed to achieve medical outcomes that affect the HIV-related clinical status of an individual living with HIV/AIDS.

.02 Individuals Who Are Not Eligible.

A. An individual is not eligible for MADAP prescription drug benefits if the individual [is]:

[A. Qualified] (1) *Is qualified* for full third-party payment for all drugs:

[(1)] (a)—[(2)] (b) (text unchanged)

[B. Eligible] (2) *Is eligible* for Medical Assistance [or the Maryland Pharmacy Assistance Program]; or

[C.] (3) Has an income that exceeds the financial criteria set forth in Regulation [.03C] .03C(1) of this chapter.

B. *An individual is not eligible for MADAP benefits, other than prescription drug benefits, if the individual:*

(1) *Is eligible for Medical Assistance; or*

(2) *Has an income that exceeds the financial criteria set forth in Regulation .03C(2) of this chapter.*

.03 Eligibility.

A.—B. (text unchanged)

C. Financial Criteria. An individual is [not] eligible for MADAP [whose]:

(1) *Prescription drug benefits if projected gross annual household income for a 12-month period beginning with the month of application for MADAP benefits is [expected to exceed] less than or equal to 500 percent of the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. §9902(2); and*

(2) *Benefits, other than prescription drug benefits, if projected gross annual household income for a 12-month period beginning with the month of application for MADAP benefits is less than or equal to 400 percent of the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. §9902(2).*

.05 Benefits.

A. [Except as specified in §§B—E of this regulation, an] An individual enrolled in MADAP shall qualify for payment for [all drugs included in the formulary as specified in COMAR 10.18.06.04-1.]:

(1) *Core medical services, including all drugs in the formulary; and*

(2) *Support services.*

[B. In order to qualify for payment for the drug oxandrolone, a recipient shall submit to MADAP a written statement:

(1) On the form approved by the Department; and

(2) Signed by the individual’s:

(a) Physician;

(b) Physician assistant; or

(c) Nurse practitioner.

C. Payment for Filgrastim.

(1) In order to qualify for payment for the drug filgrastim, a recipient shall submit to MADAP a written statement:

- (a) On the form approved by the Department; and
- (b) Signed by the individual's:
 - (i) Physician;
 - (ii) Physician assistant; or
 - (iii) Nurse practitioner.

(2) For continued treatment and payment, at 90 day intervals from the date of original approval, a recipient shall submit to MADAP a written statement:

- (a) On the form approved by the Department; and
- (b) Signed by the individual's:
 - (i) Physician;
 - (ii) Physician assistant; or
 - (iii) Nurse practitioner.

D. Payment for Epoetin Alpha.

(1) In order to qualify for payment for the drug epoetin alpha, a recipient shall submit to MADAP a written statement:

- (a) On the form approved by the Department; and
- (b) Signed by the individual's:
 - (i) Physician;
 - (ii) Physician assistant; or
 - (iii) Nurse practitioner.

(2) For continued treatment and payment, at 90 day intervals from the date of original approval, a recipient shall submit to MADAP a written statement:

- (a) On the form approved by the Department; and
- (b) Signed by the individual's:
 - (i) Physician;
 - (ii) Physician assistant; or
 - (iii) Nurse practitioner.

E. Payment for Peginterferon Alfa-2b or Peginterferon Alfa 2a, and Ribavirin.

(1) In order to qualify for payment for the drugs peginterferon alfa-2b or peginterferon alfa 2a, and ribavirin:

(a) An applicant shall apply, or an individual currently enrolled in MADAP shall reapply, for eligibility in the MADAP program to coincide with the first month of treatment using peginterferon alfa-2b or peginterferon alfa 2a, and ribavirin; and

(b) An applicant shall submit to MADAP a written statement:

- (i) On the form approved by the Department; and
- (ii) Signed by the individual's physician.

(2) For continued treatment and payment, at 90 day intervals from the date of original approval, a recipient shall submit to MADAP a written statement:

- (a) On the form approved by the Department; and
- (b) Signed by the individual's physician.]

[F.] B. The Department may not enroll an applicant in MADAP unless sufficient funds exist [within the current appropriation] to provide benefits to the applicant.

[G.] C. (text unchanged)

[H.] D. If an individual is certified as eligible pursuant to Regulation .03 of this chapter, but cannot be served due to the limitation described in [§F] §B of this regulation, the Department shall place the individual's name on a waiting list according to procedures described in Regulation .04 of this chapter.

.06 Application Process.

A.—B. (text unchanged)

C. An applicant:

- (1) (text unchanged)
- (2) Shall [mail] *submit* the completed application form to the [address designated on the form] *Department*;

(3)—(4) (text unchanged)

D. (text unchanged)

.08 Income.

A. (text unchanged)

B. For purposes of determining under this chapter financial eligibility [and calculation of the fee], an applicant shall project income based on what can be reasonably expected to be available for the 12-month period beginning with the month in which the completed application is filed with the Department.

C.—E. (text unchanged)

.09 Certification.

A.—B. (text unchanged)

C. *Documentation Required for Continuing Eligibility.*

(1) *Every 6 months a recipient shall submit documentation required by the Department to confirm continued eligibility.*

(2) *If a recipient fails to submit the required documentation by the required due date, the Department shall suspend the recipient's enrollment in MADAP starting no later than the end of the recipient's seventh month of eligibility.*

.11 Notification and Appeals.

A. A recipient shall notify the Department within 10 [working] *business* days of a change in:

(1)—(2) (text unchanged)

(3) Income or assets, or both, which:

(a) Could result in the recipient's eligibility for [either] the Medical Assistance Program [or the Maryland Pharmacy Assistance Program]; or

(b) (text unchanged)

(4) (text unchanged)

B. (text unchanged)

C. Termination of Certification for Individuals No Longer Eligible.

(1) (text unchanged)

(2) If a recipient is determined to be ineligible before the expiration of the recipient's current certification period because of pending enrollment in the Medical Assistance Program [or the Maryland Pharmacy Assistance Program], the termination shall be effective the earlier of:

(a) (text unchanged)

(b) The date of enrollment in the[

(i)] Medical Assistance Program[; or

(ii) Maryland Pharmacy Assistance Program].

D. (text unchanged)

E. The Department shall give an applicant or recipient written notification of:

(1) The final decision on an application, which includes:

(a) (text unchanged)

(b) If the applicant is found eligible:

(i) Approval of the application; *and*

(ii) (text unchanged)

[(iii) The obligation of the recipient of MADAP benefits to pay the Department a fee pursuant to Regulation .07 of this chapter; and]

(2) (text unchanged)

F.—G. (text unchanged)

.15 Program Termination.

A. If monies received by the Department under [Title II] *Part B* of the federal Ryan White CARE Act are not [available] *sufficient* to fund MADAP, the Department may terminate MADAP.

B. (text unchanged)

10.18.06 Maryland AIDS Drug Assistance Program: Services

Authority: Health General Article, §§2-104(b) and (i), 2-105(a) and (b), and 18-102, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) *“Core medical services” means a set of essential, direct health care services as specified by the Health Resources and Services Administration.*

[(3)] (4)—[(6)] (7) (text unchanged)

[(7)] (8) *“Maryland AIDS Drug Assistance Program (MADAP)” means the program administered by the Department that provides [prescription] coverage assistance to [qualified applicants in need of specified U.S. Food and Drug Administration approved drugs recommended for treatment of individuals with HIV infection] individuals enrolled in the program for services specified in Regulation .04 of this chapter.*

[(8)] (9)—[(15)] (16) (text unchanged)

(17) *“Support services” means a set of services, as specified by the Health Resources and Services Administration, needed to achieve medical outcomes that affect the HIV-related clinical status of an individual living with HIV/AIDS.*

.04 Covered Services.

A.—B. (text unchanged)

C. *In accordance with policy guidance issued by the Health Resources and Services Administration, MADAP may pay for:*

(1) *Core medical services; and*

(2) *Support services.*

.06 Preauthorization Requirement.

A. A provider shall [:

(1) Obtain] *obtain* preauthorization from MADAP for each prescription or refill before dispensing the drug [;

(2) Verify with MADAP at the time of preauthorization that a recipient for whom the prescription is dispensed meets the requirements of COMAR 10.18.05.05 before filling a prescription for one or more of the following drugs:

- (a) Filgrastim;
- (b) Oxandrolone;
- (c) Epoetin Alpha;
- (d) Peginterferon Alfa-2b;
- (e) Ribavirin; or
- (f) Peginterferon Alfa 2a; and

(3) Obtain preauthorization and verification as described in §A(1) and (2) of this regulation by contacting MADAP of the Department’s AIDS Administration].

B.—C. (text unchanged)

.12 Program Termination.

A. If monies received by the Department under [Title II] *Part B* of the federal Ryan White CARE Act are not [available] *sufficient* to fund MADAP, the Department may terminate MADAP.

B. (text unchanged)

10.18.07 Maryland AIDS Drug Assistance Program: Health Insurance (MADAP-PLUS)

Authority: Health-General Article, §§2-104(b) and (i) and 2-105(a) and (b), Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(17) (text unchanged)

(18) *“Maryland AIDS Drug Assistance Program (MADAP)” means the program administered by the Department that provides [prescription] coverage assistance to [qualified applicants in need of specified U.S. Food and Drug Administration (FDA) approved drugs recommended for treatment of individuals with HIV infection] individuals enrolled in the program for services specified in COMAR 10.18.06.04.*

(19) (text unchanged)

[(20)] *“Maryland Pharmacy Assistance Program” means the program mandated by Health-General Article, §15-124, Annotated Code of Maryland.]*

[(21)] (20)—[(26)] (25) (text unchanged)

.03 Individuals Who Are Not Eligible.

An individual is not eligible for MADAP-Plus benefits if the individual is:

A. Eligible for the[:

(1)] Medical Assistance Program; or

[(2)] Maryland Pharmacy Assistance Program; or]

B. [Ineligible under this chapter] *Is ineligible for MADAP prescription drug benefits.*

.04 Eligibility.

A.—C. (text unchanged)

D. Financial Criteria. An individual is [not] eligible for MADAP-Plus [whose] *if* projected gross annual household income for a 12-month period beginning with the month of application for MADAP-Plus benefits is [expected to exceed] *less than or equal to* 500 percent of the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. §9902(2).

E. Employer Sponsored Insurance Plans. An individual who is [not eligible for MADAP-Plus if the individual has or is] eligible for *an* employer sponsored health insurance[, unless the applicant is responsible for paying 50 percent or more of the individual’s total monthly health insurance premiums] *plan is not eligible for MADAP-Plus, unless the individual is:*

(1) *Enrolled in that plan; and*

(2) *Paying 50 percent or more of the plan’s total monthly health insurance premiums for the individual.*

F. (text unchanged)

.06 Application Process.

A.—C. (text unchanged)

D. The applicant, or the applicant’s representative, shall [mail] *submit* the completed application form, and the physician’s, physician assistant’s, or nurse practitioner’s certification as specified in Regulation .04B of this chapter, to the [address designated on the form] *Department.*

E.—K. (text unchanged)

.10 Redetermination of Certification.

A. A recipient shall notify the Department within 10 *business* days of any of the following changes in circumstances that would affect continuing eligibility:

(1)—(5) (text unchanged)

- (6) Income that:
 - (a) Could result in the recipient’s eligibility for the [(i)] Medical Assistance Program; or [(ii)] Maryland Pharmacy Assistance Program; or]
 - (b) (text unchanged)
 - (7) (text unchanged)
- B.—E. (text unchanged)

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

.16 Program Termination.

- A. If monies received by the Department under [Title II] *Part B* of the federal Ryan White CARE Act are not [available] *sufficient* to fund MADAP-Plus, the Department may terminate MADAP-Plus.
- B. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

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

- C. The proposed action may have some economic impact on local school systems that choose to switch to electronic storage of records.

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 Douglas A. Strader, Director, Planning and Assessment Branches, Maryland State Department of Education, Division of Curriculum, Assessment and Accountability, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0048 (TTY 410-333-6442), or email to douglas.strader@maryland.gov, or fax to 410-333-2017. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on February 24, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Scope.

- This chapter applies to:
 - A. Tests administered by or through the State Board of Education including but not limited to:

- (1) The [norm-referenced test or tests in use by the State] *Partnership for Assessment of Readiness for College and Career (PARCC) Assessments*;
- (2) The Maryland [Functional Testing Program] *School Assessment (Science)*;
- (3) The Alternate Maryland School Assessment (*Science*);
- (4) The Alternate Maryland School [Assessment] *Assessments (Reading and Mathematics)*, which will be replaced by the *National Center and State Collaborative Assessments for Reading and Mathematics in school year 2016—2017*;
- (5) *The Maryland High School Assessments (Government and Science)*;

- [(5)] (6) The [High School Equivalency Program Test (GED)] *Kindergarten Readiness Assessment*;
 - [(6)] (7) [Teacher Certification Tests] *The norm-referenced test or tests in use by the State*;
 - [(7)] (8) [High School Assessment Tests] *The Educator Credentialing Tests*; and
 - [(8)] (9) (text unchanged)
- B.—C. (text unchanged)

.03 Local School System Test Administration and Data-Reporting Policies.

- A.—D. (text unchanged)

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.04 Test Administration and Data-Reporting Policies and Procedures

Authority: Education Article, §§2-205 and 7-203, Annotated Code of Maryland

Notice of Proposed Action

[14-393-P]

The Maryland State Board of Education proposes to amend Regulations .01 and .03 under **COMAR 13A.03.04 Test Administration and Data-Reporting Policies and Procedures**. This action was considered by the Maryland State Board of Education at their meeting on October 28, 2014.

Statement of Purpose

The purpose of this action is to include the current assessments used by the Maryland State Department of Education.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Local school systems that choose to adopt an electronic storage system may incur some costs associated with the transition to electronic storage if they do not already have such a system in place. These costs may be offset, in part, by savings from eliminating paper storage. Whether to pursue electronic storage is a discretionary decision on the part of local school systems.

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

E. Electronic Archival of Documents. Each local school system may develop and adopt policies and procedures for the secure electronic archival of paper documents.

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.08 Child Care Training Approval

Authority: Family Law Article, [§5-573] §§5-551 and 5-573, Annotated Code of Maryland

Notice of Proposed Action

[14-392-P]

The State Superintendent of Schools proposes to amend Regulations .01 —.07 under COMAR 13A.14.08 Child Care Training Approval.

Statement of Purpose

The purpose of this action is to clarify certain definitions of terms; requirements for applying for approval; criteria for maintaining approval status; and administrative responsibilities of approved trainers.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Angeline Bishop-Oshoko, Manager, Child Care Credentialing Branch, Maryland State Department of Education, Division of Early Childhood Development, 200 W. Baltimore Street, Baltimore, Maryland 21201, or call 410-767-6916 (TTY 410-333-6442), or email to angeline.bishop-oshoko@maryland.gov, or fax to 410-333-6226. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.01 Scope.

A. This chapter governs the process by which an individual or organization may be approved to offer and conduct training required by COMAR 13A.15 [and 13A.16], 13A.16, 13A.17, and 13A.18.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Applicant” means an individual or organization applying for or approved by the Office to offer training for family [day] child care providers and child care center staff.

(3)—(11) (text unchanged)

(12) “Office” means the Office of Credentialing under the Office of Child Care, *Division of Early Childhood Development*, State Department of Education.

(13) “Online training” means instruction delivered over the Internet.

[(13)] (14) (text unchanged)

[(14)] (15) “Preservice training” means course work required at COMAR 13A.16.06 for *child care center* teachers and [child care center] directors.

[(15)] (16)—[(16)] (17) (text unchanged)

.03 Requirement to Be Approved.

A.—B. (text unchanged)

C. Preservice training shall be offered only by:

(1) (text unchanged)

(2) An organization or individual approved to offer core of knowledge training by the Office.

D.—F. (text unchanged)

.04 Application for Approval.

A. Initial Application. An organization or individual that is not currently approved to provide training to child care providers in Maryland shall:

(1) File with the Office a written application, on a form provided by the Office, and all required information, including:

(a) A completed workshop proposal form, [supplied] provided by the Office, for each workshop to be offered;

(b) A detailed plan of instruction, which includes:

(i) (text unchanged)

(ii) A course syllabus or [workshop] training outline that includes time frames for topics covered;

(iii)—(vi) (text unchanged)

(c)—(e) (text unchanged)

(f) Documentation that each trainer meets the requirements of Regulation [.07].05 of this chapter;

(g)—(h) (text unchanged)

(2) Attend an orientation session offered by the Office to become acquainted with this chapter before submitting an initial application;

(3)—(5) (text unchanged)

B. (text unchanged)

C. Response of the Office.

(1)—(2) (text unchanged)

(3) If the Office denies an application [under §C(1) and (2)] pursuant to §C(2)(b) of this regulation, the Office shall notify the applicant in writing of the denial stating:

(a)—(d) (text unchanged)

.05 Trainer Requirements.

