

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before January 13, 2017, 5 p.m.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 January 13, 2017.

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 <http://www.dsd.state.md.us/PDF/CumulativeTable.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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Lawrence J. Hogan, Jr., Governor; **John C. Wobensmith**, Secretary of State; **Brian Morris**, Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

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

For additional information, visit www.dsd.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.

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March 31	March 13	March 22	March 20
April 14	March 27	April 5	April 3
April 28	April 10	April 19	April 17
May 12	April 24	May 3	May 1
May 26	May 8	May 17	May 15
June 9**	May 22	May 31	May 26
June 23	June 5	June 14	June 12
July 7	June 19	June 28	June 26
July 21	July 3	July 12	July 10

* 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

*** Note issue date and 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 Subtitle Chapter Regulation Subsection Paragraph 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.

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The Governor

EXECUTIVE ORDER 01.01.2017.01

Inter-Agency Heroin and Opioid Coordinating Council (Amends Executive Order 01.01.2015.13)

WHEREAS, The State of Maryland faces a heroin and opioid epidemic;

WHEREAS, Heroin and opioid drug dependency surged in Maryland over the last decade, resulting in a dramatic increase in heroin-related emergency room visits;

WHEREAS, The rise in the number of heroin and opioid overdose deaths represents an urgent and growing public health threat, cutting across all demographics and geographical settings in Maryland, and also represents a serious threat to the security and economic well-being of the State;

WHEREAS, Maryland State agencies have different expertise, capabilities, and data that, when shared, can better inform a coordinated, statewide response to the opioid overdose epidemic;

WHEREAS, Coordinated action among State agencies has made a greater impact in reducing abuse and overdose deaths; and

WHEREAS, Local collaboration in the sharing of data, expertise, and capabilities, and in the delivery of services, can further reduce abuse and overdose deaths.

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.2015.13 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Establishment. There is a Governor's Inter-Agency Heroin and Opioid Coordinating Council (Council).

B. Membership.

(1) The Council is a subcabinet of the Governor and shall consist of the heads of the following State agencies or their designee and such other executive branch agencies as the Governor may designate:

- (a) The Department of Health and Mental Hygiene;
- (b) The Department of State Police;
- (c) The Department of Public Safety and Correctional Services;
- (d) The Department of Juvenile Services;
- (e) The Institute for Emergency Medical Services Systems;

and

(f) The Maryland State Department of Education.

(2) Staff members from the Offices of the Governor and Lieutenant Governor, including the Governor's Office of Crime Control and Prevention and the Office of Problem Solving Courts, will also be regular participants.

(3) Other State agencies may be asked to participate at the invitation of the Chair.

C. Duties.

(1) The member State agencies (Agencies) listed in Paragraph B (1) shall seek opportunities to share data with one another and with the Office of the Governor for the purpose of supporting public health and public safety responses to the heroin and opioid epidemic. The Agencies shall share the data in their possession relevant to the epidemic to the maximum extent permitted by law.

(2) The Council shall develop recommendations for policy, regulations, or legislation to facilitate improved sharing of public health and public safety information among State agencies.

(3) The Council shall update the Governor within 45 days of the date of this Executive Order, and biannually thereafter, on each agency's efforts to address heroin and opioid education, treatment, interdiction, overdose, and recovery.

(4) On behalf of the Council, the Department of Health and Mental Hygiene shall submit an annual report to the Governor and the public in the form of the Inter-Agency Heroin and Opioid Coordination Plan.

D. Procedures.

(1) The Secretary of the Department of Health and Mental Hygiene shall chair the Council. The Chair shall:

(a) Oversee the implementation of this Executive Order and the work of the Council;

(b) Determine the Council's agenda; and

(c) Identify additional support as needed.

(2) The Council shall meet on a quarterly basis, or more frequently if the members deem appropriate.

(3) In advance of each meeting of the Council, each of the Agencies shall provide updates to the Chair regarding the agency's efforts to share public safety and public health information relating to the heroin and opioid epidemic.

(4) A majority of the Council members shall constitute a quorum for the transaction of any business.

(5) The Council may adopt other procedures as necessary to ensure the orderly transaction of business.

E. OPIOID OPERATIONAL COMMAND CENTER.

(1) THERE IS AN OPIOID OPERATIONAL COMMAND CENTER (CENTER) WITHIN THE COUNCIL.

(2) THE CENTER SHALL:

(A) DEVELOP OPERATIONAL STRATEGIES TO CONTINUE IMPLEMENTING THE RECOMMENDATIONS OF THE HEROIN AND OPIOID EMERGENCY TASK FORCE AUTHORIZED BY EXECUTIVE ORDER 01.01.2015.12;

(B) COLLECT, ANALYZE, AND FACILITATE THE SHARING OF DATA RELEVANT TO THE EPIDEMIC FROM STATE AND LOCAL SOURCES WHILE MAINTAINING THE PRIVACY AND SECURITY OF SENSITIVE PERSONAL INFORMATION;

(C) DEVELOP A MEMORANDUM OF UNDERSTANDING AMONG STATE AND LOCAL AGENCIES THAT PROVIDES FOR THE SHARING AND COLLECTION OF HEALTH AND PUBLIC SAFETY INFORMATION AND DATA RELATING TO THE HEROIN AND OPIOID EPIDEMIC;

(D) ASSIST AND SUPPORT LOCAL AGENCIES IN THE CREATION OF OPIOID INTERVENTION TEAMS THAT WILL SHARE SUCH DATA; AND

(E) COORDINATE THE TRAINING OF AND PROVIDE RESOURCES FOR STATE AND LOCAL AGENCIES ADDRESSING THE THREAT TO THE PUBLIC HEALTH, SECURITY, AND ECONOMIC WELL-BEING OF THE STATE.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 24th Day of January 2017.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[17-03-37]

The General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> and click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

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House Bills

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- HB0002** Del Hixson, et al. Earned Income Tax Credit - Individuals Without Qualifying Children - Expansion.
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- HB0005** Del Barkley, et al. Private Passenger Motor Vehicle Liability Insurance - Enhanced Underinsured Motorist Coverage.
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- HB0009** Del McCray, et al. Baltimore City - Police Districts - Redistricting.
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- HB0018** Del Conaway. Task Force to Improve Partnership for Assessment of Readiness for College and Careers Scores for Maryland Public School Students.
- HB0019** Del Arentz. Hate Crimes - Prohibitions and Protected Classes - Expansion to Law Enforcement Officers and First Responders.
- HB0020** Del S. Howard. General Provisions - Commemorative Days - Farmers' Day.
- HB0021** Del Carey. Income Tax - Subtraction Modification - Olympic and Paralympic Games Medals and Prizes.
- HB0022** Del Conaway. Baltimore City Fire Department - Motorized Fire Equipment - Report.
- HB0023** Del Lam. Vehicle Laws - School Vehicles - Definition.
- HB0024** Del McConkey, et al. Natural Resources - Forest, Park, and Wildlife Rangers - Parking Citations.
- HB0025** Del Simonaire, et al. Criminal Law - Hate Crimes - Law Enforcement Officers (Blue Lives Matter Act of 2017).
- HB0026** Del Holmes. Real Property - Notices of Foreclosure Sale and Postponement or Cancellation of Foreclosure Sale.
- HB0027** Del Barkley. Open Meetings Act - Minutes - Required Internet Postings.
- HB0028** Del Krimm. Unappropriated General Fund Surplus - Appropriation to Pension Fund and Postretirement Health Benefits Trust Fund.
- HB0029** Del S. Howard. Tidal Fish License - Catching Crabs Using Trotline Gear - Holidays.
- HB0030** Del Shoemaker. Carroll County Board of Education - Budget - Public Review.
- HB0031** Del Conaway. Motor Vehicle Administration - Public Records Inspections - Young Persons.
- HB0032** Del Luedtke. Amusement Devices - Free-Play Pinball Machines - Use by Minors.
- HB0033** Del Afzali. Income Tax - Subtraction Modification - Retirement Account Withdrawals for Higher Education Tuition.
- HB0034** Del Holmes. Real Property - Homeowners Associations - Resale of Lot - Inspection Fees.
- HB0035** Del Conaway. Baltimore City Public School System - Daily Attendance - Requirements.
- HB0036** Del Lam, et al. Vehicle Laws - Plug-In Electric Drive Vehicles - Reserved Parking Spaces.
- HB0037** Del Conaway. Public Safety - Local Law Enforcement Surveillance Programs and Equipment - Reporting.
- HB0038** Del Carey. Creation of a State Debt - Anne Arundel County - Sun Valley Park Playground.
- HB0039** Del Conaway. Baltimore City Public Schools - Maintenance, Preservation, and Protection of Public Art - Requirements.
- HB0040** Del McConkey. State Retirement and Pension System - Funding Ratio Report - Market Value of Assets.
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- HB0042** Del Barkley. Alcoholic Beverages - Class 1 Distillery Licenses.
- HB0043** Del Conaway. Criminal Procedure - Cameras in the Courtroom - Criminal Sentencing Hearings.
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- HB0047** Del Arentz. Queen Anne's County - Alcoholic Beverages - Class D Beer, Wine, and Liquor and Class 9 Limited Distillery Licenses.
- HB0048** Del Conaway. Criminal Procedure - Shielding - Nolle Prosequi.
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- HB0050** Del Conaway. Public Safety - Use of Electronic Control Devices - Reports.
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- HB0052** Del Conaway. Baltimore City School Police Force - Vehicles and Firearms - Report.

- HB0053** Del Parrott, et al. Sales and Use Tax - Exemption - Firearm Safety Devices.
- HB0054** Del Conaway. Baltimore City Public Schools - Health and Safety - Video Cameras.
- HB0055** Del Jameson, et al. Motor Fuel Tax - Aviation Gasoline - Definition.
- HB0056** Del Conaway. Public Schools - Wellness Policy - School Meals.
- HB0057** Del S. Howard. General Provisions - Commemorative Days - Watermen's Day.
- HB0058** Del Conaway. Baltimore City - Police Tactics and High Crime Zone Notification.
- HB0059** Del S. Howard. Public Safety - Assault Weapons - Replacements.
- HB0060** Del McConkey. Commission on the Disposition of the Crownsville Hospital Center Property.
- HB0061** Del Lisanti. State Designations - State Waterfowl - Canvasback Duck.
- HB0062** Del McConkey. State Retirement and Pension System - Disability Retirement - Alterations.
- HB0063** Del Conaway. Health Care Practitioners - Cost Estimate Notice - Required.
- HB0064** Del Afzali. Creation of a State Debt - Frederick County - Rensberg Park Multipurpose Youth Sports Field.
- HB0065** Del Jackson. Labor and Employment - Maryland Healthy Working Families Act.
- HB0066** Del Lam. Environment - Lead and Mercury Wheel Weights - Prohibited.
- HB0067** Del Saab. Sales and Use Tax - Aircraft Parts and Equipment - Exemption.
- HB0068** Del Carey. Hunting and Fishing - Complimentary Licenses - Purple Heart Recipients.
- HB0069** Del Cullison, et al. Creation of a State Debt - Montgomery County - Parkland Pool Renovation.
- HB0070** Del Cullison. State Board of Nursing - Disciplinary Process and Authority - Revisions.
- HB0071** Del Luedtke, et al. Alcoholic Beverages - Class 8 Farm Brewery License Holders - Food Service.
- HB0072** Del Luedtke. Election Law - Fair Campaign Financing Fund.
- HB0073** Del Luedtke. Election Law - Election Judges - Minimum Age and Minimum Compensation.
- HB0074** Del Grammer. Maryland Consolidated Capital Bond Loan of 2014 - Baltimore County - Chesapeake High Stadium.
- HB0075** Del Grammer. Education - Graduation Requirements - Fine Arts.
- HB0076** Del McCray, et al. Baltimore City Public Schools - Capital Project Scoring System.
- HB0077** Del Chang. Lean Government Advisory Board - Establishment.
- HB0078** Del Korman. State Government - Maryland Manual - Revisions (Maryland Manual Modernization Act).
- HB0079** Del Korman, et al. Creation of a State Debt - Montgomery County - Bender Jewish Community Center of Greater Washington.
- HB0080** Del Korman, et al. Creation of a State Debt - Montgomery County - Bethesda Graceful Growing Together Community Center.
- HB0081** Del Morhaim, et al. Estates and Trusts - Conditions of Disability and Incapacity - Confinement.
- HB0082** Del Carr (Chr Jt Com on Fed Rels). Woodrow Wilson Bridge and Tunnel Compact - Repeal.
- HB0083** Del Luedtke, et al. Income Tax - Subtraction Modification - Discharged Student Loan Debt.
- HB0084** Del Luedtke. Constitutional Convention - Approval by Majority of Voters Voting on the Question - Requirement.
- HB0085** Del Beidle, et al. Anne Arundel County - Charitable Gaming.
- HB0086** Del Fraser-Hidalgo, et al. Creation of a State Debt - Montgomery County - Boyds Negro School.
- HB0087** Del Lafferty. Baltimore County - Elections for Judges of the Orphans' Court - Procedures.
- HB0088** Del Lafferty. Education - Selection of Members to the Baltimore County School Board.
- HB0089** Chr W&M (Dept). Income Tax Credit - Security Clearances - Employer Costs - Extension.
- HB0090** Chr W&M (Dept). Gaming - Reconciliation of Proceeds - Licensee Payments.
- HB0091** Chr W&M (Dept). Gaming - Video Lottery Terminals - Transfer of Ownership.
- HB0092** Chr W&M (Dept). Video Lottery Terminals - Small, Minority, and Women-Owned Businesses Account - Transfer of Authority.
- HB0093** Chr W&M (Dept). Gaming - Video Lottery Operation License - Renewal Term.
- HB0094** Chr W&M (Dept). Maryland E-Innovation Initiative Program - Requirements for Matching Funds.
- HB0095** Chr W&M (Dept). Sales and Use Tax - Hygienic Aids - Exemption.
- HB0096** Del Fraser-Hidalgo, et al. Creation of a State Debt - Montgomery County - TLC's Katherine Thomas School.
- HB0097** Del Fraser-Hidalgo, et al. Creation of a State Debt - Montgomery County - BlackRock Center for the Arts.
- HB0098** Del Simonaire. Creation of a State Debt - Anne Arundel County - Loopers Field Improvement Project.
- HB0099** Dels Krimm and K. Young. Creation of a State Debt - Frederick County - YMCA of Frederick County.
- HB0100** Del Hixson, et al. Income Tax Subtraction Modification - Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel.
- HB0101** Del McIntosh, et al. Creation of a State Debt - Baltimore City - Manna House.
- HB0102** Del Chang, et al. Anne Arundel County Board of Education - Human Trafficking Awareness Pilot Program.
- HB0103** Chr APP (Dept). Department of Human Resources and Child Support Enforcement Administration - Renaming.
- HB0104** Chr APP (Dept). Central Collection Unit - Collection of Debt - Liens.
- HB0105** Chr APP (Dept). Program Open Space - Apportionment Formula and Committee.
- HB0106** Chr ENV (Dept). Department of Housing and Community Development - Homebuyer Education Requirements.
- HB0107** Chr ENV (Dept). Department of Housing and Community Development - Funding for Newly Constructed Single-Family Homes.
- HB0108** St. Mary's County Delegation. St. Mary's County - Regulation of Animals - Dogs.
- HB0109** St. Mary's County Delegation. St. Mary's County - Farm Fences - Repeal.
- HB0110** Del Fraser-Hidalgo, et al. Electric Vehicles and Recharging Equipment - Rebates and Tax Credits - Extension.
- HB0111** St. Mary's County Delegation. St. Mary's County - Fire Tax and Rescue Tax - Distribution of Revenue.
- HB0112** Del Fraser-Hidalgo, et al. Interest Rate on Tax Deficiencies and Refunds - Rounding.
- HB0113** Del Wivell. Sales and Use Tax Exemption - Target Redevelopment Area - Definition.
- HB0114** Del Long. Baltimore County - Property Tax Credit - Revitalization Districts.

- HB0115** The Spkr (DLS). Mold Remediation Services Providers - Licensure and Program Evaluation.
- HB0116** The Spkr (DLS). Maryland Insurance Administration - Sunset Review - Required Reports and Repeal of Preliminary Evaluation Requirement.
- HB0117** The Spkr (DLS). Elevator Safety Review Board - Sunset Extension, Program Evaluation, and Reporting Requirement.
- HB0118** Del Luedtke. Election Law - Persons Doing Public Business - Reporting by Governmental Entities.
- HB0119** Chr ENV (Dept). Washington Metropolitan Area Transit Authority - Washington Metrorail Safety Commission - Establishment and Compact.
- HB0120** Chr ENV (Dept). Department of Agriculture - Seafood and Aquaculture Product Marketing.
- HB0121** Chr ENV (Dept). Environment - Hazardous Material Security - Repeal.
- HB0122** Chr ENV (Dept). Motor Vehicles - Electronic Inspection Certificates for Used Vehicles - Sunset Extension.
- HB0123** Chr HGO (Dept). Health Insurance - Required Conformity With Federal Law.
- HB0124** Chr ENV (Dept). Environment - Solid Waste and Recycling Facilities.
- HB0125** Chr ENV (Dept). Environment - Emergency Action Plans for Dams.
- HB0126** Chr ENV (Dept). Natural Resources - Wildlife and Hunting.
- HB0127** Chr HGO (Dept). Department of Health and Mental Hygiene - Board of Review - Repeal.
- HB0128** Chr HGO (Dept). State Disabilities Plan and Interagency Disabilities Board - Revisions.
- HB0129** Chr ENV (Dept). BayStat Program and BayStat Subcabinet - Renaming.
- HB0130** Chr ENV (Dept). Maryland Wine and Grape Promotion Fund.
- HB0131** Chr ENV (Dept). State Planning - Central Depository.
- HB0132** Chr HGO (Dept). Long-Term Care Ombudsman Program - Regulations.
- HB0133** Chr ENV (Dept). Environment - Reduction of Lead Risk in Housing - Notification of Elevated Blood Lead Level.
- HB0134** Chr APP and Chr ENV (Dept). Homelessness and Supportive Services - Transfer to Department of Housing and Community Development.
- HB0135** Chr ECM (Dept). Unemployment Insurance - Electronic Transmission of Information and Documents - Authority.
- HB0136** Chr ECM (Dept). Insurance - Public Adjusters.
- HB0137** Chr ECM (Dept). Unemployment Insurance - Recovery of Benefits - Collection by Assessment.
- HB0138** Chr ECM (Dept). Occupational and Professional Licensing Boards, Commissions, and Regulatory Entities - Notifications of Applicants, Licensees, Registrants, and Permit Holders.
- HB0139** Chr ECM (Dept). Unemployment Insurance - Employer Determinations - Process and Appeal Rights.
- HB0140** Chr ECM (Dept). State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors - Supervision of Appraiser Trainees.
- HB0141** Chr ECM (Dept). Unemployment Insurance - Eligibility for Benefits - Business Operation Closings.
- HB0142** Chr ECM (Departmental). Financial Institutions - Mortgage Lenders - Examinations and Records.
- HB0143** Chr W&M (Dept). Elections - Miscellaneous Duties and Procedures.
- HB0144** Chr HGO (Dept). Procurement - Department of General Services - Exemption for Historic Structures.
- HB0145** Chr HGO (Dept). Board of Examiners of Nursing Home Administrators - Nonlicensed Persons - Provisional Licensure.
- HB0146** Chr HGO (Dept). Secretary of Aging - Administration of Commodity Supplemental Food Program and Regulatory Authority.
- HB0147** Chr HGO (Dept). Healthy Aging Program.
- HB0148** Chr HGO (Dept). State Archives - Care of Fine Art or Decorative Art - Procurement Exemption.
- HB0149** Chr ENV (Dept). Transportation - Light Rail and Metro Subway - State Safety Oversight Authority.
- HB0150** The Spkr (Admin). Budget Bill (Fiscal Year 2018).
- HB0151** The Spkr (Admin). Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2017, and the Maryland Consolidated Capital Bond Loans of 2009, 2012, 2013, 2014, 2015, and 2016.
- HB0152** The Spkr (Admin). Budget Reconciliation and Financing Act of 2017.
- HB0153** The Spkr (Admin). Creation of a State Debt - Qualified Zone Academy Bonds.
- HB0154** Chr HGO (Dept). Insurance - Pharmacy Benefits Managers - Registration Expiration Date.
- HB0155** Chr ENV (Dept). Maryland Agricultural Land Preservation Foundation - Easement Termination.
- HB0156** Del Dumais, et al. Creation of a State Debt - Montgomery County - Potomac Community Resources Home.
- HB0157** Del Knotts, et al. Public Service Commission - Membership.
- HB0158** Dels K. Young and Krimm. Creation of a State Debt - Frederick County - Heritage Frederick Capital Improvements.
- HB0159** Del B. Barnes, et al. Weapon-Free Higher Education Zones.
- HB0160** Del Simonaire. Anne Arundel County - Board of Education - Selection of Members.
- HB0161** Chr ECM (Dept). Department of Commerce - Maryland Economic Development Assistance Authority and Fund - Renaming and Restructuring.
- HB0162** Del Dumais. Public Safety - Firearm Application.
- HB0163** St. Mary's County Delegation. St. Mary's County - Mobile Home Parks - Repeal.
- HB0164** Del Grammer. Environment - Lynch Cove Run - Soil Testing.
- HB0165** Dels Barron and Pena-Melnyk. State Government - Maryland Uniform Electronic Legal Materials Act.
- HB0166** Del Dumais. Criminal Procedure - Charges Against Correctional Officer - Review by State's Attorney.
- HB0167** Del McCray, et al. Counties and Municipalities - At-Will Supervisory Employees - Residency Requirements.
- HB0168** Dels Rosenberg and Luedtke. Election Law - Required Notifications - Voter Challenges or Intimidation.
- HB0169** Dels Korman and Buckel. State Board of Elections - Open Meetings - Video Streaming and Recording (State Board of Elections Transparency Act).
- HB0170** Del Krimm, et al. Income Tax Subtraction Modification - Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel.
- HB0171** Del Robinson, et al. Department of the Environment - Yard Waste and Food Residuals Diversion and Infrastructure - Study.
- HB0172** Dels Lafferty and McIntosh. Home Act of 2017.
- HB0173** Del Arentz, et al. Baltimore Metropolitan Council - Queen Anne's County - Membership.
- HB0174** Del Luedtke, et al. Education - Children With Disabilities - Individualized Education Program Process - Parental Consent.
- HB0175** Del Jackson, et al. Income Tax Subtraction Modification - Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel.

