



Maryland Register

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Volume 46 • Issue 17 • Pages 717—762

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General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 29, 2019, 5 p.m.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 July 29, 2019.

Gail S. Klakring
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; **Gail S. Klakring**, Administrator; **Mary D. MacDonald**, Senior Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

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September 27	September 9	September 16	September 18
October 11	September 23	September 30	October 2
October 25	October 7	October 11**	October 16
November 8	October 21	October 28	October 30
November 22	November 4	November 8**	November 13
December 6	November 18	November 25	November 27
December 20	December 2	December 9	December 11
2020			
January 3	December 16	December 23	December 24**
January 17	December 30	January 6	January 8
January 31	January 13	January 17**	January 22

* Deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. Due date for documents containing 8 to 18 pages is 48 hours before the date listed; due date for documents exceeding 18 pages is 1 week before the date listed.

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

** Note closing date changes.

*** Note issue date changes.

The regular closing date for Proposals and Emergencies is Monday.

COMAR Online

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

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

For additional information, visit www.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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The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated June 25, 2019, **ANTHONY IGNATIUS BUTLER, JR.**, (CPF # 0301020002), 12 E. Pleasant Street, Baltimore, Maryland 21202, has been indefinitely suspended by consent, effective August 1, 2019, 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).

[19-17-19]

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, §4-215, Annotated Code of Maryland

Notice of Final Action

[19-113-F-I]

On August 6, 2019, the Secretary of Natural Resources adopted amendments to Regulation **.01** under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 46:13 Md. R. 591—592 (June 21, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

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

Notice of Final Action

[19-112-F]

On August 6, 2019, the Secretary of Natural Resources adopted amendments to Regulations **.02**, **.03**, **.10**, and **.11** and the repeal of Regulation **.06** under **COMAR 08.02.04 Oysters**. This action, which was proposed for adoption in 46:13 Md. R. 592—594 (June 21, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

Notice of Final Action

[19-115-F]

On August 6, 2019, the Secretary of Natural Resources adopted:

- (1) Amendments to Regulation **.02** under **COMAR 08.02.05 Fish**; and
(2) New Regulation **.08** under **COMAR 08.02.25 Gear**.

This action, which was proposed for adoption in 46:13 Md. R. 594—595 (June 21, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.15 Striped Bass

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

Notice of Final Action

[19-091-F]

On July 29, 2019, the Secretary of Natural Resources adopted amendments to Regulation **.04** under **COMAR 08.02.15 Striped Bass**. This action, which was proposed for adoption in 46:12 Md. R. 549 (June 7, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.17 Fish Refuges

Authority: Natural Resources Article, §§4-405 and 4-407, Annotated Code of Maryland

Notice of Final Action

[19-116-F]

On August 6, 2019, the Secretary of Natural Resources adopted the repeal of Regulation **.01** under **COMAR 08.02.17 Fish Refuges**. This action, which was proposed for adoption in 46:13 Md. R. 595—596 (June 21, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §10-410, Annotated Code of Maryland

Notice of Final Action

[19-114-F]

On August 6, 2019, the Secretary of Natural Resources adopted amendments to Regulation **.01** under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**. This action, which was proposed for adoption in 46:13 Md. R. 596—597 (June 21, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 07 FORESTS AND PARKS

08.07.07 Licensed Tree Experts

Authority: Natural Resources Article, §§1-104 and 5-415—5-423; State Government Article, §10-206, Annotated Code of Maryland

Notice of Final Action

[19-117-F-I]

On August 6, 2019, the Department of Natural Resources adopted amendments to Regulation .02 under **COMAR 08.07.07 Licensed Tree Experts**. This action, which was proposed for adoption in 46:13 Md. R. 597—598 (June 21, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.23 Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Final Action

[19-106-F]

On August 5, 2019, the Secretary of Health adopted amendments to Regulations .01-1, .02, and .05 under **COMAR 10.09.23 Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services**. This action, which was proposed for adoption in 46:12 Md. R. 550—551 (June 7, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Final Action

[19-104-F]

On August 5, 2019, the Secretary of Health adopted amendments to:

- (1) Regulation .01 under **COMAR 10.09.62 Maryland Medicaid Managed Care Program: Definitions**; and
- (2) Regulation .24 under **COMAR 10.09.67 Maryland Medicaid Managed Care Program: Benefits**.

This action, which was proposed for adoption in 46:12 Md. R. 533 (June 7, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

Authority: Health-General Article, §§2-104, 15-102.3, and 15-103; Insurance Article, §§15-112, 15-605, and 15-1008; Annotated Code of Maryland

Notice of Final Action

[19-107-F]

On August 5, 2019, the Secretary of Health adopted amendments to Regulation .19 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**. This action, which was proposed for adoption in 46:12 Md. R. 554—556 (June 7, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Final Action

[19-102-F]

On August 5, 2019, the Secretary of Health adopted:

(1) Amendments to Regulations .01—03 and .05, the repeal of existing Regulations .09 and .13, amendments to and the recodification of existing Regulations .11, .14, and .15 to be Regulations .10, .12, and .13, respectively, and the recodification of existing Regulations .12 and .16—20 to be Regulations .11 and .14—18, respectively, under **COMAR 10.09.89 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families**; and

(2) Amendments to Regulations .02, .03, .07, .09, .12, and .13 under **COMAR 10.09.90 Mental Health Case Management: Care Coordination for Children and Youth**.

This action, which was proposed for adoption in 46:12 Md. R. 556—558 (June 7, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

ROBERT R. NEALL
Secretary of Health

Subtitle 15 FOOD

10.15.07 Shellfish Sanitation

Authority: Health-General Article, §§18-102, 21-211, 21-234, 21-304, and 21-346—21-350, Annotated Code of Maryland

Notice of Final Action

[19-103-F-I]

On August 5, 2019, the Secretary of Health adopted amendments to Regulation .01 under **COMAR 10.15.07 Shellfish Sanitation**. This action, which was proposed for adoption in 46:12 Md. R. 561 (June 7, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

ROBERT R. NEALL
Secretary of Health

Subtitle 32 BOARD OF PHYSICIANS**Notice of Final Action**
[19-111-F]

On August 5, 2019, the Secretary of Health adopted amendments to:

- (1) Regulations **.02** and **.06** under **COMAR 10.32.01 General Licensure Regulations**; and
- (2) Regulation **.02** under **COMAR 10.32.13 Physician License by Conceded Eminence**.

This action, which was proposed for adoption in 46:12 Md. R. 561—562 (June 7, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

ROBERT R. NEALL
Secretary of Health

Title 14
INDEPENDENT AGENCIES**Subtitle 38 MARYLAND STATE**
LIBRARY**14.38.01 Programs for Library Media Services**

Authority: Education Article, §23-105(c), Annotated Code of Maryland

Notice of Final Action
[19-090-F]

On July 30, 2019, the State Librarian and the State Library Board jointly adopted the recodification of existing Regulations **.02—****.08** under existing chapter **COMAR 13A.05.04 Programs for Library Media Services** to be new Regulations **.01—****.07**, respectively, under a new chapter, **COMAR 14.38.01 Programs for Library Media Services**, under a new subtitle, **Subtitle 38 Maryland State Library**.

This action, which was proposed for adoption in 46:11 Md. R. 520 (May 24, 2019), has been adopted as proposed.

Effective Date: August 26, 2019.

IRENE M. PADILLA
State Librarian

Title 31
MARYLAND INSURANCE
ADMINISTRATION**Subtitle 04 INSURERS****31.04.17 Filing of Forms for Approval**

Authority: Insurance Article, §§2-109, 8-433(a), 12-203(a)(1)(i) and (2) and (b), 13-110(a), 14-109(3)(iv), 14-110(a)(2)(iii)1, 14-126, 14-405(b)(8) and (9), 14-410(c), 15-904, and 16-504(e), Annotated Code of Maryland

Notice of Final Action
[19-108-F]

On July 30, 2019, the Insurance Commissioner adopted amendments to Regulation **.03** under **COMAR 31.04.17 Filing of Forms for Approval**. This action, which was proposed for adoption in 46:12 Md. R. 567 (June 7, 2019), has been adopted as proposed.

Effective Date: October 1, 2019.

ALFRED W. REDMER, JR.
Insurance Commissioner

Title 33
STATE BOARD OF
ELECTIONS**Subtitle 13 CAMPAIGN FINANCING****33.13.10 Prohibitions**

Authority: Election Law Article, §§2-102(b)(4), 13-218, 13-221, 13-225—13-237, 13-239, and 13-245 and Title 13, Subtitle 3, Annotated Code of Maryland

Notice of Final Action
[19-037-F]

On July 25, 2019, the State Board of Elections adopted amendments to Regulation **.03** under **COMAR 33.13.10 Prohibitions**.

At this time, the State Board is not adopting new Regulations **.01—****.04** under a new chapter, **COMAR 33.13.21 Online Platforms**.

This action, which was proposed for adoption in 46:5 Md. R. 326—328 (March 1, 2019), has been adopted as otherwise proposed.

Effective Date: August 26, 2019.

LINDA H. LAMONE
State Administrator of Elections

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 11

DEPARTMENT OF TRANSPORTATION

Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

11.07.05 Public Notice of Toll Schedule Revisions

Authority: Transportation Article, §§4-205, 4-312, 21-1401, 21-1414, and 27-110, Annotated Code of Maryland

Notice of Proposed Action

[19-158-P]

The Executive Director of the Maryland Transportation Authority proposes to amend Regulations **.01**, **.02**, and **.04**, adopt new Regulation **.05**, and recodify existing Regulation **.05** to be Regulation **.06** under **COMAR 11.07.05 Public Notice of Toll Schedule Revisions**. This action was considered and unanimously approved by the MDTA Board of Directors at their open meeting held on April 25, 2019.

Statement of Purpose

The purpose of this action is to amend COMAR 11.07.05 to include the use of dynamic pricing for tolls, defined as “a method of determining the toll where the toll rate varies in real time to achieve a specified minimum operational metric,” and to define terms and procedures associated with the application of that method.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mary O’Keeffe, Chief of Staff, MDTA, 2310 Broening Highway, Baltimore, MD 21224, or call 410-537-1080, or email to mokeeffe@mdta.state.md.us, or fax to 410-537-5653. Comments will be accepted through September 16, 2019. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to increase of tolls, certain fees, mileage rates, pricing periods, dynamic pricing, frequency of use, and commuter programs that apply to Authority highways or transportation facilities projects.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) “*Dynamic pricing*” means a method of calculating the toll where the dynamic pricing mileage rate varies within the approved toll rate range in real time.

(4) “*Dynamic pricing mileage rate*” means the amount per mile used to calculate the toll within the approved toll rate range on a variably priced facility with dynamic pricing.

[(3)] (5) — [(5)] (7) (text unchanged)

(8) “*Pricing period*” means the hours of the day, or portions thereof, and days of the week or special days such as holidays during which a time of day pricing mileage rate is in effect on a variably priced toll facility.

(9) “*Time of day pricing*” means a method of calculating the toll where the toll varies according to a fixed, advertised schedule depending on the time of day pricing mileage rate in effect for a pricing period and toll zone.

[(6)] (10) “*Time of day pricing mileage rate*” means the amount per mile used to calculate the tolls on [charged for] a variably priced toll facility with time of day pricing.

[(7) “Pricing period” means the hours of the day and days of the week or special days such as holidays during which a mileage rate is in effect on a variably priced toll facility.]

[(8)] (11) (text unchanged)

(12) “Toll facility operator” means a third party other than the Authority authorized to operate a toll facility under a contract.

(13) “Toll rate range” means the approved minimum and maximum toll rates as approved by the Authority.

[(9)] (14) (text unchanged)

(15) “Tolling algorithm” means an automated program or mathematical formula that utilizes real-time traffic data, predicted traffic patterns, any other selected data points or information, or any combination to adjust dynamic pricing mileage rates.

[(10)] (16) “Variably priced toll facility” means an Authority highway or transportation facilities project where travel on some or all lanes is subject to a toll [charge] that varies [in some fashion at different times of day] based on time of day pricing or dynamic pricing.

.04 Procedures for Increases on Variably Priced Toll Facilities Using Time of Day Pricing.

A. (text unchanged)

B. The Executive Director may set or adjust the time of day pricing mileage rate, pricing period, or toll zones consistent with the [ranges] toll rate range established by the Authority in accordance with §A of this regulation. The Authority shall post notice of such action by the Executive Director on the Authority’s official website at least 10 days prior to the effective date.

.05 Procedures for Increases on Variably Priced Toll Facilities Using Dynamic Pricing.

A. The Chairman and members of the Authority shall comply with the provisions established in Transportation Article, §4-312, Annotated Code of Maryland.

B. The Authority may, in accordance with §A of this regulation, establish a toll rate range with respect to the dynamic pricing mileage rate for any variably priced toll facility with dynamic pricing. A toll rate range established by the Authority in accordance with §A of this regulation may distinguish among classes of users and may be automatically adjusted from time to time according to an index, escalation factor identified by the Authority, or any combination, at the time such toll range is established.

C. The Executive Director may, or may contract with a toll facility operator to, adopt or create a tolling algorithm to adjust the dynamic pricing mileage rate and calculate the actual toll, provided that at all times such dynamic pricing mileage rate is within the toll rate range established by the Authority.

D. The Authority may, but is not required to, authorize the Executive Director to include in any contract entered into with a toll facility operator further limitations on the means and extent to which the dynamic pricing mileage rate may be adjusted from time to time, provided that at all times such dynamic pricing mileage rate remains within the toll rate range established by the Authority.

JAMES F. PORTS, JR.
Executive Director

**Title 13B
MARYLAND HIGHER
EDUCATION COMMISSION**

Subtitle 08 FINANCIAL AID

**13B.08.20 Cybersecurity Public Service
Scholarship Program**

Authority: Education Article, §§11-105(u), 18-204(c), 18-3503, and 18-3506, Annotated Code of Maryland

Notice of Proposed Action

[19-157-P]

The Maryland Higher Education Commission proposes to amend Regulation .02 under COMAR 13B.08.20 Cybersecurity Public Service Scholarship Program. This action was considered and approved at a public meeting of the Commission held on June 26, 2019.

Statement of Purpose

The purpose of this action is to clarify the definition of full-time enrollment under COMAR 13B.08.20.02 as it relates to eligibility for the Cybersecurity Public Service Scholarship 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 Geoff Newman, Assistant Secretary, Maryland Higher Education Commission, 6 N. Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3085, or email to geoff.newman@maryland.gov. Comments will be accepted through September 16, 2019. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (6) (text unchanged)

(7) “Full-time” means enrollment at an eligible institution in:

(a) [at] At least 12 credits per semester [at an eligible institution] in a certificate or undergraduate degree program; or

(b) At least 9 credits per semester in a graduate certificate, graduate degree, or doctoral degree program.

(8) — (10) (text unchanged)

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education

Title 14

INDEPENDENT AGENCIES

Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY

Notice of Proposed Action
[19-143-P]

The Maryland Heritage Areas Authority (MHAA) proposes to:

- (1) Repeal existing Regulations **.01—09** and adopt new Regulations **.01—08** under **COMAR 14.29.01 Designation of Recognized Heritage Areas**;
- (2) Repeal existing Regulations **.01—12** and adopt new Regulations **.01—10** under **COMAR 14.29.02 Adoption of Management Plans and Designation of Certified Heritage Areas**;
- (3) Repeal existing Regulations **.01—10** and adopt new Regulations **.01—10** under **COMAR 14.29.03 Maryland Heritage Areas Grant Program**;
- (4) Repeal existing Regulations **.01—13** and adopt new Regulations **.01—10** under **COMAR 14.29.04 Maryland Heritage Areas Loan Program** ;
- (5) Repeal existing Regulations **.01—13** and adopt new Regulations **.01—04** under **COMAR 14.29.05 Procedures for Reviewing Complaints** ; and
- (6) Adopt new Regulations **.01—05** under a new chapter, **COMAR 14.29.06 Procedures for Resolving Disputes**.

This action was considered and approved at the April 11, 2019 meeting of the Maryland Heritage Areas Authority.

Statement of Purpose

The purpose of this action is to: (1) Make a number of non-substantive changes to the regulations meant to, among other things, clarify ambiguous language, provide logical flow, assure internal consistency, assure consistency with the heritage areas statute, and remove inoperative language; and (2) Make substantive changes and additions to the regulations that, among other things: implement changes made to the heritage areas statute during the 2019 Session of the General Assembly, see 2019 Md. Laws ch. 143; incorporate current agency practices; implement new practices determined necessary and appropriate by the MHAA; and appropriately organize the regulations. Substantive changes include those that generally impact the entire Subtitle and those that are specific to individual chapters and regulations, as summarized below.

General Changes:

Organization — The five chapters are increased to six and reordered in logical sequence. The chapter on designation of certified heritage areas is moved forward from Chapter 03 to Chapter 02 such that the regulation follow the heritage areas recognition process. The chapter on grants is moved from Chapter 02 to Chapter 03 where it logically fits in relation to the certification process. Chapter 05 is split into Chapters 05 and 06 to account for two separate statutory processes: Chapter 05 concerning review by the MHAA of complaints that concern activities undertaken by other State agencies and Chapter 06 concerning review and resolution of disputes over certain MHAA actions.

Definition of “Heritage Area” — The proposal includes a definition of “heritage area” that is consistent throughout and more in line with the statutory definition. Removed from the definition is the requirement that a heritage area include “traditional parks or historic places”; this is an operative requirement that is now written into the heritage area recognition criteria.

The “Heritage Area Management Entity” — The proposal formally creates roles and responsibilities for heritage area management entities, which currently serve indispensable functions in administering each of the State’s 13 certified heritage areas. Currently, however, the heritage area management entity is not established or recognized in either the statute or the regulations. The draft defines “heritage area management entity” and sets forth roles and responsibilities regarding, among other things, certification of heritage areas, managing certified heritage areas, and approving the submission of grant applications.

Chapter 01 — Designation of Recognized Heritage Areas:

Regulation .03A — Removes the requirement that proposals for new recognized heritage areas may only be submitted “upon solicitation” by the MHAA. This change would enable an open application process.

Regulation .03B — Adds to the list of State agencies that should be consulted during the development of a heritage area recognition proposal: (1) Maryland Department of Planning; (2) State Department of Education; and (3) Maryland Department of Agriculture.

Chapter 02 — Designation of Certified Heritage Areas:

Regulation .03D — Requires local jurisdictions to identify the heritage area management entity in a proposed management plan submitted with a request for certification of a heritage area.

Regulation .03D — Revises the structure of these provisions to flow more coherently and to remove the requirement that an application for certification identify structures within the heritage area that may qualify for tax benefits.

Regulation .03D — Consistent with 2019 Md. Laws Ch. 143, removes the requirement that a proposed management plan identify “target investment zones”.

Regulation .04D — Gives the MHAA the authority, when determining whether to approve or disapprove certification of a heritage area, to consider (1) “the number of other certified heritage areas” in existence and (2) the resources available to the MHAA. If the MHAA disapproves of an application, the regulation requires the MHAA to make written recommendations to the local jurisdictions on revisions to the proposed management plan.