A. Each individual, including an individual who provides training for an organization, applying to offer preservice or core of knowledge training shall have:

(1) Attained [an associate’s,] a bachelor’s, master’s, or doctoral degree from an accredited college or university in:

(a)—(h) (text unchanged)

(2)—(4) (text unchanged)

B. Each individual, including an individual who provides training for an organization, applying to offer continued training shall have at least one of the following:

(1)—(4) (text unchanged)

C. (text unchanged)

D. Each individual, including an individual who provides training for an organization, who becomes approved to offer preservice, continued, or core of knowledge training shall [document completion, within the initial 4-year period of approval and each subsequent 4-year period of approval, 12 clock hours of approved training related to]:

[(1)] The training of adults; or

(2) The discipline for which the individual is approved.]

(1) Attend at least two quarterly training meetings, held by the Office, per year; and

(2) Document completion, within the initial 4-year period of approval and each subsequent 4-year period of approval, 24 clock hours of approved training related to:

- (a) The training of adults; or
- (b) The discipline for which the individual is approved.

E. (text unchanged)

F. At the time of application to provide training, each individual contracted by an organization to provide training shall submit to the Office proof of meeting the requirements of this regulation.

.06 Conflict of Interest.

A. If an approved trainer provides training *exclusively* to a coworker that the coworker intends to use to satisfy applicable staff training requirements under COMAR 13A.16, the trainer shall notify the coworker that the training may not count toward satisfaction of those requirements.

B. If the trainer is an employee of a child care center, the trainer may not provide training *exclusively* for the staff of that center.

.07 Administrative Responsibilities.

An approved individual or organization shall:

A.—C. (text unchanged)

D. [Provide to the Office a quarterly report of training activities on a form supplied by the Office, which includes for each workshop or course the:

- (1) Title;
- (2) Date of presentation; and
- (3) Name of each individual who attended] *Submit by the 15th of January, April, July, and October of each year of approval, on a form provided by the Office, a report of all training activities conducted during the previous 3 months; and*

E. (text unchanged)

LILLIAN M. LOWERY, ED.D.
State Superintendent of Schools

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.09 Maryland Child Care Credential Program

Authority: Family Law Article, [§5-573] §§5-551 and 5-573, Annotated Code of Maryland

Notice of Proposed Action

[14-396-P]

The State Superintendent of Schools proposes to amend Regulations .02—.08, repeal existing Regulation .09, and amend and recodify existing Regulation .10 to be Regulation .09 under **COMAR 13A.14.09 Maryland Child Care Credential Program**.

Statement of Purpose

The purpose of this action is to clarify certain existing definitions and add certain new definitions; and clarify participation requirements and bonus payment amounts paid for participation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Angeline Bishop-Oshoko, Manager, Child Care Credentialing Branch, Maryland State Department of Education, Division of Early Childhood Development, 200 W. Baltimore Street, Baltimore, Maryland 21201, or call 410-767-6916 (TTY 410-333-6422), or email to angeline.bishop-oshoko@maryland.gov, or fax to 410-333-6226. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Accreditation” means the assessment of a *child care* facility by an accreditation organization approved by the Office, such as, *but not limited to*, the:

- (a)—(b) (text unchanged)
- (c) National Association for Family Child Care; *or*
- (d) National Early Childhood Professional Accreditation[.];
- [(e) National After School Association.]

(2)—(5) (text unchanged)

(6) “Approved setting” means a:

- (a) (text unchanged)
- (b) Registered family [day] *child care* home, *including a large family child care home*;

(c)—(f) (text unchanged)

(7)—(10) (text unchanged)

(11) “Child care facility” means a:

- (a) *Registered family child care home, including a large family child care home*;

(b) *Licensed child care center*;

(c) *Letter of compliance facility*; *or*

(d) *Child care program authorized by the U.S. Department of Defense.*

[(11)] (12)—[(13)] (14) (text unchanged)

[(14)] (15) “Continued training” means approved training that is taken on an annual or continuing basis to fulfill the requirements of this chapter and of:

- (a) COMAR 13A.15; [or]
- (b) COMAR 13A.16[.];
- (c) *COMAR 13A.17; or*
- (d) *COMAR 13A.18.*

[(15)] (16) (text unchanged)

[(16)] (17) “Core of knowledge training” means training that has been evaluated and approved by the Office as meeting the standards for the core of knowledge and the requirements of:

- (a) COMAR 13A.15; [or]
- (b) COMAR 13A.16[.];
- (c) *COMAR 13A.17; or*
- (d) *COMAR 13A.18.*

[(17)] (18)—[(18)] (19) (text unchanged)

[(19)] (20) “Credential [program] achievement bonus” means a cash payment awarded to a program participant who achieves, or renews program participation at, a specified credential level.

[(20)] (21) (text unchanged)

[(21)] (22) “Experience” means working directly with children in a:

- (a) [Registered family day care home] *Child care facility*; *or*
- (b) Supervised program, such as a:
 - [(i)] *Child care center*;]

[(ii)] (i) — [(v)] (iv) (text unchanged)

[(22)] “Facility” means a registered family day care home or a licensed child care center.]

- (23)—(24) (text unchanged)
- (25) “Lead staff” means the director of a child care facility or a *child care* facility staff member designated to be in charge of the facility or a classroom of children at a given time during the facility’s approved hours of operation.
- (26) (text unchanged)
- (27) “One year of college” means the successful completion of 30 [semester] *college credit* hours [of college course work].
- (28) “One year of college course work” means not less than 30 [semester] *college credit* hours [of course work] from a regionally accredited college or university that have been successfully completed for credit.
- (29)—(31) (text unchanged)
- (32) “Pre-service training” means training that is received:
 - (a) (text unchanged)
 - (b) To meet initial employment [qualifications for child care center staff members as set forth under COMAR 13A.16.06] *qualification requirements established for registered family child care homes, licensed child care centers, or letter of compliance facilities.*
- (33) “Provider” means:
 - (a) A registered family [day] *child care* provider or co-provider;
 - (b) An approved additional adult in a registered family [day] *child care home*[, as identified at COMAR 13A.15.06.04];
 - (c) [A child care center:
 - (i) Director, as identified at COMAR 13A.16.06.06—08;
 or
 - (ii) Staff member] *The director of a child care facility; or*
 - (d) [In a letter of compliance facility, the child care program director or a staff member] *A staff member in a child care facility.*
- (34) “Related discipline” means the completion of at least 15 [semester] *college credit* hours of approved core of knowledge coursework.
- (35) “Staff member” means an individual, *other than a volunteer or a substitute*, who [works with children in a licensed child care center or a letter of compliance facility and meets the requirements of COMAR 13A.16.01.02B(54) or COMAR 13A.17.01.02B(43), as applicable] *is assigned responsibility for child care in a child care facility and, if applicable, whose assignment helps to maintain required staff/child ratios.*
- (36) “Successful completion” means meeting the requirements of a [workshop, seminar, or other course and] :
 - (a) *Workshop, training, or seminar for which a certificate of completion is received; or*
 - (b) *College course taken for credit in which a grade of “C” or higher is earned.*
- [(37) “Tiered reimbursement” means a system of graduated child care subsidy payments made to an eligible child care provider or a child care facility operator pursuant to COMAR 13A.14.06 that is based on achievement by the provider or operator of successive levels of child care program quality and staff professionalism.
 - (a) Earning a grade of “C” or higher; or
 - (b) Receiving documentation of completion.]
- [(38)] (37) (text unchanged)
- [(39)] (38) “Training voucher” means a coupon given by the Office to a participant to purchase *pre-service or conference* training from an approved training source.
- [(40)] (39) “Transcript” means an official statement from a college or university which identifies the:
 - (a)—(f) (text unchanged)
 - (g) Number of [hours] *credits* completed; and
 - (h) (text unchanged)

.03 General Requirements.

- A. (text unchanged)
- B. Eligibility for Participation.
 - (1) Participation in the credential program is limited to providers, as defined at Regulation [.02B(31)] *.02B(33)* of this chapter.
 - (2) The following individuals *who are employed or serve in a child care facility* are not eligible to participate in the credential program:
 - (a) (text unchanged)
 - (b) Volunteers [who do not regularly serve on a full-time basis as staff members, as defined at COMAR 13A.16.01.02B(54) or COMAR 13A.17.01.02B(43), as applicable];
 - (c) *Support staff, such as clerical workers and van drivers, who do not have child care responsibilities and, if applicable, whose assignment does not help to maintain required staff/child ratios;*
 - [(c)] (d) A family [day] *child care* provider, child care center operator, or letter of compliance facility operator whose registration certificate, center license, or letter of compliance is the subject of suspension or revocation action; and
 - [(d)] (e) [As of September 1, 2007, a] A provider who has a documented history of confirmed complaints involving serious harm to a child in care including but not limited to child abuse, child neglect, injurious treatment of a child, or child supervision.
- C.—D. (text unchanged)

.04 Child Care Credential Requirements.

- A. Staff Credential 1. The only qualification for a level 1 credential shall be:
 - (1) Current registration as a family [day] *child care* provider or co-provider; *or*
 - (2) Qualification by the Office as a child care [center] facility:
 - (a) (text unchanged)
 - (b) Staff member[; or
 - (3) Current employment as the child care program director or a staff member in a letter of compliance facility].
- B.—D. (text unchanged)
- E. Staff Credential 4 Plus. Qualification for a level 4 plus credential requires a participant to:
 - (1) Successfully complete 135 clock hours of core of knowledge training [consisting of:
 - (a) 45 clock hours in child development;
 - (b) 30 clock hours in curriculum development;
 - (c) 20 clock hours in health, safety, and nutrition;
 - (d) 15 clock hours in special needs;
 - (e) 15 clock hours in professionalism; and
 - (f) 10 clock hours in community issues] *as specified at §D(1) of this regulation;*
 - (2)—(3) (text unchanged)
 - (4) Meet one of the following requirements:
 - (a) [Hold current Family Day Care Program Accreditation] *Hold current accreditation as a family child care provider;*
 - (b) Complete at least:
 - (i) 15 [semester] *college credit* hours of approved course work that includes courses in child development and curriculum planning; and
 - (ii) (text unchanged)
 - (c) (text unchanged)
- F. Staff Credential 5. Qualification for a level 5 credential requires a participant to:
 - (1)—(2) (text unchanged)
 - (3) Complete one of the following:
 - (a) An associate degree with 15 [semester] *college credit* hours of approved course work that includes courses in child development and curriculum planning;

(b) 30 [semester] *college credit* hours of approved course work that includes at least one course in each of the following areas:

(i)—(viii) (text unchanged)

(c) 15 [semester] *college credit* hours of approved course work, enrolled in an approved degree program, and accumulate 45 points by earning 5 points for completing each additional:

(i)—(ii) (text unchanged)

G.—I. (text unchanged)

J. Administrator Credential 3. Qualification for a level 3 credential requires completion of:

(1)—(2) (text unchanged)

(3) An associate degree from an accredited college that includes:

(a) 15 [semester] *college credit* hours of course work related to business management or administration; and

(b) (text unchanged)

K. Administrator Credential 4. Qualification for a level 4 credential requires completion of:

(1)—(3) (text unchanged)

(4) A bachelor's, master's, or doctoral degree from an accredited college or university in:

(a)—(b) (text unchanged)

(c) Public school administration; [or]

(d) *A degree as specified at §G(3) of this regulation; or*

[(d)] (e) (text unchanged)

(5) (text unchanged)

.05 Application for Credential.

A. (text unchanged)

B. Application for Participation.

(1) (text unchanged)

(2) To participate, each applicant shall submit to the Office a complete application, which includes:

(a)—(b) (text unchanged)

(c) Documentation of participation in child care professional activities which includes but is not limited to a [canceled check,] membership card, letter of participation, or certificate of recognition.

(3) An applicant for a Staff Credential or Administrator Credential at level 2 or higher shall submit:

(a) (text unchanged)

(b) Documentation of experience, which shall consist of:

(i)—(ii) (text unchanged)

(iii) A copy of the applicant's current family [day] *child care registration certificate with at least one child attendance sheet completed during the past 12 months.*

(4) (text unchanged)

C. (text unchanged)

D. Notification to Applicant. Within [30] 60 days of receiving an application, the Office shall notify the applicant of the status of the application.

E. (text unchanged)

.06 Credential [Program] Achievement Bonus.

A. [Achievement Bonus.] A *credential* program participant shall receive an achievement bonus upon:

(1) Initial entry into the credential program at Staff Credential or Administrator Credential level 2 or higher; *and*

(2) Achievement thereafter of [each successively higher credential level; and] :

(a) *Each successively higher credential level; or*

(b) *Annual approval at:*

(i) *Staff Credential levels 4 Plus through 6; or*

(ii) *Administrator Credential levels 2 through 4.*

[(3) For Staff Credential levels 4 Plus through 6 and Administrator Credential levels 2 through 4, completion of each 12-month period at the current credential level.

B. Renewal Bonus. A program participant shall receive a renewal bonus:

(1) For Staff Credential levels 2 through 4 and Administrator Credential level 1, one time upon renewal at the current credential level; and

(2) For Staff Credential levels 4 Plus through 6 and Administrator Credential levels 2 through 4, at each renewal at the current level.]

B. An achievement bonus shall be awarded:

(1) One time only at:

(a) *Staff Credential levels 2 through 4; and*

(b) *Administrator Credential level 1; and*

(2) Annually for:

(a) *Staff Credential levels 4 Plus through 6; and*

(b) *Administrator Credential levels 2 through 4.*

C. To receive an achievement bonus, a participant shall:

(1) (text unchanged)

(2) File [a renewal] *an* application pursuant to Regulation .05E of this chapter.

D. Upon verification by the Office that the participant has met the requirements for an achievement bonus [or a renewal bonus], the Office shall award a bonus of at least the amount set forth in the following schedule:

Level	Achievement Bonus	[Renewal Bonus]
Staff Credential 1	No Award	[No Award]
Staff Credential 2	[\$100] \$200	[\$100]
Staff Credential 3	[\$150] \$300	[\$150]
Staff Credential 4	[\$250] \$500	[\$250]
Staff Credential 4 Plus	[\$300] \$600	[\$300]
Staff Credential 5	[\$375] \$750	[\$375]
Staff Credential 6	[\$500] \$1,000	[\$500]
Administrator Credential 1	[\$300] \$600	[\$300]
Administrator Credential 2	[\$375] \$750	[\$375]
Administrator Credential 3	[\$500] \$1,000	[\$500]
Administrator Credential 4	[\$750] \$1,500	[\$750]

.07 Training Vouchers and Reimbursement.

A. — B. (text unchanged)

C. Application for Training Vouchers.

(1) *An application for a training voucher shall be accepted only for a pre-service training, a Statewide conference, or a national conference.*

[(1)] (2) (text unchanged)

[(2)] (3) Not less than 60 days before the date of the training for which the voucher will be used, the individual shall submit to the Office a complete application, which includes:

(a) (text unchanged)

(b) Documentation of the training for which the voucher will be used, which shall include a copy of the:

(i) (text unchanged)

(ii) [Completed registration] *Registration* form; or

(iii) [Training] *Conference training* advertisement.

D. (text unchanged)

E. Application for Training Reimbursement.

(1) [Instead of a training voucher, an] *An* individual may request and receive reimbursement for training if the:

[(a) Individual is participating in the credential program at level two or higher;]

[(b)] (a) (text unchanged)

[(c)] (b) Training has been successfully completed not more than [120] 180 days before the date of the request; and

[(d)] (c) Individual has not received more than \$400 in training vouchers or reimbursements within the [preceding 12-month period] *individual's current credentialing period*.

(2) Not more than [120] 180 days after the successful completion of the training for which the reimbursement is sought, the individual shall submit to the Office a complete application, which includes:

- (a) (text unchanged)
- (b) Documentation of the training for which the reimbursement is sought, which shall include a copy of the:
 - (i) Course catalog description or training advertisement;
 - (ii) Grade slip, transcript, or certificate of completion[.];
 - (iii) Receipt for payment indicating the amount paid.

[and] and
(3) Subject to funding availability, the Office shall[, within 30 days of the receipt of the application,] approve an applicant to receive training reimbursement if the:

- (a) Application is received not later than [120] 180 days after the completion of training;
- (b)—(d) (text unchanged)

F.—G. (text unchanged)
H. Assignment of Awards.

(1) (text unchanged)
[(2) For award purposes, the Office shall divide the annual allocation for training vouchers and reimbursement into 12 equal monthly funding allocations.]

[(3)] (2) Awards are assigned [each month] according to the incomes of all applicants who are eligible for an award [during that month], with higher priority given to lower income applicants.

[(4)] (3) [During each month, applicants] *Applicants* whose annual family income does not exceed the [State] *current Maryland* median income for their family size [during the current October 1 through September 30 period] shall be given priority to receive training vouchers or reimbursement during that month.

[(5) State Median Income (SMI).

(a) The Office shall amend this regulation annually to show the SMI for family size for the current October 1 through September 30 period.