- HB0176** Del Morgan, et al. Motor Vehicle Registration - Exception for Golf Carts - Golden Beach Patuxent Knolls.
- HB0177** Del McKay, et al. Killing or Wounding Black Bears - Penalties - Exemption for Protection of Bee Colonies.
- HB0178** Frederick County Delegation. Frederick County - Alcoholic Beverages - Sunday Hours of Sale.
- HB0179** Frederick County Delegation. Frederick County - Beer and Wine Licenses - Barbershops.
- HB0180** Del Morhaim, et al. Department of Health and Mental Hygiene - Renaming.
- HB0181** Del Anderson, et al. Maryland Police Training and Standards Commission - Guidelines for Use of Electronic Control Devices.
- HB0182** Chr ECM (Dept). Commissioner of Financial Regulation and State Collection Agency Licensing Board - Licensees - Revisions.
- HB0183** Del Grammer, et al. Education - Career Exploration and Development Activities - Coffee (Java Act).
- HB0184** Del Morales, et al. Public Health - Treatment of Attention-Deficit/Hyperactivity Disorder - Notice of Guidelines.
- HB0185** Dels Rosenberg and Waldstreicher. Department of Health and Mental Hygiene - Distribution of Tobacco Products to Minors - Prohibition and Enforcement.
- HB0186** Del Carr. Vehicle Laws - School Bus Monitoring Cameras - Repeat Violations.
- HB0187** St. Mary's County Delegation. St. Mary's County - Foxes and Hounds - Repeal of Provisions.
- HB0188** Del Morhaim, et al. Public Health - Advance Directives - Witness Requirements, Advance Directives Services, and Fund.
- HB0189** Del Morhaim, et al. Hospitals - Substance Use Treatment Demonstration Program - Requirements.
- HB0190** Dels Queen and Sample-Hughes. Mammography Centers - Dense Breast Tissue - Notification of Breast Cancer Screening Options.
- HB0191** Del Lam, et al. Optometrists and Physicians - Prescriptions for Lenses - Expiration Dates.
- HB0192** Del Lafferty. Task Force to Study Bicycle Safety on Maryland Highways.
- HB0193** Del Long. Baltimore County - Public Schools - Active Assailant Event Training and Drills.
- HB0194** St. Mary's County Delegation. St. Mary's County - Licensing and Operation of Amusement Devices - Repeal.
- HB0195** Del Krebs, et al. Income Tax Subtraction Modification - Retirement Income (Fairness in Taxation for Retirees Act).
- HB0196** Del Tarlau, et al. Income Tax - Subtraction Modification - Interest Paid on Student Loans.
- HB0197** Del Luedtke. Education - Remote Classroom Technology Grant Program - Establishment (Peyton's Bill).
- HB0198** Charles County Delegation. Junk Dealers and Scrap Metal Processors - Cell Tower Batteries - Required Record.
- HB0199** Chr APP (Dept). Capital Grants for Senior Citizen Activities Centers.
- HB0200** Del Lafferty, et al. Real Property - Residential Foreclosures - Filing Fees.
- HB0201** Del B. Barnes (Chr Jt Com on Pnsns). Employees' and Teachers' Pension Systems - Reformed Contributory Pension Benefit - Service Credit Purchase Clarification.
- HB0202** Del B. Barnes (Chr Jt Com on Pnsns). State Retirement Agency - Authority to Arrange Custody of Investments and Procurement Exemption.
- HB0203** Del Krebs, et al. Public Safety - Maryland Accessibility Code - Applicability.
- HB0204** Del Krebs, et al. Community Colleges - Small Community Colleges - Funding.
- HB0205** Del Dumais. Drivers' Licenses - Learners' Permits - Minimum Duration.
- HB0206** Del Angel, et al. Public Health - Child Care Products Containing Flame-Retardant Chemicals - Prohibition.
- HB0207** St. Mary's County Delegation. St. Mary's County - Local Plumbing Code - Repeal.
- HB0208** St. Mary's County Delegation. St. Mary's County - Electricians and Board of Electrical Examiners - Repeal.
- HB0209** St. Mary's County Delegation. St. Mary's County - Vocational Training Facility - Repeal.
- HB0210** Del Simonaire. Anne Arundel County - Board of License Commissioners.
- HB0211** Del Robinson, et al. Cownose Bay Fishing Contests - Prohibition.
- HB0212** Del Waldstreicher, et al. Consumer Protection - Credit Report Security Freezes - Prohibition on Fees and Required Notices.
- HB0213** Del Queen, et al. Public Safety - Maryland Police Training and Standards Commission - Sexual Assault Investigation Training.
- HB0214** Del Morales, et al. Discrimination in Employment - Conditions Related to Pregnancy or Childbirth.
- HB0215** Del Luedtke. County Revenues - Business Fees and Personal Property Tax Exemption.
- HB0216** Del Lam, et al. Emergency Veterinary Care - Immunity From Liability.
- HB0217** Del Krebs, et al. Agricultural Land Preservation Easements - Overlay Easements, Rights-of-Way, or Servitudes.
- HB0218** Carroll County Delegation. Carroll County - Huckster, Hawker, or Peddler License - Repeal.
- HB0219** Carroll County Delegation. Carroll County - Local Government Tort Claims Act.
- HB0220** Del Grammer, et al. Foreclosures - Baltimore County - Certificate of Vacancy or Certificate of Property Unfit for Human Habitation.
- HB0221** Del Cullison. Maryland Council on Advancement of School-Based Health Centers.
- HB0222** Del Morales, et al. Courts - Concealment of Public Hazards (Sunshine in Litigation Act).
- HB0223** Del McKay, et al. Sales and Use Tax - Exemption - Electricity Consumption by Small Business Located in Qualified Distressed County.
- HB0224** Del Lierman. Higher Education - AmeriCorps Program Participants - In-State Tuition.
- HB0225** Del Chang, et al. Correctional Officers' Retirement System - Deferred Retirement Option Program.
- HB0226** Del Anderson. Baltimore Police Department - Reporting on Community Policing.
- HB0227** Del Chang. Education - High School - Graduation Honor System.
- HB0228** Del M. Washington, et al. Environment - Water Service - Shutoff Notice Disclosures and Vulnerable Population Protection.
- HB0229** Del Lierman, et al. Environment - Polystyrene Food Service Products and Polystyrene Loose Fill Packaging - Prohibition on Sale.
- HB0230** Del Morales, et al. Income Tax - Subtraction Modification - First-Time Homebuyer Savings Accounts.
- HB0231** Dels Impallaria and Jackson. Property Tax Credit - Disabled or Fallen Law Enforcement Officers and Rescue Workers - Alteration.
- HB0232** Del McKay, et al. Correctional Services - Commissioner's Duties - Staffing Report.
- HB0233** Del Barron, et al. Disclosure of Medical Records - Guardian Ad Litem - Victims of Crime or Delinquent Acts.

HB0234 Dels Rosenberg and Luedtke. Campaign Finance - Making a Contribution During General Assembly Session - Prohibition.

HB0235 Del Knotts, et al. Abandoned Private Cemeteries - Repair or Maintenance by County or Municipality.

HB0236 Del Barron, et al. Legal Advice to Corporations - Clarification.

HB0237 Del Carr, et al. Vehicle Laws - Intersections - Prohibited Acts.

HB0238 Del Lafferty. Housing - Workforce Housing Grant Program - Mandatory Funding.

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Senate Bills

SB0001 Sen Conway. Education - Specialized Intervention Services - Reports.

SB0002 Chr FIN (Dept). Maryland Heritage Areas Authority - Revision of Boundaries and Boundary Maps.

SB0003 Sen Salling, et al. Income Tax - Subtraction Modification - Military Retirement Income.

SB0004 Chr EHE (Dept). Minority Business Enterprises - Program Participation - Requirements and Reauthorization.

SB0005 Chr JPR (Dept). Juvenile Law - Continued Detention - Minimum Age.

SB0006 Chr EHE (Dept). Occupational and Professional Licensing Boards, Commissions, and Regulatory Entities - Notifications of Applicants, Licensees, Registrants, and Permit Holders.

SB0007 Sen Pinsky. Governor's P-20 Leadership Council - College and Career Readiness and College Completion Reporting - Revisions.

SB0008 Chr FIN (Dept). Insurance - Risk Management and Own Risk and Solvency Assessment Act.

SB0009 Chr JPR (Dept). Motor Vehicles - Autonomous and Connected Vehicles.

SB0010 Sen Cassilly. Child Custody and Visitation - Deployed Parents.

SB0011 Chr JPR (Dept). Correctional Services - Correctional Officers' Bill of Rights - Composition of Hearing Board.

SB0012 Sen Ramirez. Vehicle Laws - Obstruction Hanging From Rearview Mirror - Enforcement.

SB0013 Chr EHE (Dept). Public Safety - State Militia.

SB0014 Sen Madaleno, et al. Earned Income Tax Credit - Individuals Without Qualifying Children - Expansion.

SB0015 Chr FIN (Dept). Insurance - Charitable Gift Annuities - Special Permit Holders - Required Financial Statements.

SB0016 Sens Hough and Ready. Public Safety - Firearm Application.

SB0017 Chr FIN (Dept). Unemployment Insurance - Eligibility for Benefits - Business Operation Closings.

SB0018 Chr EHE (Dept). Public Ethics - Bicoounty Commissions - Financial Disclosure.

SB0019 Chr FIN (Dept). Insurance - Surplus Lines Insurers, Surplus Lines Brokers, and Reinsurers.

SB0020 Sen Mathias. Wicomico County - Vehicle Dealer's Licenses - Motor Home and Travel Trailer Shows.

SB0021 Chr FIN (Dept). Unemployment Insurance - Recovery of Benefits - Collection by Assessment.

SB0022 Chr JPR (Dept). Criminal Procedure - Criminal Injuries Compensation Board - Claimant Award Basis.

SB0023 Sen Klausmeier, et al. Handgun Permits - Alternative Expiration Date - Private Detectives, Security Guards, and Special Police Officers.

SB0024 Chr JPR (Dept). Public Safety - Eyewitness Identification Policies - Repeal of Submission Requirement.

SB0025 Chr FIN (Dept). Maryland Transit Administration - Transit Service - Contracted Taxicab Service.

SB0026 Sen Kagan, et al. Maryland False Claims Act - Municipal Corporations.

SB0027 Chr JPR (Dept). Child Abuse and Neglect - Substance-Exposed Newborns - Reporting.

SB0028 Chr EHE (Dept). State Lottery Tickets - Prohibited Acts - Delivery Service.

SB0029 Sen Pinsky. Natural Resources - Forest Conservation Act - Forest Conservation Thresholds and Reforestation Requirements.

SB0030 Chr JPR (Dept). Vessels - Operating While Under the Influence of or Impaired by Alcohol or Drugs.

SB0031 Chr FIN (Dept). Title Insurance - Rate Making - Use of Rating Organizations for Filings.

SB0032 Chr FIN (Dept). Insurance - Cancellation of Policy or Binder - Notice Requirements.

SB0033 Chr FIN (Dept). Financial Institutions - Mortgage Lenders - Examinations and Records.

SB0034 Chr B&T (Dept). Motor Vehicles - Leased Vehicles - Inspections, Insurance, and Excise Tax.

SB0035 Chr JPR (Dept). Juvenile Law - Informal Adjustment - Mental Health Program.

SB0036 Sen Mathias. Tax Credits - Electronic Filing Requirements - Waiver.

SB0037 Chr JPR (Dept). Funds - Obsolete Provisions - Repeal.

SB0038 Chr FIN (Dept). Department of Health and Mental Hygiene - Updating Advisory Boards and Councils.

SB0039 Sen Mathias. Somerset County - Code of Public Local Laws - Cross-References and Corrections.

SB0040 Chr FIN (Dept). Title Insurance Producers - Licensing of Business Entities and On-Site Reviews.

SB0041 Chr EHE (Dept). State Board of Nursing - Nurse Licensure Compact - Revisions.

SB0042 Sen Simonaire, et al. Criminal Law - Hate Crimes - Law Enforcement Officers (Blue Lives Matter Act of 2017).

SB0043 Chr JPR (Dept). Juvenile Court Records - Disclosure.

SB0044 Chr EHE (Dept). Records Management and Preservation - State and Local Government Units - Responsibilities.

SB0045 Chr JPR (Dept). Motor Vehicle Administration - Driving Instructors - Criminal History Records Checks.

SB0046 Sen Simonaire, et al. Hunting and Fishing Licenses - Active Military, Former Prisoners of War, Recipients of the Purple Heart Award, and Disabled Veterans.

SB0047 Chr FIN (Dept). Reporting Abuse to the Long-Term Care Ombudsman Program and the Office of Health Care Quality.

SB0048 Chr FIN (Dept). Health Insurance - Medicare Supplement Policies for Dual Eligible Individuals - Open Enrollment Period.

SB0049 Sens Cassilly and Jennings. Landlord and Tenant - Military Personnel - Limitation on Liability for Rent.

SB0050 Sen Astle. Cemeteries - Authority to Maintain and Repair Memorials and Monuments.

SB0051 Sen Klausmeier. Workers' Compensation - Permanent Total Disability - Survival of Claim.

SB0052 Sen Young. Sales and Use Tax - Exemption - Disposable Medical Supplies and Condoms.

SB0053 Sen DeGrange. Income Tax - Subtraction Modification - Olympic and Paralympic Games Medals and Prizes.

SB0054 Sens Young and Waugh. Motor Fuel Tax - Aviation Gasoline - Definition.

SB0055 Sen Cassilly. Employers of Ex-Offenders - Liability for Negligent Hiring or Inadequate Supervision - Immunity.

SB0056 Sen Simonaire. Creation of a State Debt - Anne Arundel County - Sun Valley Park Playground.

- SB0057** Sens DeGrange and Kasemeyer. Income Tax Credit - Class F Vehicles - Extension.
- SB0058** Sens Kagan and Rosapepe. Election Law - Election Observers.
- SB0059** Sen Waugh. Crabs - Harvest Times - Trotlines and Crab Pots.
- SB0060** Sen Young. Primary and Secondary Education - Health and Safety (Sugar-Free Schools Act).
- SB0061** Sen Mathias. Health Insurance - Coverage for Digital Tomosynthesis.
- SB0062** Sen Young. Real Property - Backyard Gardens - Prohibition on Restrictions.
- SB0063** Sen Simonaire. Creation of a State Debt - Anne Arundel County - Downs Park Amphitheater.
- SB0064** Sen Kagan. Voter Registration - Affiliating With a Party.
- SB0065** Sen Reilly. Commercial Law - Copyright Infringement - Assertions Made in Bad Faith.
- SB0066** Sen Simonaire. Hunter Safety Courses - Incentives Program - Establishment.
- SB0067** Sen Waugh. Income Tax - Subtraction Modification - Military Compensation.
- SB0068** Sen Young. Criminal Law - Veterans - Medical Cannabis.
- SB0069** Sen Simonaire. Creation of a State Debt - Anne Arundel County - Loopers Field Improvement Project.
- SB0070** Sen Waugh. Unemployment Insurance - Exemption From Covered Employment - Youth Sports Organization Volunteers.
- SB0071** Sen McFadden. Creation of a State Debt - Baltimore City - Hoen Lithograph Building Renovation.
- SB0072** Sen Klausmeier, et al. Workers' Compensation - Tiered Rating Plans and Merit Rating Plans.
- SB0073** Sen Reilly. Estates and Trusts - Share of Intestate Estate Inherited by Surviving Spouse.
- SB0074** Sen Kagan. Maryland Code - Standardization of Terminology - Nonprofits.
- SB0075** Sen McFadden. Creation of a State Debt - Baltimore City - Harford Road Assisted Living and Medical Adult Day Care Center.
- SB0076** Sen Reilly. Circuit Court Real Property Records Improvement Fund - Change of Name.
- SB0077** Sen Simonaire. Anne Arundel County and Harford County - Courthouse Dog and Child Witness Pilot Program.
- SB0078** Sen Rosapepe. Vehicle Laws - School Crossing Guards - Authority to Direct Traffic.
- SB0079** Sens Reilly and DeGrange. Family Law - Destitute Adults - Extraordinary Medical Expenses for Developmental Disabilities and Civil Action.
- SB0080** Sen Mathias. Criminal Law - Animal Abuse - Penalties and Restitution.
- SB0081** Sen Simonaire. Interstate Boating Violator Compact.
- SB0082** Sen Middleton, et al. Department of Health and Mental Hygiene - Renaming.
- SB0083** Sen Kagan. Family Law - Divorce - Restoration of Former Name.
- SB0084** Sen Mathias. Maryland Animal Abuse Registry.
- SB0085** Sen Conway. Family Law - Treatment Foster Care Homes - Siblings.
- SB0086** Sen Norman. Motor Vehicles - Use of Fog Lights When Windshield Wipers Operating - Repeal.
- SB0087** Sens Astle and Middleton. Maryland Tourism Development Board - Destination Marketing Organization Officials - Voting Rights.
- SB0088** Sen Simonaire. General Provisions - State Designations - Great Seal.
- SB0089** Sen Cassilly. Vehicle Laws - Drivers' Licenses and Vehicle Registrations - Mailing Address.
- SB0090** Sen Young. Public and Nonpublic Schools - Classwork and Assessment Involving Live and Dead Animals - Student Right of Refusal.
- SB0091** Sens Kagan and Waugh. State Board of Elections - Open Meetings - Video Streaming and Recording (State Board of Elections Transparency Act).
- SB0092** Sen Salling. General Provisions - Commemorative Days - Brain Cancer Awareness Day.
- SB0093** Sen Astle. Hotel Rental Tax - Accommodations Intermediary - Collection Requirement.
- SB0094** Sen Reilly. Insurance Premiums - Payment by Credit Card - Reimbursement for Expenses.
- SB0095** Sen Reilly. Creation of a State Debt - Anne Arundel County - Woods Community Center.
- SB0096** Sen Reilly. Health Insurance - Coverage for Fertility Awareness-Based Methods.
- SB0097** Sen Reilly. Creation of a State Debt - Anne Arundel County - Arundel Volunteer Fire Department Community Center.
- SB0098** Sen Reilly. Railroad Grade Crossings - Exempt Highway-Rail Grade Crossing Plaque.
- SB0099** Sen Middleton. Department of the Environment - Yard Waste and Food Residuals Diversion and Infrastructure - Study.
- SB0100** Sens Miller and Middleton. Creation of a State Debt - Charles County - Southern Maryland Studies Center.
- SB0101** Sen Waugh. St. Mary's County - Licensing and Operation of Amusement Devices - Repeal.
- SB0102** Sen Waugh. St. Mary's County - Farm Fences - Repeal.
- SB0103** Sen Waugh. St. Mary's County - Foxes and Hounds - Repeal of Provisions.
- SB0104** Sen Waugh. St. Mary's County - Regulation of Animals - Dogs.
- SB0105** Sen Waugh. St. Mary's County - Fire Tax and Rescue Tax - Distribution of Revenue.
- SB0106** Sen Ready. Carroll County - Local Government Tort Claims Act.
- SB0107** Carroll County Senators. Carroll County - Huckster, Hawker, or Peddler License - Repeal.
- SB0108** Sen Simonaire. Property Tax Credit - Erosion Control Measures - Nonstructural Shoreline Stabilization.
- SB0109** Sen Conway. Procurement - Prohibitions on Participation.
- SB0110** Sen Conway. Public Health - Expedited Partner Therapy - Pharmacist Dispensing.
- SB0111** Sen McFadden. Recordation and Transfer Taxes - Exemptions - Property Conveyed From Sole Proprietorship to Limited Liability Company.
- SB0112** Sen McFadden. Baltimore City - Police Districts - Redistricting.
- SB0113** Sen McFadden. Public Health - Tobacco Control Funding.
- SB0114** Sen Ramirez. Creation of a State Debt - Prince George's County - New Horizons Disability Job Training and Recycling Center.
- SB0115** Sen Reilly. Creation of a State Debt - Anne Arundel County - Cape St. Claire Beach Replenishment.
- SB0116** Sens Edwards and Middleton. Program Open Space - Attainment of Acquisition Goals - Local Government Apportionment and Use of Funds.
- SB0117** Sens Edwards and Serafini. Community Colleges - Out-of-State Fee - Waiver for Border State Residents.
- SB0118** Cecil County Senators. Cecil County - Video Lottery Terminals - Distribution of Proceeds.
- SB0119** Sen Middleton. Electronic Nicotine Delivery Systems - Licensing.

- SB0120** Sen Brochin, et al. Hate Crimes - Prohibitions and Protected Classes - Expansion to Law Enforcement Officers and First Responders.
- SB0121** Sen McFadden. Creation of a State Debt - Baltimore City - Roberta's House.
- SB0122** Sen McFadden. Creation of a State Debt - Baltimore City - Historic Diamond Press Building.
- SB0123** Sen McFadden. Creation of a State Debt - Baltimore City - Harford House.
- SB0124** Sen Waugh. St. Mary's County - Vocational Training Facility - Repeal.
- SB0125** Sen Feldman. Woodrow Wilson Bridge and Tunnel Compact - Repeal.
- SB0126** Sen Feldman. Creation of a State Debt - Montgomery County - TLC's Katherine Thomas School.
- SB0127** Sen Conway, et al. Baltimore City - Mayor and Members of the City Council - Qualifications - Residency Period.
- SB0128** Sen Simonaire. Public Health - Required Temperatures for Sale of Crab Meat - Repeal.
- SB0129** Sen Simonaire. Anne Arundel County - Board of License Commissioners.
- SB0130** Sen Simonaire. Election Law - Ballot Issues - Contributions or Donations by Foreign Principals.
- SB0131** Sens Simonaire and Astle. Anne Arundel County - Board of Education - Selection of Members.
- SB0132** Sen Salling. Property Tax - Exemption for Disabled Veterans - Percentage of Disability.
- SB0133** Sen Serafini, et al. Income Tax - Flat Tax.
- SB0134** Sen Serafini, et al. Income Tax - Rates.
- SB0135** Sen Lee. Crimes - Child Abuse and Neglect - Failure to Report.
- SB0136** Sens Lee and Smith. Vehicle Laws - Parking Violations - Authority of Political Subdivisions.
- SB0137** Sen Lee, et al. State Government - Maryland Uniform Electronic Legal Materials Act.
- SB0138** Sens Manno and Miller. Income Tax Credit - Security Clearances - Employer Costs - Extension.
- SB0139** Sen Manno, et al. Maryland Transportation Authority - Video Tolls - Collection.
- SB0140** Sen Waugh. St. Mary's County - Local Plumbing Code - Repeal.
- SB0141** Sen Zirkin. Election Law - Polling Places on College Campuses.
- SB0142** Sen Zirkin. Task Force to Study Bicycle Safety on Maryland Highways.
- SB0143** Sen Zirkin. Injury to or Death of Pet - Damages.
- SB0144** Sen Zirkin. Civil Actions - Prelitigation Discovery of Insurance Coverage.
- SB0145** Sens Pinsky and Jennings. Education - Statewide Kindergarten Assessment - Completion.
- SB0146** Sens Pinsky and Smith. Congressional Districting Process.
- SB0147** Sen McFadden. Correctional Officers' Retirement System - Deferred Retirement Option Program.
- SB0148** Sen Feldman. Creation of a State Debt - Montgomery County - Boyds Negro School.
- SB0149** Sens Feldman and King. Creation of a State Debt - Montgomery County - BlackRock Center for the Arts.
- SB0150** Sens Feldman and Lee. Creation of a State Debt - Montgomery County - Potomac Community Resources Home.
- SB0151** Sen Nathan-Pulliam, et al. State Board of Nursing - Disciplinary Process and Authority - Revisions.
- SB0152** Sen King, et al. Higher Education - Community Colleges - Funding.
- SB0153** Sen King, et al. Public Schools - Length of School Year Adjustment - State of Emergency.
- SB0154** Sen King, et al. Vehicle Laws - School Bus Monitoring Cameras - Civil Penalty.
- SB0155** Sen Brochin, et al. School Vehicles - Seat Belts - Requirements.
- SB0156** Sens Brochin and Klausmeier. Baltimore County - Elections for Judges of the Orphans' Court - Procedures.
- SB0157** Sen Brochin, et al. Sales and Use Tax - Alcoholic Beverages - Rate Reduction.
- SB0158** Sen Conway. Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund.
- SB0159** Sen Waugh. Sales and Use Tax - Aircraft Parts and Equipment - Exemption.
- SB0160** Sen Waugh. Handgun Permits - Multijurisdictional Recognition.
- SB0161** Sen Waugh. Transportation - Highway User Revenues - Allocation.
- SB0162** Sen Waugh. St. Mary's County - Mobile Home Parks - Repeal.
- SB0163** Sen Waugh. St. Mary's County - Electricians and Board of Electrical Examiners - Repeal.
- SB0164** Sens Brochin and Salling. Baltimore County - Ethics - Prohibitions and Requirements Regarding Payments During Pendency of Zoning Applications.
- SB0165** The Pres (DLS - Code Rev). Code Revision - Maryland Vehicle Law - Penalties.
- SB0166** Sen Conway (BCA), et al. Baltimore City - Civilian Review Board.
- SB0167** Sen Conway. Tax Sales - Reimbursement for Expenses.
- SB0168** Sen Conway. Maryland Paint Stewardship Program.
- SB0169** Sens Middleton and Kasemeyer. Maryland Medical Assistance Program - Cost of Emergency Room Visits to Treat Dental Conditions - Study.
- SB0170** The Pres (Admin). Budget Bill (Fiscal Year 2018).
- SB0171** The Pres (Admin). Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2017, and the Maryland Consolidated Capital Bond Loans of 2009, 2012, 2013, 2014, 2015, and 2016.
- SB0172** The Pres (Admin). Budget Reconciliation and Financing Act of 2017.
- SB0173** Sen Manno, et al. Commission on Access to Tax-Preferred Health and Childcare Savings Accounts for All Marylanders.
- SB0174** Sens Manno and Madaleno. Income Tax Credit - Clean Energy Production - Qualified Energy Resources (Maryland Clean Energy Incentive Act).
- SB0175** Sen Manno, et al. Public Health - Use of Medical Oxygen in Residential Dwellings - Smoking and Open Flame Restrictions.
- SB0176** Sens Manno and Smith. Long-Term Care Insurance - Moratorium on Renewal Premium Rate Increases.
- SB0177** Sen Manno, et al. Public Safety - Elevator Inspections - Testing.
- SB0178** Sen Peters, et al. Horse Racing - Bowie Race Course Training Center - State Purchase or Condemnation.
- SB0179** Sen Peters, et al. Creation of a State Debt - Calvert County - End Hunger In Calvert County Warehouse.
- SB0180** Sen Peters, et al. Independent Living Tax Credit Act.
- SB0181** Sen Simonaire. Natural Resources Police - Conditions of Sentencing, Probation, Parole, or Mandatory Release Supervision - Database.
- SB0182** Sen Middleton, et al. Charles and Prince George's Counties - Recall of Former Judge for Temporary Assignment - Eligibility.

