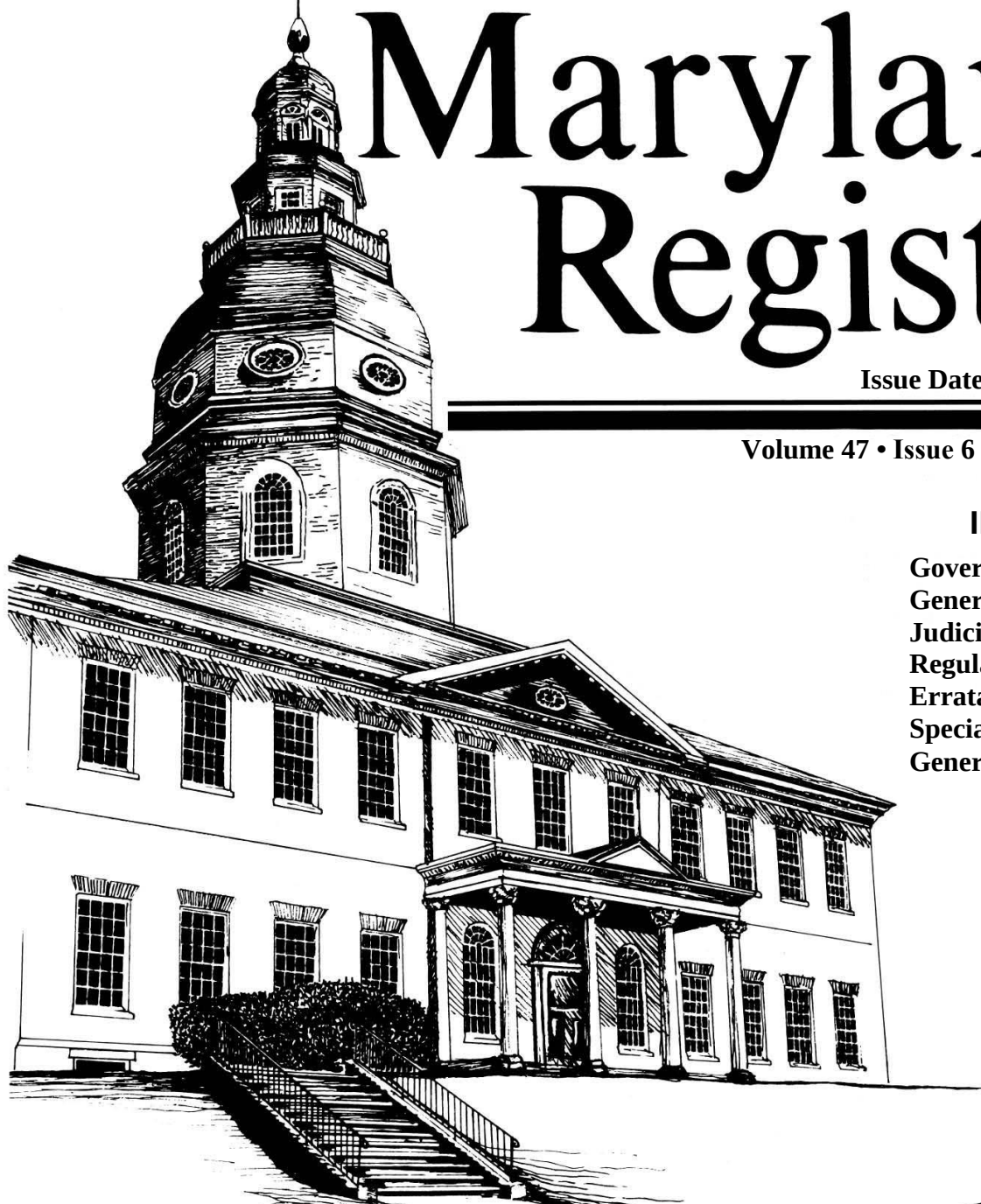




Maryland Register

Issue Date: March 13, 2020

Volume 47 • Issue 6 • Pages 327—362

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Regulations
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General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before February 24, 2020, 5 p.m.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 February 24, 2020.