Regulation .06 — Currently, the regulations give the MHAA the authority to withdraw its approval of a certified heritage area management plan if “a local jurisdiction” within the heritage area either: (1) causes a significant adverse impact to a heritage area resources; or (2) fails to effectively implement its role under the management plan. Disapproval of the management plans results in decertification of the entire heritage area. The changes to this regulation would enable the MHAA to take action short of full decertification to address the conduct or actions of a single jurisdiction by removing that jurisdiction from the certified heritage area. Before either removing a local jurisdiction or decertifying a heritage area, the proposed regulation requires notice from the MHAA and an opportunity to respond.

Regulation .07 — This new regulation establishes standards and procedures for: (1) the removal of a heritage area management entity; and (2) replacement of the management entity by the local jurisdictions.

Chapter 03 — MHAA Grant Program:

Regulation .02B — Expands the definition of “capital project” to include projects affecting non-real property that has a useful life of at least 15 years. Currently, capital projects only include projects affecting real property.

Regulation .03A — Expands those eligible to receive a MHAA grant to State and federal agencies.

Regulation .03B — Changes incorporated into the regulation would: (1) clarify that grants may be awarded for “the operations and management of a heritage area management entity”; (2) remove the target investment zone limitation on capital projects, consistent with 2019 Md. Laws ch. 143; and (3) remove the limitation that 5 years after approval of a management plan a capital project can only be funded if the project “is essential for the success of the management plan.”

Regulation .05C — Consistent with long-standing practices, specifies that the MHAA must rank grant applications competitively.

Regulation .06A — Consistent with current practices, makes clear that the MHAA can establish minimum and maximum grant amounts for capital and non-capital grants.

Regulation .06B — While maintaining the requirement that there must be a dollar-for-dollar match on all grants, changes incorporated into this regulation: (1) eliminate the limitation that only 25% of the match may come from in-kind contributions; (2) eliminate the prohibition on other State funds being used as part of the match; and (3) clarify that the source and substance of an in-kind contribution must be acceptable to MHAA.

Regulation .06C — Specific requirements regarding grant disbursement and expenditure schedules are removed from the regulations in favor of incorporating these details into individual grant agreements prepared by MHAA and accepted by grantees.

Regulation .06C — Establishes certain conditions for grants that fund capital projects on historic properties, including plan review and project inspection by MHT and preservation easement or agreement requirements.

Chapter 04 — MHAA Loan Program:

These regulations concerning loan terms and conditions and loan administration are updated to bring them in line with: (1) best lending practices; and (2) regulations for the Maryland Historical Trust loan program that were updated in 2016.

Chapter 05 — Procedures for Reviewing Complaints:

This chapter establishes procedures for MHAA’s “review of complaints” related to “activities undertaken by State agencies that may affect heritage area resources”, as mandated by Financial Institutions Article, §13-1108(a)(i), Annotated Code of Maryland. The chapter establishes: (1) the categories of agency actions that are subject to complaint; (2) procedures for submitting a complaint to the MHAA; and (3) MHAA’s complaint review and adjudication procedures.

Revisions to this chapter remove as defined terms, “heritage area resource”, “historic or cultural resources”, and “natural resource”, because the specificity previously given to these terms created confusion and ambiguity over what should be considered a heritage area resource. In the heritage areas context, what amounts to a resource should be broadly considered. The revised language of this regulation brings this Chapter in line with the Subtitle’s other chapters, which refer to heritage area resources as “natural, recreational, cultural, and historic” resources.

Chapter 06 — Procedures for Resolving Disputes:

This chapter establishes procedures for hearing and resolving “disputes that may arise in connection with the exercise of [the MHAA’s] authority”, as mandated by Financial Institutions Article, §13-1108(a)(ii), Annotated Code of Maryland. Consistent with the statute, the chapter exempts from review MHAA decisions concerning either the designation of heritage areas or the award of grants or loans.

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 Jennifer Ruffner, Administrator, Maryland Heritage Areas Program, Maryland Historical Trust, 100 Community Place, 3rd Fl., Crownsville, MD 21032-2023, or call 410-697-9586, or email to jen.ruffner@maryland.gov, or fax to 410-697-9616. Comments will be accepted through September 16, 2019. A public hearing has not been scheduled.

14.29.01 Designation of Recognized Heritage Areas

Authority: Financial Institutions Article, §§13-1107(6) and 13-1110(a)(2), Annotated Code of Maryland

.01 General.

A. *Financial Institutions Article, Title 13, Subtitle 11, Annotated Code of Maryland, establishes the Maryland Heritage Areas Authority and the Maryland System of Heritage Areas.*

B. *The Maryland Heritage Areas Authority is an independent unit in the Executive Branch of State Government that operates within the Maryland Department of Planning and is authorized to consider proposals submitted by local jurisdictions for designation of a heritage area as a recognized heritage area.*

C. *Once a heritage area is designated by the Authority as a recognized heritage area, grant funds are available through the Authority for the development of a management plan for the heritage area. A management plan for a heritage area must be approved by the Authority before the Authority can designate the heritage area as a certified heritage area under COMAR 14.29.02.*

.02 Definitions.

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

B. *Terms Defined.*

(1) *“Act” means Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.*

(2) *“Authority” means the Maryland Heritage Areas Authority established by the Act.*

(3) *“Certified heritage area” means a recognized heritage area that has been designated as a certified heritage area by the Authority in accordance with the Act and COMAR 14.29.02*

(4) *“Geographic information system file” means an electronic data file that captures, stores, and displays various types of spatial and attribute data on a map.*

(5) *“Heritage area” means a contiguous or noncontiguous developed geographic area of public and private uses that:*

(a) *Can range in size from as small as a portion of a county or municipal corporation to as large as a regional area;*

(b) *Has a coherent and cohesive special character;*

(c) *Is distinguished by a concentration of natural, recreational, cultural, and historic resources of Statewide significance that have played a vital role in the historic life and development of the area and contribute to the public through interpretive, educational, and recreational uses; and*

(d) *May include traditional parks and historic places or properties.*

(6) "Heritage area management entity" means either a nonprofit organization or an agency of either State or local government that is or will be responsible for coordinating development of a management plan for a recognized heritage area or is responsible for implementing the management plan for a certified heritage area.

(7) "Local jurisdiction" means any of the 23 counties of the State, the City of Baltimore, any municipal corporation in the State that is subject to the provisions of Article XI-E of the Maryland Constitution, or any of their duly authorized agencies or instrumentalities.

(8) "Management plan" means a document prepared and approved in accordance with the Act and COMAR 14.29.02, that includes a comprehensive strategy expressed in words, maps, illustrations, or other media for planning, implementing, and achieving the goals and objectives of a heritage area.

(9) "Recognized heritage area" means a heritage area designated by the Authority as a recognized heritage area in accordance with this chapter.

.03 Proposals for Designation of Recognized Heritage Areas.

A. A local jurisdiction with land area located within the geographic boundaries of a heritage area may submit to the Authority a proposal for designation of the heritage area as a recognized heritage area, and if the land area of the heritage area is located within more than one local jurisdiction the proposal shall be jointly submitted by each of the local jurisdictions.

B. A proposal for designation of a recognized heritage area shall:

(1) Include a geographic information system file that identifies the boundaries for the heritage area;

(2) Include a resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdiction with land area located within the boundaries of the heritage area establishing that the local jurisdiction has approved the proposal;

(3) Identify the heritage area management entity;

(4) Identify and describe the natural, recreational, cultural, and historic resources that contribute to the special cohesive character of the heritage area;

(5) Identify, as located within the heritage area, any:

(a) Historic districts either listed, or determined by the Director of the Maryland Historical Trust to be eligible for listing, in the Maryland Register of Historic Properties; or

(b) Natural or recreational resources determined by the Secretary of Natural Resources to be of Statewide significance;

(6) Specify the general goals and objectives for preservation, development, and management of the heritage area;

(7) Identify the types of public and private uses within the heritage area that will be intended or designed to advance the goals and objectives of the heritage area;

(8) Describe the strategies for encouraging and accommodating visitation to, and the compatible economic development of, the heritage area;

(9) Provide an economic overview of both the short-term and long-term costs and benefits related to development of the heritage area;

(10) Describe the methods and means to be instituted by the local jurisdictions to assure the long-term preservation and protection of the heritage area's resources, including zoning, subdivision, and other growth management controls;

(11) To the extent that any of the following State agencies have programs or plans that may be affected by, or may be able to coordinate on, the designation of the heritage area as a recognized heritage area, identify to what extent such agencies were consulted during development of the proposal:

(a) Department of Housing and Community Development regarding housing and neighborhood revitalization;

(b) Maryland Department of Planning regarding land use planning, historic preservation, museum programs, and management of cultural and historic resources;

(c) Department of Commerce regarding tourism, economic development, and job creation;

(d) Department of Natural Resources regarding outdoor recreation and the management of natural resources and State greenways;

(e) Department of Agriculture regarding agricultural activities;

(f) Maryland Higher Education Commission and the State Department of Education regarding educational resources and education of the public about the heritage areas;

(g) Department of Transportation regarding access to and transportation within the heritage area, including on the State scenic byways program and programs for special signage; and

(h) Department of General Services regarding the management, maintenance, and disposition of State property; and

(12) Include any additional information as may be requested by the Authority either prior or subsequent to submission of the proposal.

.04 Review of Proposals.

A. The Authority shall review a proposal submitted under Regulation .03 of this chapter for designation of a heritage area as a recognized heritage area.

B. The Authority may designate a heritage area as a recognized heritage area only if the Authority finds that:

(1) The proposal for designation includes all information and requirements of Regulation .03B of this chapter;

(2) The area proposed for designation satisfies the definition of a heritage area set forth in Regulation .02B(5) of this chapter;

(3) The area includes at least one or more:

(a) Historic districts either listed, or determined by the Director of the Maryland Historical Trust to be eligible for listing, in the Maryland Register of Historic Properties; or

(b) Natural or recreational resources determined by the Secretary of Natural Resources to be of Statewide significance; and

(4) Public assistance for the heritage area is reasonably expected to produce:

(a) Additional private investments;

(b) Job creation; and

(c) Tourism revenues.

C. The Authority shall disapprove a proposal for designation of a heritage area as a recognized heritage area if the proposal does not satisfy the criteria in §B of this regulation.

D. If a proposal for designation of a heritage area as a recognized heritage area satisfies the criteria in §B of this regulation, the Authority may:

(1) Approve the proposal, which shall constitute designation of the heritage area as a recognized heritage area; or

(2) Approve the proposal subject to one or more modifications as determined necessary by the Authority, which shall constitute designation of the heritage area as a recognized heritage area, as modified by the Authority.

E. In determining whether to approve or disapprove a proposal under this regulation, the Authority may consider as factors:

(1) The number of certified heritage areas in existence at the time of the determination; and

(2) Financial resources available or anticipated to be available.

F. Upon reaching a determination under either §C or §D of this regulation, the Authority shall promptly send written notice of the determination to each local jurisdiction that submitted the proposal

and to the heritage area management entity identified in the proposal.

G. The boundaries of a recognized heritage area approved under this regulation shall be:

(1) The boundaries of the heritage area as identified in the geographic information system file submitted with the proposal for designation as a recognized heritage area, as approved or approved with modifications by the Authority;

(2) Posted on the website of the Maryland Historical Trust in the form of a Uniform Resource Locator (URL) to the geographic information system file; and

(3) Published in the Maryland Register by the Authority in the form of a Uniform Resource Locator (URL) to the geographic information system file.

H. A local jurisdiction within, or the heritage area management entity for, a recognized heritage area may apply for a grant from the Authority under COMAR 14.29.03 to assist with the development of a management plan for the heritage area.

.05 Amendments to Recognized Heritage Area Boundaries.

A. The Authority shall consider a proposal to amend the boundaries of the recognized heritage area if the proposal:

(1) Is submitted by the heritage area management entity;

(2) Is approved by resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdiction with land area located either within the portion of a recognized heritage area to be removed or within the area proposed to be added to the recognized heritage area;

(3) Includes a geographic information system file that identifies the boundaries of the area proposed to be removed or added; and

(4) Contains information or explanation as to why an area proposed to be added, viewed in relation to the recognized heritage area, satisfies the criteria for designation in Regulation .04B of this chapter.

B. When considering a proposal submitted under Regulation .05A of this chapter, the Authority shall:

(1) Approve, approve with modification, or disapprove the proposal;

(2) Send written notice of the action taken on the proposal to the heritage area management entity and all the local jurisdictions that approved of the proposal; and

(3) If it approves the proposal or approves the proposal with modification:

(a) Publish in the Maryland Register a Uniform Resource Locator (URL) to a geographic information system file for the revised boundaries; and

(b) Post on the website of the Maryland Historical Trust a Uniform Resource Locator (URL) to a geographic information system file for the revised boundaries.

.06 Program Administration.

A. The Authority may adopt written policies or guidelines related to or governing the criteria for and administration of the procedures for designating recognized heritage areas and shall post any such adopted policies or guidelines on the website hosted by the Maryland Historical Trust.

B. A determination of the Authority made under Regulations .04 or .05 of this chapter is not a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.07 Waiver.

The Authority may waive or vary a provision of this chapter if the waiver or variance is consistent with the Act and, as determined by the Authority, application of the provision in a specific instance or

case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act.

.08 False Statements.

A person who knowingly makes or causes to be made a false statement submitted or made to the Authority in connection with a proposal for designation of a heritage area as a recognized heritage area is subject to any penalties authorized by law.

14.29.02 [Maryland] Adoption of Management Plans and Designation of Certified Heritage Areas [Grant Program]

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

.01 General.

A. Financial Institutions Article, Title 13, Subtitle 11, Annotated Code of Maryland, establishes the Maryland Heritage Areas Authority and the Maryland System of Heritage Areas.

B. The Maryland Heritage Areas Authority is an independent unit in the Executive Branch of State Government that operates within the Maryland Department of Planning and is authorized to consider proposals submitted by local jurisdictions for designation of a recognized heritage area as a certified heritage area.

C. Once a recognized heritage area is designated by the Authority as a certified heritage area, certain entities located within the heritage area may apply for and receive grants and loans as provided by Financial Institutions Article, §§13-1113, Annotated Code of Maryland, and COMAR 14.29.04 and 14.29.05.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.

(2) "Authority" means the Maryland Heritage Areas Authority established by the Act.

(3) "Certified heritage area" means a recognized heritage area that has been designated as a certified heritage area by the Authority in accordance with the Act and this chapter.

(4) "Fund" means the Maryland Heritage Areas Authority Financing Fund established by the Act.

(5) "Geographic information system file" means an electronic data file that captures, stores, and displays various types of spatial and attribute data on a map.

(6) "Heritage area" means a contiguous or noncontiguous developed geographic area of public and private uses that:

(a) Can range in size from as small as a portion of a county or municipal corporation to as large as a regional area;

(b) Has a coherent and cohesive special character;

(c) Is distinguished by a concentration of natural, recreational, cultural, and historic resources of Statewide significance that have played a vital role in the historic life and development of the area and contribute to the public through interpretive, educational, and recreational uses; and

(d) May include traditional parks and historic places or properties.

(7) "Heritage area management entity" means a nonprofit organization or agency of either State or local government that is or will be responsible for coordinating development of a management plan for a recognized heritage area or is responsible for implementing the management plan for a certified heritage area.

(8) “Local jurisdiction” means any of the 23 counties of the State, the City of Baltimore, any municipal corporation in the State that is subject to the provisions of Article XI-E of the Maryland Constitution, or any of their duly authorized agencies or instrumentalities.

(9) Local Plan.

(a) “Local plan” means the policies, statements, goals, and plans for private and public land use, transportation, and community facilities, documented in texts and maps and established as the guide for future development within a jurisdiction or area.

(b) “Local plan” includes a general plan, master plan, comprehensive plan, community plan, sector plan, or similar plan adopted by a local jurisdiction in accordance with the Land Use Article, Annotated Code of Maryland.

(10) “Management plan” means a document prepared and approved in accordance with the Act and this chapter, that includes a comprehensive strategy expressed in words, maps, illustrations, or other media for planning, implementing, and achieving the goals and objectives of the heritage area.

(11) “Recognized heritage area” means a heritage area designated by the Authority as a recognized heritage area in accordance with COMAR 14.29.01.

.03 Proposals for Designation of Certified Heritage Areas.

A. A local jurisdiction with land area located within the geographic boundaries of a recognized heritage area may submit to the Authority a proposal for designation of the recognized heritage area as a certified heritage area, and if land area of the recognized heritage area is located within more than one local jurisdiction the proposal shall be jointly submitted by each of the local jurisdictions.

B. Before submitting to the Authority a proposal for designation of a certified heritage area, the governing body of each local jurisdiction with land area located within the boundaries of the proposed certified heritage area must, by resolution, ordinance, or other appropriate authorization:

- (1) Approve submission of the proposal to the Authority; and
- (2) Preliminarily approve adoption of an amendment to the jurisdiction’s local plan that incorporates the management plan for the heritage area.

C. A proposal for designation of a certified heritage area shall be submitted to the Authority within 45 days after the last local jurisdictions’ approvals under Regulation .03B of this chapter are completed.

D. A proposal for designation of a certified heritage area shall include:

(1) An adopted resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdiction with land area located within the boundaries of the proposed certified heritage area that amends the local plan of the local jurisdiction to incorporate the proposed management plan into the local plan;

(2) A proposed management plan for the heritage area that:

- (a) Was developed in cooperation and consultation with the Authority and relevant private interests;
- (b) Contains a geographic information system file that identifies the boundaries for the proposed certified heritage area;
- (c) Identifies the heritage area management entity and describes:

- (i) Its organizational structure;
- (ii) Its relations with agencies of State and local government; and
- (iii) The specific performance criteria and methods for data collection and analysis that the heritage area management entity will use to measure success in achieving the goals and objectives of the management plan;

(d) Identifies the land use recommendations for all land areas within the proposed certified heritage area as detailed in the corresponding local plan;

(e) Identifies the types of public and private uses that will be encouraged and promoted within the proposed certified heritage area;

(f) Identifies the local zoning for all land areas located within the proposed certified heritage area, which shall specify potential intensity of uses and identify those zones that are most appropriately devoted to, respectively, public uses and private uses;

(g) Identifies property, if any, to be acquired, in whole or in part, for the benefit of the proposed certified heritage area by a local jurisdiction or other entity authorized by a local jurisdiction;

(h) Describes those educational, interpretive, and recreational programs and projects planned to be undertaken within the proposed certified heritage area;

(i) Describes plans for encouraging and accommodating visitation to, and compatible economic development of, the proposed certified heritage area;

(j) Includes an economic assessment of both the short-term and long-term costs and benefits related to implementation of the management plan, including identification of anticipated sources of funding for implementation of the management plan;

(k) Contains an inventory and evaluation of the significant natural, recreational, cultural, and historic resources located within the proposed certified heritage area;

(l) Describes the plans and the means and methods for preserving and protecting the natural, recreational, cultural, and historic resources located within the proposed certified heritage area, including identification and summary of any existing or proposed local law or ordinance that:

- (i) Designates or operates to protect cultural or historic properties or natural areas; and
- (ii) Assures that future local actions and development will be consistent with the goals and objectives of preserving the natural, recreational, cultural, and historic resources of the proposed certified heritage area;

(m) If the management plan proposes enactment of local law or ordinance to provide for one or more historic preservation commissions that would govern historic sites, structures, or districts located within the proposed certified heritage area, verifies that the provisions of the proposed enactment or enactments will:

- (i) Be consistent with Land Use Article, Title 8, Annotated Code of Maryland;
- (ii) Provide that members of the historic preservation commission will have minimum professional requirements established by the United States Department of the Interior under Part 61, Title 36, Code of Federal Regulations, for certifying local governments; and
- (iii) Provide that the historic preservation commission must review and approve the plans of any project that the local jurisdiction conducts, assists, licenses, or permits, if the project may affect a property located within the proposed certified heritage area that is either designated as historic by the local jurisdiction or is listed or eligible for listing in the Maryland Register of Historic Properties;

(n) Includes a schedule for the planning, development, and management of the proposed certified heritage area; and

(o) Demonstrates that the capabilities and capacities exist within the proposed certified heritage area, by or through either the heritage area management entity or local government agencies, to implement and manage the proposed certified heritage area, including the capability and capacity to:

- (i) Accept and disburse funds;
- (ii) Acquire, improve, and dispose of property;

(iii) Manage, operate, and maintain appropriate public facilities; and

(iv) Adopt and enforce land use and preservation standards and controls necessary to protect the significance natural, recreational, cultural, and historic resources located within the proposed certified heritage area; and

(3) Any additional information as may be requested by the Authority either prior or subsequent to submission of the proposal.