- SB0183** The Pres (DLS). Mold Remediation Services Providers - Licensure and Program Evaluation.
- SB0184** Sen Middleton. Energy Efficiency Programs - Calculation of Program Savings and Consideration of Cost-Effectiveness.
- SB0185** Sen Feldman. Public Health - Repeal of AIDS Education Program for Persons Convicted of Drug- or Sex-Related Crimes.
- SB0186** Sen Kagan, et al. Environment - Polystyrene Food Service Products and Polystyrene Loose Fill Packaging - Prohibition on Sale.
- SB0187** Sens Hough and Young. Creation of a State Debt - Frederick County - Helen Smith Studio.
- SB0188** Sens Hough and Young. Creation of a State Debt - Frederick County - Northwest Trek Conservation and Education Center Phase 2.
- SB0189** The Pres (DLS). Maryland Insurance Administration - Sunset Review - Required Reports and Repeal of Preliminary Evaluation Requirement.
- SB0190** The Pres (DLS). Elevator Safety Review Board - Sunset Extension, Program Evaluation, and Reporting Requirement.
- SB0191** Sen Salling. Creation of a State Debt - Baltimore County - Project Genesis: New Beginnings, Inc. Community Center.
- SB0192** Sen Klausmeier. Office of Cemetery Oversight - Cemetery Financial Statement - Requirements.
- SB0193** Sen Klausmeier. Physicians - Professional Liability Insurance Coverage - Notification and Posting Requirements.
- SB0194** Sen Klausmeier. Workers' Compensation - Medical Benefits - Payment of Medical Services and Treatment.
- SB0195** Sen Klausmeier. Physicians - Licensure - Liability Coverage (Janet's Law).
- SB0196** Sen Kelley, et al. Criminal Procedure - Life Without Parole - Imposition.
- SB0197** The Pres (Admin). Creation of a State Debt - Qualified Zone Academy Bonds.
- SB0198** Sens Young and Hough. Frederick County - Alcoholic Beverages - Sunday Hours of Sale.
- SB0199** Sens Young and Hough. Creation of a State Debt - Frederick County - YMCA of Frederick County.
- SB0200** Sen King, et al. Income Tax Credit - Qualified Research and Development Expenses - Credit Amounts.
- SB0201** Sen King, et al. Education - Fire Drill Requirements - State Fire Prevention Code.
- SB0202** Sen King, et al. Higher Education - University System of Maryland - Quasi-Endowment Funds.
- SB0203** Sen Serafini. Credit Regulation - Mortgage Brokers - Finder's Fee.
- SB0204** Washington County Senators. PenMar Development Corporation - Dissolution - Authority of Washington County Over Fort Ritchie.
- SB0205** Sen Serafini. Corporate Income Tax - Federal Repatriation Holiday.
- SB0206** Sen Feldman. Financial Institutions - Qualifications of Directors of Commercial Banks - Residency.
- SB0207** Sen Feldman. Criminal Procedure - Charges Against Correctional Officer - Review by State's Attorney.
- SB0208** Sens Young and Hough. Creation of a State Debt - Frederick County - Heritage Frederick Capital Improvements.
- SB0209** Sens Young and Hough. Frederick County - Beer and Wine Licenses - Barbershops.
- SB0210** Sen Zucker. Alcoholic Beverages - Class 8 Farm Brewery License Holders - Food Service.
- SB0211** Cecil County Senators. Cecil County - Orphans' Court Judges - Travel Expense Allowance.
- SB0212** Sen Hershey. Baltimore Metropolitan Council - Queen Anne's County - Membership.
- SB0213** Sen Brochin. Maryland College Investment Plan - State Contribution to Account Holders - Alterations.
- SB0214** Sen Brochin, et al. Local Government - Public Nuisances - Restriction on Local "Padlock" Laws.
- SB0215** Sen Kelley, et al. Juvenile Court - Jurisdiction.
- SB0216** Sen Kelley, et al. Maryland Caregivers Support Coordinating Council - Renaming and Altering Membership and Duties.
- SB0217** Sen Kelley, et al. Criminal Law - Sexual Offenses - Physical Resistance.
- SB0218** Sens Middleton and Hershey. Public Utilities - Water Companies and Sewage Disposal Companies - Rate Cases and Proceedings.
- SB0219** Sen Lee, et al. Criminal Procedure - Pretrial Release - Victim Protection.
- SB0220** Sen Lee, et al. Police Training Commission - Training Requirements - Human Trafficking.
- SB0221** Sen Lee, et al. Adult Entertainment Establishments - National Human Trafficking Resource Center Hotline Information - Sign Posting Requirements.
- SB0222** Sen Lee, et al. Human Trafficking - Civil Actions - Statute of Limitations.
- SB0223** Sen Lee, et al. Criminal Law and Procedure - Sex Offenders and Possession of Child Pornography - Penalties and Registration Requirements.
- SB0224** Sen Lee, et al. Public Safety - Regulated Firearms - Definition of Convicted of a Disqualifying Crime.
- SB0225** Sen Ramirez. Civil Actions - Noneconomic Damages - Catastrophic Injury.
- SB0226** Sen Manno, et al. Biotechnology Investment Tax Credit - Qualified Maryland Biotechnology Company - Definition.
- SB0227** Sen Salling, et al. Gaming - Video Lottery Operation Licensees - Confiscation of Fake Identification.
- SB0228** Sen Salling, et al. Video Lottery Terminals - Disposition of Unclaimed Winnings.
- SB0229** Sen Cassilly, et al. Criminal Law - Homicide by Motor Vehicle or Vessel While Impaired by Controlled Dangerous Substance - Penalties.
- SB0230** Sen Middleton, et al. Labor and Employment - Maryland Healthy Working Families Act.
- SB0231** Sen Manno, et al. Labor and Employment - Hiring and Promotion Preferences - Veterans of Commissioned Corps.
- SB0232** Sen Manno, et al. Education - Pregnant and Parenting Students - Attendance Policy.
- SB0233** Sen Madaleno. Maryland Council on Advancement of School-Based Health Centers.
- SB0234** Sen Waugh. St. Mary's County - Land Records - Repeal.
- SB0235** Sen Guzzone. Sales and Use Tax - Exemption - Service Performed by Person Practicing Engineering.
- SB0236** Sen Eckardt, et al. Income Tax - Personal Exemptions - Inflation Adjustment.
- SB0237** Sen Eckardt, et al. Income Tax - Standard Deduction - Inflation Adjustment.
- SB0238** Sen Eckardt, et al. Income Tax Subtraction Modification - Retirement Income (Fairness in Taxation for Retirees Act).
- SB0239** Sen Robinson, et al. Personal Property Tax - Exemption - Property Owned by New or Relocated Business.
- SB0240** Sen Robinson, et al. Department of Health and Mental Hygiene - Abuser Registry Workgroup Recommendations - Report.
- SB0241** Sen Robinson. Creation of a State Debt - Baltimore City - Hampden Family Center.
- SB0242** Sen Robinson. Creation of a State Debt - Baltimore City - St. Francis Neighborhood Center.
- SB0243** Sen Robinson, et al. Correctional Services - Inmates - Financial Literacy Training.

- SB0244** Sen Robinson, et al. Task Force to Study Suspension Rates of African American Prekindergarten Students.
- SB0245** Sen Salling, et al. Public Safety - Permit to Carry, Wear, or Transport a Handgun - Qualifications.
- SB0246** Sen Mathias. Somerset County - State's Attorney - Annual Salary.
- SB0247** Sen Ramirez. Real Property - Notices of Foreclosure Sale and Postponement or Cancellation of Foreclosure Sale.
- SB0248** Sen Middleton. Senior Call-Check Service and Notification Program - Establishment.
- SB0249** Sen Simonaire. Income Tax - Subtraction Modification - Donation of Rented Equipment.
- SB0250** Sens Norman and Zirkin. Civil Proceedings - Continuances Agreed to by All Parties.
- SB0251** Sen Simonaire. Anne Arundel County - Property Tax - Credit for Seniors of Limited Income.
- SB0252** The Pres (Admin). Redistricting Reform Act of 2017.
- SB0253** The Pres (Admin). Legislative Transparency Act of 2017.

[17-03-31]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated January 12, 2017, **JONATHAN KENNETH FRIEDLANDER**, 13607 Daphney House Court, Rockville, Maryland 20850, has been disbarred by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated January 12, 2017, **ROBERT GEORGE LIPMAN**, 3414 Guilford Terrace, Baltimore, Maryland 21218, has been placed on inactive status by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated January 13, 2017, **BRANDON DAVID ROSS**, 1181 Elm Street, Suite 202, Manchester, New Hampshire 03101, has been indefinitely suspended, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated December 14, 2016, **JEROME P. JOHNSON**, 9 W. Courtland Street, P.O. Box 1041, Bel Air, Maryland 21014, has been suspended for (1) one year, effective January 19, 2017, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[17-03-28]

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 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §4-205, Annotated Code of Maryland

Notice of Final Action

[16-328-F]

On January 24, 2017, the Secretary of Natural Resources adopted amendments to Regulation **.09** under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 43:25 Md. R. 1388—1389 (December 9, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

MARK J. BELTON

Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.11 Fishing in Nontidal Waters

Authority: Natural Resources Article, §§4-215, 4-602, and 4-614, Annotated Code of Maryland

Notice of Final Action

[16-315-F]

On January 24, 2017, the Secretary of Natural Resources adopted amendments to Regulations **.01** and **.04** under **COMAR 08.02.11 Fishing in Nontidal Waters**. This action, which was proposed for adoption in 43:25 Md. R. 1389—1392 (December 9, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

MARK J. BELTON

Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 03 HEALTH STATISTICS

10.03.01 Vital Records

Authority: Health-General Article, §4-217, Annotated Code of Maryland

Notice of Final Action

[16-289-F]

On January 23, 2017, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.08** under **COMAR 10.03.01 Vital Records**. This action, which was proposed for adoption in 43:23 Md. R. 1284 (November 14, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.60 Senior Prescription Drug Assistance Program

Authority: Health-General Article, §15-1005(b)(1), Annotated Code of Maryland

Notice of Final Action

[16-303-F]

On January 13, 2017, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.01—08** under **COMAR 10.09.60 Senior Prescription Drug Assistance Program**. This action, which was proposed for adoption in 43:24 Md. R. 1355—1357 (November 28, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Notice of Final Action

[16-306-F]

On January 23, 2017, the Secretary of Health and Mental Hygiene adopted:

(1) New Regulation **.04**, the recodification of existing Regulations **.04, .06—08, .11, and .13—17** to be Regulations **.05, .07—09, .12, .14—18**, respectively, and amendments to and the recodification of existing Regulations **.05, .09, .10, and .12** to be Regulations **.06, .10, .11, and .13**, respectively, under **COMAR 10.27.01 Examination and Licensure**;

(2) New Regulation **.03**, the recodification of existing Regulations **.03, .05, and .07** to be Regulations **.04, .06, and .08**, respectively, and amendments to and the recodification of existing Regulations **.04, .06, and .08** to be Regulations **.05, .07, and .09**, respectively, under **COMAR 10.39.01 Certification of Nursing Assistants**;

(3) Amendments to Regulation **.04** under **COMAR 10.39.04 Medication Technicians**; and

(4) New Regulation **.01**, amendments to and the recodification of existing Regulations **.01, .03, and .04** to be Regulations **.02, .04, and .05**, respectively, and the recodification of existing Regulations **.02** and **.05—09** to be Regulations **.03** and **.06—10**, respectively, under **COMAR 10.53.02 Licensure**.

This action, which was proposed for adoption in 43:24 Md. R. 1357—1361 (November 28, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

13A.02.08 Recognition of Employee Organizations

Authority: Education Article, Title 6, Subtitles 4 and 5, Annotated Code of Maryland

Notice of Final Action

[16-267-F]

On January 24, 2017, the Maryland State Board of Education adopted the repeal of Regulations **.01—03** under **COMAR 13A.02.08 Recognition of Employee Organizations**. This action, which was proposed for adoption in 43:22 Md. R. 1252—1253 (October 28, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.07 Maryland Seal of Biliteracy Program

Authority: Education Article, §7-208, Annotated Code of Maryland

Notice of Final Action

[16-281-F]

On January 24, 2017, the Maryland State Board of Education adopted new Regulations **.01—05** under a new chapter, **COMAR 13A.03.07 Maryland Seal of Biliteracy Program**. This action, which was proposed for adoption in 43:22 Md. R. 1252—1253 (October 28, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 04 SPECIFIC SUBJECTS

13A.04.03 Driver Education Programs

Authority: Education Article, §§7-412; Transportation Article, §§16-212.1 and 16-501—16-506; Annotated Code of Maryland

Notice of Final Action

[16-276-F]

On January 24, 2017, the Maryland State Board of Education adopted the repeal of Regulations **.01—11** under **COMAR 13A.04.03 Driver Education Programs**. This action, which was proposed for adoption in 43:22 Md. R. 1253 (October 28, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 06 PLANT PEST CONTROL

15.06.04 Regulation of Invasive Plants

Authority: Agriculture Article, §9.5-301, Annotated Code of Maryland

Notice of Final Action

[16-260-F]

On January 19, 2017, the Secretary of Agriculture adopted amendments to Regulation **.06** under **COMAR 15.06.04 Regulation of Invasive Plants**. This action, which was proposed for adoption in 43:21 Md. R. 1171 (October 14, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Title 26
DEPARTMENT OF THE
ENVIRONMENT

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

26.04.02 Sewage Disposal and Certain Water
Systems for Homes and Other Establishments
in the Counties of Maryland Where a Public
Sewage System Is Not Available

Authority: §§9-216, 9-217, 9-223, 9-252, 9-510, 10-103, 10-301, and 10-304,
Annotated Code of Maryland

Notice of Final Action
[16-329-F]

On January 24, 2017, the Secretary of the Environment adopted amendments to Regulation .09 under **COMAR 26.04.02 Sewage Disposal and Certain Water Systems for Homes and Other Establishments in the Counties of Maryland Where a Public Sewage System Is Not Available**. This action, which was proposed for adoption in 43:25 Md. R. 1424—1425 (December 9, 2016), has been adopted as proposed.

Effective Date: February 13, 2017.

BENJAMIN H. GRUMBLES
Secretary of the Environment

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 07

DEPARTMENT OF HUMAN RESOURCES

Subtitle 01 OFFICE OF THE SECRETARY

07.01.04 Administrative Hearings

Authority: Family Law Article, §§10-108.1—10-108.4, 10-112.1, 10-113, 10-113.1, 10-113.2, 10-114, 10-119, 10-119.3, and 12-102.3; Human Services Article, §§5-303, 5-408, and 5-501; State Government Article, §§9-1607.1, 9-1607.2, and 10-201—10-222; Transportation Article, §11-203; Annotated Code of Maryland

Agency Note: Federal Regulatory Reference: 7 CFR §§273.15 and 273.16, and 45 CFR §§303.32c(5), 303.72 and 303.105; and 42 U.S.C. §666(a)(17) and (c)(1)(G)(ii)

Notice of Proposed Action

[17-078-P]

The Secretary of Human Resources proposes to amend Regulation .03 under **COMAR 07.01.04 Administrative Hearings**.

Statement of Purpose

The purpose of this action is to clarify the time allowed for a customer to request an appeal to a decision made by the Office of Home Energy Programs (OHEP).

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 Paula L. Reynolds, Program Coordinator, Office of Home Energy Programs, 311 W. Saratoga St., Baltimore, MD 21201, or call 410-767-1037, or email to paula.reynolds@maryland.gov, or fax to 410-333-0637. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.03 Appeal Request.

A. — G (text unchanged)

H. *Time to Appeal—Office of Home Energy Programs (OHEP)*. With regard to OHEP appeals, the request is effective if OHEP or the Office of Administrative Hearings receives the request:

(1) Within 30 calendar days of the agency mailing or delivering timely and adequate notice, whichever is earlier;

(2) Within 30 calendar days of the agency action if the agency failed to give timely and adequate notice; or

(3) Within 30 calendar days of any date by which the agency was required to act on an application or to make an adjustment in assistance and failed or refused to act.

[H.] I. (text unchanged)

[I.] J. Except as provided in §§[H] I and L of this regulation, the filing date of the appeal request is the date the agency received the request in writing.

[J.] K. — [K.] L. (text unchanged)

SAM MALHOTRA
Secretary of Human Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 10 RACING COMMISSION

09.10.03 Prohibited Acts

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Proposed Action

[17-077-P]

The Maryland Racing Commission proposes to amend Regulation .02 under **COMAR 09.10.03 Prohibited Acts**. This action was considered at a public meeting of the Maryland Racing Commission held on December 20, 2016, notice of which was given in 43:24 Md. R. 1373 (November 28, 2016) and on the Commission's website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend existing language that will modify the number of points assigned to a trainer who has been found in violation of the medication rules, provide for discretion in the event a violation is determined to be environmental and alter the length of time assigned points expire. These amendments will also conform to recently adopted national standards.

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 J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Boulevard, Towson, MD 21286, or call 410-296-9682, or email to mike.hopkins@maryland.gov, or fax to 410-296-9687. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Racing Commission during a public meeting to be held on March 21, 2017, at 12:30 P.M. at Laurel Park, Maryland.

.02 Sanctions.

In addition to a specific sanction applicable to a particular violation, an individual found by the:

A.—B. (text unchanged)

C. Multiple Medication Violations.

(1) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1—5 medication with Penalty Class A—[D] C, as provided in the most recent version of the Association of Racing Commissioners International Uniform

Classification Guidelines for Foreign Substances, shall be assigned points as follows:

Penalty Class	Points for Controlled Medication	Points for Noncontrolled Medication
Class A	(text unchanged)	
Class B	(text unchanged)	
Class C	[1] 1/2, with incremental increases of 1/2 point for each additional violation within 365 days	[2] 1, with incremental increases of 1/2 point for each additional violation within 365 days
Class D	[1/2] 0	[1] 0

(2)—(3) (text unchanged)

(4) *If the Stewards, Judges, or Commission determine that the violation is due to environmental contamination, they may assign fewer or no points against the trainer based upon the specific facts of the case.*

[(4)] (5)—[(5)] (6) (text unchanged)

[(6)] (7) In addition to the penalty for the underlying offense, the following penalty shall be imposed upon a licensed trainer based upon the cumulative points contained in their official record:

Points	Suspension in Days
[3—5.5] 5-5.5	[30] 15 to 30
6—8.5	[60] 30 to 60
9—10.5	[180] 90 to 180
11 or more	[360] 180 to 360

[(7)] (8)—[(9)] (10) (text unchanged)

[(10)] (11) [Any] *Points assigned to a trainer [who has received points] for a medication violation shall [have their points expunged] expire on the anniversary date of the date the suspension is completed [from their record] as follows:*

Penalty Classification	Time to [Expungement] Expire
A	[Permanent] 3 years
B	[3] 2 years
C	[2] 1 [years] year
[D]	[1 year]

J. MICHAEL HOPKINS
Executive Director

Subtitle 19 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — REAL ESTATE APPRAISERS

09.19.07 Fees

Authority: Business Occupations and Professions Article, §§16-216, 16-304[(d)], and 16-304.1, Annotated Code of Maryland

Notice of Proposed Action

[17-025-P]

The Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors proposes to amend Regulation .01 under **COMAR 09.19.07 Fees**. This action was considered at a public meeting of the Commission held on October 11, 2016, notice of which was given in 43:20 Md. R. 1152

(September 30, 2016) pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify, under COMAR 09.19.07.01A, that an applicant for a licensing examination or reexamination shall pay the examination- or reexamination-related fees (1) directly to the testing service selected by the Maryland Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors to develop or administer the licensing examination; and (2) in an amount set by such testing service.

The purpose of this action is also to clarify, under COMAR 09.19.07.01B, that at the time a license or certificate is issued by the Commission, the licensee or certificate holder shall pay to the Commission a fee set by Federal Financial Institutions Examination Council for each year for which the license is issued.

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 Patricia Schott, Executive Director, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Baltimore, Maryland 21202, or call 410-230-6165, or email to patricia.schott@maryland.gov, or fax to 410-333-6314. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors during a public meeting to be held on April 11, 2017, at 500 N. Calvert Street, Baltimore MD 21202.

.01 Fees Owed the Commission.

A. [Pursuant to Business Occupations and Professions Article, §§16-304(d) and 16-506(d), Annotated Code of Maryland, an] *An applicant for examination or reexamination shall pay an examination or reexamination fee [of \$100] directly to the testing service chosen by the Commission to develop or administer the examination.*

B. At the time a license or certificate is issued by the Commission, the licensee or certificate holder shall pay to the Commission [**\$40**] *a fee set by the Federal Financial Institutions Examination Council for each year for which the license is issued. [This fee will be transmitted to the Appraisal Subcommittee of the Federal Financial Institutions Examinations Council as required by 12 U.S.C. §3338.]*

C. — D. (text unchanged)

PATRICIA SCHOTT

Executive Director

Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.01 Obligations of Employers

Authority: Labor and Employment Article, §§8-101, 8-206, 8-305, 8-602, 8-625, 8-626, 8-1002.1, and 8-1005, Annotated Code of Maryland

Notice of Proposed Action

[17-075-P]

The Secretary of Labor, Licensing, and Regulation proposes to amend Regulations **.05**, **.12**, **.15-1**, and **.16**, and repeal existing Regulation **.24** under **COMAR 09.32.01 Obligations of Employers**.

Statement of Purpose

The purpose of this action is to clarify that the Secretary shall remove or credit benefit charges, subject to limitations set forth in Labor and Employment Article, §8-620(f)(2), Annotated Code of Maryland, of a reimbursor previously charged only if the Secretary has recovered the benefits under Labor and Employment Article, §8-809, Annotated Code of Maryland. This clarification conforms to the current Unemployment Insurance Law. In addition, another purpose of this action is to repeal obsolete language regarding magnetic media reporting for employment reports and clarify that employers may provide a report of work refusal via electronic means. The purpose of repealing COMAR 09.32.01.16(B) regarding interest on past due contributions and COMAR 09.32.01.24 regarding deletion of wages for aggravated misconduct is to delete outdated inaccurate provisions that do not conform to the Unemployment Insurance Law.