(b) For the period October 1, 2006, through September 30, 2007, the SMI for family size is as follows:

Family Size	SMI
1 individual	\$46,596
2 individuals	\$60,933
3 individuals	\$75,270
4 individuals	\$89,608
5 individuals	\$103,945
6 individuals	\$118,283
7 individuals	\$120,971
8 individuals	\$123,659
9 individuals	\$126,348
10 individuals*	\$129,036

*For each additional family member above 10 individuals, add \$2,688 to the SMI figure shown for a family of 10.

(c) Until each annual amendment of this regulation becomes effective, the Office shall continue to apply the SMI applicable to the most recent October 1 through September 30 period.]

[(6)] (4) [During each month, the] *The* Office shall make training voucher and reimbursement awards according to assigned award priority until:

- (a) (text unchanged)
- (b) The [monthly] funding allocation is exhausted.

[(7) At the end of a month, any unused funding allocation for that month shall be:

- (a) Added to the funding allocation for the next month; and
- (b) Available for award purposes during the next month.]

I. (text unchanged)

.08 Child Care Career and Professional Development Fund.

A. Fund Uses and Limitations. An award under the Fund:

- (1) Shall be:
 - (a) Applied toward the cost of:
 - (i)—(ii) (text unchanged)
 - (iii) [Books] *Course-required textbooks*; and
 - (b) (text unchanged)
- (2) (text unchanged)

B. Eligibility to submit an application is limited to individuals who:

- (1) Are participating in the credential program *at level 2 or higher*;
- (2) Have at least 1 year of documented experience working with groups of children in an approved setting; [or] *and*
- (3) (text unchanged)

C. Applications.

(1)—(3) (text unchanged)
(4) Subject to funding availability, the Office shall approve an applicant to receive an award if the:

- (a) (text unchanged)
- [(b) Amount requested does not exceed the actual cost of the college tuition and related fees;]
- [(c)] (b)—[(d)] (c) (text unchanged)

(5) Upon determination by the Office that an applicant is eligible to receive an award and that funding is available:

- (a) (text unchanged)
- (b) An award letter shall be issued [stating the amount of the award] *to the applicant*.

(6) If an eligible applicant is denied an award due to insufficient award funds, the individual [shall] *may* reapply [in order] to be considered for a future award.

- (7) (text unchanged)
- (8) Assignment of Awards.

- (a) (text unchanged)
- (b) The Office shall make awards *annually* until:
 - (i)—(ii) (text unchanged)

D. Continuation and Service Requirement. Upon receipt of a Child Care Career and Professional Development Fund award, a grantee shall:

- (1) Be eligible for continued funding as long as:
 - (a) (text unchanged)
 - (b) The grantee is employed *at least 10 hours per week* as a provider in an approved child care facility;
 - (c)—(d) (text unchanged)

(2) In relation to the number of college credits, or equivalent, completed or the degree earned due in part or in whole to receipt of a Fund award, commit to continuing employment *at least 10 hours per week* as a provider for a period of time which is the shortest of:

- (a)—(c) (text unchanged)
- (3)—(4) (text unchanged)

.[10].09 Prohibitions and Penalties.

A. (text unchanged)
B. Violation of §A of this regulation shall result in:

- (1) Forfeiture of any claim to a:
 - (a) (text unchanged)
 - (b) Bonus award; *or*
 - [(c) Tiered reimbursement payment eligibility pursuant to COMAR 13A.14.06; or]
 - [(d)] (c) (text unchanged)

(2) Denial of initial or continued participation, *as applicable*, in the credential program [or tiered reimbursement program, as applicable].

C. (text unchanged)

D. If a participant receives an award through the Fund and, without good cause, fails to comply with the requirements of Regulation [.08C] .08D of this chapter, the participant shall be:

(1) (text unchanged)

(2) Required to repay the amount of the award to the Office in proportion to the remaining employment commitment set forth at Regulation [.08C(2)] .08D(2) of this chapter.

LILLIAN M. LOWERY, ED.D.
State Superintendent of Schools

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.14 Maryland EXCELS

Authority: Family Law Article, §§5-502 and 5-573, Annotated Code of Maryland; Agency Note: Federal Statutory Reference—Child Care and Development Fund, 45 CFR 98.51

Notice of Proposed Action

[14-391-P]

The State Superintendent of Schools proposes to adopt new Regulations .01 — .07 under a new chapter, **COMAR 13A.14.14 Maryland EXCELS**.

Statement of Purpose

The purpose of this action is to establish a regulatory basis for Maryland’s tiered quality rating and improvement system for center-based child care programs and family child care providers.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Maryland EXCELS Tiered Quality Rating and Improvement System awards bonuses to child care programs upon initial publication of a quality rating and upon publication thereafter of each successively higher quality rating. The estimated State cost of these bonuses for FY 2015 is \$455,252.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
Cost of program bonuses	(E+)	\$455,252
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	
	Magnitude	
D. On regulated industries or trade groups:	NONE	
Recipients of program bonuses	(+)	\$455,252
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(1). and D(1). In FY 2014, Maryland EXCELS awarded program bonuses to 748 child care providers for a total cost of \$395,874 and an average per-provider bonus cost of \$529.24. For FY 2015, the average per-provider bonus cost is expected to remain the same, but the number of providers receiving bonuses is expected to increase by 15 percent. The estimated State cost for FY 2015 is therefore estimated at \$455,252 ($\$529.24 \times [748 \times 1.15]$).

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Intended Beneficiaries

Since the average child capacity of Maryland’s child care centers is approximately 58 children, the average bonus amount of \$529 per program may not result in a meaningful impact for child care centers. However, for family child care providers, each of which has a maximum child capacity of only 8 children, that same amount may have a meaningful positive impact. Child care centers and family child care providers can choose to use the bonus funds to improve their programs, purchase supplies and materials, and enhance their services to families and children thereby improving Maryland’s child care and early education system.

Intended Beneficiaries: Households

Families with children enrolled in a facility participating in Maryland EXCELS will benefit because their children will receive higher quality services.

Intended Beneficiaries: Businesses

The proposals are not expected to have an impact on any businesses beyond the child care businesses that receive Maryland EXCELS program bonuses.

Other Direct or Indirect Impacts: Adverse

Operating higher quality programs may encourage some child care providers to raise the fees they charge to families.

Other Direct or Indirect Impacts: Positive

Improving the quality of child care and early education in Maryland is expected to enhance the overall reputation of Maryland’s early care and education industry, and this may help attract businesses to Maryland. Higher-quality child care and early education services for children may result in those children more effectively developing the skills they will need to succeed in school and in life and may positively affect the State workforce in the years to come.

Long-Term Impacts

No long-term effects on Maryland small businesses are anticipated which may differ from, compound, mitigate, or offset the initial effects described above.

Estimates of Economic Impact

(1) Cost of providing goods and services:

Some child care providers who move to higher levels of program quality may charge higher fees for their services. Because child care fees are determined independently by each provider, the overall change, if any, in those expenses cannot be determined.

(2) Effect on the work force:

Families in Maryland’s work force with young children and school-age children using child care services will have an online rating system that communicates the level of quality a child care or early education program has achieved. Access to this information may enable families to make informed decisions when choosing a program for their children; and may be seen as a benefit for business growth in Maryland.

(3) Capital investment, taxation, competition, and economic development:

These proposals are not expected to have any direct effect on capital investment, taxation, competition, or economic development. However, as noted above, they may help provide a more attractive environment for business growth.

(4) Consumer choice:

Consumer choice is expected to be affected positively by making higher quality child care services available to families seeking those services.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Linda Budd, Program Manager, Maryland EXCELS, Maryland State Department of Education, Division of Early Childhood Development, 200 W. Baltimore Street, Baltimore, Maryland 21201, or call 410-332-4623 (TTY 410-333-6442), or email to linda.budd@maryland.gov, or fax to 410-333-6226. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.01 Scope.

This chapter governs the operation of the Maryland EXCELS program and sets forth the:

A. Requirements for participation in the program; into the program;

C. Basis and procedure for making determinations and awards; and

D. Penalties for providing false information in connection with applying for program participation or obtaining an award under the program.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Acceptance” means the date on which a child care provider’s application for participation in Maryland EXCELS has been accepted.

(2) “Annual update” means the information required to renew a Maryland EXCELS quality rating.

(3) “Child care center” means a child care program that is operated pursuant to COMAR 13A.16 or by any branch of the military under applicable military child care regulations.

(4) “Early care and education (ECE) program” means a:

(a) Family child care home;

(b) Large family child care home;

(c) Child care center, including a center approved to serve only school-aged children; or

(d) Public prekindergarten program operated by a local education agency.

(5) “EXCELS public portal” means the Internet site, located at www.marylandexcels.org, established to help manage the operations of Maryland EXCELS.

(6) “Family child care home” means a child care program that is operated pursuant to COMAR 13A.15 or by any branch of the military under applicable military child care regulations.

(7) “Large family child care home” means a child care program that is operated pursuant to COMAR 13A.18 or by any branch of the military under applicable military child care regulations.

(8) “Letter of compliance facility” means a child care program that is operated pursuant to COMAR 13A.17

(9) “License enforcement action” means a suspension, emergency suspension, or revocation action taken by the Office against the registration or license of an ECE program that operates pursuant to COMAR 13A.15, COMAR 13A.16, COMAR 13A.17, or COMAR 13A.18.

(10) “Local education agency (LEA)” means the governing school board of one of Maryland’s 24 local jurisdictions.

(11) “Maryland EXCELS” means the State’s tiered quality rating and improvement system for early care and education programs.

(12) “Maryland EXCELS Advisory Committee” means the group of individuals designated by the Office to conduct a review of decisions made by the Office regarding ECE program quality ratings.

(13) “Office” means the Office of Child Care, which is housed within the Maryland State Department of Education and is responsible for administering Maryland EXCELS.

(14) “Participation” means a status indicating that an ECE program’s application to participate in Maryland EXCELS has been accepted and access to the Maryland EXCELS public portal has been granted.

(15) “Published” means a Maryland EXCELS status indicating that the ECE program has:

(a) Met the Maryland EXCELS requirements for a specified quality rating; and

(b) Requested the Office to publish the program’s quality rating as published on the Maryland EXCELS public portal for public viewing.

(16) “Quality rating” means a determination, represented by a number from 1 through 5, that a participating program has met the criteria applicable to a particular set of Maryland EXCELS standards.

(17) “Rating cycle” means the 12-month time period when a published quality rating is valid.

(18) “Standards” means the quality rating criteria published on the EXCELS public portal that comprise the five quality rating content areas of Maryland EXCELS, which are:

(a) Licensing and Compliance;

(b) Staff Qualifications and Professional Development;

(c) Accreditation and Rating Scales;

(d) Developmentally Appropriate Learning and Practice; and

(e) Administrative Policies and Practices.

(19) “Substantial compliance” means that a licensed child care provider has no more than one licensing inspection in the previous 12 months with a finding of noncompliance with applicable child care regulations governing:

(a) Injurious treatment;

(b) Child protection;

(c) Child supervision; or

(d) Child capacity.

(20) “Tiered quality rating and improvement system (TQRIS)” means a system that awards ratings based on meeting increasingly higher criteria of program quality and performance.

(21) “Tiered reimbursement” means a differential child care subsidy payment that is made to a licensed child care program

according to the program's quality rating and the ages of the children served by the program.

.03 Eligibility Requirements.

A. Eligibility to participate in Maryland EXCELS is limited to a currently operating ECE program, as defined at Regulation .02B(4) of this chapter.

B. The Office shall accept an application to participate in Maryland EXCELS only from an eligible program.

.04 Application Process.

A. An ECE program shall apply to participate in Maryland EXCELS through the EXCELS public portal.

B. To apply for participation in Maryland EXCELS, an ECE program shall:

- (1) Create a user name and password in the EXCELS public portal; and
- (2) Submit a complete application that includes:
 - (a) Verification of the program's license, registration, or approval to operate;
 - (b) Documentation of the program's:
 - (i) Name;
 - (ii) Full street address and, if different, full mailing address;
 - (iii) Days and hours of operation;
 - (iv) Child care staffing level;
 - (v) Current child enrollment;
 - (vi) Primary contact name and email address; and
 - (vii) Other information that may be required by the Office.

C. The Office shall inform the applicant by email of acceptance into Maryland EXCELS within 30 calendar days from the date that a complete application was received by the Office through the EXCELS public portal.

D. Rejected Application.

(1) If the Office rejects an application, the Office shall notify the applicant by email within 30 calendar days from the date the application was received by the Office through the EXCELS public portal.

(2) Notification of rejection shall include the:

- (a) Reason for the rejection; and
- (b) Action that the applicant may take in order for the application to be accepted.

.05 Publication.

A. Based upon the information provided by the ECE program, the Office shall determine the program's quality rating level.

B. A quality rating is achieved by meeting all criteria that apply to one of five levels established by the set of standards applicable to the type of ECE program.

C. Standards.

- (1) Family child care standards apply to family child care homes and large family child care homes.
- (2) Child care center standards apply to:
 - (a) Child care centers, except as set forth at §C(3) of this regulation;
 - (b) Head Start programs, whether licensed by the Office or operated by local education agencies;
 - (c) Nonpublic nursery schools; and
 - (d) Letter of compliance facilities.
- (3) School-age only standards apply to child care centers operating pursuant to COMAR 13A.16 that are approved by the Office to provide child care services only to school-age children.
- (4) Public prekindergarten standards apply to public prekindergarten programs operated by local education agencies.

D. Quality Rating Review.

(1) An ECE program may request a review of a decision by the Office to remove, reduce, or deny the program's quality rating.

(2) A request for a review shall be submitted to the Office in writing within 30 calendar days after the date of the removal, reduction, or denial of a quality rating.

(3) The Maryland EXCELS Advisory Committee shall:

- (a) Have authority to hear each request for review; and
- (b) Submit its recommendation to the Office within 30 calendar days of receipt of the request for review.

(4) Within 5 business days after receiving the recommendation, the Office shall notify the requestor of the review decision.

E. Request to Publish. Within 12 months from the date of acceptance into Maryland EXCELS, a participating ECE program shall request the Office to publish its quality rating online through the EXCELS public portal.

F. To publish its quality rating, a participating program shall:

- (1) Upload documentation to the EXCELS public portal showing that the applicable standards have been met;
- (2) Affirm that each item of documentation submitted to show that the program meets quality standards is:
 - (a) The original creation of the program; or
 - (b) Submitted with permission of the documentation's original author; and
- (3) Send a request through the EXCELS public portal to publish the program's quality rating.

G. The Office may reduce, remove, or deny a published quality rating or a request to publish a quality rating if:

- (1) The ECE program fails to maintain substantial compliance;
- (2) The Office enters an enforcement action against the program's license, letter of compliance, or registration; or
- (3) A complaint against the program is substantiated for noncompliance with the requirements of this chapter pertaining to:
 - (a) Injurious treatment;
 - (b) Child protection;
 - (c) Child supervision; or
 - (d) Child capacity.

H. Unless determined otherwise by the Office pursuant to §G of this regulation, a published Maryland EXCELS quality rating is valid for 12 months from the date of publication unless determined otherwise by the Office, or:

- (1) The expiration date of the current rating has passed and an annual update has not yet been submitted;
- (2) Substantial compliance is no longer maintained by the program; or
- (3) The Office enters a license enforcement action against the program.

I. To continue as a published program, the ECE program shall:

- (1) Prior to the expiration of the current rating cycle, submit documentation through the Maryland EXCELS public portal showing that the program continues to meet the requirements applicable to the rating level; and
- (2) Be available to receive site visits as required by the Office.

.06 Incentives.

A. Program Bonus. Depending on funding availability, a participating program shall receive a program bonus:

- (1) One time only upon initial publication of a quality rating of 1, 2, 3, or 4;
- (2) Upon publishing each successively higher quality rating after the initial publication of a quality rating; and
- (3) Upon initial publication of a quality rating of 5, and thereafter annually upon renewal and republication of a quality rating of 5.

B. Upon verification by the Office that the participant has met the requirements for a program bonus, the Office shall award a bonus up to the amount set forth in the following schedule, as applicable:

(1) Child Care Center Program Bonus:

Quality Rating Level	Licensed Capacity 1—50	Licensed Capacity 51—100	Licensed Capacity 101+
1	\$50	\$100	\$150
2	\$250	\$500	\$750
3	\$400	\$800	\$1,200
4	\$1,000	\$2,000	\$3,000
5	\$1,500	\$3,000	\$4,500

(2) Family Child Care Program Bonus:

Quality Rating Level	Bonus Amount
1	\$50
2	\$150
3	\$300
4	\$500
5	\$800

(3) Large Family Child Care Program Bonus:

Quality Rating Level	Bonus Amount
1	\$50
2	\$200
3	\$400
4	\$800
5	\$1,000

C. Tiered Reimbursement.

(1) A participating program shall receive a differential payment for Child Care Subsidy reimbursement upon publication of a quality rating level of 3, 4, or 5.