.04 Review of Proposals and Designation.

A. Within 90 days of receiving a proposal under Regulation .03 of this chapter, the Authority shall:

(1) Hold at least one public hearing concerning the proposed management plan within the proposed certified heritage; and

(2) Approve, approve with conditions, or disapprove the proposed management plan.

B. The Authority shall disapprove a proposed management plan for a proposed certified heritage area if the Authority determines that:

(1) The management plan does not adequately carry out the purposes of the Act; or

(2) The proposal does not include all information required under, or meet all requirements of, Regulation .03D of this chapter.

C. If the Authority determines that a proposed management plan for a proposed certified heritage area includes all information required under, and meets all requirements of, Regulation .03D of this chapter, the Authority may:

(1) Approve the proposed management plan; or

(2) Approve the proposed management plan subject to one or more modifications as determined necessary by the Authority.

D. In determining whether to approval or disapprove a proposal under this regulation, the Authority may consider as factors:

(1) The number of certified heritage areas in existence at the time of the determination; and

(2) Financial resources available or anticipated to be available.

E. Upon reaching a determination under either §B or C of this regulation, the Authority shall promptly send written notice to the heritage area management entity and each local jurisdiction that submitted the proposed management plan:

(1) Of the Authority's determination; and

(2) If the Authority disapproved the plan, of the reasons for disapproval and recommendations on how the plan might be revised to make it approvable.

F. Subject to §G of this regulation, an approval or an approval with modifications by the Authority of a proposed management plan shall constitute designation of the proposed certified heritage area as a certified heritage area.

G. During any one State fiscal year, the Authority may designate not more than two recognized heritage areas as certified heritage areas.

H. The boundaries of a certified heritage area shall be:

(1) The boundaries of the proposed certified heritage area as identified in the geographic information system file submitted with the proposal for designation as a certified heritage area, as approved or approved with modifications by the Authority;

(2) Published in the Maryland Register by the Authority in the form of a Uniform Resource Locator (URL) to the geographic information system file; and

(3) Posted on the website of the Maryland Historical Trust in the form of a Uniform Resource Locator (URL) to the geographic information system file, a copy of which shall be sent electronically to the office of the county clerk of the county or counties in which the certified heritage area is located.

.05 Revisions to Management Plans and Certified Heritage Area Boundaries.

A. Definitions.

(1) In this regulation, the following terms have the meanings indicated.

(2) Terms Defined.

(a) "Administrative revision" means a revision of or change to an approved management plan for a certified heritage area that relates to the administration of the heritage area by the heritage area management entity and does not revise or change the management plan's themes, areas of focus, goals and objectives, or other programmatic components.

(b) "Programmatic revision" means a revision of or change to an approved management plan for a certified heritage area that revises or changes the management plan's themes, areas of focus, goals and objectives, or other programmatic components.

B. Administrative Revisions to Approved Management Plans.

(1) A heritage area management entity for a certified heritage area may propose an administrative revision to the approved management plan for the heritage area by:

(a) Submitting the proposal to the Authority in writing; and

(b) Providing a copy of the proposal to each local jurisdiction located within the heritage area.

(2) Within 90 days of receiving a proposal made under this section, the Authority shall:

(a) Complete its review of the proposal;

(b) Determine whether the proposal would adequately carry out the purposes of the Act;

(c) Approve, approve with modification, or disapprove the proposal; and

(d) Send written notice to the heritage area management entity of the action taken by the Authority on the proposal.

C. Programmatic Revisions to Approved Management Plans; Certain Expansions of Certified Heritage Area Boundaries.

(1) A heritage area management entity for a certified heritage area may submit a proposal to:

(a) Make a programmatic revision to the approved management plan for a certified heritage area; or

(b) Amend or revise the boundaries of a certified heritage area to include property not contemplated in the approved management plan for inclusion in the certified heritage area.

(2) For a proposal submitted under §C(1) of this regulation, the proposal shall:

(a) Be approved by the heritage area management entity;

(b) Be approved by resolution, ordinance, or other appropriate authorization issued by the governing body of:

(i) For a revision to a management plan under §C(1)(a) of this regulation, each local jurisdiction with land area located within the certified heritage area; or

(ii) For an amendment or revision to a heritage area boundary under §C(1)(b) of this regulation, each local jurisdiction with land area located within the property proposed to be added to the certified heritage area;

(c) For a proposed boundary amendment, include a geographic information system file of the revised boundary; and

(d) Be jointly submitted in writing to the Authority by the heritage area management entity and each local jurisdiction from which approval is required under §C(2)(b) of this regulation.

(3) Within 90 days of receiving a proposal under this section, the Authority shall:

(a) Hold at least one public hearing in the certified heritage area concerning the proposal;

(b) Determine whether the proposal would adequately carry out the purposes of the Act;

(c) Approve, approve with modification, or disapprove the proposal; and

(d) Send written notice to the heritage area management entity and each local jurisdiction with land area located within the certified heritage area of the action taken by the Authority on the proposal.

D. Other Boundary Amendments.

(1) A proposal to amend or revise the boundary of a certified heritage area to either remove property from the heritage area or to add or include within the heritage area property that the approved management plan contemplates for inclusion shall be:

(a) Approved by the heritage area management entity;

(b) Approved by resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdictions with land area located within the property proposed to be added to or removed from the certified heritage area; and

(c) Jointly submitted in writing to the Authority by the heritage area management entity and each such local jurisdiction, which submission shall include a geographic information system file of the revised boundary.

(2) Within 90 days of receiving a proposal made under this section, the Authority shall:

(a) Determine whether the proposal would adequately carry out the purposes of the Act;

(b) Approve, approve with modifications, or disapprove the proposal; and

(c) Send written notice to the heritage area management entity and each local jurisdiction with land area located within the property proposed to be added to or removed from the certified heritage area of the action taken by the Authority on the proposal.

E. Effective Date of Revisions.

(1) A revision to an approved management plan approved by the Authority under either §B or §C of this regulation is effective upon approval of the revision by the Authority.

(2) A boundary amendment or revision approved by the Authority under either §C or §D this regulation is effective upon publication by the Authority in the Maryland Register of the Uniform Resource Locator (URL) to a geographic information system file for the revised boundary.

(3) A boundary amendment or revision approved by the Authority under this regulation shall be posted on the website of the Maryland Historical Trust in the form of a Uniform Resource Locator (URL) to the geographic information system file, a copy of which shall be sent electronically to the office of the county clerk of the county or counties in which the certified heritage area is located.

.06 Changes to Certified Heritage Area Designations.

A. The Authority may take action specified in §C of this regulation if the Authority finds that a local jurisdiction with land area located within a certified heritage area has:

(1) Either acted or failed to act in a manner that has had a substantial adverse impact upon a significant natural, recreational, cultural, or historic resource located within the heritage area; or

(2) Failed to effectively implement its role under the management plan.

B. Before taking action under §C of this regulation, the Authority shall:

(1) Provide written notice to the local jurisdiction that:

(a) Includes the Authority's findings under §A of this regulation;

(b) Informs the local jurisdiction of the actions the Authority might take under §C of this regulation;

(c) Includes corrective instructions, recommendations, or suggestions as appropriate; and

(d) Is sent by copy to the heritage area management entity and each other local jurisdiction with land area located within the certified heritage area;

(2) Provide the local jurisdiction 60 days to respond in writing to the Authority's notice; and

(3) Either uphold, modify, or rescind the findings.

C. Upon a finding against a local jurisdiction under §A of this regulation that the Authority either upholds or modifies under §B of this regulation, the Authority may:

(1) Remove from the certified heritage area the land area of the local jurisdiction that is the subject of the finding; or

(2) After holding a public hearing in the certified heritage area, withdraw the Authority's approval of the management plan for the certified heritage area.

D. If, under §C(1) of this regulation, the Authority removes a local jurisdiction from a certified heritage area, the Authority shall:

(1) Provide written notice of the removal to the heritage area management entity and each local jurisdiction with land area located within the heritage area; and

(2) Direct the remaining local jurisdictions in the certified heritage area to amend the management plan in accordance with Regulation .05D of this chapter to reflect the revised boundaries of the certified heritage area resulting from the removal.

E. If, under §C(2) of this regulation, the Authority withdraws approval of a management plan for a certified heritage area:

(1) The heritage area will no longer be designated as a certified heritage area;

(2) The heritage area will return to being designated as a recognized heritage area; and

(3) The Authority shall:

(a) Report the withdrawal of its approval of the management plan to the Governor and the General Assembly and include in the report a statement of the reasons for withdrawal; and

(b) Provide written notice of the withdrawal of approval to the heritage area management entity and each local jurisdiction with land area located within the heritage area.

.07 Removal of a Heritage Area Management Entity.

A. The Authority may remove an entity from its role as the heritage area management entity for a certified heritage area if the Authority finds that the entity has:

(1) Either acted or failed to act in a manner that has had a substantial adverse impact upon a significant natural, recreational, cultural, or historic resource located within the heritage area;

(2) Failed to effectively implement the management plan for the heritage area; or

(3) In any way misused, mismanaged, or misappropriated funds received from the Authority.

B. Before taking action under §A of this regulation, the Authority shall:

(1) Provided written notice to the heritage area management entity and to each local jurisdiction with land area located within the certified heritage area that:

(a) Includes the Authority's findings under §A of this regulation;

(b) Informs of the actions the Authority might take under §A of this regulation; and

(c) Includes corrective instructions, recommendations, or suggestions as appropriate;

(2) Provide the heritage area management entity 60 days to respond in writing to the Authority's notice; and

(3) Either uphold, modify, or rescind the findings.

C. If, under §A of this regulation, the Authority removes an entity from its role as the heritage area management entity for a certified heritage area, the Authority shall:

(1) Provide written notice to the entity and each local jurisdiction with land area located within the certified heritage area of the removal; and

(2) Discontinue for all purposes under this subtitle the Authority's recognition of the entity as the heritage area management entity for the certified heritage area.

D. Within 90 days of receiving notice of a removal under §C(1) of this regulation or of a disapproval under §E(2) of this regulation, the local jurisdictions with land area located within the certified heritage area shall:

(1) Agree upon a new entity to serve as the heritage area management entity; and

(2) Send to the Authority:

(a) The identity of the new entity and its organizational structure;

(b) Information sufficient for the Authority to assess the capability and capacity of the new entity to serve as the heritage area management entity, including its relations with agencies of State and local government; and

(c) A resolution, ordinance, or other appropriate authorization issued by the governing body of each local jurisdiction establishing the local jurisdiction's support for the new entity to serve as the heritage area management entity.

E. Within 90 days of receiving the information required under §D(2) of this regulation, the Authority shall:

(1) Either approve or disapprove of the new entity as the heritage area management entity; and

(2) Provide written notice to the local jurisdictions of the Authority's approval or disapproval.

F. The Authority may withdraw its approval of a management plan for a certified heritage area as provided for in Regulation .06 of this chapter if:

(1) Upon removal by the Authority of a heritage area management entity, the local jurisdictions with land area located within a certified heritage area fail to comply with §D of this regulation; or

(2) The Authority disapproves of a new entity under §E of this regulation.

.08 Program Administration.

A. The Authority may adopt written policies or guidelines related to or governing the criteria for and administration of the procedures for designating certified heritage areas and shall post any such adopted policies or guidelines on the website hosted by the Maryland Historical Trust.

B. A determination of the Authority made under Regulations .04, .05, .06, or .07 of this chapter is not a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.09 Waiver.

The Authority may waive or vary a provision of this chapter if the waiver or variance is consistent with the Act and, as determined by the Authority, application of the provision in a specific instance or case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act.

.10 False Statements.

A person who knowingly makes or causes to be made a false statement submitted or made to the Authority in connection with a proposal for designation of a certified heritage area is subject to any penalties authorized by law.

14.29.03 [Designation of Certified] Maryland Heritage Areas Grant Program

Authority: Financial Institutions Article, §§13-1107(6) and (12), 13-1113, and 13-1114, Annotated Code of Maryland

.01 General.

A. This chapter sets forth the policies, procedures, and authorizations for administering the Maryland Heritage Areas Grant Program, established within the Maryland Heritage Areas Authority, which provides grants from the Maryland Heritage Areas Authority Financing Fund.

B. The objective of the Grant Program is to provide a source of funding, including grants to local jurisdictions and other appropriate entities, to develop management plans for recognized heritage areas, assist the operations of heritage area management entities, and undertake capital and non-capital projects that will assist and encourage preservation, tourism, and other economic development within certified heritage areas.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.

(2) "Authority" means the Maryland Heritage Areas Authority established by the Act.

(3) "Capital project" means a project to acquire, develop, preserve, rehabilitate, or restore either real property or tangible personal property that has a useful life of at least 15 years.

(4) "Certified heritage area" means a recognized heritage area that has been designated a certified heritage area in accordance with the Act and Chapter .02 of this subtitle.

(5) "Fund" means the Maryland Heritage Areas Authority Financing Fund established by the Act.

(6) "Grant" means an award of financial assistance from the Fund.

(7) "Grant Program" means the Maryland Heritage Areas Grant Program of the Authority established by this chapter as authorized under the Act.

(8) "Grantee" means the recipient of a grant.

(9) "Heritage area" means a contiguous or noncontiguous developed geographic area of public and private uses that:

(a) Can range in size from as small as a portion of a county or municipal corporation or as large as a regional area;

(b) Has a coherent and cohesive special character;

(c) Is distinguished by a concentration of natural, recreational, cultural, and historic resources of Statewide significance that have played a vital role in the historic life and development of the area and contribute to the public through interpretive, educational, and recreational uses; and

(d) May include traditional parks and historic places or property.

(10) "Heritage area management entity" means a nonprofit organization or agency of either State or local government that is or will be responsible for coordinating development of a management plan for a recognized heritage area or is responsible for implementing the management plan for a certified heritage area.

(11) "Local jurisdiction" means any of the 23 counties of the State, the City of Baltimore, any municipal corporation in the State that is subject to the provisions of Article XI-E of the Maryland Constitution, or any of their duly authorized agencies or instrumentalities.

(12) "Management plan" means a document prepared and approved in accordance with the Act and COMAR 14.29.02, that

includes a comprehensive strategy expressed in words, maps, illustrations, or other media for planning, implementing, and achieving the goals and objectives for the heritage area.

(13) "Noncapital project" means a project that is not a capital project and involves:

(a) The development or presentation of interpretive exhibits, materials, or other products intended to further the educational or recreational objectives of a certified heritage area; or

(b) Planning, design, interpretation, marketing, or programming activities intended to encourage revitalization of, or reinvestment in, a certified heritage area or its resources.

(14) "Nonprofit organization" means a corporation, foundation, governmental entity, or other legal entity, no part of the net earnings of which inures to the benefit of a private shareholder or individual holding an interest in the entity.

(15) "Recognized heritage area" means a heritage area designated a recognized heritage area in accordance with the Act and COMAR 14.29.01.

(16) "Trust" means the Maryland Historical Trust established under State Finance and Procurement Article, §5A-310, Annotated Code of Maryland.

.03 Eligible Grantees and Eligible Activities.

A. An entity is eligible for a grant under the Grant Program if:

(1) The entity is a:

(a) Local jurisdiction;

(b) Agency or unit of Maryland State Government;

(c) Agency or unit of the federal government; or

(d) Nonprofit organization that:

(i) Is in good standing and qualified to do business in Maryland; and

(ii) Has the legal capacity and all necessary legal authority to be obligated by the grant; and

(2) For a grant for a noncapital project or a capital project, the entity is authorized to apply for the grant by the heritage area management entity for the certified heritage area that will benefit from the grant.

B. The Authority may provide a grant to an entity eligible under §A of this regulation if the grant is for purposes of funding:

(1) Development of a management plan;

(2) The operations and management of a heritage area management entity;

(3) A noncapital project that:

(a) Will be undertaken within a certified heritage area; and

(b) Will further or complete an activity that is:

(i) Identified in the management plan for the certified heritage area; or

(ii) Consistent with goals, objectives, strategies, or actions outlined in the management plan or other planning document applicable to or utilized by the certified heritage area;

(4) Marketing of a heritage area by either:

(a) The heritage area management entity; or

(b) The tourism office or agency for a local jurisdiction located within the heritage area;

(5) A block grant to a heritage area management entity that the entity will exclusively use to fund subgrants for noncapital projects in accordance with policies implemented by the Authority;

(6) A capital project that:

(a) Will be undertaken within a certified heritage area; and

(b) Will further or complete an activity that is:

(i) Identified in the management plan for the certified heritage area; or

(ii) Consistent with goals, objectives, strategies, or actions outlined in the management plan or other planning document applicable to or utilized by the certified heritage area; or

(7) Other activities as may be approved by the Authority.

.04 Grant Application Procedures.

A. For any year during which money is available in the Fund to make grants from the Grant Program, the Authority shall:

(1) Establish grant application procedures;

(2) Establish selection criteria that the Authority will utilize when awarding grants;

(3) Establish grant application deadlines;

(4) Establish minimum and maximum amounts for awards of individual grants; and

(5) Publish on the Trust's website the grant application procedures, selection criteria, grant application deadline, and minimum and maximum award amounts.

B. An application for a grant shall be made on forms prescribed by the Authority and posted on the Trust's website.

C. A grant application shall include information and documentation that:

(1) Establishes that the applicant is an eligible grantee as provided in Regulation .03A of this chapter evidenced by copies of the applicant's organizational documents, including as applicable its articles of incorporation and bylaws, its articles of organization and operating agreement, its certificate of limited partnership and limited partnership agreement, or its partnership or joint venture agreement;

(2) Describes in detail the proposed activity;

(3) Identifies the estimated or actual cost of the proposed activity evidenced by contractor bids, proposals, or other good faith estimates;

(4) Identifies in a proposed budget all proposed sources and uses of funding for the activity;

(5) Establishes the applicant's capability and readiness to initiate and undertake the activity and to complete the activity within an established time frame;

(6) Establishes the applicant's financial capacity to pay for costs of the proposed activity that will not be funded by the grant;

(7) Identifies the sources, forms, and amounts for the matching contribution required under Regulation .06B of this chapter;

(8) Details the applicant's administrative capabilities, including the applicant's capacity to manage the proposed activity; and

(9) May otherwise be required by the Authority as specified in the grant application form.

.05 Grant Application Review and Approval.