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 Jared Murphy, Director, Unemployment Insurance Legal Services, Department of Labor, Licensing and Regulation, 1100 N. Eutaw St., Baltimore, MD 21201, or call 410-767-2409, or email to jared.murphy@maryland.gov, or fax to 410-333-7099. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.05 Charging of Benefit Payments.

A. (text unchanged)

B. Reimbursor.

(1)—(2) (text unchanged)

(3) *The Secretary shall remove or credit the charges, subject to the limitation provided under §8- 620(f)(2), of a reimbursor that was previously charged only if the Secretary has recovered the benefits under §8-809.*

C.—E. (text unchanged)

.12 Employment Reports.

A.—B. (text unchanged)

[C. Magnetic Media Reporting.

(1) Magnetic Media. Employing units reporting more than 100 employees shall file the information required on the employment report on magnetic tape or, if approved by the Secretary, on other magnetic media.

(2) Format.

(a) The magnetic media report shall conform to the format prescribed by the Secretary.

(b) Employing units may obtain the prescribed format for magnetic media reporting by contacting the Department's Office of Unemployment Insurance.

(3) Waiver.

(a) For not more than four consecutive reporting periods, employing units required to report on magnetic media may request, at least 30 days before the due date of the employment report, that the Secretary waive the requirement for that quarter.

(b) The Secretary may waive the requirement, if the requirement would result in hardship to the employing unit. In determining whether a hardship would result, the Secretary shall consider, among relevant factors, the ability of the employing unit to report by magnetic media at a reasonable cost.

(4) Alternative. The Secretary may approve a request of an employing unit required to report on magnetic media to report on computer diskette in a format acceptable to the Secretary.

(5) Other Employing Units. The Secretary may approve a request of an employing unit not required to report by magnetic media to report on magnetic media or computer diskette.]

.15-1 Report of Work Refusal.

If an employer offers employment to an unemployed individual and the individual refuses the offer, the employer shall notify the Secretary in writing, *by electronic transmission or other means*, within 15 days after the refusal in order for the refusal to be considered in determining whether the individual is disqualified for benefits.

.16 Penalties and Interest Assessments.

A. (text unchanged)

[B. Interest on Past Due Contributions. An employing unit that fails to file a timely contribution report shall pay interest at the rate of 1 percent per month or fraction of a month until payment is received.]

[C.] B.—[D.] C. (text unchanged)

KELLY M. SCHULZ

Secretary of Labor, Licensing, and Regulation

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.01 Obligations of Employers

Authority: Labor and Employment Article, §§8-201 and 8-205, Annotated Code of Maryland

Notice of Proposed Action

[17-076-P]

The Secretary of Labor, Licensing, and Regulation proposes to amend Regulation **.18** under **COMAR 09.32.01 Obligations of Employers**.

Statement of Purpose

The purpose of this action is to clarify the factors to be considered by the Secretary when determining whether a worker is classified as an independent contractor or is working in covered employment for the purpose of unemployment insurance coverage. The proper classification of workers impacts a business's tax obligations and a worker's eligibility for unemployment insurance benefits. The proposal removes certain out of date considerations, such as the specific reference to an independent contractor maintaining a listing in a telephone directory. The proposed regulation reflects the statutory requirement that the Secretary must determine that each of

the three conditions found in Labor and Employment Article, §8-205(a), Annotated Code of Maryland, must be satisfied by the employer before an independent contractor relationship will be found to exist. The proposed regulation revises and expands upon the current factors that may be considered by the Secretary in making the three required determinations and clarifies that each determination is based on the totality of the circumstances. The proposed regulation amends the order of the paragraphs in COMAR 09.32.01.18 so that the regulation addresses the three required determinations in the same order in which they appear in the statute.

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 Jared Murphy, Director, Unemployment Insurance Legal Services, 1100 N. Eutaw Street, Baltimore, MD 21201, or call 410-767-2409, or email to jared.murphy@maryland.gov, or fax to 410-333-7099. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.18 Presumption of Employee Status and Determinations of Worker Classification.

A. (text unchanged)

B. Independent Contractor.

(1) To overcome the [employee] presumption of employee status, an employing unit shall bear the burden of proof to establish, by a preponderance of the evidence, that the person performing services is an independent contractor.

(2) The Secretary shall determine [that] if an employing unit has established that [the] a person performing services is an independent contractor [when the conditions] by considering, for each paragraph of Labor and Employment Article, § 8-205(a), Annotated Code of Maryland, the factors in §B(3)(a)–(c) of this regulation [are clearly shown]. The Secretary shall consider the totality of the circumstances for each of the three paragraphs found in Labor and Employment Article, § 8-205(a), Annotated Code of Maryland. Each determination is considered based on the specific facts of the relationship between the employing unit and the worker. The Secretary may consider a relevant prior determination by a taxing authority regarding the proper classification of the worker.

(3) [Circumstances evidencing the conditions mentioned in §B(2) of this regulation include, but are not limited to, the items listed after each condition] When assessing the totality of the circumstances to determine the proper worker classification under each paragraph of § 8-205(a), the Secretary shall consider the following factors:

(a) [The person has been and will continue to be free from the employing unit's control or direction] To determine whether there is a right to control or direct how the worker performed the task for which the worker is hired and the absence of control in practice, relevant facts include but are not limited to:

(i) [The employing unit does not require the person to comply with detailed instructions about when, where, and how the person is to work.] The extent of instruction provided to the worker by the employing unit;

(ii) [The employing unit does not train the person to perform the service in a particular manner or using a particular method determined by the employing unit,] *The extent and type of training provided to the worker by the employing unit;*

(iii) [The employing unit does not establish set hours of work for the person performing the services,] *Whether the worker or the employing unit determines how work results are achieved;*

(iv) [The employing unit does not establish a schedule or routine for the person performing the service,] *Whether the worker or the employing unit determines the order or sequence to follow in performing the work;*

(v) [The employing unit may not discharge the person for failure to obey the employing unit's specific instructions on how the service is to be performed,] *Whether the worker is hired and discharged under specific terms of an agreement or at-will;*

(vi) *Who determines and provides the supplies, tools, and equipment used to perform the task;*

(vii) *Whether the work must be performed personally by the worker;*

(viii) *The extent to which the worker is subjected to pre-employment testing, credentialing, resume verification, background checks, and/or pre-employment physicals;*

(ix) *Whether the worker is required to devote substantially full time to the employing unit; and*

(x) *Whether the worker is required to submit regular or written reports to the employing unit.*

[(b) The service is outside the usual course of business of the employing unit:

(i) The person performs the work off the employing unit's premises,

(ii) The person performs work that is not integrated into the employing unit's operation,

(iii) The service performed is unrelated to the employing unit's business;]

[(c)] (b) [The person performing the service] *To determine whether the worker is customarily engaged in an independently established business, relevant facts include but are not limited to:*

(i) [Maintains a business listing in the telephone directory,] *The extent to which the worker makes services available to the relevant market;*

(ii) [Has] *Whether the worker has his or her own place of business[,];*

(iii) [Has a financial investment in a related business and can incur a loss in the performance of the service,] *The extent of the worker's investment beyond the worker's own time;*

(iv) [Has his or her own equipment needed to perform the service,] *The extent to which the worker has unreimbursed business expenses;*

(v) [Determines the price of the service to be performed,] *The extent to which the worker realizes a profit or loss;*

(vi) [Employs others to perform the service,] *Whether the worker hires other workers to assist with the work;*

(vii) [Carries his or her own liability or workers' compensation insurance, or both,] *Whether the worker is provided with coverage under the employing unit's liability or workers' compensation insurance or is provided with employee-type benefits, such as health insurance, a pension, retirement plan, or vacation pay;*

(viii) [Performs] *Whether the worker performs the service for [more than one] an unrelated employer at the same time[,];*

(ix) [Sets] *Whether the worker sets his or her own hours[,]; and*

(x) [Is] *Whether the worker is paid by the job.*

(c) *To determine whether the work is outside the usual course of business of the employing unit for which the work is performed, relevant facts include but are not limited to:*

(i) *Whether the person performs the work off the employing unit's premises;*

(ii) *Whether the person performs work that is not integrated into the employing unit's operation;*

(iii) *The extent to which the services performed by the worker are similar to the duties of other employees;*

(iv) *The type of relationship intended to be established by the parties' contractual agreement; and*

(v) *Whether the relationship is of a definite term.*

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.01 Obligations of Employers

Authority: Labor and Employment Article, §§8-101, 8-305, 8-601, 8-602, 8-613, and 8-614, Annotated Code of Maryland

Notice of Proposed Action

[17-079-P]

The Secretary of the Department of Labor, Licensing, and Regulation proposes to amend .21 under **COMAR 09.32.01 Obligations of Employers**.

Statement of Purpose

The purpose of this action is to amend COMAR 09.32.01.21 to clarify the application of Labor and Employment Article, §8-613(c), Annotated Code of Maryland, which applies when an existing employer acquires the assets, business, organization, or trade of a predecessor employer and there is no common ownership, management, or control between the acquiring employer and the predecessor employer. Section 8-613 provides that for such acquisitions, the acquiring employer is a successor and shall be assigned a contribution rate that reflects its own experience with unemployment in combination with the percentage of the experience of the predecessor acquired. The proposed action clarifies that combined rates will not be assigned if the successor acquires less than 50 percent of the predecessor's workforce and less than 50 percent of the predecessor's assets, business, organization, or trade. When neither the percentage of workforce acquired nor the percentage of assets, business, organization, or trade acquired from the predecessor exceeds the 50 percent threshold, the acquiring employer shall continue to pay unemployment insurance contributions at the previously assigned rate.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This regulation may result in lower contribution rates for some successor employers acquiring less than 50 percent of the workforce and less than 50% of the assets, business, organization, or trade of a predecessor employer with which the successor has no common ownership, management, or control. However, the impact is difficult to quantify but the Division expects it to be minimal. The proposed regulation does not impact or change the tax rate determinations for a successor employer that purchases 50 percent or more of the assets, business, organization, or trade of another employer.

II. Types of Economic Impact.

	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R-)	Minimal
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. Employers impacted by regulation will continue to pay contributions at the previously assigned rate. However, there might be a small reduction in revenue for partial acquisitions where combining the predecessor’s and successor’s rates would have resulted in higher rates.

Economic Impact on Small Businesses

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

The proposed action may have an impact on small businesses that acquire a part of the assets, business, organization, or trade of a predecessor employer in situations in which the acquiring employer and the predecessor employer have no common ownership, management, or control. If the percentage of workforce and the percentage of assets, business, organization, or trade acquired are less than 50 percent of the total workforce or total value of the assets, business, organization, or trade of the predecessor, the business will continue to pay unemployment contributions at the previously assigned rate. This potentially would result in lower rates for the acquiring employer.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jared Murphy, Director, UI Legal Services, Department of Labor, Licensing, and Regulation, 1100 North Eutaw St., Baltimore, MD 21201, or call 410-767-2409, or email to jared.murphy@maryland.gov, or fax to 410-333-7099. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.21 Successor [Employing Units] Determinations Under §§8-613— and 8-614.

[A. In this regulation, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Business” or “trade” includes the employer’s workforce.

(2) “Reorganized employer” means:

(a) An employer that alters its legal status, including changing from a sole proprietorship or a partnership to a corporation; or

(b) An employer that otherwise changes its trade name or business identity while remaining under any of the same ownership.

(3) “Successor employer” means an employer that acquires, by sale or otherwise, all or part of the assets, business, organization, or trade of another employer.]

[C.] A. (text unchanged)

[D. An employer is not a successor employer if:

(1) The employer acquires less than 50 percent of the employees of the predecessor employer;

(2) The predecessor continues to pay wages to the remaining employees after the acquisition of employees by the employer; and

(3) Other than the transfer of workforce, the employer does not acquire any tangible or intangible assets from the predecessor employer.]

B. An employer acquiring the assets, business, organization, or trade of a predecessor employer is not a successor employer for the purposes of attributing or assigning the rate of contribution if the acquiring employer:

(1) Has no common ownership, management, or control with the predecessor;

(2) Acquires less than 50 percent of the payrolls or employees of the predecessor; and

(3) Acquires less than 50 percent of the assets, business, organization, and trade of the predecessor.

C. In acquisitions not involving common ownership, management, or control, the Secretary shall determine the proportionate value of assets, business, organization, and trade acquired by the successor based on a comparison to the total amount of assets, business, organization, and trade of the predecessor that existed on December 31 or, if the predecessor reported its financial performance based on a fiscal year (instead of calendar year), a comparison to the total amount of assets, business, organization, and trade of the predecessor that existed on the last day of the predecessor’s fiscal year immediately preceding the acquisition date.

D. In acquisitions not involving common ownership, management, or control, the Secretary shall determine the proportionate share of the payrolls or number of employees acquired by the successor based on a comparison to the total payrolls or number of employees working for the predecessor on December 31 or, if the predecessor reported its financial performance based on a fiscal year (instead of calendar year), a comparison to the total payrolls or number of employees working for the predecessor on the last day of the predecessor’s fiscal year immediately preceding the acquisition date.

E. [When] In acquisitions not involving common ownership, management, or control, and subject to the limitation provided in §B of this regulation, if a person acquires a part of a business, trade, or organization and the employer is classified as a [reorganized or] successor employer, the earned rate record of the acquired business, trade, or organization is transferred to the [reorganized or] successor employer according to the percent of the payrolls or assets acquired.

F. (text unchanged)

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.02 Claims for Benefits

Authority: Labor and Employment Article, §§8-101, 8-305, 8-805, and 8-1004, Annotated Code of Maryland

Notice of Proposed Action
[17-071-P]

The Secretary of Labor, Licensing, and Regulation proposes to amend Regulation .04 under **COMAR 09.32.02 Claims for Benefits**.

Statement of Purpose

The purpose of this action is to update outdated language in the regulation and to clarify the reporting requirements for filing continued claims and for reopening continued claims that were not timely filed. An additional purpose is to allow the Secretary to have discretion whether to schedule an appointment with a claimant.

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 Jared Murphy, Director, UI Legal Services, Department of Labor, Licensing and Regulation, 1100 N. Eutaw Street, Baltimore, MD 21201, or call 410-767-2409, or email to jared.murphy@maryland.gov, or fax to 410-333-7099. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.04 Reporting Requirements.

A. Notification of Reporting Requirements. A claimant shall be notified in writing of the reporting requirements upon the filing of an initial or reopened claim and, *if requested to do so*, shall acknowledge the notification[as instructed by the Secretary].

B. Continued Claims.

(1) (text unchanged)

(2) The Secretary may instruct a claimant to file a continued claim by:

(a) Telephoning the Department’s interactive voice response unit [following receipt by mail or electronic means of a telephone claim form covering the specified week or weeks;

(b) First class mail using the paper claim form provided by the Secretary by mail or electronic means which covers the specified week or weeks]; or

[(c)] (b) Electronic means [following receipt of a claim form by mail or electronic means which covers the specified week or weeks].

(3) Continued claims shall be filed in the manner required by the Secretary not sooner than the Sunday immediately following the close of the week [or weeks] for which benefits are claimed and within the time allowed under §B(5) of this regulation. [If the claimant does not receive a claim notification within 1 week of the date on which the continued claim is required to be filed, the claimant shall contact the office immediately to report not receiving a claim notification.]

(4) [A claim form] *If appropriate, an open week* shall be [issued] *created* for the first week which includes the date on which the initial or reopened claim was filed. Following the first week, the claimant shall file a continued claim on a [biweekly] *weekly* basis. [The Secretary shall issue a subsequent] *If appropriate*, the next open week to be filed shall be made *available to the claimant* [biweekly claim form] upon the receipt of the preceding continued claim.

(5) Timely Filing.

(a) Continued claims shall be filed and received *no later than 5 p.m. on the Friday following* [within 14 days of] the week for which benefits are claimed in order to be timely[, if the claimant is currently filing continued claims]. *Late* [Continued] *continued* claims [filed more than 2 weeks late] shall be considered timely only if the Department’s error caused the claimant not to receive the claim forms or the claimant did not file a claim in reasonable reliance on an invalid agreement to waive, release, or commute the claimant’s rights to benefits as prohibited by the Unemployment Insurance Law.

(b) (text unchanged)

(c) A claimant who fails to file a timely continued claim shall file an initial or reopened claim *by telephoning an office designated by the Secretary, by electronic means, or by reporting in person to an office designated by the Secretary* [as instructed in Regulation .03C of this chapter] to reactivate the claim. [A continued claim filed] *Any weeks requested* after filing an untimely continued claim but before reactivating the claim shall be denied.

[(6) Continued claims shall be complete and correct. An incomplete or incorrect continued claim received by the Secretary shall be returned to the claimant for completion or correction and is not considered received until such time as it is complete and correct.]

C. Appointments.

(1) The Secretary *may* [shall]schedule an appointment for a claimant:

(a) Whenever there is an indication that the claimant does not meet the requirements of the Unemployment Insurance Law or these regulations; and

(b) Periodically to monitor the claimant’s continuing ability to work, availability for work, and to assist the claimant in the work search process.

(2) — (5) (text unchanged)

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.02 Claims for Benefits

Authority: Labor and Employment Article, §§8-101, 8-305, 8-805, and 8-1004, Annotated Code of Maryland

Notice of Proposed Action
[17-069-P]

The Secretary of Labor, Licensing, and Regulation proposes to amend Regulations .05 and .08, repeal Regulation .09, and amend and recodify existing Regulation .10 to be Regulation .09 under **COMAR 09.32.02 Claims for Benefits**.

Statement of Purpose

The purpose of this action is to modernize COMAR 09.32.02.05D to reflect that employers may submit separation notices electronically and COMAR 09.32.02.08A(2) by adding email addresses and telephone numbers as additional contact information for required employer and union representatives during a labor dispute. In addition, the proposal seeks to correct a citation in COMAR

09.32.02.08C regarding claims determinations during labor disputes. An additional purpose of the proposal is to repeal an obsolete regulation in COMAR 09.32.02.09 to conform to the current Maryland unemployment insurance statute. The proposal also seeks to amend COMAR 09.32.02.10 to clarify, consistent with the current Maryland unemployment insurance statute, that dependents' allowances shall be considered when determining partial benefits.

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 Jared Murphy, Director, UI Legal Services, Department of Labor, Licensing and Regulation, 1100 N. Eutaw St., Baltimore, MD 21201, or call 410-767-2409, or email to jared.murphy@maryland.gov, or fax to 410-333-7099. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.05 Separation Notices.

A. — C. (text unchanged)

D. An employer shall complete and return the separation notice to the address shown on the notice, *or by electronic means*, within the time prescribed in the Unemployment Insurance Law.

E. (text unchanged)

.08 Claims During Labor Dispute.

A. Notice by Employer.

(1) (text unchanged)

(2) Within 48 hours after the beginning of the dispute, the employer shall file with the Secretary a list stating the:

(a) Name, title, *email address, telephone number*, and address of the employer's representative;

(b) Name, title, *email address, telephone number*, and address of the union's representative;

(c) — (e) (text unchanged)

(3) — (4) (text unchanged)

B. (text unchanged)

C. Claims Determination — Qualification. Qualification for benefits for claimants not working as a result of an alleged labor dispute shall be determined pursuant to COMAR [09.32.06.05] 09.32.06.06.

D. (text unchanged)

[.10].09 Claims for Partial Benefits.

A. Definition. A claimant shall be eligible for partial benefits for any week in which the claimant:

(1) Performed services for wages;

(2) Earned less in gross wages than the claimant's weekly benefit amount *plus any allowance for a dependent to which the claimant is entitled under the Unemployment Insurance Law*; and

(3) (text unchanged)

B. — F. (text unchanged)

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.02 Claims for Benefits

Authority: Labor and Employment Article, §§8-101, 8-305, and 8-1009, Annotated Code of Maryland

Notice of Proposed Action

[17-073-P]

The Secretary of Labor, Licensing, and Regulation proposes to amend Regulation .13 under **COMAR 09.32.02.13 Claims for Benefits**.

Statement of Purpose

The purpose of this action is to repeal outdated provisions and definitions to reflect legislative changes made in 2009 to the Unemployment Insurance Law and to clarify that severance paid in exchange for a release of claims is fully deductible.

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 Jared Murphy, Director, UI Legal Services, Department of Labor, Licensing and Regulation, 1100 N. Eutaw St., Baltimore, MD 21201, or call 410-767-2409, or email to jared.murphy@maryland.gov, or fax to 410-333-7099. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.13 Severance Pay, Dismissal Pay, or Pay instead of Notice of Termination.

A. [Definitions.

(1) Employee Benefits Package.

(a) "Employee benefits package" means any cash or in-kind contribution which is made by an employer to or on behalf of an employee or any dependent of an employee and which does not constitute wages paid to the employee.

(b) "Employee benefits package" includes but is not limited to an employer's contribution:

(i) To a health, medical, life, or disability insurance plan;

(ii) To a pension plan or retirement plan;

(iii) To a deferred compensation plan;

(iv) To an annuity plan;

(v) To a stock option plan; or

(vi) For dependent care assistance.

(2) "Severance pay" [means] is the gross amount of severance pay *including severance pay that is contingent on the employee signing a release of liability or waiver agreement*, dismissal pay, pay instead of notice of termination, wage continuation, or other remuneration paid or payable to the claimant upon separation from employment.

(3) "Wage continuation" means any payment that consists of the same wage amount and employee benefit package that is paid to an individual when services are no longer being performed as was paid when services were being performed.]

B.[Deductible] *Deducting* Severance Pay.

(1) Severance pay shall be deducted from benefits [when the individual’s former position has not been eliminated].

[(2) Wage continuation shall be deducted from benefits even when the individual’s former position has been eliminated.]

[(3)] (2) The Secretary shall allocate severance pay that is paid in a lump sum or in increments to a number of weeks following the date of separation, including the week during which the claimant was separated from employment. The Secretary shall allocate severance pay by:

(a) Calculating the entire amount of severance pay *including any amount of severance pay that may be contingent on the employee signing a release of liability or waiver agreement;*

(b)—(d) (text unchanged)

[(4)] (3) (text unchanged)

[C. Nondeductible Severance Pay. Severance pay that is not wage continuation may not be deducted from benefits when the claimant’s former position is eliminated and that position will not be filled, regardless of whether the claimant’s former job duties are being performed by others.

D. Partial Earnings. Severance pay that is less than the claimant’s weekly benefit amount may not be deducted pursuant to Regulation .10F of this chapter as partial earnings.]

[E.] C. (text unchanged)

KELLY M. SCHULZ

Secretary of Labor, Licensing, and Regulation

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.02 Claims for Benefits

Authority: Labor and Employment Article, §§8-101, 8-305, and 8-1008, Annotated Code of Maryland

Notice of Proposed Action

[17-074-P]

The Secretary of Labor, Licensing, and Regulation proposes to propose to amend Regulation .14 under **COMAR 09.32.02 Claims for Benefits**.

Statement of Purpose

The purpose of this action is to clarify the circumstances in which retirement payments may be deducted from unemployment insurance benefits by reflecting legislative changes made during the 2016 legislative session. The action clarifies the application of Labor and Employment Article, §8-1008, Annotated Code of Maryland, which provides for retirement payments to be deducted from unemployment insurance benefits where a base period employer maintained or contributed to the plan providing the payment. For payments from plans to which the employee contributed, 50% of the retirement payment is deducted. For plans to which the employee made no contribution, 100% of the retirement payment from a plan maintained or contributed to by a base period employer is deducted, regardless of whether the base period employer paid the full cost of the plan.