(2) Upon verification by the Office that the participant has met the requirements for a quality rating level of 3, 4, or 5, the Office shall award the differential payment of at least the amount set forth in the following schedule:

	Check Level 3	Check Level 4	Check Level 5
Family Child Care			
Under 2 years of age	11%	22%	29%
2 years of age and over	10%	21%	28%
Child Care Center			
Under 2 years of age	22%	37%	44%
2 years of age and over	10%	19%	26%

.07 Penalties.

A. An applicant, participant, or grantee may not knowingly make or cause to be made any false statement or report:

(1) In an application or documentation furnished to the Office or furnished to the Maryland EXCELS online system under the requirements of this chapter; or

(2) For the purpose of influencing the action of the Office on any matter related to an award, either before or after an award has been made.

B. Failure to comply with §A of this regulation shall result in:

(1) Forfeiture of any claim to a:

(a) Program bonus; or

(b) Tiered reimbursement payment; and

(2) Denial of initial or continued participation in the Maryland EXCELS program.

LILLIAN M. LOWERY, ED.D.
State Superintendent of Schools

Title 14

INDEPENDENT AGENCIES

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

14.34.02 [General Procedures] *Negotiability Dispute*

Authority: Education Article, §§2-205(e), [6-403, 6-407, 6-408(a)(1), 6-408(c)(5), 6-408(e)(1), 6-409, 6-504(a), 6-509, 6-510(a)(1), 6-510(c)(5), 6-510(e)(1), and 6-512, and Title 6, Subtitle 8] 6-408(c), 6-510(c), and 6-806, Annotated Code of Maryland

Notice of Proposed Action

[14-397-P]

The Public School Labor Relations Board proposes to repeal existing Regulations .01 and .03 and recodify existing Regulation .02 to be Regulation .01 under COMAR 14.34.02 *Negotiability Dispute*. This action was considered at a public meeting held on November 7, 2014.

Statement of Purpose

The purpose of this action is to restructure the currently existing Public School Labor Relations Board regulations to allow for new regulations to be added. The combination of both restructuring and adding new regulations will make the work of the Public School Labor Relations Board more transparent and efficient, and clarify the Board's operating procedures for the parties that come before it.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Erica L. Snipes, Executive Director, State Labor Relations Boards, 45 Calvert Street, Room 102, Annapolis, MD 21401, or call 410-260-7291, or email to erica.snipes@maryland.gov, or fax to 410-267-7014. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

ERICA LELL SNIPES
Executive Director

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

14.34.03 Impasse Determination

Authority: Education Article, §§2-205(e), 6-408(e), 6-510(e), and 6-806, Annotated Code of Maryland

Notice of Proposed Action

[14-398-P]

The Public School Labor Relations Board proposes to adopt new Regulation .01 under a new chapter, **COMAR 14.34.03 Impasse Determination**. This action was considered at a public meeting held on November 7, 2014.

Statement of Purpose

The purpose of this action is to restructure and add to the currently existing Public School Labor Relations Board regulations. The combination of both restructuring and adding new regulations will make the work of the Public School Labor Relations Board more transparent and efficient and clarify the Board's operating procedures for the parties that come before it.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Erica L. Snipes, Executive Director, State Labor Relations Boards, 45 Calvert Street, Room 102, Annapolis, MD 21401, or call 410-260-7291, or email to erica.snipes@maryland.gov, or fax to 410-267-7014. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

NOTE: The forms referenced in this chapter appear at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

.01 Requests for Determination that an Impasse in Negotiations Has Been Reached.

A. A party requesting a determination that an impasse in negotiations has been reached may request relief from the Public School Labor Relations Board by completing Form PSLRB-01 and filing it with the Executive Director of the Board.

B. In response to a filing of Form PSLRB-01, the Public School Labor Relations Board may, after internal deliberations and investigation, as appropriate, issue Form PSLRB-02 (Notice of Determination that an Impasse in Negotiations Has Been Reached) or Form PSLRB-03 (Notice of Determination that an Impasse in Negotiations Has Not Been Reached).

ERICA LELL SNIPES
Executive Director

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

14.34.04 Charge of Statutory Violation

Authority: Education Article, §§2-205(e), 6-401 — 6-411, 6-501 — 6-514, 6-806, and 6-807, Annotated Code of Maryland

Notice of Proposed Action

[14-384-P]

The Public School Labor Relations Board proposes to adopt new Regulations .01 — .17 under a new chapter, **COMAR 14.34.04 Charge of Statutory Violation**. This action was considered at a public meeting held on November 7, 2014.

Statement of Purpose

The purpose of this action is to restructure and add to the currently existing Public School Labor Relations Board regulations. The combination of both restructuring and adding new regulations will make the work of the Public School Labor Relations Board more transparent and efficient and clarify the Board's operating procedures for the parties that come before it.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Erica L. Snipes, Executive Director, State Labor Relations Boards, 45 Calvert Street, Room 102, Annapolis, MD 21401, or call 410-260-7291, or email to erica.snipes@maryland.gov, or fax to 410-267-7014. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

NOTE: The form referenced in this chapter appears at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

.01 Scope.

A. The scope of this chapter applies to a charge alleging a violation of Education Article, Title 6, Subtitle 4 or Subtitle 5, Annotated Code of Maryland.

B. Except as otherwise required by statute, the regulations set forth in this chapter may be modified or waived by the Board upon the consent of the parties or for good cause shown.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administrative law judge" has the meaning stated in COMAR 28.02.01.02.

(2) "Board" means the Public School Labor Relations Board (PLSRB).

(3) "Chairman" means the individual designated under Education Article, §6-803(c), Annotated Code of Maryland.

(4) "Charge" means an allegation of a violation of Education Article, Title 6, Subtitle 4 or Subtitle 5, Annotated Code of Maryland, filed in accordance with Regulation .03A of this chapter.

(5) "Charged party" or "respondent" means the party named in a charge and alleged to have violated Education Article, Title 6, Subtitle 4 or Subtitle 5, Annotated Code of Maryland.

(6) "Charging party" means the party filing a charge.

(7) "Contested case" means a proceeding defined by State Government Article, §10-202(d), Annotated Code of Maryland.

(8) "Executive Director" means the Executive Director who serves at the direction of the Board, or the Executive Director's designee.

(9) "Presiding officer" means the Chairman or Board member designated by the Chairman to preside for purposes of administering a hearing pursuant to this chapter.

.03 Charge and Answer; Request for Hearing.

A. Charge.

(1) A party alleging a violation of Education Article, Title 6, Subtitle 4 or Subtitle 5, Annotated Code of Maryland, may request relief from the Public School Labor Relations Board by completing Form PSLRB-05 and filing it with the Executive Director of the Board.

(2) In order to be timely, Form PSLRB-05 must be filed with the Executive Director of the Board within 60 days after the charging party knew, or reasonably should have known, of the statutory violation alleged.

(3) The original charge shall be filed with the Executive Director in person, by electronic mail, or by U.S. mail return receipt requested. A copy of the charge shall be simultaneously served on the respondent, in person or by U.S. mail return receipt requested.

B. Answer to Charge.

(1) Within 20 days of service of a charge, a respondent shall file with the Executive Director a written answer to the charge, signed by the respondent or respondent's representative, and serve a copy on the charging party.

(2) The answer shall include a specific admission or denial of each allegation of the charge or, if the respondent is without knowledge of the allegation, the respondent shall so state and the statement shall be considered a denial. Admissions or denials may be made to all or part of an allegation, but shall fairly address the allegations.

(3) An answer to a charge and a motion filed in accordance with COMAR 14.34.04.04 may be joined in a single pleading, provided that matters pertaining to each type of pleading are clearly delineated.

(4) If, upon proper service of the charge, the respondent fails to file a timely answer, the failure may be considered by the Board to be an admission of the material facts alleged in the charge and/or a waiver by the respondent of a hearing.

C. Request for Hearing

(1) A party desiring a hearing for purposes of determining whether an alleged violation exists as charged shall file a written request with the Executive Director.

(2) The Board may schedule a hearing to determine whether an alleged violation exists as charged after ruling on a dispositive motion filed in accordance with COMAR 14.34.04.04.

.04 Motions.

A. Motion to Dismiss.

(1) Upon written motion to dismiss, or on its own initiative, the Board may issue a final decision dismissing a charge:

(a) Which fails to state a claim for which relief may be granted;

(b) Over which the Board lacks jurisdiction; or

(c) Upon any other basis which may be established without consideration of materials outside the charge and answer to charge.

(2) A motion to dismiss shall be filed within 20 days of service of a charge.

(3) A response to a motion to dismiss shall be filed within 10 days of service of a motion to dismiss.

B. Motion for Summary Decision.

(1) Any party may file a motion for summary decision on all or part of a charge on the ground that there is no genuine dispute as to any material fact and that the party is entitled to judgment as a matter of law. The motion for summary decision shall be supported by affidavit.

(2) A motion for summary decision shall be filed by the respondent within 20 days of service of a charge and shall be filed by the charging party within 10 days of service of an answer to a charge. In the event that a motion to dismiss has been previously filed, a motion for summary decision shall be filed within 20 days of issuance of the Board's decision disposing of the motion to dismiss.

(3) A response to a motion for summary decision shall be filed within 10 days of service of a motion for summary decision.

(4) A response to a motion for summary decision shall identify the material facts that are disputed. A response asserting the existence of a material fact or controverting any material fact contained in the record shall be supported by an affidavit.

(5) An affidavit supporting or opposing a motion for summary decision shall set forth the facts that would be admissible in evidence pursuant to State Government Article, §10-213, Annotated Code of Maryland. An affidavit shall be in one of the forms set forth in Maryland Rule 1-304, as appropriate.

(6) The Board may issue a final decision in favor of or against the moving party if the motion for summary decision and response show that there is no genuine dispute as to any material fact and that the party in whose favor judgment is entered is entitled to judgment as a matter of law.

C. The Board may order refiling of a motion that does not comply with the requirements of this regulation. The motion shall be refiled within 10 days of service of said order.

D. Hearing.

(1) A party desiring a hearing on a written motion to dismiss or motion for summary decision shall file a written request with the Executive Director contemporaneously with the filing of the written motion.

(2) On its own initiative, the Board may schedule a hearing to consider a written motion to dismiss or written motion for summary decision.

E. Motion for Judgment.

(1) A party may move for judgment on any or all of the issues in a charge at the close of the evidence offered by an opposing party. The moving party shall state all reasons why the motion should be granted. No objection to the motion for judgment shall be necessary. A party does not waive the right to make the motion by introducing evidence during the presentation of any opposing party's case.

(2) When a party moves for judgment at the close of the evidence offered by an opposing party, the Board may:

(a) Proceed to determine the facts and to render judgment against an opposing party; or

(b) Decline to render judgment until the close of all evidence.

(3) A party who moves for judgment at the close of the evidence offered by an opposing party may offer evidence if the motion is not granted, without having reserved the right to do so and to the same extent as if the motion had not been made.

(4) When the Board renders judgment against an opposing party in accordance with §E(2)(a) of this regulation, it shall issue a final decision in accordance with Regulation .15E of this chapter.

.05 Amendments; Additional Filings; Consolidation.

A. A charge, answer, motion, or response may be amended for good cause shown, upon motion. Allowance of amendments shall be within the discretion of the Board.

B. Motions to amend before hearing shall be in writing filed with the Executive Director, and the moving party shall serve a copy upon all parties.

C. In its discretion, the Board may allow filings to be supplemented and may accept a reply to a response and a sur-reply, with additional time limits to be determined by the Board.

D. When amendment of, or supplement to, a charge, answer, motion, or response is allowed, all relevant time periods that begin with the filing of the original pleading or motion shall be deemed to begin from the filing of the amended or supplemented pleading or motion.

E. Upon application of a party or upon its own initiative, the Board may consolidate cases which involve common questions of law or fact.

.06 Service; Computation of Time.

A. A party filing an answer to a charge, motion, response or other document with the Executive Director shall serve a copy of such document on all parties of record and indicate in the document filed with the Executive Director the name and address of each party served and the date on which each party was served.

B. Service may be made by regular mail, facsimile or electronic mail, or personal delivery, except that service of a charge shall be made in accordance with Regulation .03A(3) of this chapter.

C. All filed documents shall clearly designate the docket number, if any, and title of the proceeding.

D. Computation of Time — Service.

(1) *Regular Mail Service.* Whenever a period of time is measured from the service of a form, document, pleading, or paper, and service is by mail, 3 days shall be added to the prescribed period.

(2) *Facsimile or Electronic Mail Service.* Whenever a period of time is measured from the service of a form, document, pleading, or paper, and service is by fax or electronic mail, service shall be deemed made on the date of the fax or electronic mailing unless the individual or party receiving the service presents proof that actual service was received at a later time but not later than 3 days from the date of the fax or electronic mailing.

E. Computation of Time Generally.

(1) Time periods in this regulation refer to calendar days unless otherwise indicated.

(2) A time period is computed beginning with the day after the act or event which initiates the period and concludes with the last day of the period. A time period which would otherwise end on a weekend or State holiday instead ends on the following business day.

(3) In computing any time period involving the issuance of a Board decision or order, the date of the issuance of such decision or order is the date it is transmitted by the Board to the parties as that date is evidenced by postmark, electronic mailing, or other reliable indicia of transmission, whichever date is earliest. Documents are filed with the Executive Director as of the date that they are transmitted to the Executive Director as that date is evidenced by postmark, electronic mailing, or other reliable indicia of transmission, whichever date is earliest.

(4) The Board may extend any time period set forth in this chapter for good cause shown.

.07 Delegation.

A. The Board may delegate authority to conduct a hearing to the Office of Administrative Hearings pursuant to State Government Article, §10-205, Annotated Code of Maryland.

B. A hearing delegated to the Office of Administrative Hearings shall be conducted in accordance with the rules of procedure in COMAR 28.02.01, and this chapter. To the extent that this chapter conflicts with COMAR 28.02.01, this chapter prevails.

C. The Board may revoke all or part of a delegation to the Office of Administrative Hearings if the case:

- (1) Involves novel or unanticipated factual or legal issues;
- (2) Has significant social or fiscal consequences;
- (3) Involves policy issues of general applicability;
- (4) Is likely to have precedential value; or
- (5) Requires especially expeditious decision.

D. Procedures for Revocation.

(1) The Board shall provide written notice of a revocation of hearing authority to all parties and the Office of Administrative Hearings.

(2) Delegation of authority to hear a contested case may be revoked at any time before the earlier occurrence of the following:

(a) The issuance of a ruling by the administrative law judge on a substantive issue; or

(b) The taking of oral testimony from the first witness.

(3) If only part of the delegation has been revoked, the notice of revocation shall specify the portions of the contested case for which delegation is revoked.

(4) A decision issued by the Board shall reflect the fact that the matter was delegated to the Office of Administrative Hearings and was revoked, and a copy of the revocation notice shall be included as part of the record.

(5) If the Board revokes the delegation to hear a contested case, the hearing shall be conducted by the Board in accordance with this chapter.

.08 Presiding Officer.

In hearings conducted by the Board, the Chairman shall preside for purposes of administering the hearing pursuant to this chapter. The Chairman may designate a Board member to preside in the Chairman's stead.

.09 Notice of Hearing; Postponements.

A. The Board shall give written notice of any hearing in a contested case to the parties in accordance with State Government Article, §10-208, Annotated Code of Maryland.

B. Postponements.

(1) The Board may postpone or continue a hearing:

- (a) Upon motion by a party;
- (b) Upon a joint request of the parties; or
- (c) For good cause shown.

(2) Upon postponement, the hearing shall be rescheduled for a date certain.

.10 Representation.

A. Unless prohibited by law, an individual who is a party in a contested case may represent himself or herself.

B. A party in a contested case may be represented by an attorney authorized to practice law in Maryland or, when authorized by law, appear through a representative who is not an attorney.

.11 Prehearing Procedures; Discovery.

A. Prehearing Conference.

(1) The Board may schedule a prehearing conference for any purpose considered necessary for the appropriate and orderly conduct of a pending matter.

(2) At the discretion of the Board, all or part of a prehearing conference may be recorded.

(3) Prehearing conferences may be conducted by telephone or videoconference.

B. Prehearing Orders.

(1) The Board may issue a prehearing order that sets forth the actions taken or to be taken with regard to any matter addressed at the prehearing conference.

(2) If a prehearing conference is not held, the Board may issue a prehearing order to regulate the conduct of the proceedings.

(3) The prehearing order shall be a part of the case record.

C. Discovery.

(1) There shall be no formal discovery.

(2) If the Board determines that some form of limited discovery of nonprivileged information is required in order to protect a party's due process right to a fair hearing, it shall issue an order providing for such limited discovery.

.12 Subpoenas.

A. Issuance of Subpoenas. On request of a party, the Board may issue subpoenas. Subpoenas are for the purpose of securing the attendance and testimony of witnesses and the production at the hearing of any tangible items in the possession or under the control of the witness.