A. For each grant application submitted prior to the grant application deadline established by the Authority under Regulation .04A of this chapter, Authority staff shall review the application and determine if:

(1) The applicant is an eligible grantee under Regulation 03A of this chapter; and

(2) The activity for which the applicant seeks grant funding is an eligible activity under Regulation .03B of this chapter.

B. For each application that Authority staff determined under §A of this regulation that either the grantee or the project is ineligible for a grant, the Authority shall promptly send written notice of such determination to the grant applicant.

C. For each grant application that Authority staff determines under §A of this regulation is eligible for a grant, staff shall:

(1) Evaluate and rank the application competitively with all other eligible applications in accordance with the selection criteria established by the Authority under Regulation .04A of this chapter;

(2) Make a funding recommendation based upon the evaluation and ranking; and

(3) Forward the funding recommendation to the Authority.

D. After receipt of Authority staff's recommendations made under §C of this regulation, the Authority shall:

- (1) Review and consider staff's recommendations;
- (2) Approve or disapprove each grant application; and
- (3) For each grant application approved, authorize an amount of funding for the grant:

(a) That is within the limitations established under Regulation .06 of this chapter; and

(b) Which may be an amount less than the amount requested by the applicant.

E. Authority staff shall promptly notify each grant applicant of the action taken by the Authority under §D of this regulation.

F. A decision by the Authority made under this regulation on an application for a grant is final and is not a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.06 Grant Limitations, Terms, and Conditions.

A. Limitations. The amount of a grant may not:

(1) Exceed 50 percent of the total cost of the proposed activity, as evidenced by contractor bids, proposals, or other good faith estimates or budgets provided by the applicant; or

(2) Fall outside the minimum or maximum grant amounts established by the Authority.

B. Matching Requirements. A grantee shall make a matching contribution to an activity funded by a grant:

(1) In an amount not less than the amount of the grant;

(2) That consists of either cash, an equivalent dollar value of in-kind contributions, or a combination thereof; and

(3) That is from sources and is in substance, form, and amount acceptable to the Authority.

C. Grant Agreement.

(1) No funds shall be disbursed from the Fund to a grantee unless the grantee has first executed a grant agreement in form and substance acceptable to the Authority.

(2) A grant agreement shall establish all terms and conditions of the grant, including:

- (a) The amount of the grant;
- (b) The matching contribution requirements;
- (c) A scope of work for the activity funded by the grant;
- (d) A budget for the activity funded by the grant;
- (e) A grant disbursement schedule;
- (f) Special conditions on grant disbursement as may be required by the Authority;
- (g) A project timeline and deadlines for expenditures of grant funds;
- (h) Insurance requirements, as may be applicable;
- (i) Historic preservation requirements, as may be applicable;
- (j) Reporting requirements;
- (k) Defaults and remedies; and
- (l) Other terms and conditions as may be required by the Authority.

(3) For a capital project funded by a grant that will affect property that is listed or eligible for listing on the Maryland Register of Historic Properties, the grant agreement shall provide that:

(a) The plans and specifications for the project must be reviewed and approved by the Trust prior to the grantee undertaking any work specified in the grant agreement;

(b) All aspects of the project must conform to historic preservation standards established or applied by the Trust, including, but not limited to, the Secretary of the Interior's Standards for Treatment of Historic Properties;

(c) The grantee must permit staff from the Trust to inspect ongoing construction to ensure that the grantee is undertaking the

project in conformance with the applicable historic preservation standards and requirements; and

(d) If required by the Trust, the grantee shall:

(i) Convey or cause to be conveyed to the Trust for recording in the applicable land records a deed of easement, in form, substance, and duration satisfactory to the Director of the Trust, for preservation of the historic real property and the improvements and the settings thereon affected by the project; or

(ii) Enter into an agreement with the Trust, or cause an agreement with the Trust, that obligates preservation and maintenance of the historic property affected by the project, in form, substance, and duration satisfactory to the Director of the Trust.

.07 Grant Administration.

A. Books, Accounts, and Records.

(1) A grantee shall maintain those books, accounts, and records related to a grant or an activity funded by a grant that the Authority from time to time may require, and shall cause the grantee's contractors and subcontractors to do the same.

(2) A grantee shall file with the Authority financial and other reports as the Authority may from time to time require.

(3) Books, accounts, and records required to be maintain under this section shall be:

(a) Open for inspection by representatives of the Authority or the State during reasonable working hours, before, during, or after the period of time during which the grant proceeds are expended; and

(b) Maintained and made available for inspection for 3 years after either the date of grantee's final expenditure of grant proceeds or the termination of the contractual relationship between the Authority and the grantee, whichever is later.

(4) A grantee shall, upon request of the Authority or the State, make the grantee's administrative offices and personnel, whether full-time, part-time, consultants, or volunteers, available to discuss or address matters concerning administration of a grant or of an activity funded by a grant.

B. Inspections. The Authority may conduct periodic inspections during the undertaking of an activity funded by a grant to assure that the activity is progressing in accordance with all terms and conditions of the grant agreement or other requirements of the Authority.

C. Reports. A grantee shall submit a final report, and interim reports as may be required by the Authority, that documents progress and evaluates effectiveness of the activity funded by a grant.

D. Nondiscrimination.

(1) A grantee may not discriminate on the basis of age (except with respect to residents in elderly projects), race, color, religion, national origin, sex, marital status, or physical or mental handicap in any aspect of an activity financed or assisted under the Grant Program or in any aspect of employment by either a grantee or a contractor for the activity.

(2) A grantee shall comply with all applicable federal, State, and local laws, and Authority policies and programs, regarding discrimination and equal opportunity in employment, housing, and credit practices, including:

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

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

(c) The Governor's Code of Fair Practices, as amended;

and

(d) The Authority's Minority Business Enterprise Program, as amended, if the grantee does not have a minority business participation program which is acceptable to the Authority.

.08 Grant Program Administration.

A. Except for waivers under Regulation .09 of this chapter, any action or decision required or permitted to be taken or made by the Authority under this chapter may be taken or made by the Authority's designee.

B. The Authority may terminate a grant or refuse to make additional disbursements under a grant agreement if the Authority finds that the grantee is not in compliance with a requirement of the Grant Program or a term of the grant agreement.

C. The Authority may adopt written policies or guidelines related to administration of the Grant Program and shall post any such adopted policies or guidelines on the Trust's website.

.09 Waiver.

The Authority may waive or vary a provision of this chapter if the waiver or variance is consistent with the Act and, as determined by the Authority, application of the provision in a specific instance or case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act.

.10 False Statements.

A person who knowingly makes or causes to be made a false statement submitted or made to the Authority in connection with an application for a grant or affecting an existing grant is subject to any penalties authorized by law.

14.29.04 Maryland Heritage Areas Loan Program

Authority: Financial Institutions Article, §§13-1107(6) and (12) [and], 13-1113, and 13-1114, Annotated Code of Maryland

.01 General.

A. This chapter sets forth the policies, procedures, and authorizations for administering the Maryland Heritage Areas Loan Program, established within the Maryland Heritage Area Authority, which provides loans from the Maryland Heritage Areas Authority Financing Fund.

B. The objective of the Loan Program is to provide a source of funding, including loans to local jurisdictions or other appropriate entities, to undertake projects that will assist and encourage preservation, tourism, and other economic development within certified heritage areas.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.

(2) "Authority" means the Maryland Heritage Areas Authority established by the Act.

(3) "Borrower" means the recipient of a loan.

(4) "Business entity" means a corporation, limited liability company, association, partnership, joint venture, or other legally organized entity.

(5) "Capital project" means a project to acquire, develop, preserve, rehabilitate, or restore either real property or tangible personal property that has a useful life of at least 15 years.

(6) "Certified heritage area" means a recognized heritage area that has been designated a certified heritage area in accordance with the Act and COMAR 14.29.02.

(7) "Fund" means the Maryland Heritage Areas Authority Financing Fund established by the Act.

(8) "Heritage area" means a contiguous or noncontiguous developed geographic area of public and private uses that:

(a) Can range in size from as small as a portion of a county or municipal corporation to as large as a regional area;

(b) Has a coherent and cohesive special character;

(c) Is distinguished by a concentration of natural, recreational, cultural, and historic resources of Statewide significance that have played a vital role in the historic life and development of the area and contribute to the public through interpretive, educational, and recreational uses; and

(d) May include traditional parks and historic places or property.

(9) "Heritage area management entity" means a nonprofit organization or agency of either State or local government that is or will be responsible for coordinating development of a management plan for a recognized heritage area or is responsible for implementing the management plan for a certified heritage area.

(10) "Local jurisdiction" means any of the 23 counties of the State, the City of Baltimore, any municipal corporation in the State that is subject to the provisions of Article XI-E of the Maryland Constitution, or any of their duly authorized agencies or instrumentalities.

(11) "Loan" means a loan made from the Fund.

(12) "Loan documents" means the promissory note, loan agreement, security instruments and other documents between a borrower and the Authority which evidence the terms and conditions of a loan.

(13) "Loan Program" means the Maryland Heritage Areas Loan Program of the Authority established by this chapter as authorized under the Act.

(14) "Management plan" means a document prepared and approved in accordance with the Act and COMAR 14.29.02, that includes a comprehensive strategy expressed in words, maps, illustrations, or other media for planning, implementing, and achieving the goals and objectives for the heritage area.

(15) "Nonprofit organization" means a corporation, foundation, governmental entity, or other legal entity, no part of the net earnings of which inure to the benefit of a private shareholder or individual holding an interest in the entity.

(16) "Trust" means the Maryland Historical Trust established under State Finance and Procurement Article, §5A-310, Annotated Code of Maryland.

.03 Eligible Borrowers and Eligible Activities.

A. An entity is eligible to receive a loan under the Program if the entity:

(1) Is a:

(a) Local jurisdiction;

(b) Nonprofit organization or a business entity that:

(i) Is in good standing and qualified to do business in Maryland; and

(ii) Has the legal capacity and all necessary legal authority to be obligated by the loan; or

(c) An individual who has the legal capacity and all necessary legal authority to be obligated by the loan; and

(2) Is authorized to apply for the loan by the heritage area management entity for the certified heritage area that will benefit from the loan.

B. The Authority may provide a loan to an entity eligible under §A of this regulation if the loan is for purposes of funding:

(1) An activity that will:

(a) Be undertaken within a certified heritage area; and

(b) Further or complete an activity identified in the management plan for the certified heritage area; and

(2) Is:

(a) A capital project;

(b) The purchase of capital equipment, furnishings, or inventory; or

(c) Working capital to be used in conjunction with a capital project.

C. For an activity that involves improvement to leasehold property, the remaining term of the lease at the time the loan is made must not be less than the term of the loan.

.04 Loan Application Procedures.

A. An entity eligible to receive a loan under Regulation .03A of this chapter may apply to the Authority for a loan to fund an activity eligible under Regulation .03B of this chapter.

B. For reasons or circumstances determined appropriate or necessary by the Authority, the Authority may at its discretion:

(1) Establish deadlines for acceptance of loan applications;

(2) Refuse to accept loan applications; and

(3) For a loan application accepted by the Authority:

(a) Hold the Authority's consideration of the application in abeyance; or

(b) Decide not to consider the loan application.

C. Application. A loan application shall:

(1) Be made on forms prescribed by the Authority;

(2) Establish that the applicant is an eligible borrower as provided in Regulation .03A of this chapter evidenced by copies of its organizational documents, including as applicable its articles of incorporation and bylaws, its articles of organization and operating agreement, its certificate of limited partnership and limited partnership agreement, or its partnership or joint venture agreement, and evidence of being in good standing and qualified to do business in the State;

(3) Describe in detail the proposed activity;

(4) Identify the estimated or actual cost of the proposed activity evidenced by contractor bids, proposals, or other good faith estimates;

(5) Identify in a proposed budget all proposed sources and uses of funding for the activity;

(6) Establish the applicant's capability and readiness to initiate and undertake the activity and to complete the activity within an established time frame;

(7) Identify the property that will benefit from or be assisted by the loan;

(8) Identify the ownership of the property and any lessees of the property;

(9) Include information sufficient for the Authority to evaluate:

(a) The activity's consistency with the goals of the management plan;

(b) The historical or cultural significance of the property;

(c) The current and proposed conditions and uses of the property;

(d) The extent to which the activity will impact use of the property;

(e) The applicant's ability to repay the loan, including identification of sources of revenue that will be used to repay the loan;

(f) If the activity involves a leasehold property, that the activity is authorized under the lease and the remaining lease term is equal to the proposed term of the loan; and

(g) If the activity involves acquisition of property, that the applicant has the authority to purchase the property under a valid purchase option agreement, purchase and sale agreement, or other evidence satisfactory to the Authority; and

(10) Include other information as may be required by the Authority.

D. Application Fee. The Authority may require a loan applicant to pay an application fee to cover some portion of the cost of processing the application and the loan.

E. Loan Application Review and Processing.

(1) After receipt of an application for a loan that the Authority has accepted and will consider for potential funding, staff of the Authority:

(a) Will conduct an initial assessment for the completeness of the information required under §C of this regulation;

(b) May conduct an inspection of the property for any assessment purpose related to the review and processing of the application; and

(c) Shall notify the applicant in writing of any missing information required under §C of this regulation or of other requirements that the applicant must satisfy in order for the application to be complete.

(2) The Authority shall not consider for approval a loan application for which the applicant has not satisfied all requirements.

F. Withdrawal of Application.

(1) An applicant may withdraw an application for a loan at any time before closing of the loan by sending written notice to the Authority.

(2) An applicant who withdraws an application shall be responsible for all costs, other than the Authority's internal processing costs, incurred by the Authority to process the application, including, but not limited to, costs to obtain credit reports or appraisals.

.05 Loan Application Evaluation and Approval.

A. The Authority shall review and evaluate a completed loan application accepted under Regulation .04 of this chapter in accordance with selection criteria established by the Authority, which criteria may include:

(1) The viability of the activity for which the loan is sought;

(2) The applicant's readiness to commence the activity and complete it within an established time frame;

(3) The level of urgency of the applicant's need for a loan to complete the activity;

(4) The activity's consistency with the goals of the management plan;

(5) The extent to which the activity will have a positive impact on the certified heritage area;

(6) The extent to which the activity, once completed, might serve as a model for other projects within certified heritage areas;

(7) The applicant's administrative capability, including the applicant's capacity to manage the activity;

(8) The applicant's ability to repay the loan;

(9) The availability of private or non-State funds for the activity; and

(10) Such additional criteria as the Authority considers appropriate.

B. Following review and evaluation under §A of this regulation, the Authority shall:

(1) Either approve, approve with modification, or disapprove the loan;

(2) If approved, determine a level of funding for the loan, which may be in an amount less than the amount applied for by the applicant; and

(3) Notify the applicant in writing of the action taken by the Authority on the application.

C. For a loan approved under §B of this regulation, the Authority may issue to the applicant a commitment letter for the loan that sets forth:

(1) The amount of the loan;

(2) Terms and conditions under which the loan will be made, which shall at a minimum include the terms and conditions set forth in Regulation .06 of this chapter; and

(3) A time limit within which execution of loan documents shall occur before the Authority will withdraw its commitment, which time limit the Authority may extend at its sole discretion.

D. A decision of the Authority to approve or disapprove a loan is not a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

E. Loan closing shall be scheduled at a time and place acceptable to the applicant, Authority staff, and the Office of the Attorney General.

.06 Loan Terms and Conditions.

A. General Requirements. A loan shall, as necessary and required by the Authority, include terms and conditions consistent with this section.

(1) Maximum Loan Amount. A loan may be in an amount not to exceed an 80 percent loan to value ratio based on the appraised value of the property assisted by the loan, or other property offered as collateral for the loan, less any preexisting indebtedness secured by a lien on the assisted property or the collateral property.

(2) Interest Rate. The rate of interest charged by the Authority against the loan:

(a) Shall be, as established from time to time by the Authority, consistent with applicable federal regulations governing State borrowing; and

(b) May be either lower or higher than rates charged for other loans made by the Authority.

(3) Insurance. The borrower shall cause the property assisted by the loan or securing the loan to be insured against loss or damage by fire and other hazards, casualties, and contingencies as may be required from time to time by the Authority in amounts satisfactory to the Authority, as described in §B of this regulation.

(4) Term. The loan shall have a term established by the Authority that is based upon the use and amount of the loan.

(5) Repayment.

(a) Except as otherwise provided in §A(5)(b) of this regulation, a single monthly payment shall be charged, which shall be applied first to late charges, then the Authority's enforcement and collection expenses, if applicable, then to interest, and then to principal, in that order.

(b) At the discretion of the Authority, repayments of either principal or interest, or of both principal and interest, may be deferred, subject to the following additional requirements:

(i) The loan term may provide for deferred payments of either principal or interest, or of both principal and interest.

(ii) The deferred terms shall provide for repayment of deferred amounts at the loan maturity date, any earlier date established by the Authority, or upon any sale or other transfer of the property securing the loan.

(c) The Authority may charge interest on deferred interest payments.

(6) Late Charge. Late charges may be imposed by the Authority, as permitted by law.

(7) Security. The loan shall be secured, at the discretion of the Authority, by collateral acceptable to the Authority, which may include:

- (a) Cash escrow;
- (b) A letter of credit;
- (c) A pledge of depository accounts;
- (d) A pledge of accounts receivable;
- (e) An assignment of income;
- (f) A security interest in machinery and equipment;

(g) A mortgage or deed of trust on the real property assisted by the loan;

(h) A mortgage or deed of trust on other real property satisfactory to the Authority;

(i) Guarantees of repayment from guarantors acceptable to the Authority; or

(j) Any other form of security or collateral acceptable to the Authority.

(8) Plans and Specifications. The plans and specifications for a capital project funded by a loan shall be subject to prior review and approval by Authority staff and shall conform to applicable acquisition, construction, rehabilitation, and restoration requirements established or applied by the Authority.

(9) Disbursement. Disbursement of loan funds shall be made as the activity progresses based upon requests for disbursement submitted by the borrower in a form satisfactory to the Authority.

(10) Modification of Loan. In order to facilitate the successful completion or operation of an activity funded by a loan, the Authority may modify:

(a) The rate of interest on the loan;

(b) The time or amount of payment of principal or interest, or both principal and interest;

(c) The maturity date of the loan; or

(d) Any other term of a loan.

(11) Loan Default. In the event of default under the loan documents, the Authority may:

(a) Modify the rate of interest;

(b) Modify the time or amount of payment of principal, interest, or both principal and interest;

(c) Modify the maturity date of the loan;

(d) Modify the loan in any other manner that promotes repayment of the loan and achieves the purposes of the Loan Program; and

(e) Exercise all remedies provided by law and at equity, or available pursuant to the loan documents, including acceleration of payment of the entire principal and interest due on the loan, foreclosure, receivership, attachment, and repossession of property and collateral securing the loan.

(12) If the Authority obtains title to property by taking action under §A(11)(e) of this regulation, the Authority shall obtain approval from the Board of Public Works prior to further conveyance of title to the property.

(13) Prepayment Penalty. The Authority may not charge a prepayment penalty.