Section 8-1008 was amended during the 2016 legislative session to clarify how retirement payments are to be deducted. This change was necessitated by several inconsistent judicial decisions involving successor employers where the base period employer acquired a business that provided retirement payments to its employees. At the time of separation, the “full cost” of the retirement plan had not been paid by the base period employer because the predecessor in interest had contributed to the plan. The statute was amended to clarify that

as long as a plan is “maintained or contributed to” by a base period employer, the retirement payment is deductible.

The proposed action also revises the terms used in the regulation by replacing the term “pension payments” with “retirement payments.” This change makes the regulation consistent with the statute.

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 Jared Murphy, Director, UI Legal Services, Department of Labor, Licensing, and Regulation, 1100 N. Eutaw Street, or call 410-767-2409, or email to jared.murphy@maryland.gov, or fax to 410-333-7099. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.14 [Pension] Retirement Payments.

A. Definitions.

(1) “Contributory [pension] *retirement plan*” means a plan *providing a retirement payment* under which an employing unit pays or has paid some, but not all, of the premiums or contributions, and the claimant has paid some, but not all, of the premiums or contributions.

(2) “Lump-sum [pension] *retirement payment*” means the gross amount of a [pension] *retirement payment* that is paid in one payment. Any *retirement payment* [pension] paid in more than one payment is not a lump-sum [pension] *retirement payment*, even if the installments are paid irregularly.

(3) “Noncontributory [pension] *retirement payment*” means a plan *providing a retirement payment* under which an employing unit pays or has paid all premiums or contributions and the claimant pays or has paid none.

[(4) “Pension payment” means the gross amount payable to a claimant from a pension plan or system which is based on the previously insured work of that claimant. Payment from a plan to a claimant who did not perform the work, for example, spouse, child, or parent, is not a pension payment.]

[(5)](4) “Periodic [pension payment] *retirement payment*” means the gross amount of a *retirement payment* payable on a recurring basis.

B. Deductible [Pension] *Retirement Payments*.

(1) [Pension] *Retirement* payments shall be deducted from benefits if the payments are made under a plan *maintained or contributed to* by a base period employer.

(2) Deductible [pension] *retirement* payments include but are not limited to:

(a)—(k) (text unchanged)

C. Nondeductible [Pension] *Retirement Payments*. [Pension] *Retirement* payments may not be deducted from benefits if the payments derive from:

(1)—(5) (text unchanged)

D. Method of Deduction.

(1) Verification.

(a) A claimant shall provide documentary proof of any [pension] *retirement* payment. When the claimant cannot provide the

verification, the Secretary shall request verification from the employer.

(b) When a claimant cannot provide documentary proof of the [pension] *retirement* payment, the claimant's sworn statement shall be accepted subject to employer verification and may not affect payment of claims.

(2) Calculation. Deductible [pension] *retirement* payments shall be deducted from benefits payable to the claimant as follows:

(a) 100 percent of each noncontributory [pension] *retirement* payment paid by or originating from a base period employer shall be fully deducted from basic weekly benefit amounts payable throughout the claimant's benefit year;

(b) 50 percent of each contributory [pension] *retirement* payment paid by or originating from a base period employer shall be deducted from basic weekly benefit amounts payable throughout the claimant's benefit year;

(c) A periodic contributory or noncontributory [pension] *retirement* payment prorated by week shall be deducted from the claimant's basic weekly benefit amount beginning with the first week in which the effective date of the [pension] *retirement payment* falls and for which the claimant has filed a continued claim.

(3) Dependents' Allowance. The deduction of [pension] *retirement* payments from benefits paid does not affect the weekly benefit amount for purposes of calculating the dependents' allowance, except that if no benefit payment is due after the deduction, the dependents' allowance is not payable.

(4) Duration of Benefit Payments. Benefits reduced as a result of a [pension] *retirement payment* deduction are payable until the maximum benefit amount is exhausted for the claimant's benefit year, provided all of the eligibility requirements of the Unemployment Insurance Law are met.

(5) Effect on Partial Earnings. If a claimant has partial earnings in any week for which the claimant's weekly benefit amount is to be reduced by a deductible [pension] *retirement payment* amount, the partial benefits are computed first, and the [deduction for pensions] *retirement payment* is deducted from the remainder, if any.

E. Lump Sum [Pensions] *Retirement Payments*.

(1) Deductible Lump Sum [Pension] *Retirement Payments*.

(a) Except as otherwise provided, a lump sum [pension] *retirement* payment shall be deducted from benefits if the payment is made under a plan *maintained or* contributed to [in whole or in part] by a base period employer.

(b) A deductible lump sum [pension] *retirement* payment shall be deducted from benefits payable to the claimant only if the payment is actually received within the claimant's first benefit year.

(c) A deductible lump sum [pension] *retirement* payment shall be deducted from benefits payable to the claimant as follows: A lump sum [pension] *retirement* payment shall be allocated by week, beginning with the week the claimant was separated from employment, according to the claimant's last weekly rate of pay.

(d) The allocation in §E(1)(c) of this regulation extends for as long as the [contributing] employer *maintaining or contributing to the plan* is a base period employer.

(e) Other calculations concerning deductible lump sum [pension] *retirement* payments shall be made pursuant to §D of this regulation.

(2) Nondeductible Lump Sum [Pension] *Retirement Payments*.

(a) A lump sum [pension] *retirement* payment or lump sum profit-sharing payment may not be deducted from benefits if the:

(i)—(iii) (text unchanged)

(b) With regard to §E(2)(a)(iii) of this regulation, the:

(i) Claimant shall provide documentation to the Secretary that states that the lump sum [pension] *retirement* payment has been placed in a qualified retirement plan, and gives the name of the institution or fund in which the payment was placed;

(ii) Lump sum [pension] *retirement* payment shall be verified as set forth in §D(1) of this regulation.

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.10 Employer Audits

Authority: Labor and Employment Article, §§8-305, 8-602, and 8-625, Annotated Code of Maryland

Notice of Proposed Action

[17-072-P]

The Secretary of Labor, Licensing, and Regulation proposes to amend Regulation .05 under **COMAR 09.32.10 Employer Audits**.

Statement of Purpose

The purpose of this action is to correct the language of the existing regulation under COMAR 09.32.10.05H and I because it is inconsistent with Labor and Employment Article, §8-602(c), Annotated Code of Maryland, which mandates the time for filing an appeal to be within 15 days.

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 Jared Murphy, Director, UI Legal Services, Department of Labor, Licensing, and Regulation, 1100 Eutaw St., Baltimore, MD 21201, or call 410-767-2409, or email to jared.murphy@maryland.gov, or fax to 410-333-7099. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.05 Appeal of Audit Findings.

A.—G. (text unchanged)

H. The review determination shall:

(1) (text unchanged)

(2) Advise the employer that if the employer disagrees with the review determination, the employer may file an appeal with the Board of Appeals *in accordance with procedure and time periods set forth in the Maryland Unemployment Insurance Law* [within 30 days of the date of the review determination].

I. If an employer does not request a review determination within the 30-day [appeal] period *for requesting a review determination*:

(1) The preliminary audit findings shall become final; and

(2) The employer shall be sent a [letter] *notice of determination* advising the employer that the employer may file an appeal with the Board of Appeals [within 30 days of the date of the letter] *in accordance with procedure and time periods set forth in the Maryland Unemployment Insurance Law*.

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

**Subtitle 32 UNEMPLOYMENT
INSURANCE**

**09.32.11 Lower Appeals Division — Appeals
Procedure**

Authority: Labor and Employment Article, §8-504, Annotated Code of Maryland

Notice of Proposed Action

[17-070-P]

The Secretary of the Department of Labor, Licensing, and Regulation proposes to amend Regulation .02 under COMAR 09.32.11 Lower Appeals Division — Appeals Procedure.

Statement of Purpose

The purpose of this action is to clarify that the Agency Fact-Finding Report shall be admitted into evidence at hearings before hearing examiners without the need for an Agency representative to appear at the hearing to authenticate or introduce the Fact-Finding Report.

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 Jared Murphy, Director, UI Legal Services, Department of Labor, Licensing and Regulation, 1100 N. Eutaw Street, Baltimore, MD 21201, or call 410-767-2409, or email to jared.murphy@maryland.gov, or fax to 410-333-7099. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.02 Hearings Before the Hearing Examiner.

A. — H. (text unchanged)

I. Evidence.

(1) — (2) (text unchanged)

(3) Agency Record. For purposes of an appeal from a claims examiner’s determination, the official Agency record shall consist of the appeal letter and envelope or other evidence showing its manner of submission, and the Agency Fact Finding Report. Upon request of a party to an appeal for information from other records of the Department, the Hearing Examiner shall forward the request to the Secretary so that information that may be relevant and pertinent and that is not by definition a part of the Agency record, may be furnished by the Secretary. Upon request, any party shall be furnished with any information contained in the official Agency record, or other Agency documents in the custody of the Secretary that may be pertinent or material to the case. Requests for this information shall be made at least 3 business days before the hearing and shall state, as nearly as possible, the nature of the information desired. Requests made after this time will be granted only at the discretion of the scheduling authority. The records of the Department of Labor, Licensing, and Regulation shall be deemed self-authenticating for purposes of admission under the Rules of Evidence. *The Hearing Examiner shall admit the Agency record, including the Agency Fact-Finding Report, into evidence at the hearing, without the need for an Agency*

representative to appear at the hearing to authenticate or introduce it. The Hearing Examiner shall consider the Agency record when making a final decision, giving weight to the Agency Fact-Finding Report that the Hearing Examiner deems appropriate.

(4) (text unchanged)

J. — S. (text unchanged)

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

Title 10

**DEPARTMENT OF HEALTH
AND MENTAL HYGIENE**

**Subtitle 25 MARYLAND HEALTH
CARE COMMISSION**

**10.25.02 User Fee Assessment on Health Care
Practitioners**

Authority: Health-General Article, §19-111, Annotated Code of Maryland

Notice of Proposed Action

[17-064-P]

The Maryland Health Care Commission proposes to amend Regulation .02 under COMAR 10.25.02 User Fee Assessment on Health Care Practitioners. This action was considered by the Maryland Health Care Commission at an open meeting held on December 15, 2016, notice of which was given through publication in the Maryland Register, under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to incorporate the reapportioned percentage of the Maryland Health Care Commission’s budget for Health Care Practitioners. This percentage is recalculated in the Maryland Health Care Commission’s Report on User Fee Assessments as required by Senate Bill 786 — Department of Health and Mental Hygiene — MHCC Modifications and Clarifications Bill.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Changing the apportionment of what the Health Occupation licensees who now pay the Maryland Health Care Commission fee, licensees will realize a reduction across all health care licensees in Maryland. This is approximately \$4 for a bi-annual renewal. There are approximately 150,000 health care licensees in Maryland.

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

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public:

Health Occupation Board licensees (+) Minimal

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

A. The Maryland Health Care Commission reapportions the percentage that the health care industry pays toward their budget every 4 years. While there is an impact of a reduction of \$900,000 to the Health Care licensees, the other health care industries that are assessed will increase their percentage, offsetting this deficit to the Commission.

F. The Health Occupation Board licensees will realize about a \$2 decrease of the MHCC fee for an annual license or a \$4 decrease for a bi-annual license. There are approximately 150,000 licensees that will pay 16 percent of the MHCC's budget, \$15,000,000 at the maximum, if the Maryland Health Care Commission receives an increase in their cap.

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 Bridget Zombro, Director, Administration, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-3558, or email to bridget.zombro@maryland.gov, or fax to 410-358-8811. Comments will be accepted through March 6, 2017 by 4:30 p.m. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Health Care Commission during a public meeting to be held on April 20, 2017, at 1 p.m., at 4160 Patterson Avenue, Room 100, Baltimore, MD 21215.

.02 Method of User Fee Assessment.

A. — B. (text unchanged).

C. The formula the Commission shall use to calculate the fee set forth in the fee schedule is [22] 16 percent of the total assessed fees per fiscal year divided by the number of health care practitioners identified pursuant to §A of this regulation.

D. (text unchanged)

FRANCES B. PHILLIPS, R.N., M.H.A.
Vice-Chair
Maryland Health Care Commission

Subtitle 25 MARYLAND HEALTH CARE COMMISSION

10.25.03 User Fee Assessment on Payers, Hospitals, and Nursing Homes

Authority: Health-General Article, §19-111, Annotated Code of Maryland

Notice of Proposed Action

[17-065-P]

The Maryland Health Care Commission proposes to amend Regulation .02 under **COMAR 10.25.03 User Fee Assessment on Payers, Hospitals, and Nursing Homes**. This action was considered by the Maryland Health Care Commission at an open meeting held on December 15, 2016, notice of which was given through publication in the Maryland Register, under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to incorporate the reapportioned percentages of the Maryland Health Care Commission's budget for Payers, Hospitals, and Nursing Homes. These percentages are recalculated in the Maryland Health Care Commission's Report on User Fee Assessments as required by Senate Bill 786 — Department of Health and Mental Hygiene — MHCC Modifications and Clarifications Bill.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This regulation reapportions the percentages paid to the Maryland Health Care Commission, decreasing the Payers apportionment by 2 percent and increasing Nursing Homes by 2 percent and Hospitals by 6 percent.

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

D. On regulated industries or trade groups: (-) Minimal

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

A. The Maryland Health Care Commission reapportions the percentage that the health care industry pays toward their budget every 4 years. While there is an impact of an increase of \$900,000 to the Hospitals, Nursing Homes, and Payers, the health care licensees realize a savings of \$900,000.

D. The Hospitals will realize an increase of approximately \$900,000 to be spread across all hospitals in the State; the Nursing Homes will realize an increase of approximately \$300,000, to be spread across all nursing homes in the State; and the Payers will realize a savings of \$300,000, to be spread across all carriers in the State.

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 Bridget Zombro, Director, Administration, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215 or call 410-764-3558, or email to bridget.zombro@maryland.gov, or fax to 410-358-8811. Comments will be accepted through March 6, 2017 at 4:30 p.m. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Health Care Commission during a public meeting to be held on April 20, 2017, at 1 p.m., at 4160 Patterson Avenue, Room 100, Baltimore, MD 21215.

.02 Method of User Fee Assessment.

A. — B. (text unchanged)

C. For July 1, [2013] 2017 — June 30, [2017] 2021, the amount assessed on payers may not exceed [28] 26 percent of the total amount assessed by the Commission. The amount assessed on hospitals may not exceed [33] 39 percent of the total amount assessed. The amount assessed on nursing homes may not exceed [17] 19 percent of the total amount assessed.

FRANCES B. PHILLIPS, R.N., M.H.A.
Vice-Chair
Maryland Health Care Commission

Title 14

INDEPENDENT AGENCIES

Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY

14.29.02 Maryland Heritage Areas Grant Program

Authority: Financial Institutions Article, §§13-1107(6) and (12), 13-111(b), and 13-1113, Annotated Code of Maryland

Notice of Proposed Action

[17-090-P]

The Secretary of Planning proposes to amend Regulations .01 and .04—.06 under COMAR 14.29.02 Maryland Heritage Areas Grant Program.

Statement of Purpose

The purpose of this action is to modify, revise, and clarify certain provisions and requirements for the Maryland Heritage Areas Authority (MHAA) Grant Program in order to improve MHAA’s ability to streamline and enhance the grant program by: (i) removing a requirement that places an undue burden on jurisdictions; (ii)

amending a project location requirement; (iii) stating that the Maryland Heritage Areas Authority operates within the Department of Planning; and (iv) removing the allocation criteria to local jurisdiction contributions to grant project costs.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 310 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 General.

This chapter prescribes the policies, procedures, and authorizations for administering the Maryland Heritage Areas Grant Program and providing grants from the Maryland Heritage Areas Authority Financing Fund of the Maryland Heritage Areas Authority, an independent unit of government that operates in the Department of [Housing and Community Development] *Planning*.

.04 Eligible Grantees.

A. (text unchanged)

[B. A local jurisdiction shall submit an application together with all other local jurisdictions within the recognized or certified heritage area that will benefit from the grant.]

[C.] B. (text unchanged)

.05 Eligible Activities.

A. Eligibility Generally. The Authority may provide grants from the Fund to eligible grantees to:

- (1) (text unchanged)
- (2) Assist noncapital projects which:
 - (a) (text unchanged)
 - (b) Address or complete priority activities which are:
 - (i) Identified in [the] *either an approved* management plan [approved for the certified heritage area,] *or an amendment or revision to a management plan approved under COMAR 14.29.03.06;* and
 - (ii) (text unchanged)

(3) Assist capital projects which:

- (a) (text unchanged)
- (b) Address or complete priority activities which are:
 - (i) Identified in [the] *either an approved* management plan [approved for the certified heritage area,] *or an amendment or revision to a management plan approved under Regulation .06 of Chapter .03 of this subtitle;* and
 - (ii) (text unchanged)

B. (text unchanged)

.06 General Grant Allocation Procedures.

A. Application.

- (1) An application shall:
 - (a) (text unchanged)
 - (b) Include sufficient information and documentation to:

- (i) — (iii) (text unchanged)
 - (iv) Evaluate the readiness of the applicant to initiate the activity and to complete the activity within an established time frame[.]; *and*
 - (v) Evaluate the administrative capability of the applicant[, and
 - (vi) Determine the level of contribution to the cost of the activity by the local jurisdiction or jurisdictions in which the recognized or certified heritage area is located.]; and
 - (c) (text unchanged)
 - (2) (text unchanged)
- B. (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY

14.29.03 Designation of Certified Heritage Areas

Authority: Financial Institutions Article, §§13-1107(6) and 13-1111(b),
Annotated Code of Maryland

Notice of Proposed Action [17-088-P]

The Secretary of Planning proposes to amend Regulation .03 of
COMAR 14.29.03 Designation of Certified Heritage Areas.

Statement of Purpose

The purpose of this action is to clarify certain heritage area provisions by deleting the requirement to provide specific baseline performance data in a heritage area management plan.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.03 Eligible Proposals.

A. (text unchanged)

B. A proposal shall include a management plan for the proposed certified heritage area, developed in cooperation and consultation with the Authority and relevant private interests. The management plan shall include:

- (1) — (11) (text unchanged)
- (12) A schedule for the planning, development, and management of the proposed certified heritage area; *and*
- [(13) Specific baseline performance data for the heritage area; and]
- [(14)] (13) (text unchanged)

C. (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY

14.29.04 Maryland Heritage Areas Loan Program

Authority: Financial Institutions Article, §§13-1107(6) and (12) and 13-1113,
Annotated Code of Maryland

Notice of Proposed Action [17-089-P]

The Secretary of Planning proposes to amend Regulation .04 under COMAR 14.29.04 Maryland Heritage Areas Loan Program.

Statement of Purpose

The purpose of this action is to clarify and simplify the loan process for the Maryland Heritage Area Loan Program by removing the requirement currently in COMAR 14.29.04.04B that a local jurisdiction submit a grant application together with all other local jurisdictions within the certified heritage area that will benefit from the loan.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.04 Eligible Borrowers.

A. (text unchanged)

[B. A local jurisdiction shall submit an application together with all other local jurisdictions within the certified heritage area that will benefit from the loan.]

[C.] B. — [D.] C. (text unchanged)

WENDI W. PETERS
Secretary of Planning

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 90 TAXICABS

20.90.01 Taxicab Drivers of Baltimore City Taxicabs

Authority: Public Utilities Article, §§2-121, 4-503, 5-101, 10-101—10-107, 10-110, 10-208, and 10-209, Annotated Code of Maryland

Notice of Proposed Action

[17-066-P]

The Public Service Commission proposes to amend Regulations **.01, .02, .04 — .13, and .15 — .17** under **COMAR 20.90.01 Taxicab Drivers of Baltimore City Taxicabs**.

Statement of Purpose

The purpose of this action is to modify the regulations to better organize and clarify the duties of a taxicab driver, allow for modernization of the application process, and accurately describe the rights and responsibilities of the license hearing officer relative to taxicab drivers and companies.

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 David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 Application for a License.

A. An application for a taxicab driver's license shall be filed with the Public Service Commission at its offices in Baltimore *in paper or electronic form*. The application shall be on a form provided or prescribed by the *Public Service* Commission and all information required by the form shall be completed.

B. (text unchanged)

C. [Each applicant] *An application* for a *taxicab* driver's license shall [file with the application] *include* two recent photographs, of a size which may be easily attached to the license, one of which shall be attached to the license when issued, the other shall be filed with the application in the Public Service Commission's office. *The photographs may be taken by the Public Service Commission or provided by the applicant, as specified by the Public Service Commission.*

D. *The Public Service Commission shall allow an applicant to submit an application electronically.*

E. *An applicant for a taxicab driver's license shall:*

- (1) *Possess a valid driver's license;*
- (2) *Be at least 18 years of age; and*

(3) *Have at least 6 months of unrestricted licensed driving experience.*

.02 Issuance of a License.

A. (text unchanged)

B. A licensee who defaces, removes, or obliterates any official entry made upon the taxicab driver's license shall be punished by the suspension or revocation of the license [as provided below].

C. Taxicab driver's licenses shall be valid [to and including the 30th day of November next succeeding the date of issuance and will then lapse unless renewed] *for not less than 1 year and not more than 3 years, as determined by the Public Service Commission.*

D. There shall be delivered to each licensed *taxicab* driver [a] *an identification* license of such form and style as the Public Service Commission may prescribe, with the taxicab cab driver's license number on it. The license shall be constantly and conspicuously displayed when engaged in operating a taxicab.

.04 Renewal of a License.

The Public Service Commission may renew the taxicab driver's license[, from year to year,] by appropriate endorsement on it. A driver in applying for a renewal of a taxicab driver's license shall make the application on a form to be furnished by the Public Service Commission. [entitled "Application for Renewal of a Taxicab Driver's License."]

.05 Records.

The Public Service Commission shall keep a complete record of each license issued to a driver, and of all renewals, suspensions, and revocations of [it] *the license*. The record shall be kept on file with the original application of the driver for a taxicab driver's license. *Disclosure of records shall be in accordance with Public Utilities Article, §10-104.1, Annotated Code of Maryland.*

.06 Duties of the Licensee.

A. A licensee, while [driving] *operating* a taxicab *or assigned to operate a taxicab*:

[A.] (1) (text unchanged)

[B.] (2) Shall keep a current, written *or electronic* record of all trips on a manifest [similar to that presently used and supplied by the taxicab owners and] *format* approved by the Public Service Commission. The manifest shall be completed at or before reaching the destination of each trip.

[C.] Shall report each change of residence within 72 hours to the Public Service Commission.

D. Shall answer promptly all communications and summonses received from the Public Service Commission.

E. When working on a commission basis, shall deliver all fares and all other legal charges received to the owner.

F. May not operate a taxicab while the driver's taxicab, operator, or chauffeur license is suspended or revoked.

G. May not permit any other person to use the identification license.

H. May not permit any other person to drive the taxicab and return the taxicab to the owner's garage upon completion of the shift to which the driver was assigned.

I. May not, while carrying any passenger, display the flag of the taximeter in such a position as to denote that the vehicle is not employed.]

[J.] (3) (text unchanged)

[K.] (4) Shall give a receipt for fares on an authorized form *or by electronic means* when requested.

[L.] (5) — [O.] (8) (text unchanged)

[P.] (9) Shall permit representatives of the *Public Service* Commission, after proper identification, the right at any time to enter into or upon any taxicab for the purpose of ascertaining whether or

not any of the *Public Service* Commission's regulations have been violated.

[Q.] (10) Shall display appropriate courtesy and consideration at all times.

[R.] (11) (text unchanged)

(12) Shall accept payment in the form of cash, debit card, or credit card, according to the choice of the passenger, or by other means when contractually required.

B. The licensee:

(1) Shall report each change of residence within 72 hours to the *Public Service* Commission.

(2) Shall answer promptly all communications and summonses received from the *Public Service* Commission.