B. Requests.

(1) In a hearing before the Board, a request for a subpoena form shall be made in writing to the Executive Director.

(2) To the extent practicable, subpoena form requests shall be filed at least 10 days before the hearing.

(3) A request for a subpoena form shall specify the:

(a) Name and full address of the individual to be subpoenaed; and

(b) Name, full address, and telephone number of the party requesting the subpoena.

(4) A subpoena form that requests the production of tangible items, books, papers, or other documents shall describe those items with particularity.

(5) Unless the subpoena form request specifies otherwise, the Executive Director shall mail the subpoena form by regular mail to the party requesting the subpoena form. The party shall serve the subpoena in accordance with §C(1) of this regulation.

C. Service of Subpoenas.

(1) Subpoenas may be served by:

(a) Personal delivery by an individual 18 years old or older who is not a party to the proceeding or related by blood or marriage to a party to the proceeding; or

(b) Certified mail, return receipt requested, to the individual at the address specified in the subpoena request.

(2) The subpoena may not be enforced pursuant to Education Article, §6-807(b), Annotated Code of Maryland, absent proof of service by certified mail or personal delivery.

(3) Costs of certified mailing or personal delivery of the subpoena are the responsibility of the person requesting the service.

(4) Proof of service of the subpoena by certified mail or personal delivery is the responsibility of the person requesting the subpoena.

D. Return of Service. Return of service shall be made as follows:

(1) When service is by certified mail, by the filing of the original return receipt with the Executive Director; or

(2) When service is by personal delivery, by the filing of an affidavit with the Executive Director, signed by the individual who made service, containing:

(a) The name of the individual served;

(b) The date on which the individual was served;

(c) The particular place of service; and

(d) A statement that the server is 18 years old or older and not a party to the proceeding or related by blood or marriage to a party to the proceeding.

E. Objections to Subpoenas. An individual may object to a subpoena by filing with the Executive Director a motion to quash or for other relief.

F. Enforcement of Subpoenas. If an individual fails to comply with a properly served subpoena, the Board may apply to the appropriate circuit court for an order to show cause why an individual should not be sanctioned for refusal to comply with a subpoena.

.13 Evidence; Conduct of Hearings.

A. Evidence shall be admitted in accordance with State Government Article, §10-213, Annotated Code of Maryland.

B. Conduct of Hearings.

(1) Exclusion and Sequestration of Witnesses.

(a) Upon request by a party, the presiding hearing officer may exclude witnesses other than parties from the hearing room.

(b) The presiding hearing officer may order the witnesses, parties, attorneys, and all others present in the hearing room not to disclose to any witness excluded under this section the nature, substance, or purpose of testimony, exhibits, or other evidence introduced during the witness's absence.

(2) The Board may conduct all or part of the hearing by telephone, video conferencing, or other electronic means in accordance with State Government Article, §10-213, Annotated Code of Maryland.

(3) Oral arguments may be presented by the parties with time limits determined by the Board. Briefs may be filed in the order and within the time limits set by the Board.

(4) A quorum of the Board shall be present for Board hearings.

(5) All testimony at a hearing shall be under oath and subject to the penalties of perjury.

.14 Dismissal for Lack of Prosecution or Failure to Attend Scheduled Proceeding.

A. The Board may issue a default order dismissing a case for want of prosecution or for failure by a party to attend a prehearing conference, hearing, or other scheduled proceeding, after receiving notice.

B. Within 7 days after service of a default order, the party may file a written motion:

(1) Requesting that the default order be vacated or modified; and

(2) Stating the grounds for the request.

C. If the Board finds that there is good cause to excuse the default, the Board may vacate the default order.

D. A final default order is:

(1) A final decision; and

(2) Reviewable in court as a final decision.

.15 Final Decision.

A. In any matter that has been delegated to the Office of Administrative Hearings, the Board, after considering the record and any exceptions, by majority vote, shall:

(1) Adopt the proposed decision as the final decision of the Board;

(2) Modify the proposed findings of fact, proposed conclusions of law, or proposed disposition, in whole or in part, and then adopt the modified proposed decision as the final decision of the Board;

(3) Reverse the proposed decision and issue its own findings of fact, conclusions of law, or order; or

(4) Remand the matter for further proceedings.

B. A party objecting to a proposed decision of the Office of Administrative Hearings may file exceptions with the Board within 15 days of receipt of the proposed decision. A party may respond to the exceptions within 15 days of receipt of the exceptions.

C. In any matter that has not been delegated to the Office of Administrative Hearings, the Board, as soon as practicable, shall issue a written decision.

D. The decision of the Board is the final decision of the agency for purposes of judicial review. Unless the matter is remanded for further proceedings, or the decision is revised pursuant to Regulation .16 of this chapter, the date of the written decision of the Board is the date of the final decision of the agency for purposes of judicial review.

E. A final decision shall:

- (1) Be in writing;
- (2) Be served on all parties; and
- (3) Contain, among other items:
 - (a) Findings of fact and conclusions of law, separately stated;

- (b) An order; and

- (c) A statement of the available procedures and time limitations for review.

F. If, upon consideration of the entire record, the Board finds by a preponderance of the evidence that a party has engaged in or is engaging in a violation of Education Article, Title 6, Subtitle 4 or Subtitle 5, Annotated Code of Maryland, the Board shall issue a final decision and shall take such action as it may deem necessary and appropriate to remedy the violation, including:

- (1) Issuing a cease-and-desist order;
- (2) Requiring a party to make reports from time to time showing the extent of compliance with the Board's order or ruling;
- (3) Reinstatement;
- (4) Communicating directly with employees about their rights; and
- (5) Such further action as the Board may require.

G. If it has not been shown by a preponderance of the evidence that a party has engaged in or is engaging in a violation of Education Article, Title 6, Subtitle 4 or Subtitle 5, Annotated Code of Maryland, then the Board, in accordance with §E of this regulation, shall issue a final decision dismissing the charge.

.16 Revision.

A. On motion of any party filed at any time, or on the initiative of the Board, the Board may exercise revisory power and control over a final decision in the event of fraud, mistake, or irregularity.

B. Clerical mistakes in final decisions or other parts of the record may be corrected by the Board at any time on the Board's own initiative, or on motion of any party.

C. A request for revision does not automatically stay the action or toll the time for filing an appeal.

.17 Review.

A party who is aggrieved by a final decision is entitled to judicial review in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland. The Board may request to intervene as a party to the proceeding.

ERICA LELL SNIPES
Executive Director

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

14.34.05 Public Information Act Requests

Authority: Education Article, §6-806; General Provisions Article, §§4-401 — 4-601; Annotated Code of Maryland

Notice of Proposed Action

[14-399-P]

The Public School Labor Relations Board proposes to adopt new Regulations .01 — .12 under a new chapter, **COMAR 14.34.05 Public Information Act Requests**. This action was considered at a public meeting held on November 7, 2014.

Statement of Purpose

The purpose of this action is to restructure and add to the currently existing Public School Labor Relations Board. The combination of both restructuring and adding new regulations will make the work of the Public School Labor Relations Board more transparent and efficient and clarify the Board's operating procedures for the parties that come before it.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Erica L. Snipes, Executive Director, State Labor Relations Boards, 45 Calvert Street, Room 102, Annapolis, MD 21401, or call 410-260-7291, or email to erica.snipes@maryland.gov, or fax to 410-267-7014. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.01 Scope.

This chapter sets out procedures under the Public Information Act for filing and processing requests to the Public School Labor Relations Board for the inspection and copying of public records of the Board.

.02 Policy.

It is the policy of the Board to facilitate access to the public records of the Board, when access is allowed by law, by minimizing costs and time delays to applicants.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Act" means the Public Information Act, General Provisions Article, §§4-101 — 4-601, Annotated Code of Maryland.
- (2) "Applicant" has the meaning stated in General Provisions Article, §4-101, Annotated Code of Maryland.
- (3) "Board" means the Public School Labor Relations Board.
- (4) "Custodian" has the meaning stated in General Provisions Article, §4-101, Annotated Code of Maryland.
- (5) "Day" or "Days" means a calendar day unless otherwise specified.

(6) “Executive Director” means the Executive Director of the Board.

(7) “Official custodian” has the meaning stated in General Provisions Article, §4-101, Annotated Code of Maryland.

(8) “Public record” has the meaning stated in General Provisions Article, §4-101, Annotated Code of Maryland.

(9) “Working day” means a day other than Saturday, Sunday, or a State holiday.

.04 Executive Director as Official Custodian.

Unless otherwise provided by law, the Executive Director is the official custodian of the public records of the Board.

.05 Who May Request Public Records.

Any person may request to inspect or copy public records of the Board.

.06 Necessity for Written Request.

A. Inspection.

(1) Except as otherwise provided in this chapter, the official custodian shall make public records of the Board available for inspection by an applicant without demanding a written request.

(2) The official custodian shall require a written request if the official custodian reasonably believes that:

(a) The Act or any other law may prevent the disclosure of the public record to the applicant; or

(b) A written request will materially assist the official custodian in responding.

B. Copies. If the applicant requests one or more copies of any public record of the Board, the official custodian may require a written request.

.07 Addressee.

The applicant shall address a written request for a public record of the Board to the Executive Director as official custodian.

.08 Response to Request.

A. In General. Within the time limits and in the manner prescribed by the Act, the official custodian shall:

(1) Respond in writing to a written request;

(2) If he or she is not the official custodian of the requested public records, so notify the applicant as provided in General Provisions Article, §4-202, Annotated Code of Maryland; and

(3) If he or she is the official custodian of the requested public records:

(a) Grant the application, in whole or in part, in accordance with General Provisions Article, §§4-203 and 4-205, Annotated Code of Maryland;

(b) Deny the application, in whole or in part, as required or authorized by General Provisions Article, §§4-304 — 4-355, Annotated Code of Maryland, and in accordance with General Provisions Article, §4-203, Annotated Code of Maryland; or

(c) If the official custodian believes that inspection would cause substantial injury to the public interest, deny inspection temporarily, in writing, and seek court approval in accordance with General Provisions Article, §4-, Annotated Code of Maryland.

B. The official custodian may request the identity of the applicant, any organizational or other affiliation of the applicant, or the purpose for the application, as authorized by General Provisions Article, §4-203(b)—(c), Annotated Code of Maryland.

.09 Public Record Destroyed or Lost.

If the official custodian knows that a requested public record of the Board has been destroyed or lost, the official custodian shall respond in accordance with General Provisions Article, §4-202(d), Annotated Code of Maryland.

.10 Review of Denial.

A. Except for a temporary denial under General Provisions Article, §4-358, Annotated Code of Maryland, if a request to inspect or copy a public record of the Board is denied, the applicant may, within 30 days after receipt of the notice of denial, request from the Executive Director an administrative hearing.

B. If the applicant requests a hearing:

(1) The hearing shall be governed by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland; and

(2) The Executive Director shall conduct the hearing and issue a final decision, which shall be the final decision of the Board, unless modified by the Board.

C. If the request is denied, in whole or in part, by the Board, the applicant may file an appropriate action in the circuit court under General Provisions Article, §4-362, Annotated Code of Maryland.

D. If the applicant does not request a hearing, the applicant may file an appropriate action in the Circuit Court under General Provisions Article, §4-362, Annotated Code of Maryland, without exhausting that administrative remedy.

.11 Fees.

A. Fee Schedule for Copying and Certifying Copies of Public Records of the Board.

(1) Copies.

(a) The fee for each copy made by a photocopying machine within the Board’s offices is 25 cents per page.

(b) The fee for each copy made otherwise shall be based on the actual cost of reproduction.

(2) Certification of Copies. If a person requests that a copy of a public record be certified as a true copy, an additional fee of \$1 per page (or if appropriate, per item) shall be charged.

(3) Minimum Fee. No charge will be made if the total fee is \$10 or less.

B. Notwithstanding §A of this regulation, if the fee for copies or certified copies of any public record of the Board is specifically set by a law other than the Act or this regulation, the official custodian shall charge the prescribed fee.

C. If a public record cannot be copied within the Board’s offices, the official custodian shall make arrangements for the prompt reproduction of the record at a public or private facility outside the Board’s offices.

D. Before copying a public record of the Board within or outside the Board’s offices, the official custodian shall estimate the cost of reproduction, obtain the agreement of the applicant to pay the cost, and obtain payment from the applicant for the cost of reproduction.

E. Except as provided in §F of this regulation, the official custodian may charge, and obtain from the applicant prepayment of, a reasonable fee for time that an official or employee of the Board spends:

(1) To search for requested public records; or

(2) To prepare public records for inspection and copying.

F. The official custodian may not charge a search or preparation fee for the first 2 hours that an official or employee of the Board spends to respond to a request for public records.

G. Waiver or Reduction of Fee.

(1) The official custodian may waive or reduce any fee set under this regulation if:

(a) The applicant requests a waiver or reduction; and

(b) The official custodian determines that the waiver or reduction is in the public interest.

(2) The official custodian shall consider, among other relevant factors, the ability of the applicant to pay the fee.

H. If the applicant requests that copies of a public record be mailed or delivered to the applicant or to a third party, the official

custodian may charge the applicant for the cost of postage or delivery.

.12 Time and Place of Inspection.

A. An applicant may inspect any public record of the Board that the applicant is entitled to inspect during the normal working hours of the Board.

B. The inspection shall occur where the public record is located, unless the official custodian, after taking into account the applicant's expressed wish, determines that another place is more suitable and convenient.

ERICA LELL SNIPES
Executive Director

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

14.34.06 Attendance, Recording, Photographing, and Broadcasting of Open Sessions

Authority: Education Article, §6-806; General Provisions Article, §3-303; Annotated Code of Maryland

Notice of Proposed Action

[14-400-P]

The Public School Labor Relations Board proposes to adopt new Regulations .01 —.04 under a new chapter, **COMAR 14.34.06 Attendance, Recording, Photographing, and Broadcasting of Open Sessions**. This action was considered at a public meeting held on November 7, 2014.

Statement of Purpose

The purpose of this action is to restructure and add to the currently existing Public School Labor Relations Board. The combination of both restructuring and adding new regulations will make the work of the Public School Labor Relations Board more transparent and efficient and clarify the Board's operating procedures for the parties that come before it.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Erica L. Snipes, Executive Director, State Labor Relations Boards, 45 Calvert Street, Room 102, Annapolis, MD 21401, or call 410-260-7291, or email to erica.snipes@maryland.gov, or fax to 410-267-7014. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

.01 Public Attendance.

A. At any open session of the Maryland Public School Labor Relations Board (Board), the general public is invited to attend and observe.

B. Except in instances when the Board expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise required by law, no member of the public attending an open session may participate in the session.

.02 Disruptive Conduct.

A. A person attending an open session of the Board may not engage in any conduct, including visual demonstrations such as the waving of placards, signs, or banners, that disrupts the session or that interferes with the right of members of the public to attend and observe the session.

B. The presiding officer may order any person who engages in conduct prohibited by §A of this regulation, or any other regulation concerning the conduct of the open session, to be removed from the session and may request police assistance to restore order.

C. The presiding officer may recess the open session while order is restored.

.03 Recording, Photographing, and Broadcasting of Open Session.

A. A member of the public, including any representative of the news media, may record proceedings of the Board at an open session by means of a tape recorder or any other recording device, provided the device does not create an excessive noise that disturbs members of the Board or other persons attending the session.

B. A member of the public, including any representative of the news media, may photograph or videotape the proceedings of the Board at an open session by means of any type of camera if the camera:

(1) Is operated without excessively bright artificial light that disturbs members of the Board or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the Board or other persons attending the session.

C. A representative of the news media may broadcast or televise the proceedings of the Board at an open session if the equipment used:

(1) Is operated without excessively bright artificial light that disturbs members of the Board or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the Board or other persons attending the session.

D. The presiding officer may restrict the movement of a person who is using a recording device, a camera, or broadcasting or television equipment if such restriction is necessary to maintain the orderly conduct of the open session.

.04 Recording Not Part of Record.

A recording, photograph, videotape, or broadcast of an open session made by a member of the public, or any transcript derived therefrom, may not be deemed a part of the record of any proceeding of the Board.

ERICA LELL SNIPES
Executive Director

Title 21 STATE PROCUREMENT REGULATIONS

Notice of Proposed Action

[14-388-P]

The Board of Public Works proposes to:

- (1) Repeal Regulation .23 under **COMAR 21.05.02 Procurement by Competitive Sealed Bidding**;
- (2) Amend Regulation .07 under **COMAR 21.05.08 Mandatory Written Solicitation Requirements**;
- (3) Amend Regulations .01 and .09 and repeal existing Regulations .02—.08 under **COMAR 21.06.07 Bid and Contract Security/Bonds**;
- (4) Amend Regulation .10 under **COMAR 21.07.02 Mandatory Construction Contract Clauses**;
- (5) Amend Regulations .01 and .09 and repeal existing Regulation .05 under **COMAR 21.11.07 Miscellaneous Purchasing Preferences**;
- (6) Amend Regulation .05 under **COMAR 21.11.13 Veteran-Owned Small Business Enterprises**; and
- (7) Amend Regulation .14 and repeal existing Regulations .11 and .12 under **COMAR 21.13.01 Reporting Requirements**.