(14) Historic Property. If an activity funded by a loan will impact property that is listed or eligible for listing on the Maryland Register of Historic Properties, the loan agreement shall provide that:

(a) The plans and specifications for the project must be reviewed and approved by the Trust prior to the borrower undertaking any work on the property;

(b) All aspects of the project must conform to historic preservation standards established or applied by the Trust, including, but not limited to, the Secretary of the Interior's Standards for Treatment of Historic Properties;

(c) The borrower must permit staff from the Trust to inspect ongoing construction to ensure that the borrower is undertaking the project in conformance with the applicable historic preservations standards and requirements; and

(d) If required by the Trust, the borrower shall:

(i) Convey or cause to be conveyed to the Trust for recording in the applicable land records a deed of easement, in form, substance, and duration satisfactory to the Director of the Trust, for preservation of the historic real property and the improvements and the settings thereon affected by the project; or

(ii) Enter into a preservation agreement with the Trust, or cause an agreement with the Trust, that obligates preservation and maintenance of the historic property affected by the project, in form, substance, and duration satisfactory to the Director.

(15) Other Requirements. The Authority may establish other terms and conditions in the loan documents as considered reasonable and necessary by the Authority.

B. Real Property Requirements. The following requirements apply when a loan is secured by real property.

(1) Mortgage or Deed of Trust.

(a) A mortgage or deed of trust on real property securing the loan shall be recorded in the land records of the local jurisdiction in which the real property is situated.

(b) The mortgage or deed of trust may be subordinate to other recorded mortgage liens, at the Authority's discretion, provided that the Authority and the other mortgagee or mortgagees give any required consents and the loan to value ratio of the property being subordinated complies with the requirements of §B(4)(b) of this regulation.

(2) Property, Liability, and Other Insurance.

(a) The borrower shall provide evidence that the borrower, the property owner if borrower is not the property owner, and contractors, have obtained and will continue to maintain the following insurance coverages, as applicable:

(i) Owner's commercial general liability;

(ii) Owner's property or hazard on the property securing the loan, in an amount not less than the loan plus all other debt secured by a lien on the property;

(iii) Builder's risk during construction only;

(iv) Contractor's general liability; and

(v) Flood insurance, if required by the Authority.

(b) All insurance required under this section shall:

(i) Be written by a company registered with the Maryland Insurance Administration, or a company approved by the Authority in the event the property securing the loan or insurance company are located out-of-State;

(ii) Be in force at or before the time of loan closing;

(iii) Not be terminable without prior notification to the Authority; and

(iv) Contain such other terms and coverage satisfactory to the Authority.

(c) Owner's commercial general liability insurance shall:

(i) Name the Authority as an additional insured; and

(ii) Remain in force until full repayment of the loan.

(d) Contractor's general liability insurance shall:

(i) Name the Authority as an additional insured; and

(ii) Remain in place through completion of the project, or such later date as the Authority may require.

(e) Owner's property or hazard insurance and builder's risk insurance shall:

(i) Name the Authority as an additional insured, loss payee, and mortgagee; and

(ii) Remain in force until full repayment of the loan.

(3) Title Insurance.

(a) For loans in amounts of \$15,000 or greater, the Authority may require the borrower to provide a standard American Land Title Association Loan Policy — 2006, as amended, which policy shall:

(i) Be issued by a title insurance company acceptable to the Authority;

(ii) Be issued in an amount not less than the maximum principal amount of the loan;

(iii) Insure the Authority as additional insured, mortgagee, and loss payee;

(iv) Evidence that fee simple interest in the real property securing the loan is, as of the date of closing, vested in the borrower;

(v) Contain only exceptions and encumbrances approved by the Authority; and

(vi) Not include exceptions for survey matters, general or blanket exceptions, materialman's liens or for taxes or assessments that are due and payable as of the date of closing.

(b) For loans in amounts up to \$15,000, the Authority may require the borrower to provide an attorney's certificate of title or other evidence of title acceptable to the Authority, which:

(i) Establishes that fee simple interest in the real property securing the loan is, as of the date of closing, vested in the borrower;

(ii) May contain only exceptions and encumbrances approved by the Authority; and

(iii) May not include exceptions for survey matters, general or blanket exceptions or materialman's liens or for taxes or assessments that are due and payable as of the date of closing.

(4) Appraisals. The Authority may require:

(a) An appraisal of the real property assisted by the loan that establishes the property's value after completion of the project; or

(b) An appraisal of other real property that secures the loan that established that the property has sufficient value, taking into account all senior debt secured by a lien on the property, to secure the loan at an 80 percent loan to value ratio.

.07 Loan Administration.

A. Books and Records.

(1) A borrower shall maintain the books, accounts, and records related to a loan or the activity funded by a loan that the Authority from time to time may require, and shall cause the borrower's contractors and subcontractors to do the same.

(2) A borrower shall file with the Authority financial and other reports as the Authority may from time to time require.

(3) Books, accounts, and records required to be maintained under this section shall be:

(a) Open for inspection by representatives of the Authority or the State during reasonable working hours before, during, or after repayment of the loan; and

(b) Maintained and made available for inspection for up to 3 years after either the date of the borrower's repayment of the loan or the termination of the contractual relationship between the Authority and the borrower, whichever is later.

(4) A borrower shall, upon request of the Authority or the State, make the borrower's administrative offices and personnel, whether full-time, part-time, consultants, or volunteers, available to discuss or address matters concerning administration of the loan or of the activity funded by a loan.

B. Inspections. The Authority may conduct periodic inspections during the undertaking of an activity funded by a loan to assure that the activity is progressing in accordance with all terms and conditions of the loan documents or other requirements of the Authority.

C. Reports. A borrower shall submit a final report, and interim reports as may be required by the Authority, that document progress and evaluate effectiveness of the activity funded by a loan.

D. Nondiscrimination.

(1) A borrower may not discriminate on the basis of age (except with respect to residents in elderly projects), race, color, religion, national origin, sex, sexual orientation, marital status, or physical or mental handicap in any aspect of the project financed under the Program, or in any aspect of employment by any borrower, or contractor for any project financed under the Program.

(2) A borrower shall comply with all applicable federal, State, and local laws and Authority policies and programs regarding

discrimination and equal opportunity in employment, housing, and credit practices including:

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

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

(c) The Governor's Code of Fair Practices, as amended; and

(d) The Authority's Minority Business Enterprise Program, as amended, if the borrower does not have a minority business participation program which is acceptable to the Authority.

.08 Loan Program Administration.

A. Except for waivers under Regulation .09 of this chapter, any action or decision required or permitted to be taken or made by the Authority under this chapter may be taken or made by the Authority's designee.

B. The Authority may terminate a loan or refuse to make additional disbursements of a loan if the Authority finds that the borrower is not in compliance with a requirement of the Loan Program or any term of the loan documents.

C. The Authority may adopt written policies or guidelines related to administration of the Loan Program and shall post any such adopted policies or guidelines on the Trust's website.

D. The Authority may enter into agreements for loan servicing or other services useful to the operation of the Loan Program on terms acceptable to the Authority.

.09 Waiver.

The Authority may waive or vary a provision of this chapter if the waiver or variance is consistent with the Act and, as determined by the Authority, application of the provision in a specific instance or case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act.

.10 False Statements.

A person who knowingly makes or causes to be made a false statement submitted or made to the Authority in connection with an application for a loan or affecting an existing loan is subject to any penalties authorized by law.

14.29.05 Procedures for [Hearings in Contested Cases] Reviewing Complaints

Authority: Financial Institutions Article, §§13-1107(6) and 13-1108(4)(i), Annotated Code of Maryland

.01 General.

This chapter establishes procedures for submission to the Maryland Heritage Areas Authority, and review by the Authority, of complaints made by local governments or heritage area management entities related to activities undertaken by agencies of State Government that might have an adverse effect on a heritage area resource.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.

(2) "Administrator" means the Administrator of the Authority.

(3) "Authority" means the Maryland Heritage Areas Authority established by the Act.

(4) "Certified heritage area" means a recognized heritage area that has been designated a certified heritage area in accordance with the Act and COMAR 14.29.02.

(5) "Heritage area management entity" means a nonprofit organization or agency of either State or local government that may be responsible for coordinating development of a management plan for a heritage area or is responsible for implementing the management plan for a heritage area.

(6) "Local jurisdiction" means any of the 23 counties of the State, the City of Baltimore, any municipal corporation in the State that is subject to the provisions of Article XI-E of the Maryland Constitution, or any of their duly authorized agencies or instrumentalities.

.03 Submission of Complaints.

A. A local jurisdiction or a heritage area management entity may submit to the Authority a complaint concerning activities undertaken by an agency or unit of State Government if the undertaking has an adverse effect, or has the potential to have an adverse effect, upon a natural, recreational, cultural, or historic resource located within a certified heritage area that is located within the local jurisdiction or for which heritage area management entity is responsible.

B. A complaint shall:

(1) Be in writing;

(2) Be submitted to the Administrator;

(3) Identify the certified heritage area;

(4) Identify the agency or unit of State Government that is undertaking or has undertaken the activity and the nature of the activity;

(5) Identify the heritage area resource that is subject to the adverse effect;

(6) Describe the adverse effect; and

(7) Identify any law, rule, or regulation that the agency or unit of State Government may be in violation of in undertaking the activity.

.04 Review of Complaints.

A. Upon receiving a complaint under Regulation .03 of this chapter, the Administrator shall:

(1) Review the complaint;

(2) Conduct an investigation into the allegations contained in the complaint to the extent and in a manner determined appropriate, necessary, and warranted by the Administrator;

(3) As may be appropriate and relevant, consider:

(a) The relative value and significance to the certified heritage area of the resource that the complaint alleges is or will be adversely affected; and

(b) Any impacts that the activity has had or may have upon properties listed, or eligible for listing, in the Maryland Register of Historic Properties; and

(4) Refer to the Authority for its review and consideration the complaint and the results of the Administrator's investigation.

B. If, after review and consideration under §A of this regulation, the Authority finds that the activity complained of is having, or may have, an adverse effect upon a natural, recreational, cultural, or historic resource located within a certified heritage area, the Administrator shall:

(1) Inform the agency or unit of State Government of the findings; and

(2) To the extent justified, practicable, and warranted by the circumstances, consult and work cooperatively with the unit or agency and the complainant, as may be appropriate, to identify alternatives for the activity or methods to mitigate the adverse effect.

C. Review of a complaint under this regulation does not constitute a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

14.29.06 Procedures for Resolving Disputes

Authority: Financial Institutions Article, §§13-1107(6), 13-1108(4)(ii), and 13-1124, Annotated Code of Maryland

.01 General.

This chapter establishes procedures for the review and resolution of disputes that arise in connection with exercise by the Maryland Heritage Areas Authority of its authority under Financial Institutions Article, Title 13, Subtitle 11, Annotated Code of Maryland.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.

(2) "Administrator" means the Administrator of the Authority.

(3) "Authority" means the Maryland Heritage Areas Authority established by the Act.

(4) "Certified heritage area" means a recognized heritage area that has been designated a certified heritage area in accordance with the Act and COMAR 14.29.02.

(5) Decision of the Authority.

(a) "Decision of the Authority" means a decision, action, or exercise of statutory authority by the Authority and includes an exercise of authority by the Authority that is permitted, required, or contemplated under the Act.

(b) "Decision of the Authority" does not include a determination by the Authority:

(i) Under the Act or COMAR 14.29.01 regarding designation or an application for designation of a heritage area as a recognized heritage area;

(ii) Under the Act or COMAR 14.29.02 regarding review and approval of a management plan or designation or an application for designation of a recognized heritage area as a certified heritage area;

(iii) Under the Act or COMAR 14.29.03 related to review and approval of grant applications;

(iv) Under the Act or COMAR 14.29.04 related to review and approval of loan applications; or

(v) Related to enforcement of the terms of a grant, loan, or other financing.

(6) "Petition" means a petition filed under Regulation .03 of this chapter concerning a decision of the Authority.

(7) "Petitioner" means a person or entity that files a petition under Regulation .03 of this chapter concerning a decision of the Authority.

.03 Petition for Dispute Resolution.

A. A person or entity that disputes a decision of the Authority and is aggrieved by the decision may file a petition with the Authority that seeks to have the Authority resolve the dispute.

B. A petition submitted under this regulation shall:

(1) Be in writing;

(2) Be submitted to the Administrator;

(3) Identify the decision of the Authority that the petitioner disputes;

(4) Explain how the petitioner is aggrieved by the decision; and

(5) Identify any law, rule, or regulation that the petitioner contends is or was violated by the decision of the Authority.

.04 Review of Petitions.

A. Upon receiving a petition, the Administrator shall:

(1) Review the petition;

(2) Review the decision of the Authority that the petitioner disputes; and

(3) Refer to the Authority for its consideration the petition and the results of the Administrator's review.

B. Within 90 days of receipt by the Administrator of a petition, the Authority shall consider the petition at meeting of the Authority during which the Authority shall:

(1) Review the petition;

(2) Consider the results of the Administrator's review of the petition;

(3) Provide the petitioner an opportunity to address the Authority and present to the Authority any additional information or evidence that is relevant to the petition; and

(4) Make a determination to:

(a) Alter, amend, or rescind the decision of the Authority; or

(b) Deny the petition by affirming the decision of the Authority.

C. The Administrator shall promptly send written notice to the petitioner of the Authority's determination under §B(4) of this regulation.

D. The Authority's minutes for a meeting during which it considers a petition shall include:

(1) A summary of all oral statements and discussions concerning the petition;

(2) A copy of all documents submitted to, received by, or considered by the Authority on the petition; and

(3) The Authority's determination on the petition.

.05 Appeal.

A. A determination made by the Authority under Regulation .04B of this chapter may be appealed by the petitioner to the Office of Administrative Hearings in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

B. On appeal, a determination made by the Authority under Regulation .04B of this chapter may not be reversed or modified unless the petitioner establishes by a preponderance of the evidence that:

(1) The determination was arbitrary, capricious, or contrary to law, rule, or regulation; or

(2) The Authority failed to follow its own procedures or this chapter.

C. The decision of the Office of Administrative Hearings on an appeal is the final administrative decision.

ROBERT McCORD
Secretary of Planning
Chair, Maryland Heritage Areas Authority

**Subtitle 39 INTERAGENCY
COMMISSION ON SCHOOL
CONSTRUCTION**

Notice of Proposed Action

[19-156-P]

The Interagency Commission on School Construction proposes to:

(1) Recodify to be under a new subtitle, **Subtitle 39 Interagency Commission on School Construction**:

(a) **COMAR 23.03.01** to be **COMAR 14.39.01 Terminology**;

(b) **COMAR 23.03.02** to be **COMAR 14.39.02 Administration of the Public School Construction Program**;

(c) **COMAR 23.03.03** to be **COMAR 14.39.03 Construction Procurement Methods**;

(d) **COMAR 23.03.04** to be **COMAR 14.39.04 Project Delivery Methods**;

(e) **COMAR 23.03.05** to be **COMAR 14.39.05 Alternative Financing**; and

(f) **COMAR 23.03.06** to be **COMAR 14.39.06 Relocatable Classroom Indoor Environmental Quality Standards**;

(2) Amend Regulation **.01** under **COMAR 14.39.01 Terminology**;

(3) Repeal Regulations **.01** and **.10**, amend Regulations **.03, .05—.07, .09**, and **.22—.24**, amend and recodify existing Regulations **.01-1, .12—.16, .18, .19**, and **.24-1—.29** to be Regulations **.01, .11—.15, .17, .18**, and **.25—.30**, respectively, recodify existing Regulations **.11** and **.17** to be Regulations **.10** and **.16**, respectively, and adopt new Regulation **.19** under **COMAR 14.39.02 Administration of the Public School Construction Program**;

(4) Amend Regulations **.01, .05—.07**, and **.09** under **COMAR 14.39.03 Construction Procurement Methods**;

(5) Amend Regulations **.01** and **.04—.06** under **COMAR 14.39.04 Project Delivery Methods**;

(6) Amend Regulations **.01** and **.04** and repeal Regulations **.05—.12** under **COMAR 14.39.05 Alternative Financing**;

(7) Amend the authority line under **COMAR 14.39.06 Relocatable Classroom Indoor Environmental Quality Standards**; and

(8) Adopt new Regulations **.01** and **.02** under a new chapter, **COMAR 14.39.07 Public School Facilities Educational Sufficiency Standards**.

This action was considered by the Interagency Commission on School Construction at an open meeting held on May 9, 2019, notice of which was given by publication on the General Assembly website pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to recodify and amend the Commission's regulations to conform to the changes made during the 2018 legislative session, to repeal outdated language, and to make technical and clarifying changes. The amendments clarify definitions, reflect the statutory requirement for final IAC approval of State-funded school construction projects, and include new programs and programmatic changes as a result of statutory, technological, or procedural changes.

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 Cassandra Viscarra, Programs Support Administrator, Interagency Commission on School Construction, 200 West Baltimore Street, 2nd Floor, Baltimore, MD 21201, or call 410-767-0611, or email to cassandra.viscarra@maryland.gov, or fax to 410-333-6522. Comments will be accepted through September 16, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Interagency Commission on School Construction during a public meeting to be held on September 12, 2019, at 9 a.m., at the State Board of Education, 200 West Baltimore Street, 7th Floor Meeting Room, Baltimore, MD 21201.

14.39.01 Terminology

Authority: Education Article, §§4-126, 5-112, and 5-301—5-321, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) Architectural Services.

(a) "Architectural services" means professional or creative work that:

(i) Is performed in connection with the design and supervision of construction or landscaping; and

(ii) Requires architectural education, training, and experience.

(b) "Architectural services" includes:

(i) Consultation, research, investigation, evaluation, planning, programming, architectural design, and preparation of related documents;

(ii) Coordination of services furnished by structural, civil, mechanical, and electrical engineers and other consultants;

(iii) Construction administration to ensure adherence to design and building standards;

(iv) Construction inspection services; and

(v) Project close-out services.]

[(2)] (1) "Best Value" means the expected outcome of a procurement that provides the greatest overall benefit in response to the requirement *with consideration given to the quantities involved, the time required for delivery, the purpose for which required, the competency and responsibility of the bidder, the ability of the bidder to perform satisfactory service, the plan for utilization of minority contractors, and the price offered by the bidder.*

[(3)] (2) (text unchanged)

[(4)] "BRAC-related project" means a school construction project to provide additional school capacity or provide new or renovated space for educational programs in preparation for increased enrollment related to military base realignment and closure.]

[(5)] (3)—[(15)] (13) (text unchanged)

[(16) Engineering Services.

(a) "Engineering services" means professional or creative work that:

(i) Is performed in connection with utilities, structures, buildings, machines, equipment, and processes; and

(ii) Requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences.

(b) “Engineering services” includes consultation, research, investigation, evaluation, planning, programming, design, preparation of related documents, and inspection of construction for the purpose of interpreting and assuring compliance with specifications and design within the scope of inspection services.

(c) “Engineering services” does not include the inspection of construction not requiring engineering training.]

[(17)] (14) (text unchanged)

(15) “Forward-funded project” means a school construction project that the State has approved for planning and for which the LEA has paid some portion of the State share with local funds.

(16) “Free and reduced-price meal percentage” means the number of students eligible in the previous year for free and reduced-price meals, divided by the full-time equivalent enrollment from the previous year.

(17) “Funding approval” means pending the availability of funds, the State commits to fund, in the next fiscal year, the entire or a portion of the State share of eligible costs for a school construction project.