(3) When working on a commission basis, shall deliver all fares and all other legal charges received to the owner.

(4) May not operate a taxicab while the driver's taxicab or driver's license is suspended or revoked.

(5) May not permit any other person to use the driver's identification license.

(6) May not permit any other person to drive the taxicab and return the taxicab to the owner's garage upon completion of the shift to which the driver was assigned.

.07 Denial of a License.

A. Generally. When it appears that, by reason of the physical or mental condition of the applicant or by reason of a prior criminal record, the public convenience and necessity require an application for a license to be denied, the *Public Service* Commission shall refuse to issue the license. However, the applicant has the right to appeal from the refusal in the same manner as appeals may now be taken from other actions of the *Public Service* Commission.

B. Physical or Mental Disability.

(1) An applicant may be denied a license, if he or she suffers from a serious physical or mental disability, including alcohol or drug related problems, which:

(a) (text unchanged)

(b) Would otherwise jeopardize the [public health]public's safety.

(2) — (3) (text unchanged)

C. Criminal Record.

(1) (text unchanged)

(2) The *Public Service* Commission shall consider the applicant's age at the time of commission of any crime, the circumstances surrounding the crime, the time which may have elapsed since a conviction and the nature of the crime and frequency of the crime.

(3) — (4) (text unchanged)

(5) Juvenile dispositions under Courts and Judicial Proceedings Article, Title 3, Subtitle 8, Annotated Code of Maryland, or its predecessors relating to the delinquency of minors, probations before or without verdict, offense reports, arrest records, nolle prosequi and stet processus may not be considered in determining the suitability of any application for a license. The applicant's record of criminal convictions[, as defined in §C(1) of this regulation,] may be considered in determining the suitability of an applicant for a license.

[(6) The Commission shall obtain information regarding an applicant's criminal record only through duly authorized law enforcement agencies.]

.08 Hearings.

A. License Hearing Officer.

(1) The position of license hearing officer is created and vested with the power to hold hearings involving violations of the *Public Service* Commission's regulations governing, among others, taxicab drivers of [Baltimore City] *Public Service* Commission authorized taxicabs and taxicab companies.

[(2) The license hearing officer shall have the right to recommend to the Commission the suspension of the taxicab driver's license for such period of time that he determines is justified in view of the nature of the offense, or to recommend its revocation.

(3) The Commission may either affirm, deny, or modify the recommendation of the license hearing officer.

(4) The Commission may not be required to grant an additional hearing before its action on the license hearing officer's recommendation but may in its discretion hear additional testimony as may be necessary.]

[(5)] (2) [If] After hearing, and upon final order issued, if a taxicab driver's license is suspended or revoked, or a civil penalty is imposed, the licensee has the right [of appeal] to seek judicial review of the final order in the same manner as [appeals] judicial review may now be [taken] sought from other [actions] orders of the *Public Service* Commission.

[(6)] (3) Copies of charges against taxicab drivers and related decisions of the license hearing officer and the *Public Service* Commission will be furnished to the taxicab owner.

B. Upon initial denial of a license, after administrative review, the applicant shall be informed by letter of the specific reasons for this denial, of his or her right to appeal the denial to the license hearing officer, of the manner in which the applicant may exercise this right, and of his or her right to legal representation. Accompanying, and in addition to, this letter, each applicant shall be sent a copy of the *Public Service* Commission's regulations.

C. A [rejected] denied applicant may request a hearing [before the license hearing officer] by writing to the *Public Service* Commission.

D. Any party to a taxicab hearing shall have, in addition to any other rights to which he or she may be entitled by law, the right to:

(1) Summons witnesses, present evidence, and present argument [to the Commissioners who shall render or approve the decision];

(2) [Cross] Conduct cross examination and [the right to] submit rebuttal evidence; and

(3) Take depositions within or without the State, in accordance with the procedure provided by law or rule of court with respect to actions at law, subject to limitations imposed by the *Public Service* Commission to prevent undue delay; and].

[(4) Require that the Commissioners responsible for final decision personally consider the record in the case, or such portions thereof as may be cited by the parties.]

E. All admissible and relevant evidence, including records and documents in the possession of the *Public Service* Commission, shall be offered and made part of the record in any case. Other factual information or evidence, not part of the record, may not be considered by the *Public Service* Commission in the determination of the case. Prior to the hearing [before the license hearing officer], the applicant or his representative shall be given an opportunity to inspect all pertinent records and documents, relating to the applicant or his record, in the possession of the *Public Service* Commission.

F. If the applicant exercises the right to [appeal] seek judicial review, a verbatim transcript of the hearing [before the license hearing officer] shall be made available to the applicant or his designated representative within 20 days after the hearing, upon payment of the cost of the transcript.

.09 Temporary License.

A. The *Public Service* Commission may issue a temporary license to an applicant [for a period not exceeding 15 days].

B. Provided an application for a taxicab driver's license includes a background check in accordance with *Public Utilities* Article, §10-104.1, Annotated Code of Maryland, an applicant may operate a taxicab on a provisional basis until the *Public Service* Commission renders a decision on the application for a temporary license.

.10 Prohibited Uses.

A. [It] *Except as provided in COMAR 20.90.01.09B*, it shall be unlawful for any person to solicit for transport, transport, or agree to transport any person or his *or her* baggage in any [vehicle for hire] *taxicab* unless the operator of the vehicle is duly licensed by the Public Service Commission.

B. (text unchanged)

.11 Communications.

A. Drivers of taxicabs shall be required to make maximum use of service communications with their [switchboard] operators or dispatchers in order to keep their cabs available for response to calls.

B. *Drivers of taxicabs may use electronic or other methods of service communication with operators or dispatchers, including through cellular connected smartphones, tablets, or computers.*

.12 Solicitation.

A. (text unchanged)

B. Taxicabs which are being operated in Baltimore City may transport passengers from [the] *Baltimore* City into Baltimore County and may return for the same passengers. Passengers may not be solicited by these taxicabs within [the] *Baltimore* County at any time.

C. Nothing in this regulation shall impede the operation of taxicabs between Baltimore City and Baltimore-Washington *Thurgood Marshall* International Airport in the manner permitted by law.

.13 Number of Passengers Permitted.

A taxicab may not carry more than the *maximum* number [designated on the permit card] *of passengers specified by the vehicle manufacturer*. [A child in arms may not be counted as a passenger.] More than one person may not occupy the front seat *area* with the driver.

.15 Safety.

A. A taxicab driver may not operate the taxicab recklessly, in an unsafe manner, or in disregard of the *general* public [general] or local laws or municipal ordinances governing the operation of motor vehicles.

B. [Drivers] *When on duty, taxicab drivers* are prohibited from using taxicabs for any purpose other than the rendition of maximum service to the public in conformity with the *Public Service* Commission's regulations.

.16 Driver Appearance.

[Drivers] *Taxicab drivers* shall be clean and neatly dressed at all times while on duty.

.17 Smoking by Driver.

[Drivers] *Taxicab drivers* may not be permitted to smoke [while transporting passengers] *at any time in a taxicab*.

DAVID J. COLLINS
Executive Secretary

Subtitle 90 TAXICABS

20.90.02 Control and Operation of Taxicabs in Baltimore City and Baltimore County

Authority: Public Utilities Article, §§2-113, 2-121, 4-503, 5-101, 6-202—6-207, 10-101—10-107, 10-109, *10-110*, 10-202—10-210, 10-301, [13-301] *13-101, 13-201*, and 13-202, Annotated Code of Maryland

Notice of Proposed Action

[17-067-P]

The Public Service Commission proposes to amend Regulations **.01, .03, .04, .06 — .13, .15 — .19, .21**, and **.22**; repeal Regulations **.05, .14**, and **.20**; and adopt new Regulation **.23** under **COMAR 20.90.02 Control and Operation of Taxicabs in Baltimore City and Baltimore County**.

Statement of Purpose

The purpose of this action is to streamline the regulation of taxicabs by removing a number of unnecessary and outdated regulatory requirements so that taxicab services may better compete in a rapidly changing transportation market. The regulation also addresses handicapped accessibility and nondiscrimination.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The economic impact is unquantifiable. The revisions generally are intended to eliminate or reduce the number of existing regulatory burdens on taxicabs operating in Baltimore City and Baltimore County. They eliminate requirements for obsolete equipment and partitions, reduce two annual vehicle inspections to one, and provide options for metering equipment. On the other hand, some new requirements regarding accessibility (i.e., making information on websites and apps accessible and reporting requirements) may cause small increase in operating costs.

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

D(1) and (2). The impact on the industry is unquantifiable. Each taxicab permit is authorized and operated individually. Therefore, there are a numerous factors to consider in terms of revenues and expenses to operate a taxicab permit, including but not limited to: the make, model and age of the vehicle, maintenance, installed after-market equipment, the number of hours the taxicab is utilized, association fees, local assessments, and insurance premiums. Most of the modifications to existing regulations are intended to reduce regulatory burdens on the taxicab industry, and should result in reduced costs.

Economic Impact on Small Businesses

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

The economic impact is unquantifiable. The revisions generally are intended to eliminate or reduce a number of existing regulatory burdens on taxicabs operating in Baltimore City and Baltimore County. They eliminate requirements for obsolete equipment and partitions, reduce two annual vehicle inspections to one, and provide options for metering equipment. On the other hand, some new requirements regarding accessibility (i.e., making information on websites and apps accessible and reporting requirements) may cause small increases in operating costs.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

The proposed regulations add new accessibility requirements. These include making websites and apps accessible, accommodating service animals, training drivers regarding accessibility requirements, and filing with the Commission an annual report on steps taken to improve accessibility.

Opportunity for Public Comment

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 Authority.

The Public Utilities Article, Annotated Code of Maryland, provides that the Public Service Commission shall have the power to make such reasonable regulations as it deems necessary to carry out the provisions of this law and any other law relating to the *Public Service Commission*.

.03 Saving Clause.

The formulation of these regulations does not preclude the *Public Service Commission* from altering or amending them in whole or in part, or from requiring any other additional service, equipment, facility, or standard, either upon complaint or upon its own motion, or upon the application of a taxicab owner. Furthermore, these standards do not relieve an owner or operator of a taxicab from any of his duties under any orders of the *Public Service Commission* which are not in conflict with these regulations under the laws of this State.

.04 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Allocated Space" is a three dimensional space that can accommodate a wheelchair or similar mobility aid.

[(1)] (2)—[7] (8) (text unchanged)

[(8)] (9) "Permit" means a permit issued by the Public Service Commission of Maryland *authorizing the operation of a motor vehicle as a taxicab subject to any requirements for operation specified in this chapter.*

[(9)] (10) "Stand" means any area or space designated for taxicab use [by a public authority].

[(10)] (11) (text unchanged)

[(11) "Taxicab", "taxi", or "cab" means a motor vehicle for hire (other than a vehicle operated, with the approval of the Commission, between fixed termini on regular schedules) designed to carry seven persons or less, including the driver, used for the purpose of accepting or soliciting for transportation members of the public for hire between such points, along the public streets, as the passengers may direct. The fact that a vehicle is hired only by the hour, for periods of 1 hour or longer, is not alone sufficient to exempt it from classification as a taxicab and from the regulations of this subtitle.]

(12) *Taxicab, Taxi, or Cab.*

(a) "Taxicab", "taxi", or "cab" means a motor vehicle for hire, (other than a vehicle operated, with the approval of the Public Service Commission, between fixed termini on regular schedules) designed to carry seven persons or fewer, including the driver, used for the purpose of accepting or soliciting for transportation members of the public for hire between such points, along the public streets, as the passengers may direct.

(b) "Taxicab," "taxi", or "cab" includes a motor vehicle that is:

(i) Painted, identified, or lettered to resemble the distinctive color scheme or markings of a taxicab;

(ii) Equipped with a rooftop dome light;

(iii) Advertised as a taxicab service;

(iv) Dispatched to pick up a customer calling for a taxicab;

(v) Dispatched from a telephone number or other source identified or advertised as providing taxicab service;

(vi) Used to provide taxicab service to a customer through street hail or taxi stand; or

(vii) Equipped with a taximeter or other device the Public Service Commission approves for measuring the charges for service.

(13) "Wheelchair accessible vehicle" means a taxicab compliant with the Americans with Disabilities Act (ADA) and that is designed and intended to be used for the purpose of transporting persons who use wheelchairs or scooters. The vehicle shall comply with the provisions of 49 CFR Part 38.1 — 38.39.

.06 Requirement of Permit.

A. A taxicab may not be operated until a permit has been obtained from the *Public Service Commission* for the City or County, as the case may be, authorizing the operation.

[B.] B. The permits will be issued by the Commission at any time during the year, and for such a length of time, not exceeding 1 year, as the Commission may deem best for the public welfare and convenience.

C. Unless otherwise specified in any permit, the right to operate under the permit shall terminate on the 31st day of December next succeeding the date of issue.]

[D.] D. Permits may not be [transferable] *transferred* without the consent of the *Public Service Commission*.

[E.] E. (text unchanged)

[F.] F. [The] *When the taxicab is on duty, the holder of a permit is required to operate the taxicab the permit identifies in such manner as to render maximum service to the public, in conformity with Commission regulations[, and the taxicab may not be used for any other purpose].* A taxicab may not be kept idle while there is a demand for service.

E. The holder of a taxicab permit that has not recorded a minimum of 12,000 miles of operation per calendar year may be required to show good cause for the apparent lack of usage, or be subject to revocation of the permit.

F. A permit holder shall notify the Public Service Commission within 72 hours of any change of address.

.07 Call Service.

A. Drivers of taxicabs shall make maximum use of service communications with their [switchboard] operators or dispatchers in order to keep their cabs available for response to calls.

B. Drivers of taxicabs may use electronic methods of service communication with operators or dispatchers, including through cellular connected smartphones, tablets, or computers.

.08 Operating Associations.

Every taxicab shall be operated as a unit of an effective operating group of sufficient number and equipped with communication facilities for rendering satisfactory call service, unless expressly exempted by the Public Service Commission. Owners of small fleets or single taxicabs shall operate as members of a satisfactory operating association and the association shall be equipped with adequate call facilities, so located as to serve all parts of the City or County, as the case may be, and to make possible the effective direction and supervision of call service.

.09 Prohibited Operations.

A. (text unchanged)

B. Taxicabs which are being operated in Baltimore County and other counties or political subdivisions outside of Baltimore City may transport passengers from those points into [the] Baltimore City and may return for the same passengers. Passengers may not be solicited by these taxicabs within [the] Baltimore City at any time.

C. Taxicabs which are being operated in Baltimore City may transport passengers from [the] Baltimore City into Baltimore County and may return for the same passengers. Passengers may not be solicited by these taxicabs within [the] Baltimore County at any time.

.10 Posting Schedule of Fares and Consumer Rights.

A. The authorized schedule of fares shall be printed and posted in each taxicab in such manner that passengers can readily determine the exact rate of fare payable by them. It shall be unlawful to collect any fare other than that appearing on, and determinable from, the schedule. Every driver, when requested by the passenger, shall give a receipt[, showing the operator’s name, the time and place of beginning and of termination of trip, and the amount of fare charged] in paper form or by electronic means.

B. An electronic receipt shall show:

- (1) The operator’s name;
- (2) The time and place of beginning and of termination of the trip;
- (3) The total time of the trip;
- (4) The amount of fare charged, including an explanation of any additional charges;
- (5) The driver’s Public Service Commission license number;
- (6) The company name; and
- (7) A customer support telephone number and an email address or hyperlink or both, for passenger inquiries, as well as instructions for filing a complaint with the Public Service Commission.

C. The Consumer Bill of Rights shall be conspicuously displayed in the rear area of the taxicab.

.11 Change of Rates.

Statutory notice of 30 days shall be given of any intended change of rates or fares. A change may not become effective on less than the statutory notice except by special order of the Public Service Commission.

.12 Records and Reports.

A. Daily Records. Daily records, including a record of telephone calls, shall be kept by an operating company or association in such form as to facilitate the preparation of the reports required by the Public Service Commission and to insure their accuracy. These daily records shall be preserved and be available for examination by the Public Service Commission for a period of 1 year from the dates of filing of the annual reports.

B. Drivers’ Manifests. The driver of each taxicab shall keep a paper or electronic manifest upon which [he] the driver shall enter for each engagement, immediately upon its completion, the points of origin and destination, the times of beginning and completion of the job, the fare collected, and the number of passengers transported. All entries shall be made legibly, and the manifest shall be signed by the driver. The manifest form shall be approved by the Public Service Commission. Drivers’ manifests shall be preserved for a minimum of 1 year.

C. Reports. All taxicab owners shall file an annual report with the Public Service Commission showing the revenue and expenses for the year and the property owned, together with certain other information as set out on forms which will be supplied by the Public Service Commission. This report will be required for each calendar year and shall be filed with the Public Service Commission not later than [March 31] April 30 following the year for which the report is made.

D. (text unchanged)

E. All taxicab owners shall [give notice to the Commission within 30 days, or such time as the Commission may prescribe, of any incident in which the company is involved, which results in personal injury, property damage, or loss of life] report in writing or electronically, to the Public Service Commission, any accident involving a taxicab that results in a fatality. [The notice shall be in the form prescribed by the Commission, and] The report may not be admissible [in] as evidence, or used for any purpose against the company [giving] submitting it, in any action for damages arising out of any matter mentioned in the notice.

.13 Application for Permits.

All applications for permits shall be made upon forms provided by the Public Service Commission, and shall be signed by the applicant, who shall certify in his application that he agrees to comply with its provisions. When processing a new application, the applicant shall be given a copy of these regulations.

.15 Revocation or Suspension of Permit.

A. (text unchanged)

B. If the grantee or grantees of a permit fail to keep the required insurance or bond in force, [or fail to secure from the Commissioner of Motor Vehicles, within 30 days after the issuance of the permit, a license for operation,] the Public Service Commission will [summarily] revoke the permit.

C. Except as otherwise stated, a permit may not be revoked or suspended until after investigation and a hearing, upon not less than 5 days’ notice to the grantee or grantees of the permit. Notice of the hearing shall be in writing and shall be served upon the grantee, or upon one of the grantees if there is more than one, or upon the proper agent for service if the grantee is a corporation. The notice may be sent by mail to the address given in the application for permit, or to [the] a more recent changed address [subsequently filed] on file with the Public Service Commission. The mailing shall be as effective and binding as personal service. Whenever notice is given by mail, as provided in these regulations, the date of mailing shall be considered as the time when notice is served.

.16 Taxicabs and Equipment.

A. Identification of Taxicab.

(1) Every company, partnership, association, or individual operating one or more taxicabs under permits [of this] *issued by the Public Service Commission* shall have the full name of the owner of each taxicab for which a permit has been issued, permanently painted on one door on each side of the taxicab in letters at least 2-1/2 inches high. The word "Taxicab", "Taxi", or "Cab" shall also appear conspicuously on the vehicle. Every company, partnership, association, or individual operating five or more taxicabs under permits [of this] *issued by the Public Service Commission* may adopt and employ a distinctive color scheme or insignia which shall be *approved by and* registered with the *Public Service Commission*. An owner of a taxicab may not paint [his] *the* vehicle or vehicles to so closely resemble the distinctive color scheme or insignia of other taxicabs as to mislead the public as to the identity of the owner.

(2) The number by which a taxicab is identified shall also be prominently displayed both inside and outside in numerals at least 4 inches high *and color contrasted so as to be readable.*

(3) (text unchanged)

(4) *In a contrasting color, every wheelchair accessible vehicle used for the transportation of wheelchair users shall display the international symbol of accessibility in a clearly visible position on the rear of the vehicle and on the front of the vehicle in a position other than on the windshield.*

B. Type of Vehicle to be Used. Every vehicle used as a taxicab, for which a permit is issued or renewed, shall be a *van or* four door [sedan] *vehicle type, approved by the Public Service Commission.*

C. Physical and Mechanical Condition. All taxicabs operating under the *Public Service Commission's* permits shall at all times be kept in proper physical and mechanical condition to render safe, adequate, and convenient public service *in accordance with Maryland Law.* Failure to keep a taxicab in proper condition shall be sufficient ground for the revocation or suspension of the permit. [Every taxicab shall be equipped with a suitable set of approved chains or snow tread tires for the driving wheels, which shall be used whenever there is snow or ice on the streets. Owners shall also comply with any City or County ordinance prescribing the use of chains or snow tires.]

D. Vehicle Replacements. *A motor vehicle that is 10 model years old or older may not be used as a taxicab.*

[(1) A motor vehicle that is:

(a) 10 model years old or older may not be used as a taxicab;

or

(b) 8 model years old or older may not be placed in service as a taxicab for the first time.

(2) Except as provided in §D(3) of this regulation, an owner may not continue to use a motor vehicle that is 6 model years old or older.

(3) Extension.

(a) An owner may be granted, on an annual basis, a 1-year extension for the continued use of a motor vehicle that is 6 model years old or older.

(b) If a 6 model year old or older motor vehicle used as a taxicab has been placed out-of-service two or more times in the past 24 months, an extension under §D(3)(a) of this regulation may not be granted.

(4) A motor vehicle that is 6 model years old, when first placed in service as a taxicab, may not continue to be used as a taxicab if the motor vehicle has been placed out-of-service two times.

(5) An owner whose motor vehicle is subject to §D(4) of this regulation shall remove the motor vehicle from taxicab service within 45 days of the receipt of a second out-of-service violation.]

[E. Repealed.]

[F.] **E. Permissible and Prohibited Equipment.**

(1) Permissible Equipment. The following equipment may be installed in or on a taxicab:

(a) Two-way communication radios used between dispatchers employed by the companies or operating associations to service their radio systems and drivers; *and*

[(b) Commercial (AM/FM) radios, which would be dash-mounted on vehicles to be purchased and on existing vehicles wherever possible; and

(c) Citizens Band (CB) radios restricted to owner-operators only and subject to the limitations set forth in §F(3) of this regulation.]

(b) *Smart phones, tablets, computers, or other electronic devices used for taximeter, dispatch, payment, or navigation functions in accordance with Maryland law.*

(2) Prohibited Equipment. The following equipment may not be installed in or on taxicabs:

(a) All other two-way communication devices not otherwise permitted[, such as a mobile telephone];

(b) (text unchanged)

(c) Commercial advertising, except as permitted by the *Public Service Commission*; and

(d) All other equipment, not otherwise permitted, which, in the opinion of the *Public Service Commission*, is not reasonably useful in the furnishing of safe, adequate, and convenient taxicab service.

[(3) General Requirements.

(a) All owner-operators, before the installation or use of CB radios, shall register and file with the Commission:

(i) A copy of the license issued by the Federal Communications Commission;

(ii) A statement providing the operator's call letters or sign, and name (handle) and the number of the vehicle containing the radio equipment.

(b) In plain view of passengers, each taxicab shall be posted with a notice advising passengers that the taxicab, in addition to the two-way communication radio used between dispatchers and drivers which should be kept open, may contain a CB radio or a commercial (AM/FM) radio, or both. The passenger, for whatever reason, has the right to request the driver to turn down or turn off any CB or commercial radio, or both.

(c) All permitted communication devices shall be operated in accordance with the regulations of the Commission and, when appropriate, the Federal Communications Commission.

(d) CB radios may not be used for any business activity, taxicab or otherwise, except that they may be used:

(i) For emergency purposes to aid the riding and non-riding public; and

(ii) To enable the user to serve passengers more efficiently than would be possible without a radio.]

[G.] **F. Lights.** In addition to the outside lights prescribed by law, every taxicab operating under permit [of this] *issued by the Public Service Commission* shall be equipped with a dome light within the passenger compartment of the vehicle, capable of being lighted or extinguished by the passenger or controlled by operation of the doors.