This action was considered at a Board of Public Works meeting held on October 29, 2014.

Statement of Purpose

The purpose of this action is to:

- (1) Add bases for debarment to include violations of various labor and tax laws as provided in Chapter 189, Laws of 2014;
- (2) Implement sunset of the laws governing unsolicited proposals;
- (3) Implement sunset of the laws governing individual surety bonds;
- (4) Clarify whether a veteran-owned small business bidding as a prime contractor may use its own workforce to meet a goal; and
- (5) Update provisions of the Green Purchasing Laws as provided in Chapter 604, Laws of 2014.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Mary Jo Childs, Procurement Advisor, Board of Public Works, 80 Calvert Street, Annapolis, MD 21401, or call 410-260-7335, or email to maryjo.childs@maryland.gov, or fax to 410-974-5240. Comments will be accepted through January 26, 2015. A public hearing has not been scheduled.

Subtitle 05 PROCUREMENT METHODS AND PROJECT DELIVERY METHODS

21.05.08 Mandatory Written Solicitation Requirements

Authority: State Finance and Procurement Article, §§3-412, 11-206, 12-101, 13-207, 13-218, 13-221, 13-317, 14-303, 14-308, 14-406, 16-102, 16-202, 16-203, 17-401—17-402, and Title 19; Election Law Article, §§14-101—14-108; Annotated Code of Maryland; Ch. 293, Acts of 2009

.07 Bid/Proposal Affidavit.

A. (text unchanged)

B. Mandatory Solicitation Addendum. The solicitation addendum shall be in substantially the same form as follows:

BID/PROPOSAL AFFIDAVIT

A.—C. (text unchanged)

D. AFFIRMATION REGARDING OTHER CONVICTIONS
I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities including obtaining or performing contracts with public bodies, has:

(1)—(7) (text unchanged)

(8) Been found in a final adjudicated decision to have violated the Commercial Nondiscrimination Policy under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland with regard to a public or private contract; [or]

(9) *Been convicted of a violation of one or more of the following provisions of the Internal Revenue Code:*

(a) §7201, *Attempt to Evade or Defeat Tax;*

(b) §7203, *Willful Failure to File Return, Supply Information, or Pay Tax,*

(c) §7205, *Fraudulent Withholding Exemption Certificate or Failure to Supply Information,*

(d) §7206, *Fraud and False Statements, or*

(e) §7207 *Fraudulent Returns, Statements, or Other Documents;*

(10) *Been convicted of a violation of 18 U.S.C. §286 Conspiracy to Defraud the Government with Respect to Claims, 18 U.S.C. §287, False, Fictitious, or Fraudulent Claims, or 18 U.S.C. §371, Conspiracy to Defraud the United States;*

(11) *Been convicted of a violation of the Tax-General Article, Title 13, Subtitle 7 or Subtitle 10, Annotated Code of Maryland;*

(12) *Been found to have willfully or knowingly violated State Prevailing Wage Laws as provided in the State Finance and Procurement Article, Title 17, Subtitle 2, Annotated Code of Maryland, if:*

(a) *A court:*

(i) *Made the finding; and*

(ii) *Decision became final; or*

(b) *The finding was:*

(i) *Made in a contested case under the Maryland Administrative Procedure Act; and*

(ii) *Not overturned on judicial review;*

(13) *Been found to have willfully or knowingly violated State Living Wage Laws as provided in the State Finance and Procurement Article, Title 18, Annotated Code of Maryland, if:*

(a) *A court:*

(i) *Made the finding; and*

(ii) *Decision became final; or*

(b) The finding was:

(i) Made in a contested case under the Maryland Administrative Procedure Act; and

(ii) Not overturned on judicial review;

(14) Been found to have willfully or knowingly violated the Labor and Employment Article, Title 3, Subtitles 3, 4, or 5, or Title 5, Annotated Code of Maryland, if:

(a) A court:

(i) Made the finding; and

(ii) Decision became final; or

(b) The finding was:

(i) Made in a contested case under the Maryland Administrative Procedure Act; and

(ii) Not overturned on judicial review; or

[(9)] (15) Admitted in writing or under oath, during the course of an official investigation or other proceedings, acts or omissions that would constitute grounds for conviction or liability under any law or statute described in §§B and C and subsections D(1)—[(8)] (14) above, except as follows (indicate reasons why the affirmations cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the business, and the status of any debarment):

_____.

E.—L. (text unchanged)

M. I FURTHER AFFIRM THAT:

Any claims of environmental attributes made relating to a product or service included in the bid or proposal are consistent with the Federal Trade Commission’s Guides for the Use of Environmental

Marketing Claims as provided in 16 CFR §260, that apply to claims about the environmental attributes of a product, package, or service in connection with the marketing, offering for sale, or sale of such item or service.

[M.] N. (text unchanged)

Subtitle 06 CONTRACT FORMATION AND AWARD

21.06.07 Bid and Contract Security/Bonds

Authority: State Finance and Procurement Article, §§12-101, 13-207—13-209, 13-216, and 17-102—17-109, Annotated Code of Maryland

.01 General.

A. (text unchanged)

B. Acceptable security for bid, performance, and payment bonds is limited to:

(1) A bond in a form satisfactory to the State underwritten by a surety company authorized to do business in this State;

[(2)] A bond provided by an individual surety that meets the requirements of this chapter;]

[(3)] (2)—[(5)] (4) (text unchanged)

[(6)] (5) For performance security on construction contracts, the grant of a mortgage or deed of trust on real property located in the State when:

(a)—(b) text unchanged)

(c) The assignment of the mortgage or deed [or] of trust is recorded in the county land records pursuant to Real Property Article, §3-103, Annotated Code of Maryland.

C.—I. (text unchanged)

PROPOSED ACTION ON REGULATIONS

1608

.09 Bid Security.

A.—C. (text unchanged)

D. Forms of Bid Bonds.

(1) The preferred form of a bid bond is as follows:

BID BOND

Bond No.

We, _____ as Principal, hereinafter called the Principal, and _____, a corporation duly organized under the laws of the State of _____, [or an individual surety qualified in accordance with State Finance and Procurement Article, §13-207 or §17-104, Annotated Code of Maryland,] as Surety, hereinafter called the Surety, are held and firmly bound unto the State of Maryland, hereinafter called "State", for the sum of _____ for the payment of which sum, the Principal and the Surety bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for (Identify project by number and brief description):

NOW, THEREFORE, if the Principal, upon acceptance by the State of its bid identified above, within the period specified therein for acceptance (ninety (90) days, if no period is specified), shall execute such further contractual documents, if any, and give such bond(s) as may be required by the terms of the bid as accepted within the time specified (ten (10) days if no period is specified) after receipt of the forms, or in the event of failure so to execute such further contractual documents and give such bonds, if the Principal shall pay the State the difference not to exceed the penalty hereof between the amount specified in Principal's bid and such larger amount for which the State may in good faith contract with another party to perform the work covered by said bid, then the above obligation shall be void and of no effect.

The Surety executing this instrument hereby agrees that its obligation shall not be impaired by any extension(s) of the time for acceptance of the bid that the Principal may grant to the State, notice of which extension(s) to the Surety being hereby waived; provided that such waiver of notice shall apply only with respect to extensions aggregating not more than ninety (90) calendar days in addition to the period originally allowed for acceptance of the bid.

In Presence of: Individual Principal
Witness _____
(Name) _____
_____ as to _____ (SEAL)

In Presence of: Partnership Principal
Witness _____
(Name) _____
_____ (SEAL)
Partner
_____ as to _____ (SEAL)
Partner
_____ as to _____ (SEAL)
Partner

Attest: Corporate Principal
(Name of Corporation) AFFIX

Secretary By: _____
President SEAL
(Surety) AFFIX

Attest By: _____
Attorney-in-fact SEAL

Bonding Agent's Name _____

Agent's Address _____

Approved as to form and legal sufficiency this __ day of _____, 20__

Assistant Attorney General _____

(2)—(3) (text unchanged)

Subtitle 07 CONTRACT TERMS AND CONDITIONS

21.07.02 Mandatory Construction Contract Clauses

Authority: State Finance and Procurement Article, §§12-101, 13-216, 13-218, and 13-225, Annotated Code of Maryland

.10 Performance and Payment Bonds.

Mandatory provision for all construction contracts exceeding \$100,000:

A. Performance Bond. The required performance bond shall be in the form specified as follows:

PERFORMANCE BOND

Principal	Business Address of Principal
Surety a corporation of the State of _____ and authorized to do business in the State of Maryland	Obligee STATE OF MARYLAND
[OR] an individual surety qualified in accordance with State Finance and Procurement Article, §13-207 or 17-104, Annotated Code of Maryland]	By and through the following Administration
Penal Sum of Bond (express in words and figures)	Date of Contract _____, 20____
Description of Contract	Date Bond Executed _____, 20____
Contract Number: _____	

KNOW ALL MEN BY THESE PRESENTS, That we, the Principal named above and Surety named above, are held and firmly bound unto the Obligee named above in the Penal Sum of this Performance Bond stated above, for the payment of which Penal Sum we bind ourselves, our heirs, executors, administrators, personal representatives, successors, and assigns, jointly and severally, firmly by these presents. However, where Surety is composed of corporations acting as co-sureties, we the co-sureties, bind ourselves, our successors and assigns, in such Penal Sum jointly and severally as well as severally only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each co-surety binds itself, jointly and severally with the Principal, for the payment of such sum as appears above its name below, but if no limit of liability is indicated, the limit of such liability shall be the full amount of the Penal Sum.

WHEREAS, Principal has entered into or will enter into a contract with the State of Maryland, by and through the Administration named above acting for the State of Maryland, which contract is described and dated as shown above, and incorporated herein by reference. The contract and all items incorporated into the contract, together with any and all changes, extensions of time, alterations, modifications, or additions to the contract or to the work to be performed thereunder or to the Plans, Specifications, and Special Provisions, or any of them, or to any other items incorporated into the contract shall hereinafter be referred as “the Contract.”

WHEREAS, it is one of the conditions precedent to the final award of the Contract that these presents be executed.

NOW, THEREFORE, during the original term of said Contract, during any extensions thereto that may be granted by the Administration, and during the guarantee and warranty period, if any, required under the Contract, unless otherwise stated therein, this Performance Bond shall remain in full force and effect unless and until the following terms and conditions are met:

1. Principal shall well and truly perform the Contract; and
2. Principal and Surety shall comply with the terms and conditions in this Performance Bond.

Whenever Principal shall be declared by the Administration to be in default under the Contract, the Surety may, within 15 days after notice of default from the Administration, notify the Administration of its election to either promptly proceed to remedy the default or promptly proceed to complete the contract in accordance with and subject to its terms and conditions. In the event the Surety does not elect to exercise either of the above stated options, then the Administration thereupon shall have the remaining contract work completed, Surety to remain liable hereunder for all expenses of completion up to but not exceeding the penal sum stated above.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract or to the work to be performed thereunder or the Specifications accompanying the same shall in any way affect its obligation on this Performance Bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the work or to the Specifications.

This Performance Bond shall be governed by and construed in accordance with the laws of the State of Maryland and any reference herein to Principal or Surety in the singular shall include all entities in the plural who or which are signatories under the Principal or Surety heading below.

IN WITNESS WHEREOF, Principal and Surety have set their hands and seals to this Performance Bond. If any individual is a signatory under the Principal heading below, then each such individual has signed below on his or her own behalf, has set forth below the name of the firm, if any, in whose name he or she is doing business, and has set forth below his or her title as a sole proprietor. If any partnership or joint venture is a signatory under the Principal heading below, then all members of each such partnership or joint venture, and each member has set forth below his or her title as a general partner, limited partner, or member of joint venture, whichever is applicable. If any corporation is a signatory under the Principal or Surety heading below, then each such corporation has caused the following: the corporation’s name to be set forth below, a duly authorized representative of the corporation to affix below the corporation’s seal and to attach hereto a notarized corporate resolution of power of attorney authorizing such action, and each such duly authorized representative to sign below and set forth below his or her title as a representative of the corporation. If any individual acts as a witness to any signature below, then each such individual has signed below and has set forth below his or her title as a witness. All of the above has been done as of the Date of Bond shown above.

PROPOSED ACTION ON REGULATIONS

1610

In Presence of: Individual Principal
Witness: _____ as to _____ (SEAL)

In Presence of: Co-Partnership Principal
Witness: _____ (SEAL)
(Name of Co-Partnership)
By: _____ (SEAL)
_____ (SEAL)
_____ (SEAL)

Corporate Principal
Attest: _____ (Name of Corporation)
AFFIX
_____ as to By: _____ CORPORATE
Corporate Secretary President SEAL

Attest: _____ (SEAL) By: _____ SEAL
Signature Title _____
Bonding Agent's Name: _____
Agent's Address _____ (Business Address of Surety)

Approved as to legal form and sufficiency this
_____ day of _____ 20 __
Asst. Attorney General

B. Payment Bond. The required payment bond shall be in the form specified as follows:

PAYMENT BOND

Principal Business Address of Principal
Surety Oblige
a corporation of the State of _____ STATE OF MARYLAND
and authorized to do business in the State of Maryland
[OR
an individual surety qualified in accordance with State
Finance and Procurement Article, §13-207 or 17-104,
Annotated Code of Maryland]
By and through the following
Administration
Penal Sum of Bond (express in words and figures) Date of Contract
_____, 20____
Description of Contract Date Bond Executed
_____, 20____
Contract Number: _____

KNOW ALL MEN BY THESE PRESENTS, That we, the Principal named above and Surety named above, being authorized to do business in Maryland, and having business address as shown above, are held and firmly bound unto the Oblige named above, for the use and benefit of claimants as hereinafter defined, in the Penal Sum of this Payment Bond stated above, for the payment of which Penal Sum we bind ourselves, our heirs, executors, administrators, personal representatives, successors, and assigns, jointly and severally, firmly by these co-sureties, bind ourselves, our successors and assigns, in such Penal Sum jointly and severally as well as severally only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each co-surety binds itself, jointly and severally with the Principal, for the payment of such sum as appears above its name below, but if no limit of liability is indicated, the limit of such liability shall be the full amount of the Penal Sum.

PROPOSED ACTION ON REGULATIONS

WHEREAS, Principal has entered into or will enter into a contract with the State, by and through the Administration named above acting for the State of Maryland, which contract is described and dated as shown above, and incorporated herein by reference. The contract and all items incorporated into the contract, together with any and all changes, extensions of time, alterations, modifications, or additions to the contract or to the work to be performed thereunder or to the Plans, Specifications, and Special Provisions, or any of them, or to any other items incorporated into the contract shall hereinafter be referred to as the "Contract".

WHEREAS, it is one of the conditions precedent to the final award of the Contract that these presents be executed.

NOW THEREFORE, the condition of this obligation is such that if the Principal shall promptly make payment to all claimants as hereinafter defined, for all labor and materials furnished, supplied and reasonably required for use in the performance of the Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect, subject to the following conditions:

1. A claimant is defined to be any and all of those persons supplying labor and materials (including lessors of the equipment to the extent of the fair market value thereof) to the Principal or its subcontractors and subcontractors in the prosecution of the work provided for in the Contract, entitled to the protection provided by Section 9-113 of the Real Property Article of the Annotated Code of Maryland, as from time to time amended.

2. The above named Principal and Surety hereby jointly and severally agree with the Obligee that every claimant as herein defined, who has not been in full may, pursuant to and when in compliance with the provisions of the aforesaid Section 9-113, sue on this Bond for the use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant and have execution thereon. The Obligee shall not be liable for the payment of any costs or expenses of any such suit.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract or to the work to be performed thereunder or the Specifications accompanying the same shall in any way affect its obligation on this Payment Bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the work or to the Specifications.

This Payment Bond shall be governed by and construed in accordance with the laws of the State of Maryland and any reference herein to Principal or Surety in the singular shall include all entities in the plural who or which are signatories under the Principal or Surety heading below.

IN WITNESS WHEREOF, Principal and Surety have set their hands and seals to this Payment Bond. If any individual is a signatory under the Principal heading below, then each such individual has signed below on his or her own behalf, has set forth below the name of the firm, if any, in whose name he or she is doing business, and has set forth below his or her title as a sole proprietor. If any partnership or joint venture is a signatory under the Principal heading below, then all members of each such partnership or joint venture have signed below, each member has set forth below the name of the partnership or joint venture, and each member has set forth below his or her title as a general partner, limited partner, or member of joint venture, whichever is applicable. If any corporation is a signatory under the Principal or Surety heading below, then each such corporation has caused the following: the corporation's name to be set forth below, a duly authorized representative of the corporation to affix below the corporation's seal and to attach hereto a notarized corporate resolution of power of attorney authorizing such action, and each such duly authorized representative to sign below and set forth below his or her title as a representative of the corporation. If any individual acts as a witness to any signature below, then each such individual has signed below and has set forth below his or her title as a witness. All of the above has been done as of the Date of Bond shown above.