[(18)—(19)] (text unchanged)

(20) “High performance school” means a school building that satisfies the definition of a high performance building under State Finance and Procurement Article, §3-602.1, Annotated Code of Maryland, and is:

(a) A school building that meets or exceeds the current version of the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) for schools green building rating system silver rating; [or]

(b) A school building that achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretary of Budget and Management and the Secretary of General Services; or

(c) A school building that complies with a nationally recognized and accepted green building code, guideline, or standard reviewed and recommended by the Maryland Green Building Council and approved by the Secretary of Budget and Management and the Secretary of General Services.

(21) IAC means the Interagency [Committee] Commission on School Construction

[(22)—(25)] (text unchanged)

[(26)] “Lease-leaseback” means an arrangement in which a private entity undertakes a public school construction project on property leased from, and subleased back to, an LEA on condition that the property leased from the LEA reverts to the LEA upon a date certain.]

[(27)] (26)—[(28)] (27) (text unchanged)

(28) “Locally funded project” means a school construction project that has been designed, built, or occupied prior to the State approval of planning.

[(29)—(32)] (text unchanged)

[(33)] “Performance-based contracting” means an agreement in which the LEA and a private entity enter into a contract such as an energy-performance contract funded by guaranteed savings over a specific time period.]

(33) “Planning approval” means, pending the availability of funds, the State commits to fund the State share of eligible costs for a school construction project in some future fiscal years.

[(34)—(36)] (text unchanged)

[(37)] “Public-private partnership” means an arrangement in which the LEA and a private entity enter into a shared use arrangement of one or more portions of one or more public school facilities in return for public school property enhancements, or revenue, or both.]

[(38)] (37)—[(43)] (42) (text unchanged)

[(44)] “Sale-leaseback” means an arrangement in which a private entity undertakes a public school construction project on property purchased from, and leased back to, an LEA, if the following conditions are met:

(a) The property purchased from the LEA reverts to the LEA upon a date certain;

(b) The LEA and the county have determined that the property is eligible for conveyance, under Education Article, §§4-114(c)(3) and 4-115, Annotated Code of Maryland; and

(c) The IAC and the Board of Public Works approve the conveyance.]

[(45)] (43)—[(50)] (48) (text unchanged)

14.39.02 Administration of the Public School Construction Program

Authority: Education Article, §§4-126, 5-112, and [5-301] 5-303; State Finance and Procurement Article, §5-7B-07; Annotated Code of Maryland

[.01-1] .01 Facility Database.

The LEA shall update the IAC facility [database] inventory when a State-funded project is substantially complete.

.02 Local Educational Facilities Master Plan.

A.—D. (text unchanged)

E. The IAC may [recommend to the Board of Public Works the disapproval] disapprove [of] any school construction project that is not consistent with the plan of record.

.03 Capital Improvement Program.

A. Local Submissions.

(1) (text unchanged)

(2) Annually by the date the IAC specifies, each LEA with approval from its local board shall submit to the IAC a local capital improvement program [for the 5 years following the next fiscal year.

(3) The annual and the subsequent 5-year local capital improvement programs] which shall be:

(a)—(b) (text unchanged)

B.—C. (text unchanged)

D. Preliminary State Capital Improvement Program.

(1) [IAC Recommendation.] By December 31 annually, the IAC shall [submit to the Board of Public Works] approve a preliminary State capital improvement program for the following fiscal year that:

(a) (text unchanged)

(b) [Recommends] Identifies a maximum State construction allocation for each project; and

(c) (text unchanged)

(2) A systemic renovation project solicited before [Board of Public Works] IAC approval is ineligible for State funding.

[(3) Board of Public Works Approval. The Board of Public Works shall review the IAC recommendation, modify it as appropriate, and approve a preliminary State capital improvement program that may not exceed 75% of the preliminary school construction allocation.]

E. Interim State Capital Improvement Program [Recommendation; IAC Recommendation].

(1) Before March 1 of each year, the IAC shall submit to [the Board of Public Works,] the presiding officers and the budget committees of the General Assembly[,] and the Department of Legislative Services an interim State capital improvement program that totals 90 percent of the anticipated final capital budget by proposing:

(a)—(d) (text unchanged)

(e) A [recommended] maximum State construction allocation for each project.

(2) The IAC [recommendation] shall take into account:

(a)—(e) (text unchanged)

(3) A systemic renovation project solicited before [Board of Public Works] IAC approval is ineligible for State funding.

F. Final State Capital Improvement Program—IAC Approval.

[(1) IAC Recommendation.]

[(a)] (1) After [the school construction capital budget is finalized for the following fiscal year] *May 1 and before June 1, provided that the capital budget is approved during the regular General Assembly Session*, the IAC shall [submit to the Board of Public Works] *approve* a final State capital improvement program that identifies new construction projects, including replacement schools and additions, renovation projects, including limited renovation projects, systemic renovation projects, and relocatable facilities recommended for planning approval or funding approval and that [recommends] *identifies* a maximum State construction allocation for each project.

[(b)] (2) The [recommendation] *approval* shall take into account:

[(i)] (a)—[(vi)] (f) (text unchanged)

[(c)] (3) A systemic renovation project solicited before [Board of Public Works] IAC approval is ineligible for State funding.

[(2) Board of Public Works Approval. The Board of Public Works shall review the IAC recommendation, modify it as appropriate, and approve a final State capital improvement program after May 1.]

G. Revisions. After [Board of Public Works] IAC approval of the final State capital improvement program, the program may be revised only upon IAC review and [recommendation to the Board of Public Works and approval by the Board of Public Works] *approval*.

.05 State Cost Share Percentage.

A. (text unchanged)

B. Percentages.

(1) (text unchanged)

[(3) For Fiscal Years 2019, the State share percentages of public school construction funding for eligible costs of approved projects are as follows:]

(table proposed for repeal)

[(4)] (2) — [(5)] (3) (text unchanged)

C. Revisions to Percentages.

(1) By October [2010] *2018* and every [3] 2 years thereafter, the IAC shall [recommend to the Board of Public Works] *update, approve, and publish to the IAC's website* the cost share percentage to be applied to projects submitted for approval in the Fiscal Year [2013 local CIP and every 3 years thereafter].

(2) The IAC shall use the formula in §C(3) of this regulation to recommend revisions to the State cost share percentage *for each county*.

(3) (text unchanged)

.06 Maximum State Construction Allocation.

A.—C. (text unchanged)

D. The actual funding is based on the costs of approved contracts [and change orders for eligible expenditures,] and may be less than the maximum State construction allocation.

E. Maximum Gross Area Allowance.

(1) (text unchanged)

(2) The maximum gross area allowance per student is set by [the Board of Public Works upon recommendation of] the IAC *and may be adjusted by the IAC on a case-by-case basis, based upon presented evidence of program need*.

F. The average Statewide per-square-foot school building cost that applies to each annual capital improvement program:

(1)—(2) (text unchanged)

(3) May be adjusted by the IAC to reflect market conditions before submission of the final State capital improvement program[, as described in Regulation .03D of this chapter].

G. New Construction. The maximum State construction allocation for new construction is calculated according to either:

(1) The following formula:

(a)—(b) (text unchanged)

[(c) Then, add the contingency amount, figured as a percentage of the sum of §F(1)(a) and (b) of this regulation; and

(d)] (c) (text unchanged)

(2) The estimated or actual cost of construction multiplied by the State cost share percentage, not to exceed the amount calculated in [§F(1)] §G(1) of this regulation.

H. Renovation.

(1) The maximum State construction allocation for projects proposed to renovate buildings or portions of buildings, 16 years old or older, is calculated according to either:

(a) The following formula:

(i)—(iv) (text unchanged)

(v) Next, add site development costs, figured as a percentage of total building costs set forth in §H(1)(a)(iv) of this regulation; *and*

[(vi) Then, add the contingency amount, figured as a percentage of the sum of §H(1)(a)(iv) and (v) of this regulation; and]

[(vii)] (vi) (text unchanged)

(b) (text unchanged)

(2) Adjustments to Maximum State Construction Allocation for Renovation Projects. The IAC may [recommend to]:

(a)—(b) (text unchanged)

(3) (text unchanged)

I. Limited Renovation.

(1) (text unchanged)

(2) The maximum State construction allocation for a limited renovation is calculated [as follows:

(a) Multiply] *by multiplying* the estimated costs of construction, including site work, by the State cost share percentage[; and

(b) Add to this product the contingency amount, figured as a percentage of §I(2)(a) of this regulation].

(3) (text unchanged)

(4) Adjustments to Maximum State Construction Allocation for a Limited Renovation.

(a) The IAC may [recommend subtracting] *subtract* from the maximum State construction allocation funding approved for other projects not older than 15 years old at that school.

(b) (text unchanged)

(5)—(6) (text unchanged)

J.—L. (text unchanged)

M. Forward-Funded Project. If the maximum State construction allocation for a forward-funded project is calculated according to the formulas in §G, H, or I of this regulation, the following factors shall be applied:

(1)—(3) (text unchanged)

(4) For a limited renovation project, the amount of the awarded scope of work [plus contingency], not to exceed the maximum State construction allocation as developed in §H(1)(a) of this regulation.

[N. BRAC-Related Project.

(1) An LEA may request that a project be designated as a BRAC-related project to:

(a) Provide additional capacity; or

(b) Provide new or renovated space for educational programs in preparation for new jobs on military bases that are related to BRAC, as determined by the IAC or its designee.

(2) A BRAC-related project shall meet the following criteria:

(a) The school shall be located within a certified priority funding area;

(b) The school shall meet one or both of the following location requirements:

(i) The school in which the project is proposed shall be located less than 10 miles from the perimeter of a BRAC- affected military base; or

(ii) The school in which the project is proposed shall be located less than 20 minutes in driving time from the entrance gate of a BRAC-affected military base; and

(c) The LEA shall submit with the local capital improvement program a comprehensive plan to upgrade the condition of the entire facility to match the final condition of the proposed capital improvement project within 6 years of the application, or evidence that the facility is already in that condition.

(3) If a project that is designated as a BRAC-related project is also approved as a project for planning and funding in an annual capital improvement program:

(a) Without an additional request for planning approval, the LEA may request approval of supplemental State funding for the project in an annual capital improvement program after the elapse of a period to be determined by the IAC, but not less than 2 years from the time of project completion;

(b) The supplemental State funding shall be based on:

(i) The actual enrollments that have resulted from BRAC actions, according to criteria established by the IAC, that are in excess by a minimum of 5 percent of the enrollment projections that applied at the time of approval or bid date of the BRAC- related project, whichever was earlier;

(ii) The cost of construction that was applicable on the date of bid, according to either the formulas in §G, H, or I of this regulation, or the actual cost of construction, whichever is less; and

(iii) The cost share percentage that was applicable at the time of bid; and

(c) The request for supplemental funding is to be submitted as a new project request in the annual capital improvement program, and will be considered for approval of funding according to the factors described in Regulation .03B(2) of this chapter.]

[O.] N. (text unchanged)

.07 Changes to the Maximum State Construction Allocation.

After the [Board] IAC sets the maximum State construction allocation in the State capital improvement program:

A. (text unchanged)

B. The [Board of Public Works] IAC may increase the maximum State construction allocation [upon a recommendation of the IAC] for a systemic renovation project when the LEA has sufficient reserve funds available based on [all] the following:

(1) The LEA submits:

(a) The final project scope of work; and

(b) A cost estimate developed by a design professional licensed in the State of Maryland or the bid tabulation for the project; and

(2) The IAC determines that:

(a) The requested scope of work is eligible for State funding;

and

(b) The scope of work and associated costs are reasonable.

C. The IAC may increase the maximum State construction allocation for a project other than a systemic renovation project based on the following:

[(1) The project is within a “One Maryland” jurisdiction as defined in COMAR 24.05.23;]

[(2)] (1)—[(3)] (2) (text unchanged)

.09 Rescinding Funding Approval.

A. If, within 2 years after funding is made available for a project, no part of the project is under contract for construction, the IAC [may] shall determine that the project is abandoned and rescind the funding approval.

B. When the IAC rescinds funding approval, the IAC shall [transfer the allocation to the Statewide contingency account for the fiscal year in which the project was approved for funding] reserve the funding for another eligible project in the county in the current fiscal year or for eligible projects in the county in the next fiscal year.

C. Funds [transferred to the Statewide contingency account may be used] reserved for a county that have not been used to place a project under contract within 2 years of the date the funds were reserved shall be available for any project approved in a future State capital improvement program.

D. (text unchanged)

[.12] .11 Ineligible Expenditures.

The following expenditures are ineligible for State funding:

A. (text unchanged)

B. Offsite development costs except those listed as eligible in Regulation [.11] .10 of this chapter;

C. Architecture, engineering, or other consultant fees[, except as permitted by Regulation .10 of this chapter];

D.—G. (text unchanged)

H. Leasing or purchasing school facilities except as provided in COMAR [23.03.05] 14.39.05;

I.—O. (text unchanged)

[.13] .12 Site Selection.

A.—E. (text unchanged)

F. The IAC may recommend including a project for planning approval in the State capital improvement program only if the project site has been approved or re-approved by the IAC in the preceding [5] 3 years.

G. (text unchanged)

[.14] .13 New Construction, Renovation, and Limited Renovation Projects.

A.—B. (text unchanged)

C. Educational Specifications

(1) [The] Unless an LEA is certified to complete review of educational specifications as provided by Education Article, §5-314, Annotated Code of Maryland, the LEA shall submit the project’s educational specifications to the IAC.

(2)—(3) (text unchanged)

D. Schematic Designs, Design Development Documents, and Construction Documents.

(1) [The] Unless the LEA is certified to complete review of schematic design, design development, and construction documents as provided by Education Article §5-314, Annotated Code of Maryland, the LEA shall submit to the IAC or its designee for review and approval of:

(a)—(c) (text unchanged)

(2) (text unchanged)

E. Procurement.

[(1)] The LEA shall procure construction in compliance with COMAR [23.03.03] 14.39.03. The IAC may rescind project approval if the procurement does not comply with these requirements.

[(2)] The IAC may rescind project approval if the LEA:

(a) Issues a solicitation before the IAC or its designee approves the solicitation documents; or

(b) Awards a contract before the IAC approves the proposed contract award.]

F. (text unchanged)

G. Change Orders.

(1) The IAC may establish a contingency fund for change orders if funding is available within the maximum State construction allocation.

(2) The LEA may issue change orders without prior approval of the IAC or its designee.

(3) State Review of Change Orders.

(a) The LEA shall submit all change orders to the IAC.

(b) The IAC or its designee shall review the LEA's change orders as follows:

(i) Change orders that increase the cost of the construction contract are evaluated based on the reasonableness of the change order, including cost, and the availability of State funds; and

(ii) Change orders that decrease the cost of the construction contract are evaluated based on the impact on the quality and functionality of the construction, the reasonableness of the credit amount, and the funds that may be credited to the State.

(4) Change orders that exceed the maximum State construction allocation or that are not approved by the IAC for funding are a local obligation] *The LEA shall maintain contingency funds for change orders. The LEA may issue change orders without prior approval of the IAC or its designees.*

H.—I. (text unchanged)

[.15] .14 Systemic Renovations.

A.—B. (text unchanged)

C. Requests.

(1)—(2) (text unchanged)

(3) Unless waived by the IAC or its designee, the request may not combine separate groups of systemic renovation projects as categorized in §B to reach the \$200,000 minimum, but the request may include the cost of ancillary work required to complete a project.]

(3) *A county board may bundle, for approval and procurement purposes:*

(i) *Similar systemic renovation projects at different schools; and*

(ii) *Interrelated systemic projects at a single school.*

D. Procedures. The requirements of Regulation [.14B] .13B and D—I of this chapter apply to systemic renovation projects approved in the State capital improvement program.

[.16] .15 State-Owned Relocatable Facilities.

A.—D. (text unchanged)

E. Procedures. The provisions of Regulation [.14B] .13B, E(1)[, E(2)(b)] and (2)(b), and F—I of this chapter apply to relocatable facility projects approved in the State capital improvement program.

F.—G. (text unchanged)

H. Surplus Property. The IAC may [recommend to the Board of Public Works that] *declare* a State-owned relocatable facility *to be* [declared] surplus property.

[.18] .17 Maintenance.

A. – B. (text unchanged)

C. Maintenance Surveys.

(1) (text unchanged)

(2) Annual Report. The IAC shall annually [submit] *publish* a report [to the Board of Public Works] summarizing the annual surveys.

[.19] .18 Aging Schools Program.

A.—D. (text unchanged)

E. IAC Review. The IAC or its designee shall evaluate Aging Schools Program project requests using the following factors:

(1)—(3) (text unchanged)

(4) Local capital improvement program; [and]

(5) School's current and projected enrollments; *and*

(6) *Maryland Historic Trust review, if applicable.*

F. (text unchanged)

G. Procurement. The LEA shall procure construction in compliance with COMAR [23.03.03] *14.39.03*.

[H. Change Orders.

(1) The LEA may issue change orders in the amount of \$25,000 or less without prior IAC approval.

(2) Review of Change Orders. The LEA shall submit each change order in excess of \$25,000 to the IAC. The IAC or its designee shall review the LEA's change order as follows:

(a) Change orders that increase the cost of the construction contract are evaluated based on the reasonableness of the change order, including cost, and the availability of State funds; and

(b) Change orders that decrease the cost of the construction contract are evaluated based on the impact on the quality and functionality of the construction, the reasonableness of the credit amount, and the funds that may be credited to the State.

(3) Change orders that exceed available State funding or that are not approved by the IAC are a local obligation.]

[I.] H. (text unchanged)

[J.] I. Ineligible Expenditures. The following expenditures are ineligible for funding under the Aging Schools Program:

(1) Expenditures set forth in Regulation [.12] .11 of this chapter, except maintenance [is eligible for funding]; and

(2) (text unchanged)

.19 School Safety Grant Program.

A. *There is a School Safety Grant Program. The School Safety Grant Program is separate from the State capital improvement program.*

B. *Purpose. An LEA may use the School Safety Grant Program to complete eligible school safety and security projects as identified by the IAC in consultation with the Center for School Safety.*

C. *LEAs shall follow the Administrative Procedure Guide School Safety Grant Program.*

D. *Procurement. The LEA shall procure construction in compliance with COMAR 14.39.03.*

.22 Non-Public School Use Exceeding 5 Years.

When the LEA uses more than 10 percent of a school building other than as a public school for more than 5 years and the State has debt remaining for bonds, the proceeds of which were used to construct or renovate that school, the [Board of Public Works] IAC may[, upon recommendation from the IAC,] require the LEA to pay a proportion of any lease proceeds and assume the remaining State debt, all calculated as of the date the LEA first began to use the school for purposes other than as a school.

.23 Local Board Transfer of School Property to County Government.

A. (text unchanged)

B. Local Board Transfer to County Government.

(1)—(2) (text unchanged)

[(3) If the property is:

(a) Less than 1 acre and does not contain a building, the IAC may approve the transfer;

(b) Any other property, the IAC shall review the request and make a recommendation to the Board of Public Works.]

C. The [Board of Public Works or the] IAC [, as applicable,] may approve, disapprove, or conditionally approve the request to transfer the school property to the county government. The [Board or the]

IAC [, as applicable,] may require that the transfer documents specifically incorporate the conditions.

D. The local board shall affirm in the request that the county concurs with the local board's intention to transfer the property *and commits to repayment of outstanding bond debt if repayment is required.*

.24 County Government Disposition of School Property.

A.—B. (text unchanged)

C. A county government proposing to dispose of former school property shall submit to the IAC a request for approval to dispose. The IAC shall review the request and [make a recommendation to the Board of Public Works.