[H.] **G. Taximeter.**

(1) [All taxicabs operating under permit of the Commission shall be equipped with a taximeter of a make and design satisfactory to the Commission. A person may not operate a taxicab, or permit one to be operated, unless the taximeter has been first inspected, tested, approved, and sealed by a representative of the Commission. A person may not operate, or permit to be operated, a taxicab equipped with a taximeter not having its case sealed and the cover and gear intact. Taximeters shall be used exclusively as a means of computing charges for service rendered, except when a fixed charge,

calculated on a mileage basis, may be approved by the Commission.] *General Requirements.*

(a) *All taxicabs operating under permit issued by the Public Service Commission shall be equipped with a taximeter of a make and design satisfactory to the Public Service Commission.*

(b) *A taximeter may be:*

(i) *A mechanical or digital device that calculates distances traveled by a physical connection to the transmission or speedometer cable of a taxicab; or*

(ii) *Another device the Public Service Commission approves for measuring the charges for service.*

(c) *A person may not operate a taxicab, or permit one to be operated, unless the taximeter has been first inspected, tested, and approved by a representative of the Public Service Commission.*

(d) *A person may not operate, or permit to be operated, a taxicab equipped with a taximeter not having its case sealed and intact, or without another device the Public Service Commission approves for measuring the charges for service, and which has received Public Service Commission certification of calibration.*

(2) *Periodic tests of taximeters will be made by representatives of the Public Service Commission. The interval between tests may not exceed [6] 12 months, unless exceptional circumstances, in the discretion of the Public Service Commission, require variation from that interval. A meter with an error in registration not exceeding 3 [per cent] percent will be considered correct.*

(3) — (4) (text unchanged)

(5) *[Taximeters shall be mounted and connected to the transmission or speedometer cable in an approved manner. In the case of dashboard mounting, the meter shall be so located as not to obscure the vision of the operator or offer an undue hazard to passengers. The meter registration shall be clearly visible to the passenger at all times.] Calculation of Distance.*

(a) *Except as provided in §G(5)(b) and (c) of this regulation, a taximeter shall be mounted and connected to the transmission or speedometer cable of a taxicab in an approved manner.*

(b) *Another device approved by the Public Service Commission to measure charges for service may not be required to mount or connect the taximeter to the transmission or speedometer cable of the taxicab.*

(c) *The Public Service Commission may authorize a flat rate fare between specified locations that is not calculated by a taximeter.*

(6) (text unchanged)

[I. Mirror. Every taxicab shall be equipped with a rear view mirror located and adjusted to give the driver a clear reflected view of the highway directly to the rear of a line parallel with the side of the body of the taxicab.]

[J.] *H.* (text unchanged)

[K.] *I.* Inspection.

(1) *At the discretion of the Public Service Commission, an owner of a motor vehicle shall present the motor vehicle for inspection by a Commission representative.*

(2) *Upon presenting proper identification, the Public Service Commission or its representative may enter a motor vehicle for the purpose of inspecting the vehicle, vehicle equipment, or records of the carrier.*

(3) *A representative of the Public Service Commission, after inspection and a determination that a motor vehicle does not comply with the requirements of this chapter, may require:*

(a) — (c) (text unchanged)

(4) *The Public Service Commission may require an owner of a taxicab to provide an inspection certificate from a facility licensed by the State to perform motor vehicle inspections.*

[L.] *J.* Partition.

(1) *A Baltimore City taxicab [shall] may be equipped with [a] an approved partition separating the driver from the backseat passenger compartment, or an approved video monitoring system.*

(2) *The partition shall be transparent and constructed of material approved by the Public Service Commission.*

K. Wheelchair Accessible Vehicle.

(1) *Every wheelchair accessible vehicle used for the transportation of wheelchair users shall be equipped with wheelchair, scooter, or other mobility aid securement devices that limit the forward, backward, rotational, lateral, and vertical motion of every wheelchair in the vehicle at the points of contact of the wheelchair with the vehicle while the vehicle is in normal operation.*

(2) *For the purpose of §K(1) of this regulation, normal operation includes full throttle acceleration and maximum braking and cornering.*

(3) *Every wheelchair, scooter or other mobility aid securement device in a wheelchair accessible vehicle shall:*

(a) *Be securely anchored to the vehicle;*

(b) *Include retractable, self-tensioning belts and straps; and*

(c) *Be capable of withstanding a load in any direction of not less than 2,500 pounds for a period of 10 seconds.*

(4) *Where more than one wheelchair securement device is used to secure a wheelchair in an accessible vehicle, §K(3)(b) of this regulation applies to the combination of devices used and not to each single device.*

(5) *Every designated wheelchair position in a wheelchair accessible vehicle shall be equipped with an occupant restraint assembly:*

(a) *Securely anchored to the vehicle; or*

(b) *Capable of securing a wheelchair occupant to the wheelchair by encircling both the occupant and wheelchair.*

(6) *The slope of an external boarding ramp may not exceed:*

(a) *1 in 14 for unassisted access;*

(b) *1 in 8 for unassisted access where the ramp length is less than 1520 mm/60 inches; and*

(c) *1 in 4 for assisted access.*

(7) *External boarding ramp flooring shall have an anti-skid surface having a static coefficient of friction on wet and dry ramp surfaces not less than 0.5.*

(8) *An external boarding ramp shall operate in all weather conditions.*

(9) *External boarding ramp side barriers shall automatically swing up to prevent wheelchair run-off during use.*

(10) *An external boarding ramp shall provide white center stripe for wheelchair guidance.*

(11) *External boarding ramps shall also be secured by means other than a support or lug in the door while the vehicle is operated on a highway.*

(12) *Every power lift used on a wheelchair accessible vehicle shall:*

(a) *Have a skid resistant platform surface;*

(b) *Have the sides of the platform fitted with guards extending the full length on each side and of sufficient height to prevent a wheelchair from rolling off the platform during vertical operation of the lift;*

(c) *Have a retractable lip on the outer edge of the platform of sufficient height to prevent a wheelchair from rolling off the platform during vertical operation of the lift;*

(d) *Be secured by means other than a support or lug in the door while the vehicle is operated on a highway;*

(e) *Be capable of raising and lowering a minimum weight of 606 pounds;*

(f) *Shall include a handrail on the lift;*

(g) Shall include a manual backup pump that shall be incorporated with the lift;

(h) Shall incorporate an electrical automatic circuit breaker to isolate the hoist electrical system from the vehicle's electrical system to reduce the likelihood of fire; and

(i) Where hoist controls are mounted inside the accessible vehicle in a position accessible to the passenger system, shall incorporate an isolation switch to avoid inadvertent operation of the hoist.

(13) A boarding device shall be able to support a total weight of up to 660 pounds at mid-span and be clearly labeled with the maximum load that it can carry, both on the boarding device and next to the accessible entrance on the outside of the conveyance.

(14) The minimum allocated space for a single wheelchair or similar mobility aid shall be 800 mm/31.5 inches by 1300 mm/51.2 inches.

(15) At least one allocated space shall be provided in each wheelchair accessible vehicle.

(16) The minimum head room in an allocated space shall be 1500 mm/59 inches.

(17) Automatic or Power-Assisted Doors.

(a) Doors may be fully automatic.

(b) Power-assisted doors may not require passengers to grip or twist controls in order to operate opening devices.

(c) Operators may provide equivalent access to conveyances by opening manual doors for people with disabilities.

(18) The passenger access and seating area:

(a) Shall be equipped with an interior mirror designed to provide the driver with a view of the passengers;

(b) Shall be equipped with lights arranged to illuminate all of the interior of the vehicle that shall be constantly lit during the loading or unloading of passengers;

(c) Shall be equipped with a light above or beside each passenger access door to illuminate the loading equipment or step nosings, as the case may be, and such lights shall be constantly lit during the loading or unloading of passengers;

(d) Shall be equipped with a means of securing in the open position each passenger access door that could be subject to unintentional closing during the loading or unloading of passengers;

(e) Shall have an interior that is free of any sharp projections that may constitute a hazard to passengers and is free of any item, object, or otherwise (i.e., spare tires, folded seats) that protrudes into the interior space;

(f) Shall have mats permanently bonded to the floor, in the aisle and on the steps;

(g) Shall have yellow or white step nosings;

(h) Shall have the capability to transfer a reduced mobility rider from the curb to the taxicab (i.e., via a turn-out seat);

(i) Shall provide strategic placement of bright yellow easy-to-grab handrails and stanchions to assist limited mobility riders;

(j) Shall provide nonslip floor covering;

(k) Shall provide clearly marked seat edges;

(l) Shall provide contrasting delineation of any gap for passing money through a screen, if applicable;

(m) Shall provide strong illumination of roof sign with clear indication of wheelchair accessibility;

(n) Shall have the capacity to allow access to, and to carry, at least one person using a wheelchair, scooter, or other large (ride-on) mobility aid within its allocated passenger space; and

(o) Shall have provision for the rapid release of each wheelchair or other mobility aid and its occupant in the case of an accident or emergency.

.17 Operation of Taxicabs.

A. Number of Passengers. A taxicab may not carry more than the maximum number [designated on the permit card] of passengers specified by the vehicle manufacturer. [A child in arms may not be counted as a passenger.] More than one person may not occupy the front seat area with the operator.

B. (text unchanged)

[C. Transportation of Railroad Train Crews. It shall be permissible for taxicabs to transport railroad train crews in units of five men when moving to and from railroad yards provided each member of the crew so transported shall carry some satisfactory form of identification.

D. Commodity Deliveries. Transportation of blood, medical supplies, telegrams, and other specific commodities which may be authorized by special permission of the Commission, is permissible, but not to the exclusion of passengers, and only if controlled through a taxicab organization's dispatching facilities.

E. Withdrawals From Service. It shall be unlawful for any person or persons, association, or corporation engaged in the operation of one or more taxicabs to withdraw a taxicab from the public service without having approval of the Commission, unless the withdrawal is rendered necessary by accident, or by other causes beyond the control of the owner.]

[F.] C. Reckless or Unsafe Operation.

(1) (text unchanged)

(2) Placards or other obstructions may not be attached to any windshield or [window which would obstruct the view of the driver] windows in violation of Maryland law.

.18 Operators.

A. Operator to Be Owner or Driver.

[(1)] A taxicab operating under a permit of the Public Service Commission may not be operated except by the owner or a driver responsible to the owner.

[(2)] Single shifts are permissible for 24 hour periods on the condition that drivers be restricted to not more than 12 working hours in each period.]

B. (text unchanged)

C. Qualifications of Operator. A taxicab may not be driven by a person who has not been duly licensed by the Department of Motor Vehicles, the [P.S.C.] Public Service Commission for Baltimore City, and [the Police Department Taxicab Bureau for] Baltimore County government.

D. Smoking Prohibited. Drivers may not smoke [while transporting passengers] at any time in a taxicab.

[E. Shift Time. Shift time in Baltimore City may not occur between 4:30 p.m. and 6 p.m.]

[F.] E. Toll Charges. Toll charges shall be assessed only when a passenger elects to use a route where the toll charges occur.

[G.] F. (text unchanged)

G. Operator of a Wheelchair Accessible Vehicle.

(1) All drivers shall be trained in their local disability-law-compliance responsibilities.

(2) All drivers of the wheelchair accessible vehicle shall be trained in the safe use and operation of that accessible vehicle.

(3) Drivers shall complete an accessibility training program satisfactory to the Public Service Commission, including boarding and debarking protocols and disability awareness and etiquette.

.19 Insurance or Bond.

A. (text unchanged)

B. Bond in Lieu of Insurance.

(1) — (3) (text unchanged)

(4) The penalty of the security or bond may not be exhausted by successive recoveries but shall remain unimpaired until the

security or bond shall be canceled after statutory notice to the *Public Service Commission* or by action of the *Public Service Commission*.

(5) (text unchanged)

(6) Compliance with Public Utilities Article, §10-207, Annotated Code of Maryland, as to insurance shall be evidenced by depositing with the *Public Service Commission* the insurance policy, or a certificate from the insurance company signed by an authorized agent, that the policy has been issued, specifying the terms of the policy, description of the taxicab, and name of the assured.

C. Notice of Cancellation. Written cancellation or revocation of an insurance policy, self-insurance certificate, security, or bond shall be submitted to the *Public Service Commission* 45 days before an insurance policy, self-insurance certificate, security, or bond may be canceled as required under Public Utilities Article, §10-207, Annotated Code of Maryland. Cancellation or revocation of an insurance policy or bond issued by the Maryland Automobile Insurance Fund shall be submitted to the *Public Service Commission* 30 days before an insurance policy or bond issued by the Maryland Automobile Insurance Fund may be canceled as required under Public Utilities Article, §10-207, Annotated Code of Maryland.

.21 Violations and Penalties.

A. Violations.

(1) (text unchanged)

(2) In the case of a corporation, an officer, agent, or employee who violates, procures, aids, or abets any violation of Public Utilities Article, Annotated Code of Maryland, or COMAR 20.90[.01, or this chapter,] may be determined to be individually guilty of a violation.

B. Civil Penalty Violations. The following violations are subject to a civil penalty under Public Utilities Article, [§13-202] §§13-202 and 13-210, Annotated Code of Maryland:

(1) — (2) (text unchanged)

(3) Failure to file with the *Public Service Commission* an inspection certificate from a facility licensed by the State to perform motor vehicle inspections;

(4) — (5) (text unchanged)

(6) Operating a motor vehicle without a valid state driver's license and [in Baltimore City] a valid taxicab driver's license;

(7) — (11) (text unchanged)

(12) Use of a motor vehicle subject to the provisions of this chapter before obtaining approval of the *Public Service Commission*;

(13) — (14) (text unchanged)

(15) Failure of the owner or an operator of a motor vehicle to permit inspection of a vehicle or records relating to a permit; [or]

[(16) Operating a Baltimore City taxicab which is not equipped with the partition required by Regulation .16L of this chapter.]

(16) Operating a taxicab equipped with a taximeter not having its case sealed, or otherwise not being used as designed by the manufacturer;

(17) Operating a taxicab without an authorized schedule of fares (rate sheet) posted in the taxicab in such manner that passengers can readily determine the exact rate of fare payable by them;

(18) Failure to charge only a rate of fare or charge approved by the *Public Service Commission*;

(19) Failure to respond to *Public Service Commission* correspondence in a timely manner; and

(20) Violation of accessibility and nondiscrimination provisions of Regulation .23 of this chapter.

C. Notice.

(1) (text unchanged)

(2) The notice given under §C(1) of this regulation shall:

(a) Include a statement that a party desiring a hearing must request the hearing on or before the date set by the *Public Service Commission* in the citation or complaint; and

(b) (text unchanged)

(3) (text unchanged)

.22 [Public] Taxicab Stand.

A. Consumer Rights. Any orderly person shall have the right to select any taxicab regardless of its position in line in the [public] taxicab stand.

B. — C. (text unchanged)

D. Restriction.

(1) A taxicab driver entering a stand may not take or attempt to take a position in a line out of turn, or ahead of a driver entitled to that position [(commonly called "crashing")].

(2) (text unchanged)

.23 Accessibility and Nondiscrimination.

A. For purposes of this regulation, "accessible" means fully and equally accessible to and independently usable by individuals with disabilities so that the individuals are able to acquire the same information, engage in the same interactions, and enjoy the same services as users without disabilities, with substantially equivalent ease of use.

B. A taxicab association:

(1) Shall, by July 1, 2017, ensure that the taxicab association's websites and mobile applications are accessible to the blind and visually impaired and the deaf and hard of hearing; and

(2) May not:

(a) Impose additional or special charges on an individual with a disability for providing services to accommodate the individual; or

(b) Require an individual with a disability to be accompanied by an attendant.

C. If a taxicab accepts a ride request from a passenger with a disability who uses a mobility device, upon picking up the passenger, the taxicab driver shall stow the passenger's mobility equipment in the vehicle if the vehicle is capable of stowing the equipment.

D. If a passenger or driver determines that the vehicle is not capable of stowing the equipment, the taxicab association may not charge a trip cancellation fee or, if such fee is charged, shall provide the passenger with a refund in a timely manner.

E. All taxicabs shall comply with all applicable laws related to accommodation of service animals.

F. All taxicab associations shall provide their drivers detailed information and appropriate training regarding the requirements of laws governing nondiscrimination and accessibility, including the Americans with Disabilities Act, prior to allowing them to provide service to passengers to the extent applicable.

G. By July 1 of each year, a taxicab association shall report to the *Public Service Commission* staff:

(1) The steps it has taken during the preceding 12 months to ensure and upgrade the accessibility of the taxicab association's services; and

(2) The number of complaints or other notifications received regarding an inability or failure to accommodate a person with a disability.

H. Taxicab associations that provide platforms allowing drivers to rate passengers shall ensure that such ratings are not based on unlawful discrimination, and that drivers do not discriminate against passengers or potential passengers on the basis of geographic endpoints of the ride, race, color, national origin, religion, sex, disability, age, or sexual orientation/identity.

I. The Maryland Office of People's Counsel shall have access to the reports filed under this section, upon request.

DAVID J. COLLINS
Executive Secretary

Title 28 OFFICE OF ADMINISTRATIVE HEARINGS

Subtitle 01 ADMINISTRATION

28.01.02 Security and Decorum

Authority: General Provisions Article, §§4-101 — 4-601; State Government Article, §9-1604(b)(1)(v); Annotated Code of Maryland

Notice of Proposed Action

[17-068-P]

The Office of Administrative Hearings proposes to adopt new Regulations .01—.03 under a new chapter, **COMAR 28.01.02 Security and Decorum**.

Statement of Purpose

The purpose of this action is to codify the existing weapons and decorum policy at the Office of Administrative Hearings. The adoption of this regulation will clarify the policy and further the safety and security of State Employees and members of the public who appear before the Office of Administrative Hearings.

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 Denise Shaffer, Deputy Director of Operations, Office of Administrative Hearings, 11101 Guilroy Road, Hunt Valley, MD 21031, or call 410-229-4174, or email to denise.shaffer@maryland.gov, or fax to 410-229-4100. Comments will be accepted through March 6, 2016. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) Agency.

(a) "Agency" means any unit of government whose action gives rise to a contested case hearing under State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(b) "Agency" includes other units of government or private entities having a proceeding before the Office of Administrative Hearings to which the Chief Administrative Law Judge may assign a judge.

(2) "Firearm" means any device capable of propelling a missile by gunpowder or similar explosive, including, but not limited to, any gun, rifle, shotgun, handgun, pistol, or revolver.

(3) "Office" means the Office of Administrative Hearings.

(4) "Office facility" means any facility where a hearing or mediation is scheduled.

(5) "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(6) Weapon.

(a) "Weapon" means a device capable of:

(i) Propelling a missile or substance at high velocity by mechanical means, explosion, or expanding gas; or

(ii) Inflicting death or bodily harm to any individual, maiming or destroying wildlife, or destroying property.

(b) "Weapon" includes, but is not limited to:

(i) Any firearm, longbow, dirk knife, bowie knife, switchblade, club, metal knuckles, razor, box cutter, nunchaku, taser, or pepper spray/mace; and

(ii) Any other device or object designed to be used to inflict pain or cause injury.

(c) "Weapon" does not include a penknife without a switchblade.

.02 Weapons/Dangerous Items Policy.

A. The Office does not permit weapons in any of its Office facilities. Individuals who legally possess the right to wear and carry firearms must secure the weapon in their vehicles prior to entering an Office facility.

B. Failure to secure the weapon in a vehicle prior to entering an Office facility may result in suspension of the hearing or mediation pursuant to the authority of the Administrative Law Judge to maintain order under COMAR 28.02.01.11.

C. Exceptions to the weapons policy are:

(1) A police officer in uniform, acting in the officer's official capacity, who:

(a) Has been summonsed to appear as a witness for a hearing at a facility of the Office;

(b) Is on official duty and representing the police officer's agency in an administrative hearing; or

(c) Is carrying a firearm as directed by the police officer's agency's policy on wearing and carrying firearms while in uniform; and

(2) A police officer not in uniform who is acting in the police officer's official capacity as a representative of the police officer's agency in an administrative hearing and is displaying the police officer's badge of authority and conforming to the agency's policy on wearing and carrying firearms while not in uniform.

D. Dangerous or toxic items, including but not limited to chemicals and sharp objects, that pose a threat to health or safety are prohibited by the Office. Any party who wants to offer such an item as evidence must file a motion and obtain the approval of the presiding administrative law judge prior to the hearing before bringing the item to the Office.

E. Illegal drugs are prohibited at the Office and are subject to confiscation.

.03 Decorum/Security.

A. All parties, their authorized representatives, witnesses, and other persons present at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in any court.

B. An administrative law judge has the power and duty pursuant to COMAR 28.02.01.11 to maintain order in the hearing.

C. Disrespectful, disorderly, disruptive, contemptuous, vulgar, or violent conduct or language, refusal to comply with directions, or continued use of dilatory tactics by any person constitutes grounds for immediate exclusion of such person from the hearing by the administrative law judge.

D. Any person who presents a threat to safety or who is disrupting any Office operations or proceedings may be removed from the premises.

THOMAS DEWBERRY
Chief Administrative Law Judge

Title 34 DEPARTMENT OF PLANNING

Subtitle 01 GENERAL

34.01.02 Guidelines for Implementation of the Maryland Environmental Policy Act

Authority: Natural Resources Article, §§1-303 and 1-304, Annotated Code of Maryland; Environmental Policy Act Guidelines of the Secretary of Natural Resources

Notice of Proposed Action [17-086-P]

The Secretary of Planning proposes to amend Regulation .04 under **COMAR 34.01.02 Guidelines for Implementation of the Maryland Environmental Policy Act**.

Statement of Purpose

The purpose of this action is to clarify and revise certain provisions of COMAR 34.01.02.04 Intergovernmental Review and Coordination by providing that information regarding certain environmental assessment material referenced in this chapter is available and searchable on the Department of Planning's website.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.04 Intergovernmental Review and Coordination.

A. Clearinghouse Responsibilities. The Environmental Policy Act Guidelines of the Secretary of Natural Resources require that a State agency provide to the Clearinghouse a copy of each environmental assessment form and each environmental effects report that the agency prepares. The Clearinghouse [maintains] *shall maintain* these copies and [makes] *make* them available for inspection by the public.

B. List of Environmental Assessment Forms and Environmental Effects Reports.

(1) Preparation of List. The Clearinghouse [prepares] *shall prepare* a list of the environmental assessment forms and environmental effects reports that it receives.

(2) Contents of List. This list [includes] *shall include*, for each form or report submitted, the following information:

(a) — (d) (text unchanged)

(3) Publication of List. The list will be included in the weekly Intergovernmental Monitor, which the Clearinghouse publishes and distributes to federal, State, and local elected officials and to the general public. *The Intergovernmental Monitor is a searchable online publication that is available at <http://planning.maryland.gov/emircpublic>.*

(4) — (5) (text unchanged)

C. (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 02 STATE CLEARINGHOUSE

34.02.01 State Clearinghouse Procedures for Intergovernmental Review of Federal and State Programs

Authority: 31 U.S.C. §6506 and 42 U.S.C. §3334; Presidential Executive Orders 12372 and 12416; State Finance and Procurement Article, §§2-203, 5-401, 5-402 and 5-610[, and Article 24, §6-301]; *Local Government Article, §1-804*; Annotated Code of Maryland; Executive Order 01.01.1983.17

Notice of Proposed Action [17-081-P]

The Secretary of Planning proposes to amend Regulations .01, .02, .04, and .05 and repeal Regulations .11 and .12 under **COMAR 34.02.01 State Clearinghouse Procedures for Intergovernmental Review of Federal and State Programs**.

Statement of Purpose

The purpose of this action is to (i) correct, revise, and clarify certain Intergovernmental Assistance regulations; (ii) allow electronic submissions in order to eliminate the need for multiple copies; (iii) update the regulations to reflect that current lists of the State and federal assistance programs will be maintained on the Department of Planning's website; and (iv) allow notification information submitted for public review to be maintained online.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 Purpose.