In Presence of: Individual Principal
Witness: _____ as to _____ (SEAL)

In Presence of: Co-Partnership Principal
Witness: _____ (SEAL)
(Name of Co-Partnership)
By: _____ (SEAL)
_____ as to _____ (SEAL)
_____ as to _____ (SEAL)
_____ as to _____ (SEAL)

Corporate Principal
Attest: _____ (Name of Corporation)
AFFIX
By: _____ CORPORATE
Corporate Secretary President SEAL

Attest: _____ (SEAL)
By: _____ SEAL
Title _____

Signature
Bonding Agent's Name: _____
Agent's Address _____
(Business Address of Surety)

Approved as to legal form and sufficiency this

_____ day of _____ 20__

Asst. Attorney General

Subtitle 11 SOCIOECONOMIC POLICIES

21.11.07 Miscellaneous Purchasing Preferences

Authority: State Finance and Procurement Article, §§12-101, 14-401—14-403, 14-405, and 14-407, Annotated Code of Maryland; Ch. 593, Acts of 2010; Ch. 314, Acts of 2011

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) “Acceptable Recycled Products List” means a list of products, established by the Secretary of General Services, in consultation with the Department of the Environment, the Maryland Environmental Service, the Department of Transportation, the Department of Natural Resources, the Department of Health and Mental Hygiene, and as necessary with representatives of the recycling industry and environmental organizations, which contain recycled materials acceptable for use by State agencies.]

[(1-1)] (1) (text unchanged)

(1-1) “Environmentally preferable product or service” means a product or service that, throughout the full life cycle of the product or service:

(a) Is energy efficient, water efficient, biobased, non-ozone depleting, made with recycled content or nontoxic; or

(b) Has other attributes recognized as environmentally preferable by the Maryland Green Purchasing Committee.

[(1-2) “Environmentally preferable purchasing best practices manual” means the guidebook created for maximizing the efficient procurement of environmentally preferable goods and services as required by State Finance and Procurement Article, §14-410, Annotated Code of Maryland.]

[(1-3)] (1-2) (text unchanged)

(2)—(4) (text unchanged)

[(5) “Percentage price preference” means the percentages up to but not exceeding 5 percent, as established by the Secretaries of General Services and Transportation, for identified items on the Acceptable Recycled Products List.]

[(6)] (5)—[(7)] (6) (text unchanged)

[(8) Recycled materials.

(a) “Recycled materials” means material from or otherwise destined for the waste stream.

(b) “Recycled materials” includes post-consumer material, industrial scrap material, compost, processed and pasteurized chicken litter, and obsolete inventories.]

[(9)] (8)—[(10)] (9) (text unchanged)

.09 Environmentally Preferable Purchasing.

A. All procurement agencies shall [give a preference to] *purchase* environmentally preferable [purchasing] *products and services* unless [the application of the preference] *purchasing environmentally preferable products and services* would limit or supersede any [recycled content] requirements under any provision of law or result in the purchase of [goods] *products* [or] *and services* that:

(1)—(3) (text unchanged)

B. Designations.

(1) (text unchanged)

(2) The head of each procurement agency shall designate an employee to be responsible for annually reviewing agency specifications currently used by the unit and, to the extent practicable:

(a) [Require the use of a percentage price preference in their purchase of supplies and commodities containing recycled materials] *Adopt the environmentally preferable specifications established by the Maryland Green Purchasing Committee in §C of this regulation;* and

(b) Revise the unit’s procurement specifications in accordance with [the best practices manual and strategy to increase environmentally preferable purchasing as described under] State Finance and Procurement Article, §14-410, Annotated Code of Maryland.

C. Environmentally Preferable Purchasing [Best Practices Manual] *Specifications*.

The Maryland Green Purchasing Committee, as established in State Finance and Procurement Article, §14-410, Annotated Code of Maryland, shall[.]

(1) *Publish and maintain, in electronic format available to the procurement agencies on the Department of General Services website, environmentally preferable specifications for products and services; and*

(2) [periodically] *Periodically* review and update the [Manual] *specifications* to ensure the State is [utilizing] *purchasing* appropriate [environmental purchasing guidelines] *environmentally preferable products and services*.

21.11.13 Veteran-Owned Small Business Enterprises

Authority: Chs. 507 and 508, Acts of 2010

.05 Procurement Solicitations.

A. (text unchanged)

B. Goal Setting Generally.

(1) (text unchanged)

(2) *A procurement agency may count the distinct, clearly defined portion of the work of the contract that the VSBE prime contractor performs with its own work force toward meeting up to 100 percent of the VSBE goal.*

[(2)] (3) (text unchanged)

C.—F. (text unchanged)

Subtitle 13 PROCUREMENT REPORTING REQUIREMENTS

21.13.01 Reporting Requirements

Authority: State Finance and Procurement Article, §§12-101, 13-207, 14-208, 14-305, 14-505, 15-110, 15-111, and 17-104, Annotated Code of Maryland

.14 Report on Green Purchasing.

A. [Procurement of Recycled Materials.] On or before September 1 of each year, each procurement agency shall report to the [Department of the Environment] *Department of General Services* on the agency's procurement of [recycled materials] *environmentally preferable products and services* during the preceding fiscal year, including the types and quantities of [materials] *products and services* procured [and the percentage of recycled materials in the unit's gross purchases]. The report format shall be determined by the [Department of the Environment] *Department of General Services*.

B. (text unchanged)

SHELIA McDONALD
Executive Officer

**STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD**

**45 Calvert Street, Room 102
Annapolis, MD 21401
Telephone: (410) 260-7291 Fax: (410) 267-7014**

**REQUEST FOR DETERMINATION THAT AN IMPASSE IN NEGOTIATIONS HAS BEEN
REACHED**
**(Pursuant to Education Article, Title 6, Subtitle 4, Section 6-408(e)(1) or Subtitle 5, Section 6-
510(e)(1))**

INSTRUCTIONS

Please type or print clearly, and complete all sections of this Request. (If a section is not applicable to your situation, so state and explain why.) File the original of this Request with Erica L. Snipes, Executive Director of the PSLRB, and simultaneously serve a copy on the other party (unless this is a joint request). Filing and service must be in person or by U.S. mail, return receipt requested.

I. REQUESTING PARTY OR PARTIES (Check appropriate line)

Employee Organization _____

Public School Employer _____

Joint _____

II. PARTIES INVOLVED

A. PUBLIC SCHOOL EMPLOYER

1. Full name, street address, and telephone number of public school employer:

2. Name, title, street address, telephone number, e-mail address, and fax number of public school employer representative to contact:

B. EMPLOYEE ORGANIZATION

1. Full name, street address, and telephone number of employee organization:

2. Name, title, street address, e-mail address, telephone number, and fax number of employee organization representative to contact:

III. DESCRIPTION OF NEGOTIATING UNIT

A. Number of employees in negotiating unit:

B. Job categories in negotiating unit:

IV. NEGOTIATIONS AGREEMENT

A. Effective date and expiration date of current negotiations agreement or, if none, of most recently expired negotiations agreement:

B. If there is no current or expired negotiations agreement, so state and explain why:

V. FACTS GIVING RISE TO THIS REQUEST

On a separate sheet of paper to be attached hereto, provide a clear and concise statement of the totality of the circumstances giving rise to this Request. Include in the statement:

- A. Date and duration of each negotiations session;
- B. Names and positions of attendees at each negotiations session;
- C. A list by topic (e.g., health insurance, leaves of absence) of all matters as to which the requesting party(ies) contend(s) that an impasse has been reached;
- D. A list by topic of all matters as to which the parties reached agreement during the current negotiations;
- E. The public school employer's required budget submission date (if relevant to this Request); and
- F. Any additional information which may be helpful to the PSLRB in dealing with this Request.

VI. POSITION OF OTHER PARTY (Unless this is a joint Request)

Does other party agree that an impasse in negotiations has been reached (Check appropriate line)

Yes _____

No _____

Do Not Know _____

VII. CERTIFICATION (If this is a joint Request, the signature of a representative of each party is required.)

I (we) declare that I (we) have read the information provided above, and that such information is, to the best of my (our) knowledge and belief, true.

Requesting Party

Requesting Party

**Signature and Title of Representative
Filing this Request**

**Signature and Title of Representative
Filing this Request**

Date:

Date:



**NOTICE OF DETERMINATION THAT AN IMPASSE IN NEGOTIATIONS
HAS BEEN REACHED
(Pursuant to Education Article, Title 6, Subtitle 4, Section 6-408(e)(1) or
Subtitle 5, Section 6-510(e)(1))**

Pursuant to the Request filed by the public school employer [] and /or the employee organization [], the Public School Labor Relations Board (PSLRB) has determined from the facts that an impasse has been reached in negotiations between:

Public School Employer

and

Employee Organization

This determination was made by the PSLRB on ----- (Determination Date).

1. An impasse in negotiations has been reached as to the following matters (Matters in Dispute):

2. (a) Within ten (10) calendar days after the Determination Date, the public employer and the employee organization each shall file with the PSLRB its “last and best offer” as to each of the Matters in Dispute. Said filing shall be sent to Erica L. Snipes, Executive Director of the PSLRB, and a copy shall simultaneously be served on the other party. Filing and service must be in person or by U.S. mail, return receipt requested. A party’s “last and best offer” as to a particular Matter in Dispute shall be the offer that it made to the other party with regard to that Matter immediately before a Request for a determination that an impasse had been reached was filed with the PSLRB.
- (b) Within five (5) calendar days after the Determination Date, the public school employer and the employee organization shall “select a mediator” in accordance with the selection process set forth in Title 6, Subtitle 4, Section 6-408(e) or Subtitle 5, Section 6-510(e). (The relevant statutory sections are attached hereto). The term “select a mediator” means that the parties have begun the selection process.
- (c) Within fourteen (14) calendar days after the Determination Date, the public school employer and the employee organization shall “commence mediation.” The term “commence mediation” means that the parties have selected a mediator, and that he or she has agreed to serve.
- (d) The public employer and the employee organization each or jointly shall notify the Executive Director of the PSLRB (by e-mail or in other written form) promptly after each of the deadlines set forth in sections (a), (b) and (c) above have been met.

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD

Seymour Strongin, Chairman

Date:

3. Within five (5) calendar days after the Determination Date and within five (5) calendar day intervals thereafter, the public employer and the employee organization each or jointly shall notify the Executive Director of the PSLRB (by e-mail or in other written form) of the status of the negotiations. Such notice shall include a list of the matters that remain in dispute, the date and length of each negotiation session

that has taken place during the five-day period, the names and positions of the attendees at each of the negotiation sessions, and any other information that is deemed relevant to the PSLRB.

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD

Seymour Strongin, Chairman

Date:

**STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD**

**45 Calvert Street, Room 102
Annapolis, MD 21401
Telephone: (410) 260-7291 Fax: (410) 267-7014**

**REQUEST TO RESOLVE A DISPUTE AS TO NEGOTIABILITY
(Pursuant to Education Article, Title 6, Subtitle 4, Section 6-408(c)(5) or Subtitle 5, Section 6-510(c)(5))**

INSTRUCTIONS

Please type or print clearly, and complete all sections of this Request. (If additional space is needed to provide the information for any section, attach a separate sheet of paper identifying the section in question.) File the original of this Request with Erica L. Snipes, Executive Director of the PSLRB, and simultaneously serve a copy on the other party (unless this is a joint Request). Filing and service must be in person or by U.S. mail return receipt requested.

I. REQUESTING PARTY OR PARTIES (Check appropriate line)

A. Employee Organization _____

B. Public School Employer _____

C. Joint _____

II. PARTIES INVOLVED

A. PUBLIC SCHOOL EMPLOYER

1. Full name, street address, and telephone number of public school employer:

2. Name, title, street address, telephone number, e-mail address, and fax number of public school employer representative to contact:

B. EMPLOYEE ORGANIZATION

1. Full name, street address, and telephone number of employee organization:

2. Name, title, street address, telephone number, e-mail address, and fax number of employee organization representative to contact:

III. DESCRIPTION OF NEGOTIATING UNIT

A. Number of employees in negotiating unit:

B. Job categories in negotiating unit:

IV. TOPICS IN DISPUTE

List topic or topics as to which the requesting party(ies) contend(s) that there is a dispute as to negotiability (“Topics in Dispute”), and the position of the requesting party with regard to the negotiability of each of the Topics in Dispute (i.e., mandatory, permissive, or illegal):

V. POSITION OF OTHER PARTY WITH REGARD TO NEGOTIABILITY OF TOPICS IN DISPUTE (Unless this is a joint Request)

Indicate the position of the other party as to each of the Topics in Dispute (i.e., mandatory, permissive, or illegal). If the requesting party does not know the position of the other party, so indicate:

VI. CONTEXT OF DISPUTE

The dispute as to negotiability has arisen (check appropriate line):

A. During the course of negotiations _____

B. As the result of a request to submit a Topic in Dispute to arbitration pursuant to a collectively negotiated grievance procedure _____

C. Otherwise (explain the circumstances) _____

VII. CERTIFICATION (If this is a joint Request, the signature of a representative of each party is required)

I (we) declare that I (we) have read the information provided above, and that such information is, to the best of my (our) knowledge and belief, true.

Requesting Party

Requesting Party

**Signature and Title of Representative
Filing this Request**

**Signature and Title of Representative
Filing this Request**

Date:

Date:

**STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD**

45 Calvert Street, Room 102
Annapolis, MD 21401
Telephone: (410) 260-7291 Fax: (410) 267-7014

**CHARGE OF VIOLATION OF
TITLE 6, SUBTITLE 4 OR SUBTITLE 5, OF
EDUCATION ARTICLE**

**(Pursuant to Education Article, Title 6, Subtitle 2, Section 2-205(e)(4)(i)), which directs the PSLRB to
“decide any controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5.”)**

INSTRUCTIONS

**THIS FORM SHOULD NOT BE USED TO RESOLVE A DISPUTE
AS TO NEGOTIABILITY, AN IMPASSE IN NEGOTIATIONS, OR
A DISPUTE INVOLVING THE INTERPRETATION OR APPLICATION
OF A COLLECTIVE BARGAINING AGREEMENT**

Please type or print clearly, and complete all sections of this form. If additional space is needed to provide information for any section, attach a separate sheet of paper identifying the section in question. File the original of this form with Erica L. Snipes, Executive Director of the PSLRB, and simultaneously serve a copy on the charged party. Filing and service must be in person or by U.S. mail return receipt requested. If you wish to file charges against more than one party, a separate form must be filed for each party.

In order to be timely, a charge must be filed with the Executive Director of the PSLRB within sixty (60) days after the charging party knew, or reasonably should have known, of the statutory violation alleged.

I. CHARGING PARTY (Check appropriate line)

- A. Employee Organization _____
- B. Public School Employer _____
- C. Public School Employee(s) _____
- D. Other (Identify party) _____

II. PARTIES INVOLVED

A. CHARGING PARTY

1. Full name, street address, and telephone number:

2. Name, title, street address, telephone number, e-mail address, and fax number of representative of charging party to contact:

B. CHARGED PARTY

1. Full name, street address, and telephone number:

2. Name, title, street address, telephone number, e-mail address, and fax number of representative of charged party to contact:

III. CHARGED PARTY (Check appropriate line):

- A. EMPLOYEE ORGANIZATION -----
- B. PUBLIC SCHOOL EMPLOYER -----
- C. OTHER (Identify party) -----

IV. STATUTORY VIOLATION(S) ALLEGED

The charged party has and/or is engaged in practices which violate the following sections of Education Article, Subtitle 4 or Subtitle 5 (Check all sections that apply):

- A. _____ Section 6-402 or 6-503(a) : Right of public school employee to form, join, and participate in the activities of employee organization

- B. _____ Section 6-403 or 6-504(a) : Right of public school employee to refuse to form, join, or participate in the activities of employee organization
- C. _____ Section 6-407(b) or 6-509(b): Duty of fair representation
- D. _____ Section 6-407(c) – (f) or 6-504(c) – (e) : Service or representation fee
- E. _____ Section 6-408(a) or 6-510(a) : Negotiations
- F. _____ Section 6-409 or 6-512 : Interference with right of public school employee to exercise certain statutory rights
- G. _____ Other (Specify statutory section)

V. STATEMENT OF FACTS

Provide a clear and concise statement of the facts constituting the alleged statutory violation(s), including the names and positions of individuals involved and the dates and places of the occurrences giving rise to the charge:

VI. REMEDY REQUESTED

Set forth the remedy(ies) that you request the Public School Labor Relations Board to order:

VII. DECLARATION

I declare that I have read the information provided above, and that such information is, to the best of my knowledge and belief, true.