D. The Board of Public Works] may approve, disapprove, or conditionally approve the request to dispose of the former school property. The [Board] IAC may require that the disposition documents specifically incorporate the conditions.

[.24-1] .25 Assumption of State Debt, Capital Lease Financing Balances, and Disposition Proceeds.

A. [The Board of Public Works] Pursuant to Education Article, §5-308, Annotated Code of Maryland, the IAC:

[(1) May not require reimbursement of debt service from a county for a school property that:

- (a) Was initially constructed on or before February 1, 1971;
- (b) Is no longer used for school purposes;
- (c) Has had title transferred to county government; and
- (d) Is being used for local governmental purposes other than public education;]

[(2)] (1) Shall require reimbursement of debt service from a county for a school property that:

- (a) (text unchanged)
- (b) Meets all the following:

[(i) Was initially constructed after February 1, 1971;]

[(ii) (i)—[(vi)] (v) (text unchanged)

[(3)] (2) (text unchanged)

B. *Reimbursement for Transferred School Building.*

(1) *A county government is not required to reimburse the State for outstanding debt service for a school building that is transferred to the county government in accordance with §A of this regulation until 2 years after the school building is transferred.*

(2) *After the 2-year period ends, the county government shall reimburse the State for outstanding debt service for a school building in the amount that the county government would have been required to pay when the school building was transferred to the county.*

[B.] C. The [Board of Public Works] IAC may require the county to pay the State a proportional share of the disposition proceeds based on the proportion of the State's investment in the school property.

[C.] D. The [Board of Public Works] IAC may establish any method of payment of the bond debt or the disposition proceeds including a lump sum payment or an assumption or re-assumption of existing bond debt.

[.25] .26 Audits.

A. (text unchanged)

B. Audit items may include:

(1)—(3) (text unchanged)

(4) Compliance with [Board of Public Works] IAC regulations and IAC policies and procedures.

C. (text unchanged)

[.26] .27 Reconsideration.

A. [A local board of education dissatisfied with a determination made by the IAC's designee may request the IAC to reconsider the determination.] *Reconsideration of Staff Determination.*

(1) *An LEA dissatisfied with a determination made by the IAC's designee may request the IAC to reconsider the determination.*

(2) *The LEA shall submit a written request for reconsideration to the IAC within 45 calendar days of the designee's decisions.*

(3) *The written request for reconsideration shall include all additional information and documentation the LEA wants the IAC to consider.*

(4) *The IAC's designee may submit to the IAC additional information and documentation it wants the IAC to consider in support of its determination.*

(5) *The IAC will notify the LEA of its decision.*

B. [A local board of education dissatisfied with a determination made by the IAC may request the Board of Public Works to reconsider the determination by submitting an agenda item to the Executive Secretary of the Board of Public Works.] *Reconsideration of IAC Determination.*

(1) *An LEA dissatisfied with a determination made by the IAC, including determination of projects that were not approved by the IAC, may appeal the decision to the IAC in writing.*

(2) *The appeal shall be received by the IAC no later than 45 days following the IAC determination.*

(3) *The written appeal shall contain:*

(a) *The IAC determination from which the appeal is being taken, including funding requests for projects that were not approved by the IAC;*

(b) *Reasons in support of the appeal;*

(c) *A statement of the result sought; and*

(d) *Any supporting documents, exhibits, and affidavits.*

(4) *Oral Argument.*

(a) *In its written appeal, the LEA may request to present oral argument to the IAC.*

(b) *Oral argument will not be allowed without a written request to the IAC.*

(c) *If oral argument is requested, the IAC shall notify the LEA of the date that the argument will be heard.*

(5) *The IAC shall issue a decision to the LEA.*

C. *The IAC's decision is a final decision of the agency.*

[.27] .28 Waiver.

The IAC [or Board of Public Works] may waive or vary particular provisions of this chapter to the extent that the waiver or variance is not inconsistent with State statutes if:

A. In the IAC's [or Board of Public Works'] determination, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of State law; and

B. (text unchanged)

[.28] .29 Priority Funding Area Waiver Criteria.

A. [This regulation applies to the IAC for site approval, and to the IAC and Board of Public Works for planning or funding approval, of new schools and of replacement schools that add capacity] *In accordance with State Finance and Procurement Article, §5-7B-07, Annotated Code of Maryland, it is the policy of the State to ensure sufficient conditions in existing schools as well as new facilities.*

B. Waiver Procedure.

(1)—(3) (text unchanged)

(4) After considering the criteria for a waiver in [§C] §B of this regulation, the IAC may [recommend to the Board of Public Works]:

(a) [Approval of] *Approve* planning and funding, or of a site, for the new school or the replacement school that adds capacity;

(b) [Approval of] *Approve* planning and funding, or of a site, for the new school or the replacement school that adds capacity with conditions; or

(c) [Denial of] *Deny* planning and funding, or of a site, for the new school or the replacement school that adds capacity.

(5) (text unchanged)

[(6) The Board of Public Works shall make the final determination on the approval of a site for a new school or a replacement school that adds capacity that is outside a priority funding area in the event of a conflict between the IAC and the Smart Growth Subcabinet.]

C. The IAC [or the Board of Public Works, when applicable,] shall consider the following factors when determining whether to grant a waiver to the requirement that a site for a new school or for a replacement school that adds capacity, or a new school or a replacement school that adds capacity that is requested for approval of State planning and funding, be located inside a priority funding area:

(1)—(10) (text unchanged)

[.29].30 Emergency [Power Generation] Management Shelters.

A. Definitions.

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

[(2)] (1) [“Public shelter”] “*Emergency management shelter*” means temporary operations that meet the base humanitarian needs of the whole community before, during, or after an emergency event.

(3)—(4) (text unchanged)

B. [This section applies to all school construction projects that include new construction, replacement, or upgrade of the electrical system] *Each county board shall determine which public schools within the jurisdiction of the county board should be designated as emergency management shelters.*

C. [Local officials shall consult with the Maryland Emergency Management Agency (MEMA) to determine those areas of the facility that are necessary for public safety when circumstances require the use of the facility as a public shelter during or after a federal, State, or local declared emergency] *The county board’s determination is based on consistency with local emergency management plans and criteria and the availability of funding.*

D. *For schools that will be used as emergency management shelters based upon the LEA determination, local officials shall consult with the Maryland Emergency Management Agency (MEMA) to determine those areas of the facility that are necessary for public safety when the circumstances require the use of the facility as a public shelter during or after a federal, State, or local declared emergency.*

[D.] E. The LEA shall ensure that the areas determined [by MEMA] *to be emergency management shelters* are designed and constructed to be fully powered in the event of an emergency through installation of:

(1)—(2) (text unchanged)

14.39.03 Construction Procurement Methods

Authority: Education Article, §§4-126, 5-112, and [5-301] 5-303, Annotated Code of Maryland

.01 Scope.

A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment if it:

(1) Exceeds [\$25,000] \$50,000 and has [Board of Public Works] IAC planning or funding approval; or

(2) (text unchanged)

B.—C. (text unchanged)

.05 Approvals.

A. (text unchanged)

[B. The LEA shall obtain State approval before entering into an alternative financing method as set forth in COMAR 23.03.05.]

[C.] B. (text unchanged)

.06 Other Requirements.

A. (text unchanged)

B. [Regardless of project procurement method, the LEA may not begin construction until the IAC or its designee has authorized the LEA to proceed] *A county board is encouraged, consistent with competitive bidding, to use bulk purchasing, bundling, and intergovernmental purchasing.*

C. Project Delivery Methods. The requirements of COMAR [23.03.04] 14.39.04 apply to procurements conducted in accordance with this chapter.

D.—G. (text unchanged)

.07 Competitive Sealed Bidding—One Step Sealed Bidding.

A.—B (text unchanged)

[C. The LEA shall obtain approval from the IAC or its designee before issuing the invitation for bids.]

[D.] C.—[F.] E. (text unchanged)

[G.] F. Bid Evaluation and Award.

(1) The LEA shall award the contract to the [lowest] responsible [and responsive] bidder [whose bid meets the requirements and evaluation criteria set forth in the invitation for bids and is the most favorable bid.] *who provides the best value and conforms to specifications with consideration given to:*

(a) *The quantities involved;*

(b) *The time required for delivery;*

(c) *The purpose for which required;*

(d) *The competency and responsibility of the bidder;*

(e) *The ability of the bidder to perform satisfactory service;*

(f) *The plan for utilization of minority contractors; and*

(g) *The price offered by the bidder.*

(2) (text unchanged)

[H.] G. (text unchanged)

.09 Quality-Based Selection.

A. (text unchanged)

B. Request for Proposals.

(1)—(3) (text unchanged)

[(4) The LEA shall obtain approval from the IAC or its designee before issuing the request for proposal.]

C.—I. (text unchanged)

14.39.04 Project Delivery Methods

Authority: Education Article, §§4-126, 5-112, and [5-301] 5-303, Annotated Code of Maryland

.01 Scope.

A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment if it:

(1) Exceeds [\$25,000] \$50,000 and has [Board of Public Works] IAC planning or funding approval; or

(2) (text unchanged)

B.—C. (text unchanged)

.04 Other Requirements.

A. The requirements of COMAR [23.03.03] 14.39.03 apply to all projects conducted under this chapter.

B.—D. (text unchanged)

.05 Construction Management Agency.

- A.—C. (text unchanged)
- D. State Reimbursement.
 - (1)—(4) (text unchanged)
 - (5) An LEA intending to seek State reimbursement for construction manager services shall procure a construction manager in accordance with COMAR [23.03.03] 14.39.03.
- E. Trade Contracts.
 - (1)—(2) (text unchanged)
 - (3) The LEA shall procure each trade contract in accordance with COMAR [23.03.03] 14.39.03.
 - (4) (text unchanged)
 - [(5) The LEA shall submit change orders for approval by to the IAC or its designee and clearly indicate the contract to which the change order applies.]
 - [(6)] (5)—[(7)] (6) (text unchanged)

.06 Construction Management at Risk.

- A. (text unchanged)
- B. Guaranteed Maximum Price.
 - (1) – (2) (text unchanged)
 - (3) If the LEA receives competing proposals, the proposals shall be evaluated in accordance with COMAR [23.03.03] 14.39.03.
- C. (text unchanged)
- D. State Reimbursement.
 - (1)—(3) (text unchanged)
 - (4) If an LEA intends to seek State reimbursement of any of the construction management services, the services shall be procured through one of the procurement methods provided in COMAR [23.03.03] 14.39.03.
- E. (text unchanged)

14.39.05 Alternative Financing

Authority: Education Article, §§4-126, 5-112, and [5-301] 5-303, Annotated Code of Maryland

.01 Scope.

- A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment if it:
 - (1) Exceeds [\$25,000] \$50,000 and has [Board of Public Works] IAC planning or funding approval; or
 - (2) (text unchanged)
- B.—C. (text unchanged).

.04 Use of Alternative Financing Methods.

- A.—B. (text unchanged)
- C. *Alternative financing shall be conducted consistent with Education Article, §4-126, Annotated Code of Maryland.*

14.39.06 Relocatable Classroom Indoor Environmental Quality Standards

Authority: Education Article, [§5-301(b-1)] §5-303(b), Annotated Code of Maryland

14.39.07 Public School Facilities Educational Sufficiency Standards

Authority: Education Article, §5-310, Annotated Code of Maryland; Ch. 14, Acts of 2018

.01 Purpose.

The purpose of Maryland Public School Facilities Educational Sufficiency Standards is to establish acceptable minimum levels for the physical attributes, capacity, and educational suitability of

existing public PreK—12 school facilities in order to assess existing facilities against a defined standard to identify deficiencies.

.02 General Requirements.

- A. *The IAC shall periodically review the Facilities Educational Sufficiency Standards and update the Facilities Educational Sufficiency Standards.*
- B. *As required by Education Article, §5-310, Annotated Code of Maryland, the Sufficiency Standards shall be used to complete assessments of school facilities Statewide.*
- C. *Each school facility shall be assessed at least once every 4 years.*

ROBERT A. GORRELL
Executive Director
Interagency Commission on School Construction

Title 22
STATE RETIREMENT AND PENSION SYSTEM
Subtitle 01 GENERAL REGULATIONS
22.01.09 Interest — Annuity Savings Fund

Authority: State Personnel and Pensions Article, §§21-110, 21-311, 22-215, 23-213, 24-206, 25-204, 26-205, 27-203, and 28-205, Annotated Code of Maryland

Notice of Proposed Action

[19-139-P]

The Board of Trustees for the State Retirement and Pension System proposes to amend Regulations .01 and .02 and repeal Regulation .03 under **COMAR 22.01.09 Interest — Annuity Savings Fund**. This action was considered by the Board of Trustees for the State Retirement and Pension System at an open meeting held on October 16, 2018, notice of which was given by publication on the website for the Maryland State Retirement and Pension System pursuant to General Provisions Article, 3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend regulations to reflect changes in the State Personnel and Pensions Article. In 2014, State Personnel and Pensions Article, §23-213(b), Annotated Code of Maryland, was changed to provide that if the member is not eligible to receive a vested allowance, then the accrual of interest stops after membership ends. In 2018, State Personnel and Pensions Article, §23-213(c), Annotated Code of Maryland, was added to provide that, for the Teachers’ and Employees’ Pension Systems, in instances where a former member of the Alternate Contributory Pension Selection of either system has become re-enrolled as a member of the Reformed Contributory Pension Benefit of either system, interest will be paid on the individual’s Alternate Contributory Pension Selection account.

The proposed regulations addressing the definitions reflect changes to remove obsolete language; clarify that for a former member to be included in the definition of “member,” that individual must be vested; and to modify the definition of “retirement” by removing the language that included a withdrawal of a member’s accumulated contributions as a part of this defined term, which was inconsistent with the definition of “retirement” in State Personnel and Pensions Article, §20-101(kk), Annotated Code of Maryland.

The proposed regulations addressing crediting interest clarify that interest is not paid on the balance of an individual's account in the annuity savings fund after his or her membership ends. Additionally, these proposed regulations clarify that in the case of a member's retirement, regular interest is calculated through the day preceding the retirement date, and that in the case of a member's withdrawal, regular interest is calculated through the payment date. The language providing for the crediting of interest on a deceased individual's account in the annuity savings fund is corrected to provide that interest is awarded/paid through the date of death and does not continue until the beneficiary submits a claim form. The section regarding multiple designated beneficiaries is deleted in its entirety as it is obsolete. These changes are consistent with the 2014 enactment of State Personnel and Pensions Article, §23-213(b), Annotated Code of Maryland.

Proposed COMAR 22.01.09.02D is added to provide for the State Retirement Agency's administration of legislation enacted in 2018.

COMAR 22.01.09.03 is removed in its entirety as the Maryland Transfer Refund Program is no longer available to members.

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 Anne Gawthrop, Esq., Director of Legislative Affairs, State Retirement Agency, 120 East Baltimore Street, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through September 16, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on September 17, 2019, at 9 a.m., at 120 East Baltimore Street, 16th Floor, Baltimore, Maryland 21202 .

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) "Claim form" means the documentation that is:

(a) Required by the Retirement Agency to process payment of a death benefit to a designated beneficiary; and

(b) Signed by the designated beneficiary.

(2) Deposit.

(a) "Deposit" means the amount returned to the Retirement Agency by a program participant.

(b) "Deposit" includes regular interest credited at the rate of 5 percent per annum compounded annually on the amount returned to the Retirement Agency by a program participant.]

[(3)] (1) "Member" means a member or *vested* former member of a State system.

[(4)] "Program participant" means a former member of the Employees' Retirement System or Teachers' Retirement System who:

(a) Participated in the Maryland Transfer Refund Program established by the Board of Trustees under an agreement with the

Internal Revenue Service under former Article 73B, §2-206 or 3-206, Annotated Code of Maryland; and

(b) Selected Option 3-----Annuity Savings Fund.]

[(5)] (2) (text unchanged)

[(6)] (3) Retirement.

(a) (text unchanged)

(b) "Retirement" includes the[:

(i) Grant] *grant* of a vested allowance under State Personnel and Pensions Article, Title 29, Subtitle 3, Annotated Code of Maryland[; or

(ii) Withdrawal of a member's accumulated contributions from the member's individual account in the annuity savings fund on separation from employment with a participating employer].

.02 Crediting Interest.

A. Except as provided in §B *or* C of this regulation, the Retirement Agency shall credit regular interest to each member's individual account in the annuity savings fund of the appropriate State system on June 30 of each fiscal year in an amount equal to the sum of:

(1) (text unchanged)

(2) 1/2 of the regular interest multiplied by the balance of the member's individual account at the *earlier of the* end of the fiscal year *or the last day of the month in which membership ends*.

B. *Regular Interest on Retirement or Refund of Member's Accumulated Contributions.*

(1) [Except as provided in §B(2) of this regulation, in] *In* the fiscal year of a member's retirement, the Retirement Agency shall credit regular interest on the balance of the member's individual account in the annuity savings fund during the period:

(a) (text unchanged)

(b) Ending on the [last calendar day of the month in which the member retires] *day preceding the member's date of retirement*.

(2) [If the Retirement Agency refunds] *For a refund* of a member's accumulated contributions to a member [on a date other than the last day of the calendar month], the Retirement Agency shall credit regular interest on the balance of the member's individual account in the annuity savings fund during the period:

(a) (text unchanged)

(b) Ending on the [last calendar day of the month preceding the month in which the member retires] *date of payment*.

C. *Regular Interest on the Death of a Member.*

(1) Scope.

[(a)] This section does not apply to a member of the Judges' Retirement System.]

[(b)] This section applies only to the regular interest payable on a deceased member's accumulated contributions held by the Retirement Agency in the deceased member's individual account in the annuity savings fund. Interest does not accrue on any other amounts payable by the Retirement Agency on the death of a member.

(2) [Except as provided in §C(3) of this regulation, on] *On* the death of a member, the Retirement Agency shall credit regular interest on the balance of the deceased member's individual account in the annuity savings fund during the period:

(a) (text unchanged)

(b) Ending on the [last calendar day of the month in which the member's designated beneficiary submits a completed claim form to the Retirement Agency] *date of death*.

[(3)] Multiple Designated Beneficiaries.

(a) Except as provided in §C(3)(b) of this regulation, if the deceased member designated more than one beneficiary to receive the death benefit, the Retirement Agency shall credit regular interest on the balance of the deceased member's individual account in the annuity savings fund during the period beginning on July 1 of the

fiscal year and ending on the last calendar day of the month in which all of the member's designated beneficiaries submit completed claim forms to the Retirement Agency.

(b) On receipt of a claim form from one of the deceased member's designated beneficiaries, the Retirement Agency shall request the remaining beneficiaries to either submit their claim forms or waive payment of additional regular interest on the funds held in the deceased member's account for their benefit. On receipt of claim forms or executed waivers from all of the beneficiaries, the Retirement Agency shall credit regular interest on the balance of the deceased member's individual account in the annuity savings fund during the period beginning on July 1 of the fiscal year and ending on the last calendar day of the month in which all of the deceased member's designated beneficiaries either submit claim forms or waive payment of additional regular interest on their account. Additional regular interest does not accrue on the balance in the deceased member's individual account.

(c) On receipt of each designated beneficiary's completed claim form, the Retirement Agency shall pay the beneficiary the beneficiary's pro rata share of the amount in the deceased member's individual account in the annuity savings fund.]