This chapter describes the Maryland Intergovernmental Review and Coordination Process, the State process for collecting and transmitting the views of State, regional, and local officials in Maryland on specific applications for federal and State financial assistance, for direct federal development, and for certain planning

and other activities requiring intergovernmental coordination. These procedural regulations are intended to secure the benefits of intergovernmental cooperation by providing a sure and simple means for learning about and commenting on specific federal and State applications. They are not intended and may not be construed to abridge the statutory authority of approving authorities, or to create any right or benefit enforceable at law, in equity, or otherwise by any party against the [Department] *Department*, other State or local agencies, or their officials.

.02 Programs and Activities Covered by this Chapter.

A. The Department, in consultation with State, regional, and local officials, shall issue and from time to time revise lists of federal and State financial assistance programs that are covered by the notification and intergovernmental review requirements of this chapter as a result of federal or State statutes or regulations. [The lists are included in Regulations .11 and .12 of this chapter.] *The Department shall maintain current lists on its website of the covered federal and State financial assistance programs.*

B. — E. (text unchanged)

.04 Notification.

A. General Requirements.

(1) — (3) (text unchanged)

[(4) Applicants and federal agencies shall send notices and information to Chief, State Clearinghouse for Intergovernmental Assistance, Department of Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365.]

B. Contents of Notification; [Number of Copies] *Submission.*

(1) (text unchanged)

(2) [Number of Copies. The number of copies will vary, depending on the type of application. Usually, one copy will be required if the submission is for information purposes, and six copies will be required if the submission is for intergovernmental review. The notifying party shall contact the Clearinghouse to determine the number of copies required.] *Submission. Notification information required by this section shall be sent by the notifying party as a .pdf document attached to an email sent to mdp.clearinghouse@maryland.gov.*

C. — D. (text unchanged)

.05 Distribution and Referral.

A. — B. (text unchanged)

C. Specific Requirements.

(1) (text unchanged)

(2) The Clearinghouse shall supply the [Baltimore Regional Council of Governments] *Baltimore Metropolitan Council* with notification information on applications that the Clearinghouse determines will or may affect the Baltimore Region or any local jurisdiction within that region. For those applications, the [Baltimore Regional Council of Governments] *Baltimore Metropolitan Council* shall notify and consult with affected local jurisdictions in the Baltimore Region.

(3) — (5) (text unchanged)

(6) The Clearinghouse shall [maintain at least one copy of all notification information] *make notification information submitted to the Clearinghouse available for public review [at its offices at 301 West Preston Street, Baltimore, Maryland] by maintaining the information in a searchable format on the Department's website.*

D. — F. (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 03 LAND USE

34.03.02 Guidelines for the Designation of Areas of Critical State Concern

Authority: State Finance and Procurement Article, §5-611(d), Annotated Code of Maryland

Notice of Proposed Action

[17-087-P]

The Secretary of Planning proposes to amend Regulation .01 under **COMAR 34.03.02 Guidelines for the Designation of Areas of Critical State Concern.**

Statement of Purpose

The purpose of this action is to amend COMAR 34.03.02.01 to replace references to former Article 66B, Annotated Code of Maryland, with updated and corrected references to the Land Use Article, Annotated Code of Maryland.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 Time Schedule for Compliance with [Article 66B] Land Use Article, Annotated Code of Maryland.

A. Explanation. Chapter 363 of the Laws of 1975 extended *until December 31, 1975*, the life of local comprehensive plans not [complying] *then in compliance* with the provisions of former Article 66B of the Annotated Code of Maryland (including §3.05(a)(7)) [until December 31, 1975] (Chapter 8 of the Laws of 1975 established a compliance date of October 31, 1975 for Somerset County). *The applicable provisions of former Article 66B are now codified in the Land Use Article, Annotated Code of Maryland.* On December 11, 1974, the Department of State Planning suspended for an indefinite period of time the compliance date for the critical area portion of the local plan ([Article 66B, §3.05(a)(7)] *now codified at Land Use Article, §3-109, Annotated Code of Maryland*, see 1:5 Md. R. 242 (December 11, 1974)).

B. A local plan may not be deemed invalid or ineffective solely because of a failure to comply timely with [Article 66B, §3.05(a)(7)] *Land Use Article, §3-109, Annotated Code of Maryland*, unless the Secretary of the Department of Planning makes a determination that the local jurisdiction has not made good faith efforts to comply. Before making any such determination, the Secretary shall afford the affected jurisdiction an opportunity to present evidence of its efforts to comply.

WENDI W. PETERS
Secretary of Planning

Subtitle 03 LAND USE

34.03.03 Certification of County Agricultural Land Preservation Programs

Authority: Agriculture Article, §§2-103(b) and 2-518; State Finance and Procurement Article, §§5-203(b)(2) and 5-408; Tax-Property Article, §3-306; Annotated Code of Maryland

Notice of Proposed Action

[17-085-P]

The Secretary of Planning proposes to amend Regulation .02 under **COMAR 34.03.03 Certification of County Agricultural Land Preservation Programs**.

Statement of Purpose

The purpose of this action is to COMAR 34.03.03.02 to replace a reference to former Article 66B, Annotated Code of Maryland, with an updated and corrected reference to the Land Use Article, Annotated Code of Maryland.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (8) (text unchanged)

(9) Local Plan.

(a) (text unchanged)

(b) “Local plan” includes a general plan, master plan, comprehensive plan, community plan, and the like as adopted in accordance with [Article 66B, Titles 3 and 14] *Division I of the Land Use Article*, Annotated Code of Maryland.

(10) — (14) (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.01 Maryland Historical Trust Historic Preservation Grant Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-328, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

Notice of Proposed Action

[17-082-P]

The Secretary of Planning proposes to amend Regulations .05 and .06 under **COMAR 34.04.01 Maryland Historical Trust Historic Preservation Grant Program**.

Statement of Purpose

The purpose of this action is to amend and clarify the listed eligible activities and general grant allocation procedures for the Maryland Historical Trust Historic Preservation Grant Program, and to require input from local elected officials on activities proposed for funding under the Program.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.05 Eligible Activities.

A. — B. (text unchanged)

[C. The project shall be located within a priority funding area as described in State Finance and Procurement Article, §5-7B-02, Annotated Code of Maryland, unless the Secretary determines in the Secretary’s sole discretion that the project is:

(1) A tourism facility or museum that is required to be located away from development because it must be in proximity to a specific historic, natural, or cultural resource; or

(2) Necessary to:

(a) Protect public safety or health;

(b) Alleviate personal economic hardship in an emergency situation;

(c) Promote economically integrated housing;

(d) Secure an easement that restricts further development of a historic property or encourage preservation of the historic integrity of the property;

(e) Carry out a project approved under a certified heritage area management plan;

(f) Avoid a conflict with federal law; or

(g) Relieve an inequity or carry out the purposes of the Program, consistent with the purposes of State Finance and

Procurement Article, Title 5, Subtitle 7B, Annotated Code of Maryland.]

[D.] C. (text unchanged)

.06 General Grant Allocation Procedures.

A. Application Solicitation.

(1) — (4) (text unchanged)

(5) [The Trust shall establish due dates for the receipt of applications in such a fashion to allow sufficient time for public review and comment on the applications.] *The Trust shall direct applicants to submit one or more letters of support for the proposed activity from the chief elected officials of the local jurisdiction within which the proposed activity will be located.*

(6) (text unchanged)

[B. Public Review and Comment.

(1) After the application due date, the Trust shall prepare a list by county of the applications received.

(2) For each application the list shall identify the project name, location, amount of grant assistance requested, description of the particular costs proposed to be funded by the requested grant assistance, total project costs, and a brief project description.

(3) The Trust shall endeavor to mail a copy of the list and the selection criteria to preservation and other related organizations Statewide and to the chief elected officials of the local jurisdictions in which the proposed projects are located, with a request for written comment on the applications by a certain date.

(4) Subject to the pertinent provisions of State Government Article, §10-611 et seq., Annotated Code of Maryland, the Trust shall make available a particular application for inspection upon request.

(5) The Trust shall endeavor, but is not obligated, to give consideration in the grant selection process to all written comments received by the Trust within the prescribed deadline.

(6) The Trust is not obligated to respond to comments received.]

[C.] B. (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.02 Maryland Historical Trust Historic Preservation Loan Program

Authority: State Finance and Procurement §§5-7B-01 — 5-7B-10 and 5A-327, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

Notice of Proposed Action

[17-080-P]

The Secretary of Planning proposes to amend Regulation .05 under **COMAR 34.04.02 Maryland Historical Trust Historic Preservation Loan Program.**

Statement of Purpose

The purpose of this action is to modify a certain Historic Preservation Loan provision, by eliminating the requirement that projects funded under the Maryland Historical Trust Loan Program be located within a priority funding area.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.05 Eligible Activities.

A. — B. (text unchanged)

[C. The project shall be located within a priority funding area as described in State Finance and Procurement Article, §5-7B-02, Annotated Code of Maryland, unless the Secretary determines in the Secretary's sole discretion that the project is:

(1) A tourism facility or museum that is required to be located away from development because it needs to be close to a specific historic, natural, or cultural resource; or

(2) Necessary to:

(a) Protect public safety or health;

(b) Alleviate personal economic hardship in an emergency situation;

(c) Promote economically integrated housing;

(d) Secure an easement that restricts further development of a historic property or encourage preservation of the historic integrity of the property;

(e) Carry out a project approved under a certified heritage area management plan;

(f) Avoid a conflict with federal law; or

(g) Relieve an inequity or carry out the purposes of the Program, consistent with the purposes of State Finance and Procurement Article, Title 5, Subtitle 7B, Annotated Code of Maryland.]

WENDI W. PETERS
Secretary of Planning

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.04 Historical and Cultural Museum Assistance Program

Authority: State Finance and Procurement Article, §§5A-349—5A-359, Annotated Code of Maryland

Notice of Proposed Action

[17-083-P]

The Secretary of Planning proposes to amend Regulation .01 under **COMAR 34.04.04 Historical and Cultural Museum Assistance Program.**

Statement of Purpose

The purpose of this action is to accurately reflect that the Maryland Historical Trust is an agency within the Maryland Department of Planning, not the Department of Housing and Community Development.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street, 11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2016. A public hearing has not been scheduled.

.01 General.

These regulations prescribe the policies, procedures, and authorizations for making and administering grants and providing assistance under the Historical and Cultural Museum Assistance Program of the Maryland Historical Trust, an agency within the Department of [Housing and Community Development] *Planning*. The objective of the Program is to provide grants and technical and advisory assistance to local jurisdictions and nonprofit organizations for the purpose of supporting the upgrade, care, research, interpretation, documentation, and display of the State’s historical and cultural museum collections and operating support for museum-related activities.

WENDI W. PETERS
Secretary of Planning

11th Floor, Baltimore, MD 21201, or call 410-767-4395, or email to courtney.highsmith@maryland.gov, or fax to 410-767-4480. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 General.

A. — B. (text unchanged)

[C. The Commission on African American History and Culture owns and operates the Banneker-Douglass Museum in Annapolis.]

[D.] C. — [F.] E. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (4) (text unchanged)

(5) (text unchanged)

(a) (text unchanged)

(b) “State museum” includes Jefferson Patterson Park and Museum in Calvert County [and Banneker-Douglass Museum in Annapolis].

(6) — (7) (text unchanged)

WENDI W. PETERS
Secretary of Planning

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.08 Use of State Museum Property

Authority: State Finance and Procurement Article, §§5-203(b)(2), 5A-207(5), and 5A-318(b)(1) and (c)(7), Annotated Code of Maryland

Notice of Proposed Action

[17-084-P]

The Secretary of Planning proposes to amend Regulations .01 and .02 under **COMAR 34.04.08 Use of State Museum Property**.

Statement of Purpose

The purpose of this action is to amend COMAR 34.04.08.01 and .02 to delete references to the Banneker-Douglass Museum, which is no longer a State museum within the Maryland Department of Planning.

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 Courtney Highsmith, Legislative Officer, Maryland Department of Planning, 301 W. Preston Street,

Errata

COMAR 31.08.13

At 44:2 Md. R. 156 (January 20, 2017), column 1, line 7 from the top:

For: **in the Case of a Hurricane or Other Storm**
Read: **in the Case of a Hurricane [or Other Storm]**

[17-03-36]

Special Documents

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: December 1-30, 2016.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

Chesapeake Appalachia, LLC, Pad ID: WGC, ABR-201205014.R1, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 2, 2016.

Chesapeake Appalachia, LLC, Pad ID: Iceman, ABR-201205016.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 2, 2016.

SWEPI LP, Pad ID: Cotton Hanlon 595, ABR-201612001, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 2, 2016.

Anadarko E&P Onshore, LLC, Pad ID: COP Tract 356 Pad E, ABR-201112029.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 5, 2016.

Anadarko E&P Onshore, LLC, Pad ID: Larrys Creek F&G Pad E, ABR-201112030.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 5, 2016.

SWN Production Company, LLC, Pad ID: TONYA WEST, ABR-201201026.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 5, 2016.

SWN Production Company, LLC, Pad ID: WATTS, ABR-201202028.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 6, 2016.

Cabot Oil & Gas Corporation, Pad ID: KielarD P1, ABR-201112002.R1, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: December 12, 2016.

Cabot Oil & Gas Corporation, Pad ID: CareyR P1, ABR-201112023.R1, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: December 12, 2016.

Chesapeake Appalachia, LLC, Pad ID: Maris, ABR-201205010.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 12, 2016.

Carrizo (Marcellus), LLC, Pad ID: Trecoke North Pad, ABR-201201023.R1, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.1000 mgd; Approval Date: December 16, 2016.

Carrizo (Marcellus), LLC, Pad ID: Trecoke South Pad, ABR-201201024.R1, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.1000 mgd; Approval Date: December 16, 2016.

Talisman Energy USA Inc., Pad ID: Hemlock Valley, ABR-201201035.R1, Pike Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: December 16, 2016.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: January 13, 2017

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-03-23]

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.

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: February 22, 2017, 2 — 5 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [17-03-26]

ADVISORY COUNCIL ON CEMETERY OPERATIONS

Subject: Public Meeting
Date and Time: February 23, 2017, 10 a.m. — 1 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Deborah Rappazzo (410) 230-6229
 [17-03-29]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: February 10, 2017, 9:30 — 10:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Gwendolyn Joyner (410) 764-5996
 [17-03-12]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: March 10, 2017, 9:30 — 10:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Gwendolyn Joyner (410) 764-5996
 [17-03-13]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: March 10, 2017, 9:30 — 10:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Gwendolyn Joyner (410) 764-5996
 [17-03-14]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: April 14, 2017, 9:30 — 10:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Gwendolyn Joyner (410) 764-5996
 [17-03-15]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: May 12, 2017, 9:30 — 10:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Gwendolyn Joyner (410) 764-5996
 [17-03-16]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: June 9, 2017, 9:30 — 10:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Gwendolyn Joyner (410) 764-5996
 [17-03-17]

MARYLAND COLLECTION AGENCY LICENSING BOARD

Subject: Public Hearing
Date and Time: February 13, 2017, 10:30 a.m. — 12:30 p.m.
Place: 500 N. Calvert St., 3rd Fl., Baltimore, MD
Add'l. Info: Quarterly meeting of the Maryland Collection Agency Licensing Board
Contact: Kelly Mack (410) 230-6079
 [17-03-03]

MARYLAND CORRECTIONAL ENTERPRISES MANAGEMENT COUNCIL MEETING

Subject: Public Meeting
Date and Time: March 15, 2017, 9 — 11 a.m.
Place: 6 Bladen St., Annapolis, MD
Contact: Ashley Lohr (410) 540-5411
 [17-03-20]

MARYLAND CORRECTIONAL ENTERPRISES CUSTOMER COUNCIL

Subject: Public Meeting
Date and Time: April 18, 2017, 9:30 — 11 a.m.; Additional Dates: July 25 and October 24, 2017, 9:30 — 11 a.m.
Place: Maryland Correctional Enterprises, 7275 Waterloo Rd., Jessup, MD
Contact: Ashley Lohr (410) 540-5411
 [17-03-19]

MARYLAND CORRECTIONAL ENTERPRISES MANAGEMENT COUNCIL

Subject: Public Meeting
Date and Time: June 14, 2017, 9 — 11 a.m.; Additional Dates: September 13 and December 13, 2017, 9 — 11 a.m.
Place: Maryland Correctional Enterprises, 7275 Waterloo Rd., Jessup, MD
Contact: Ashley Lohr (410) 540-5411
 [17-03-21]

**GOVERNOR'S OFFICE OF CRIME
CONTROL AND PREVENTION**

Subject: Public Meeting
Date and Time: March 13, 2017, 1 — 3 p.m.
Place: 100 Community Pl., 1st Fl. Conf. Rm. Side A., Crownsville, MD
Add'l. Info: Juvenile Council Meeting
Contact: Jessica Wheeler (410) 697-9342
 [17-03-22]

**MARYLAND CYBERSECURITY
COUNCIL**

Subject: Public Meeting
Date and Time: March 17, 2017, 1 — 2 p.m.
Place: Miller Senate Office Bldg., 11 Bladen St., Rms. West I and II, Annapolis, MD
Add'l. Info: This meeting was rescheduled from February 1, 2017. More information can be found at www.umuc.edu/mdcybersecuritycouncil
Contact: Greg von Lehmen (301) 832-7488
 [17-03-34]

**DEPARTMENT OF HEALTH AND
MENTAL HYGIENE**

Subject: Public Meeting
Date and Time: March 17, 2017, 4:30 — 6 p.m.
Place: Dept. of Health and Mental Hygiene, 201 W. Preston St., Conf. Rm. L3, Baltimore, MD
Contact: Berit Dockter (410) 767-5159
 [17-03-02]

**DEPARTMENT OF HEALTH AND
MENTAL HYGIENE/MEDICAID
PHARMACY AND THERAPEUTICS
COMMITTEE**

Subject: Public Hearing
Date and Time: May 4, 2017, 9 a.m. — 12 p.m.
Place: UMBC Research and Technology Park, S. Rolling Rd., Halethorpe, MD
Add'l. Info: Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy and Therapeutics Committee (Preferred Drug List) — as soon as available, classes of drugs to be reviewed, agenda, speaker registration guidelines, and driving directions will be posted on the Maryland Pharmacy Program website at:
<https://mmcp.dhmfh.maryland.gov/pap/SitePages/Public%20Announcement%20and%20Procedures%20Public%20Testimony.aspx>
Contact: Shawn Singh (410) 767-6896
 [17-03-33]

**DEPARTMENT OF HEALTH AND
MENTAL HYGIENE/OFFICE OF
HEALTH SERVICES**

Subject: Public Notice for Maryland Medicaid Pharmacy Program's Changes to Reimbursement Methodology
Add'l. Info: The Covered Outpatient Drugs final rule with comment (CMS-2345-FC) published on February 1, 2016 addressed key areas of Medicaid drug reimbursement required by the Affordable Care Act. This final rule creates a reimbursement system for Medicaid programs and pharmacies that more accurately reflects drug cost and the cost of dispensing. The final rule is designed to ensure pharmacy reimbursement aligns with the acquisition cost of drugs and States pay an appropriate professional dispensing fee. The final rule establishes Actual Acquisition Cost (AAC) as the basis by which States should determine their ingredient cost reimbursement so payments are based on a more accurate estimate of the prices available in the marketplace, while still ensuring sufficient beneficiary access. Furthermore, the rule implements the use of the term "professional dispensing fee" to ensure the dispensing fee paid to pharmacies reflects the cost of the pharmacist's professional services and cost to dispense the drug product to a Medicaid beneficiary.

State Medicaid programs must comply with the requirements of this rule by submitting a State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services by June 30, 2017 to be effective no later than April 1, 2017. Therefore, all State Medicaid agencies must convert to an acquisition cost based reimbursement methodology.

As required by the final rule, the Maryland Department of Health and Mental Hygiene is proposing to change the pharmacy provider reimbursement methodology from an Estimated Acquisition Cost (EAC) to an AAC. The proposal also includes an increase in the professional dispensing fee from \$2.56 (for brand products not on the preferred drug list) and \$3.51 (for generic and preferred brand products) to \$10.49 (\$11.49 for institutional or long-term care facility pharmacies, and \$12.12 for 340B covered entities and Federally Qualified Health Centers owned pharmacies).

The projected fiscal impact is zero dollars. The proposed effective date is April 1, 2017.

For a more detailed summary of changes, please see the documents posted on the MMPP webpage:

<https://mmcp.dhmfh.maryland.gov/pap/docs/Presentation%20Slides%20from%20January%209th%20Pharmacy%20Stakeholders%20Meeting.pptx>

Written comments may be sent to Deborah Washington, Maryland Medicaid Pharmacy Program, DHMH 201 W. Preston St., Rm. 408, Baltimore, MD 21201, or emailed to dhmfh.mmpp@maryland.gov. Comments will be accepted through March 3, 2017.

Contact: Deborah Washington (410) 767-1455

[17-03-35]

**MARYLAND INSURANCE
ADMINISTRATION**

Subject: Public Meeting
Date and Time: May 8, 2017, 10 a.m.
Place: 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD
Add'l. Info: Insurance Commissioner Al Redmer, Jr. will hold a meeting on Monday, May 8, 2017, at 10 a.m., at 200 St. Paul Place, 24th Floor Hearing Room, Baltimore, MD 21202, to review what the Maryland Insurance Administration has done and will continue to do in preparation for the 2017 hurricane season. Commissioner Redmer also will discuss how property and casualty insurers can help the Maryland Insurance Administration promptly and efficiently assist Maryland consumers.

If you plan to attend this meeting, please RSVP to joy.hatchette@maryland.gov. If you have any questions, you may also contact Joy Hatchette at the same email address or at 410-468-2029.

You can also call-in to the meeting by dialing 1-866-247-6034. The passcode is 1573490062.

Contact: Joy Hatchette (410) 468-2029

[17-03-18]

**MARYLAND STATE LOTTERY AND
GAMING CONTROL COMMISSION**

Subject: Public Meeting
Date and Time: February 23, 2017, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Marie A. Torosino (410) 230-8790

[17-03-25]

GENERAL NOTICES

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MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: February 16, 2017, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3570
[17-03-11]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: February 8, 2017, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240
[17-03-04]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: February 22, 2017, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240
[17-03-05]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: March 8, 2017, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240
[17-03-06]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: March 22, 2017, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240
[17-03-07]

RACING COMMISSION

Subject: Public Meeting
Date and Time: February 23, 2017, 12:30 — 1 p.m.
Place: Laurel Park, MD
Contact: J. Michael Hopkins (410) 296-9682
[17-03-32]

MARYLAND STATE REHABILITATION COUNCIL

Subject: Public Meeting
Date and Time: February 24, 2017, 9 a.m. — 3 p.m.
Place: Miller Senate Bldg., 11 Bladen St., Annapolis, MD
Add'l. Info: sandy.bowser@maryland.gov
Contact: Sandy Bowser (410) 554-9410
[17-03-10]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

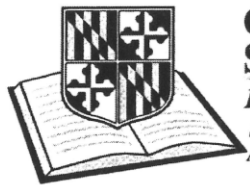
Subject: Public Meeting
Date and Time: February 16, 2017, 10 a.m. — 12 p.m.
Place: Howard Co. Bureau of Utilities, 8250 Old Montgomery Rd., Columbia, MD
Contact: Christine Nagle (410) 537-3584
[17-03-09]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: February 22, 2017, 9 a.m. — 12 p.m.
Place: Maryland Dept. of the Environment, 1800 Washington Blvd., Aeris Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Elaine Nolen (410) 537-4048
[17-03-08]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: February 23, 2017, 9:30 — 11:30 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy S. Lackington (410) 864-5302
[17-03-01]



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