Charging Party

Signature and Title of Person Filing this Charge

Date:

Errata

COMAR 10.09.49

At 41:25 Md. R. 1479 (December 12, 2014), column 1, lines 19—
20 from the top:

For: JOSEPH P. GILL
Secretary of Natural Resources
Read: JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene
[14-26-46]

COMAR 10.34.09, 10.34.19

At 41:13 Md. R. 752 (June 27, 2014), column 2, line 3 from the
bottom:

For: **Effective Date: January 1, 2015.**
Read: **Effective Date: July 1, 2015.**
[14-26-48]

COMAR 15.14.10

At 41:25 Md. R. 1527 (December 12, 2014), column 1, lines 3 and
4 from the bottom:

For: (5) Adopt new Regulation **.03**, recodify existing
Regulation **.03** to be Regulation **.04**, and amend and
recodify existing Regulation **.04**
Read: (5) Adopt new Regulation **.03**, recodify existing
Regulations **.03**, **.05**, and **.06** to be Regulations **.04**, **.06**,
and **.07**, respectively, and amend and recodify existing
Regulation **.04**
[14-26-47]

Special Documents

DEPARTMENT OF THE ENVIRONMENT

PUBLIC NOTICE

Proposed Relicensing of the Conowingo Hydroelectric Project

Exelon Application for Water Quality Certification Withdrawn
January 7, 2015 Public Hearing Canceled

Applicant: Exelon Generation Company, LLC
300 Exelon Way
Kennett Square, PA 19348

Application # 14-WQC-03 Withdrawn
Lower Susquehanna River and Upper Chesapeake Bay
Use I & 2 Waters

The purpose of this public notice is to announce that Exelon Generation Company, LLC (Exelon) has withdrawn its application to the Maryland Department of the Environment ("MDE" or "the Department") for a Clean Water Act, Section 401 Water Quality Certification (WQC) which is required under federal law and as part of the Federal Energy Regulatory Commission (FERC) relicensing process for the continued operation of the Conowingo Hydroelectric facility. The Department initially issued a public notice in the Maryland Register on Exelon's application on November 14, 2014, which announced a public hearing to be held on January 7, 2015. That public hearing is canceled.

Recognizing MDE's position that more information is needed for the State to determine whether the discharges from the Conowingo Dam comply with State water quality standards, Exelon has withdrawn its application for the WQC. FERC regulations/policy require that Exelon resubmit its application for the WQC within 90 days of December 4, 2014, the date of its withdrawal of the application. Exelon has agreed to work with MDE to coordinate the refiling of its application and has agreed to provide up to \$3.5 million to study the effects of sediment and associated nutrients on the water quality of the downstream Susquehanna River and Chesapeake Bay. Until this additional information is available, it is possible that a refiled application or applications might also be withdrawn.

Any questions on this notice may be directed to Elder Ghigiarelli, Jr., Deputy Program Administrator, Wetlands and Waterways Program, Water Management Administration, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 430, Baltimore, MD 21230, or by email to elder.ghigiarelli@maryland.gov.

[14-26-42]

DEPARTMENT OF TRANSPORTATION

OFFICE OF MINORITY BUSINESS ENTERPRISE (OMBE)

Subject: Announcement of Calendar Year 2015 Limitation on the Personal Net Worth of a Socially and Economically Disadvantaged Individual as It Relates to Certification of a Minority Business Enterprise (MBE)

Additional Information: The Maryland Department of Transportation Office of Minority Business Enterprise (OMBE) gives notice that the limitation on the personal net worth of a disadvantaged owner whose ownership interest in a firm is relied upon for certification in the State's Minority Business Enterprise (MBE) program, will be \$1,669,419 effective January 1, 2015. The limitation described above will apply to all MBE certification decisions rendered between January 1, 2015 and December 31, 2015. This action is taken in accordance with the State Finance and Procurement Article, §14-301(i)(3), Annotated Code of Maryland.

Contact: Randy Reynolds (410) 865-1240

[14-26-44]

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

Subject: Public Meeting
Date and Time: January 15, 2015, 10 a.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 108/109, Baltimore, MD
Add'l. Info: This meeting was rescheduled from January 8, 2015.
Contact: James Gamble (410) 764-5902
 [14-26-49]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: March 19, 2015, 1 — 3 p.m.
Place: GOCCP, 300 E. Joppa Rd., Ste. 1105, Baltimore, MD
Add'l. Info: Children's Justice Act Committee Meeting
Contact: Jessica Wheeler (410) 821-2828
 [14-26-15]

JOINT CHAIRS OF THE DESIGN BOARDS

Subject: Public Meeting
Date and Time: January 13, 2015, 1:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [14-26-33]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: January 15, 2015, 12:30 — 3:30 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: Room Number to Be Announced
Contact: Lenelle Cooper (410) 764-4733
 [14-26-35]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: January 27, 2015, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [14-26-08]

BOARD FOR PROFESSIONAL ENGINEERS

Subject: Public Meeting
Date and Time: January 16, 2015, 9 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [14-26-36]

BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Subject: Public Meeting
Date and Time: January 7, 2015, 10 a.m. — 3 p.m.
Place: Howard Co. Bureau of Utilities Bldg., 8720 Old Montgomery Rd., Columbia, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: James T. Merrow (410) 764-3511
 [14-26-12]

COMMISSIONER OF FINANCIAL REGULATION

Subject: Receipt of Application
Add'l. Info: On November 24, 2014, Kopernik Federal Bank, a national banking association located in Baltimore, Maryland, filed an application pursuant to Financial Institutions Article, §3-801, Annotated Code of Maryland, for approval to convert from a national banking institution to a State-chartered banking institution. The name of the converted bank will be Kopernik Bank. The public file on this application is available at the Office of Commissioner of Financial Regulation, 500 North Calvert Street, Suite 402, Baltimore, Maryland 21202. Comments regarding these applications must be submitted in writing and must be received by the Commissioner within 20 calendar days of the publication day of this notice. For further information, contact Marcia A. Ryan, Assistant Commissioner at 410.230.6104.
Contact: Marcia Ryan (410) 230-6104
 [14-26-28]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: January 7, 2015, 4:30 — 6:30 p.m.
Place: 201 W. Preston St., Conf. Rm. L2, Baltimore, MD
Contact: Erin Penniston (410) 767-6783
 [14-26-26]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: January 22, 2015, 4 — 6 p.m.
Place: 201 W. Preston St. Conf. Rm. L1, Baltimore, MD
Contact: Ashley Fried (410) 767-5121
 [14-26-37]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

Subject: Public Notice Regarding Maryland Medicaid Nursing Home Reimbursement Methodology Changes
Add'l. Info: The Secretary of Health and Mental Hygiene proposes to amend COMAR 10.09.10 Nursing Facility Services, effective January 1, 2015, in order to: 1) adopt prospective payment for providers of nursing facility services; 2) sunset certain current regulations and to implement, on a phased-in basis, a reimbursement methodology that is price-based, uses a more precise acuity-adjustment for nursing services, and covers capital costs through a fair rental value approach; and 3) increase Medicaid rates for nursing facility services by 1.725 percent. Reimbursement methodology changes have been developed in collaboration with provider representatives in order to be more predictable and less administratively burdensome. The rate increase is consistent with the Program's budget for Fiscal Year 2015. The projected cost for the rate increase is \$11.2 million during the period January 1, 2015 through June 30, 2015 (50 percent State General Funds and 50 percent federal funds); reimbursement methodology changes are budget-neutral.

Copies of the amendments may be obtained by calling 410-767-1736, or fax 410-333-5213, and are available for public

review at the local health department in each county and Baltimore City. Written comments may be sent to Susan Tucker, Executive Director, Office of Health Services, Department of Health and Mental Hygiene, 201 W. Preston St., Rm. 127, Baltimore, MD 21201, or fax to 410-333-5185.

Contact: Susan Tucker (410) 767-1430
[14-26-40]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

Subject: Public Notice for the Increase in Public Mental Health System Reimbursement Rates

Add'l. Info: The Secretary of Health and Mental Hygiene is proposing for dates of service on or after January 1, 2015, an increase in reimbursement rates for Specialty Mental Health Providers by 4 percent. This rate increase applies to all Specialty Mental Health billing codes with the exception of E&M codes which have a specific rate increase previously published in the Maryland Register, Volume 39, Issue 26.

The cost of this increase will be approximately \$8,003,952 in total funds for FY 15.

Copies of the proposed changes are available for public review at the local health department in each county and Baltimore City. Written comments may be sent to Rebecca Frechard, Office of Health Services, DHMH, 201 W. Preston St., Rm. 213, Baltimore, MD 21201, or fax to (410) 333-5425 or call (410) 767-1750, or email to Rebecca.Frechard@maryland.gov.

Contact: Rebecca Frechard (410) 767-1750

[14-26-41]

BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

Subject: Public Meeting

Date and Time: January 14, 2015, 10:30 a.m. — 12 p.m.

Place: 500 N. Calvert St., Baltimore, MD

Contact: Robin Bailey (410) 230-6160

[14-26-29]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting on Regulations

Date and Time: January 9, 2015, 10 a.m. — 12 p.m.

Place: Maryland Insurance Administration, 200 Saint Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD

Add'l. Info: Pursuant to discussions at the public hearing held on Friday, November 21, 2014, at the Maryland Insurance Administration (MIA), the MIA will convene a working group to discuss draft proposed amendments to COMAR 31.15.12 Valuation of Motor Vehicles, and related issues regarding the valuation of motor vehicles for insurance purposes.

Interested parties are invited to participate in the working group and to attend the meeting to discuss draft proposed changes to the regulations. A copy of the draft proposed regulations is available for review on the Maryland Insurance Administration's website at:

<http://www.mdinsurance.state.md.us/sa/docs/documents/news-center/legislative-information/auto-total-losses-draft-proposed-9-9-2014.pdf>

Any questions regarding this matter should be directed to Sandra Castagna, Associate Commissioner for Property and Casualty, and may be transmitted by mail to 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, by phone to 410-468-2341, by fax to 410-468-2306, or by email to sandra.castagna@maryland.gov.

Contact: Sandra Castagna (410) 468-2341
[14-26-32]

FACILITIES ADVISORY BOARD — JUVENILE SERVICES

Subject: Public Meeting

Date and Time: January 19, 2015, 6 — 8 p.m.

Place: Western Maryland Children's Center, 18420 Roxbury Rd., Hagerstown, MD

Contact: Mark Bishop (301) 745-6071
[14-26-06]

DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting

Date and Time: January 13, 2015, 9 a.m. — 12 p.m.

Place: Heat and Frost Insulators and Allied Workers Local No. 24 Joint Apprenticeship Committee, 901 Montgomery St., Laurel, MD

Add'l. Info: The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs, and other business which may come before the Council.

Contact: C. Edward Poarch II (410) 767-2246

[14-26-30]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting

Date and Time: January 13, 2015, 10 a.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Pamela J. Edwards (410) 230-6262

[14-26-31]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: January 15, 2015, 1 p.m.

Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD

Contact: Valerie Wooding (410) 764-3460
[14-26-16]

GOVERNOR'S COMMISSION ON MARYLAND MILITARY MONUMENTS

Subject: Public Meeting

Date and Time: January 7, 2015, 10 a.m. — 12 p.m.

Place: War Memorial Bldg., 101 N. Gay St., Baltimore, MD

Add'l. Info: In the case of weather delay, this meeting will be held January 14, 2015, at the same time and location.

Contact: Denise Nooe (410) 260-3840
[14-25-15]

DEPARTMENT OF NATURAL RESOURCES/FISHERIES SERVICE

Subject: Public Notice — Commercial Striped Bass Common Pool Gill Net Season Modification

Add'l. Info: The Secretary of the Maryland Department of Natural Resources, pursuant to COMAR 08.02.15.12H, announces the re-opening of the 2014 commercial striped bass common pool gill net fishery on Tuesday, December 16, 2014, at 3 a.m. with a catch limit of 500 lbs/permit/week and 2000 lbs/vessel/day. The common pool fishery will close on Thursday, December 18, 2014, at 11:59 p.m. The common pool gill net fishery may be re-opened in December depending on how much quota is available. A re-opening will be announced by public notice.

Joseph P. Gill

Secretary

Maryland Department of Natural Resources

Contact: Tamara O'Connell (410) 260-8271

[14-26-39]

GENERAL NOTICES

1618

BOARD OF PILOTS

Subject: Public Meeting
Date and Time: January 9, 2015, 10:30 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
[14-26-34]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: January 8, 2015, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[14-26-01]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: February 12, 2015, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[14-26-02]

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Subject: Public Meeting
Date and Time: January 9, 2015, 9 a.m. — 1 p.m.
Place: 4201 Patterson Ave., Conf. Rm. 110, Baltimore, MD
Add'l. Info: Sign language interpreters/other appropriate accommodations for qualified individuals with disabilities will be provided upon request.
Contact: Dorothy Kutcherman (410) 764-4703
[14-26-11]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting
Date and Time: January 16, 2015, 10 a.m. — 12 p.m.
Place: Department of Aging, 301 W. Preston St., Rm. 1007, Baltimore, MD
Contact: Paul Ballard (410) 767-6918
[14-26-09]

RACING COMMISSION

Subject: Public Meeting
Date and Time: January 20, 2015, 12:30 — 1 p.m.
Place: Laurel Park, Laurel, MD
Contact: J. Michael Hopkins (410) 296-9682
[14-26-10]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: January 21, 2015, 10:30 a.m.
Place: Dept. of Labor Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Charlene Faison (410) 230-6199
[14-26-19]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: January 21, 2015, 12:30 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Charlene Faison (410) 230-6199
[14-26-20]

RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES

Subject: Public Meeting
Date and Time: January 20, 2015, 9:30 a.m.
Place: SunTrust Bldg., 120 E. Baltimore St., 16th Fl., Board Rm., Baltimore, MD
Add'l. Info: Meeting date and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note, the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY.
Contact: Angie Jenkins (410) 625-5609
[14-26-04]

PROTOCOL FOR SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS AND PLANNING COMMITTEE

Subject: Public Meeting
Date and Time: January 8, 2015, 10 a.m. — 12 p.m.
Place: Columbia Gateway Bldg., 6751 Columbia Gateway Dr., Rm. 401, Columbia, MD
Contact: Joyce Dantzler (410) 767-1372
[14-26-18]

DEPARTMENT OF VETERANS AFFAIRS/MARYLAND VETERANS COMMISSION

Subject: Public Meeting
Date and Time: January 20, 2015, 10:30 a.m. — 1 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., 1st Fl. Conf. Rm., Hanover, MD

Add'l. Info: In the case of weather delay, this meeting will be held January 27, 2015, at the same time and location.
Contact: Denise Nooe (410) 260-3840
[14-25-16]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: January 22, 2015, 9 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5302
[14-26-05]

COMAR IN PDF — ORDER FORM

Titles	Agency Name	Price ¹	Subscription ²	Quantity	Total
Complete set of COMAR PDF format		\$1,000	\$500	_____	_____
Title 01	Executive Department	\$35	\$24	_____	_____
Title 02	Office of the Attorney General	\$22	\$13	_____	_____
Title 03	Comptroller of the Treasury	\$30	\$20	_____	_____
Title 04	General Services	\$16	\$10	_____	_____
Title 05	Housing and Community Development	\$78	\$50	_____	_____
Title 07	Human Resources	\$80	\$53	_____	_____
Title 08	Natural Resources	\$78	\$51	_____	_____
Title 09	Labor, Licensing and Regulation	\$89	\$60	_____	_____
Title 10	Health & Mental Hygiene (All parts) **	\$272	\$180	_____	_____
Title 10	Part 1 **	\$48	\$32	_____	_____
Title 10	Part 2 **	\$75	\$50	_____	_____
Title 10	Part 3 **	\$75	\$50	_____	_____
Title 10	Part 4 **	\$50	\$35	_____	_____
Title 10	Part 5 **	\$69	\$50	_____	_____
Title 11	Transportation (All parts) **	\$106	\$75	_____	_____
Title 11	Part 1 (Transportation) **	\$42	\$25	_____	_____
Title 11	Parts 2 & 3 (MVA)**	\$74	\$50	_____	_____
Title 12	Public Safety and Correctional Services	\$67	\$43	_____	_____
Title 13A	Board of Education	\$63	\$42	_____	_____
Title 13B	Higher Education Commission	\$25	\$15	_____	_____
Title 14	Independent Agencies	\$80	\$53	_____	_____
Title 15	Agriculture	\$48	\$30	_____	_____
Title 16	Juvenile Service	\$23	\$15	_____	_____
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  - 03 Maryland Aviation Administration
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- #### Volume 2 and Volume 3
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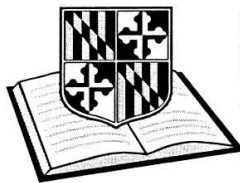
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