D. Regular Interest on Member Contributions.

(1) Except as provided in §D(2) of this regulation, interest shall be paid on member contributions after membership ends only if a former member is eligible to receive a vested allowance under State Personnel and Pensions Article, Title 29, Subtitle 3, Annotated Code of Maryland.

(2) Regular Interest on Reenrollment of Certain Nonvested Former Members.

(a) This subsection applies to a former member who is not eligible to receive a vested allowance but is eligible to resume receipt of regular interest under provisions of the State Personnel and Pensions Article, §23-213(c), Annotated Code of Maryland, or a similar provision.

(b) The Retirement Agency shall credit regular interest to the nonvested former member's account in the annuity savings fund of the appropriate State system on June 30 of each fiscal year in an amount equal to the sum of:

(i) 1/2 of the regular interest multiplied by the balance of the nonvested former member's individual account at the date of reenrollment; and

(ii) 1/2 of the regular interest multiplied by the balance of the nonvested former member's individual account at the earlier of the end of the fiscal year, or the last day of the calendar month in which employment ends.

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

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: May 1—June 30, 2019.

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, 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(e) and §806.22 (f) for the time period specified above:

Water Source Approvals Issued Under 18 CFR 806.22(f)(13):

Repsol Oil & Gas USA, LLC; Pad ID: ALEXANDER (01 124); ABR-201905003; Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 9, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Benscoter; ABR-20090601.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 3, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Strom; ABR-20090602.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 3, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Evanchick; ABR-20090604.R2; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 3, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Vargson; ABR-20090605.R2; Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 3, 2019.

Chief Oil & Gas, LLC.; Pad ID: Baumunk North B Drilling Pad; ABR-201406004.R1; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 4, 2019.

Chief Oil & Gas, LLC. Pad ID: Wissler Drilling Pad; ABR-201406005.R1; McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 4, 2019.

Chief Oil & Gas, LLC.; Pad ID: IDC-INNES UNIT PAD; ABR-201906004; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 7, 2019.

Seneca Resources Company, LLC; Pad ID: Gamble Pad G; ABR-201906005; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 7, 2019.

Repsol Oil & Gas USA, LLC; Pad ID: SHEDDEN (01 013/043) D; ABR-20090603.R2; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: June 10, 2019.

Chief Oil & Gas, LLC.; Pad ID: SGL 12 O Pad; ABR-2019006002; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 11, 2019.

Seneca Resources Company, LLC; Pad ID: CRV D08-Pad G; ABR-201406007.R1; Norwich Township, McKean County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 13, 2019.

Chief Oil & Gas, LLC; Pad ID: Clark Drilling Pad; ABR-201406008.R1; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 13, 2019.

Repsol Oil & Gas USA, LLC; Pad ID: WARNER (05 121) W; ABR-201906001; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 17, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: MTL; ABR-201906003; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 17, 2019.

ARD Operating, LLC; Pad ID: C.O.P. Tract 285 (1000); ABR-20190406.R2; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 17, 2019.

Repsol Oil & Gas USA, LLC; DCNR 587 (02 001); ABR-20090609.R2; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: June 17, 2019.

ARD Operating, LLC; Pad ID: COP Tract 285 (1001H, 1002H); ABR-20190413.R2; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 17, 2019.

ARD Operating, LLC; Pad ID: COP Tr 252 #1000H; ABR-20190444.R2; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 17, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Welles 1; ABR-20090610.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 18, 2019.

Chief Oil & Gas, LLC; Pad ID: Czap Drilling Pad; ABR-201406009.R1; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 19, 2019.

Repsol Oil & Gas USA, LLC; Pad ID: WILLIAMS (01 041/042) R; ABR-20090611.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: June 24, 2019.

Seneca Resources Company, LLC; Pad ID: CRV Pad C08-X; ABR-201406010.R1; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 26, 2019.

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

DATED: August 1, 2019.

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-17-14]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: June 1—30, 2019.

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, 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. See also Commission website at www.srbc.net

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded 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:

Rescinded ABRs Issued:

SWEPI LP; Pad ID: Allen 620; ABR-20100623.R1; Charleston Township, Tioga County, Pa.; Rescinded Date: June 10, 2019.

SWEPI LP; Pad ID: Baker 1105; ABR-201101011.R1; Deerfield Township, Tioga County, Pa.; Rescinded Date: June 14, 2019.

SWEPI LP; Pad ID: Davis 841; ABR-201505002; Chatham Township, Tioga County, Pa.; Rescinded Date: June 19, 2019.

SWEPI LP; Pad ID: Dietz 490; ABR-201010030.R1; Richmond Township, Tioga County, Pa.; Rescinded Date: June 18, 2019.

SWEPI LP; Pad ID: Harman 565; ABR-201010028.R1; Charleston Township, Tioga County, Pa.; Rescinded Date: June 18, 2019.

SWEPI LP; Pad ID: Williams 889; ABR-201009051.R1; Deerfield Township, Tioga County, Pa.; Rescinded Date: June 10, 2019.

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

DATED: August 1, 2019.

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-17-13]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: June 1—30, 2019.

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, 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 GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, Subpart E
Borough of Akron, GF Certificate No. GF-201906033, Borough of Akron, Lancaster County, Pa.; Well 1, Well 2, and the Spring; Issue Date: June 14, 2019.

Leola Sewer Authority, GF Certificate No. GF-201906034, Upper Leacock Township, Lancaster County, Pa.; Wells 6, 9, and 12; Issue Date: June 14, 2019.

Martinsburg Municipal Authority, GF Certificate No. GF-201906035, Martinsburg Borough, Blair County, Pa.; Hershberger Well; Issue Date: June 17, 2019.

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

DATED: August 1, 2019.

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-17-15]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on September 6, 2019, in Big Flats, New York. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the *Federal Register* on July 3, 2019, concerning its public hearing on August 1, 2019, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Friday, September 6, 2019, at 9 a.m.

ADDRESSES: The meeting will be held at the Big Flats Community Center, 476 Maple Street, Big Flats, NY 14814.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717-238-0423; fax: 717-238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the upper Susquehanna River region; (2) proposed rulemaking on consumptive use regulation; (3) ratification/approval of contracts/grants; (4) a report on delegated settlements; (5) Regulatory Program projects; and (6) approval of a settlement with Sunoco Pipeline, L.P.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The list of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the Federal Register after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

Regulatory Program projects listed for Commission action were those that were the subject of public hearings conducted by the Commission on August 1, 2019, and identified in the notices for such hearings, which was published in 84 FR 31976, July 3, 2019.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects are subject to a deadline of August 12, 2019. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through www.srb.com/about/meetings-events/business-meeting.html. Such comments are due to the Commission on or before September 2, 2019. Comments will not be accepted at the business meeting noticed herein.

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

DATED: August 1, 2019

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-17-16]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 19-WQC-0002
James and Janet Clauson and Diane Lawrence
301 and 300 Kyle Road, Crownsville, MD 21032

Add'l. Info: Pursuant to COMAR 26.02.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 19-WQC-0002.

Location: 300, 301, and 303 Kyle Road, Crownsville, MD 21032, Severn River in Anne Arundel County.

The purpose of the project is to provide shoreline stabilization and restore existing marsh to create and enhance aquatic habitat and contribute to improvements in water quality.

1. To cut and bury an existing bulkhead, and remove or bury an existing revetment;
2. Enhance existing marsh by eradicating Phragmites, covering and filling marsh enhancement area with approximately 4 inches of well graded mix, and planting with approximately 5,434 square feet of marsh vegetation.
3. Construct four segmented breakwaters and one hooked containment groin with cobble toes and erratic headland boulders, all associated with a tombolo style living shoreline with the segmented breakwaters extending 65 to 75 feet channelward of the mean high water line and the hooked containment groin extending 140 feet channelward of the mean high water line; fill and grade with approximately 3,692.8 cubic yards of sand, gravel, cobbles and boulders along 454 feet of eroding shoreline and 457 feet of shoreline with existing revetment or bulkhead to be removed or buried; emplace coarse woody debris to function as sand containment groins; emplace approximately 80 linear feet of boulder outcrops channelward of the mean high water line; and plant with approximately 35,211 square feet of marsh vegetation and approximately 1,000 square feet of transitional plantings.
4. Install a buried outfall pipe bedded with pea gravel to exfiltrate stormwater.

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/19-WQC-0002.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Heather Hepburn at heather.hepburn1@maryland.gov or 410-537-3789

[19-17-09]

WATER AND SCIENCE ADMINISTRATION

2019 Triennial Review of Water Quality Standards

The Clean Water Act (CWA) requires that States review their water quality standards every three years (Triennial Review) and revise the standards as necessary. A water quality standard consists of three components:

1. **Designated Uses** that set goals for a water body. Examples are support of aquatic life, drinking water supply or a coldwater fishery such as trout.
2. **Criteria** that support the designated uses. There are numerous criteria for chemical substances, bacteria, acidity and physical characteristics (e.g., temperature). Examples include dissolved oxygen sufficient to support aquatic life or metals in sufficiently low concentrations that they will not interfere with aquatic life.

3. **Antidegradation policy.** Maryland has a policy in place, and updates the list of high quality waters each triennium if needed.

The Maryland water quality standards are found in the Code of Maryland regulations (COMAR) at 26.08.01 – 26.08.02. Maryland regulations may be accessed online at the Division of State Documents web site: www.dsd.state.md.us. Click on COMAR Online and enter the appropriate regulatory reference.

Prior to initiating any formal rule-making process, MDE is providing stakeholders an opportunity to present recommendations, voice concerns, and provide input on the State's water quality standards for MDE to consider for amendment and addition.

With this announcement, the Water and Science Administration (WSA) at MDE is soliciting public input on its current review of the Water Quality Standards. Topics currently being reviewed by WSA are presented below. WSA invites stakeholder comments and suggestions and will consider them if the necessary data are available to make the appropriate determination(s). A subsequent promulgation of new water quality standards may include topics not included in this proposal.

Comments on the following topics and on additional issues that the public thinks should be addressed during this Triennial Review period should be submitted to Timothy Fox (phone: 410-537-3958) at tim.fox@maryland.gov, by fax at 410-537-3998, or by mail to Mr. Timothy Fox, Water and Science Administration, Maryland Department of the Environment, 1800 Washington Blvd, Baltimore MD 21230.

SCHEDULE

Depending on the comments received in response to this notice, MDE plans to formally propose new and/or revised regulations by fall of 2019, and submit a final notice on these regulations by the end of the year.

PROPOSED WATER QUALITY STANDARDS AMENDMENTS

DESIGNATED USES

MDE has gathered and analyzed data showing that certain surface waters support both cold water obligate species and the Use Class III temperature criterion (68°F). MDE is considering updating the Use Class of these surface waters to protect the cold water species they support.

Additionally, COMAR 26.08.02.08B (1) defines the boundaries between Use Class I-P and Use Class II-P in the Susquehanna River. MDE is proposing to correct the description of this boundary to better reflect the actual head of tidal conditions.

Finally, USEPA plans to update the restoration variances for certain sections of the Chesapeake Bay based on updated modeling results. MDE will consider these revisions to restoration variances and plans to include them as part of the 2019 Triennial Review.

WATER QUALITY CRITERIA

Updated Ammonia Criteria for the Protection of Aquatic Life

The United States Environmental Protection Agency published final revised national recommended Clean Water Act 304(a) aquatic life water quality criteria for ammonia in fresh water in the Federal Register on August 22, 2013. The revised criteria incorporate up-to-date toxicity data reflecting freshwater unionid mussel and non-pulmonate (gill-bearing) snail sensitivity. MDE is considering these updated national criteria for adoption into state regulations.

Updated Cadmium Criteria for the Protection of Aquatic Life

The United States Environmental Protection Agency published final revised national recommended Clean Water Act 304(a) aquatic life water quality criteria for cadmium in fresh and salt/estuarine water in the Federal Register on April 4, 2016. The revised criteria incorporate up-to-date toxicity data. The magnitudes of the updated freshwater criteria are a function of water hardness. MDE is considering these updated national criteria for adoption into state regulations.

Updated Ambient Water Quality Criteria for the Protection of Human Health

The United States Environmental Protection Agency published final updated ambient water quality criteria for the protection of human health for 94 chemical pollutants in June of 2015. These updated recommendations reflect the latest scientific information and USEPA policies, including updated body weight, drinking water consumption rate, fish consumption rate, bioaccumulation factors, health toxicity values, and relative source contributions. MDE is considering these updated national criteria for adoption into state regulations.

ANTIDEGRADATION

Modifications to List of Tier II Waters (COMAR 26.08.04-10)

Based on recently collected and analysis of historical Maryland Biological Stream Survey data, several Maryland streams have been identified as high quality and will be proposed in Maryland regulations as Tier II waters. The names and locations of these streams will be presented after the data analysis has been completed.

Clarification of Antidegradation Regulatory Language as related to Protection of Tier I Existing Uses

Both the Code of Federal Regulations (40 CFR § 131.3(e)) and Code of Maryland Regulations (COMAR 26.08.1.01) define existing uses as "...*Those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards*". In addition, both CFR and COMAR require the protection and maintenance of existing uses as part of antidegradation policy.

The Department is considering adding language to the antidegradation implementation regulations to clarify the concept of Tier I existing use protection.

[19-17-20]

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.

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 2, 2019, 1 — 3 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Room #114—116, Annapolis, MD
Add'l. Info: Legislative Review, Revenue Estimates and the Review of Capital Programs
Contact: Christian Lund (410) 260-7920
 [19-17-05]

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 10, 2019, 1 — 3 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Room #114—116, Annapolis, MD
Add'l. Info: Review of Tax-Supported Debt and the Size and Condition of Debt of Higher Education Institutions
Contact: Christian Lund (410) 260-7920
 [19-17-06]

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 17, 2019, 9:30—11:30 a.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Room #114-116, Annapolis, MD
Add'l. Info: Recommendation of General Obligation Bond Authorizations
Contact: Christian Lund (410) 260-7920
 [19-17-07]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearing
Date and Time: November 7, 2019, 9 a.m. — 1 p.m.
Place: Best Western Plus Hotel and Conference Center, 5625 O'Donnell St., Baltimore, MD 21224
Add'l. Info: As soon as available, classes of drugs to be reviewed, speaker registration guidelines and driving directions to meeting location will be

posted on the Maryland Pharmacy Program website at:
<https://mmcp.health.maryland.gov/pap/Pages/Public-Meeting-Announcement-and-Procedures-for-Public-Testimony.aspx>
 Submit questions to:
 mdh.marylandpdlquestions@maryland.gov
Contact: Shawn Singh (410) 767-6896
 [19-17-17]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: August 22, 2019, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Kathy Lingo (410) 230-8790
 [19-17-04]

MARYLAND HEALTH CARE COMMISSION

Subject: Exemption from Certificate of Need Review
Add'l. Info: The Maryland Health Care Commission has received a request from: Edward W. McCready Memorial Hospital — D.N. 19-19-EX010 — Temporary conversion of the existing hospital to a free-standing medical facility (FMF), during construction of a new freestanding medical facility to be located approximately 3.5 miles away at 4791 Crisfield Highway, Crisfield. The new FMF will be known as McCready Health Pavilion. Proposed Cost:\$24,304,468
 A copy of the Exemption Request is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to: Paul Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Ave., Baltimore, MD 21215-2299

Contact: Ruby Potter (410) 764-3276
 [19-17-18]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Commercial Striped Bass Common Pool Hook and Line Season Modification — Effective 8/6/19
Add'l. Info: The Secretary of the Maryland Department of Natural Resources pursuant to the COMAR 08.02.15.12H announces the opening of the 2019 commercial striped bass common pool hook and line fishery on Tuesday, August 6, 2019 one hour before sunrise, with a catch limit of 250 lbs/permittee/week and 500 lbs/vessel/day. The common pool fishery will close on Wednesday, August 7, 2019 one hour before sunset. Jeannie Haddaway-Riccio, Secretary of Natural Resources.
Contact: Tamara O'Connell (410) 507-0779
 [19-17-10]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Commercial Yellow Perch Season Modification — Effective 12/1/19
Add'l. Info: The Secretary of Maryland Department of Natural Resources pursuant to the COMAR 08.02.21.04B announces modifications to the commercial yellow perch season. Effective at 12:01 a.m. December 1, 2019 the commercial season for harvesting yellow perch is December 1, 2019 through March 31, 2020, dates inclusive. The season will be closed for a fishing area when the annual commercial target harvest has been met for that area. All other rules remain the same. Jeannie Haddaway-Riccio, Secretary of Natural Resources.
Contact: Tamara O'Connell (410) 507-0779
 [19-17-11]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting
Date and Time: September 13, 2019, 10 a.m. — 12 p.m.
Place: Office of Health Care Quality, 7120 Samuel Morse Dr., 2nd Fl., Columbia, MD
Add'l. Info: The public is welcome.
Contact: Paul Ballard (410) 767-6918
 [19-17-03]

**MARYLAND DEPARTMENT OF
TRANSPORTATION/OFFICE OF
MINORITY BUSINESS ENTERPRISE**

Subject: Public Meeting

Dates and Times: September 4, 2019, 8:30
a.m. — 5 p.m.

Additional Dates:

Sep 18, 2019 8:30 a.m. — 5 p.m.

Oct 2, 2019 8:30 a.m. — 5 p.m.

Oct 16, 2019 8:30 a.m. — 5 p.m.

Oct 30, 2019 8:30 a.m. — 5 p.m.

Nov 13, 2019 8:30 a.m. — 5 p.m.

Nov 27, 2019 8:30am — 5 p.m.

Dec 4, 2019 8:30 a.m. — 5 p.m.

Dec 18, 2019 8:30 a.m. — 5 p.m.

Place: Maryland Dept. of Transportation,
7201 Corporate Center Dr., Hanover, MD

Contact: Sabrina Bass (410) 865-1240

[19-17-08]

**MARYLAND COLLEGE
COLLABORATION FOR STUDENT
VETERANS COMMISSION**

Subject: Public Meeting

Date and Time: September 17, 2019, 11
a.m. — 1 p.m.

Place: 101 Braddock Rd., Frostburg, MD

Contact: Denise Nooe (410) 260-3840

[19-17-02]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: August 21, 2019, 9 a.m.
— 1 p.m.

Place: MDE — 100 Washington Blvd.,
Baltimore, MD

Add'l. Info: A portion of this meeting may
be held in closed session.

Contact: Elaine Nolen (410) 537-4466

[19-17-01]

COMAR ORDER INFORMATION SHEET

Date _____ Subscriber I.D. _____
 Name _____
 Company _____
 Address _____
 City _____ State _____ Zip _____
 Tel. _____ Fax _____
 Email: _____

_____ Check enclosed, made payable to "Division of State Documents"

_____ Visa/Master Card/American Express/Discover card payment:

Acct.# _____ **Exp.** _____

Signature _____ Tel: _____

Return form & payment to: Office of the Secretary of State, Division of State Documents ~
 State House ~ Annapolis, MD 21401 ~ Tel: 410-260-3876 ~ 800-633-9657 ext. 3876 ~ Fax: 410-280-5647

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**SPECIAL COMAR PUBLICATIONS**

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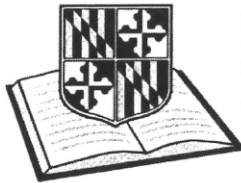
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