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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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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CLOSING DATES AND ISSUE DATES THROUGH JANUARY 2021

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2020			
March 27	March 9	March 16	March 18
April 10	March 23	March 30	April 1
April 24	April 6	April 13	April 15
May 8	April 20	April 27	April 29
May 22	May 4	May 11	May 13
June 5	May 18	May 22**	May 27
June 19	June 1	June 8	June 10
July 6***	June 15	June 22	June 24
July 17	June 29	July 6	July 8
July 31	July 13	July 20	July 22
August 14	July 27	August 3	August 5
August 28	August 10	August 17	August 19
September 11	August 24	August 31	September 2
September 25	September 4**	September 14	September 16
October 9	September 21	September 28	September 30
October 23	October 5	October 9**	October 14
November 6	October 19	October 26	October 28
November 20	November 2	November 9	November 10**
December 4	November 16	November 23	November 25
December 18	November 30	December 7	December 9
2021			
January 4***	December 14	December 21	December 23
January 15	December 28	January 4	January 6
January 29	January 11	January 15**	January 20

* 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.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

01 EXECUTIVE DEPARTMENT

01.02.11.01—10,14,16—22 • 45:23 Md. R. 1073 (11-9-18)

02 OFFICE OF THE ATTORNEY GENERAL (No changes effective since January 2019)

02.08.01.03—05 • 47:5 Md. R. 314 (2-28-20)
02.08.02.01—05 • 47:5 Md. R. 314 (2-28-20)
02.08.03.01—05 • 47:5 Md. R. 314 (2-28-20)
02.08.04.01,02 • 47:5 Md. R. 314 (2-28-20)

03 COMPTROLLER OF THE TREASURY

03.11.01.01—14 • 46:22 Md. R. 981 (10-25-19)

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.02.01.01—07 • 46:1 Md. R. 16 (1-4-19) (ibr)
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05.16.01.01—08 • 46:1 Md. R. 16 (1-4-19)

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09.24.05.04 • 47:1 Md. R. 23 (1-3-20)
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10.06.01.02—08-3,09—11-1,12—12-2,
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 14.35.03.02—.04 • 46:22 Md. R. 1019 (10-25-19)
 14.35.04.04 • 46:22 Md. R. 1019 (10-25-19)
 14.35.05.02 • 46:22 Md. R. 1019 (10-25-19)
 14.35.08.06 • 46:22 Md. R. 1019 (10-25-19)
 14.35.09.06 • 46:22 Md. R. 1019 (10-25-19)
 14.35.12.02,.04,.05,.07,.08 • 46:22 Md. R. 1019 (10-25-19)
 14.35.13.02—.05,.09,.10 • 46:22 Md. R. 1019 (10-25-19)
 14.39.02.05,.06 • 47:2 Md. R. 125 (1-17-20)
 14.39.07.02 • 47:2 Md. R. 125 (1-17-20)
 14.40.04.01—.03 • 46:25 Md. R. 1144 (12-6-19)

15 MARYLAND DEPARTMENT OF AGRICULTURE

15.01.12.01—.04 • 46:22 Md. R. 1023 (10-25-19)
 15.06.05.01—.05 • 47:3 Md. R. 222 (1-31-20)
 15.20.04.13,.14 • 47:3 Md. R. 224 (1-31-20)
 15.20.07.03,.06—.08 • 47:3 Md. R. 225 (1-31-20)

19A STATE ETHICS COMMISSION

19A.07.01.01,.04,.06—.12,.14,.16 • 47:4 Md. R. 274 (2-14-20)

20 PUBLIC SERVICE COMMISSION

20.45.09.03 • 47:1 Md. R. 28 (1-3-20)
 20.50.09.01,.02,.04—.12,.14 • 47:2 Md. R. 126 (1-17-20)

21 STATE PROCUREMENT REGULATIONS

21.01.02.01 • 47:6 Md. R. 345 (3-13-20)
21.01.03.01 • 47:6 Md. R. 345 (3-13-20)
21.02.01.03—.05 • 47:6 Md. R. 345 (3-13-20)
21.02.03.01—.05 • 47:6 Md. R. 345 (3-13-20)
21.02.05.01—.04,.06—.09 • 47:6 Md. R. 345 (3-13-20)
21.02.08.01—.04 • 47:6 Md. R. 345 (3-13-20)
21.05.01.01,.07 • 47:6 Md. R. 345 (3-13-20)
21.05.02.06,.11,.17 • 47:6 Md. R. 345 (3-13-20)
21.05.03.02 • 47:6 Md. R. 345 (3-13-20)
21.05.09.01,.07 • 47:6 Md. R. 345 (3-13-20)
21.05.12.07 • 47:6 Md. R. 345 (3-13-20)
21.07.01.11,.29,.30 • 47:6 Md. R. 345 (3-13-20)
21.07.02.07 • 47:6 Md. R. 345 (3-13-20)
21.07.03.01 • 47:6 Md. R. 345 (3-13-20)
21.10.02.02,.04 • 47:6 Md. R. 345 (3-13-20)
21.11.01.02,.04,.05 • 47:6 Md. R. 345 (3-13-20)
21.11.03.04,.09,.15 • 47:6 Md. R. 345 (3-13-20)
21.11.05.07 • 47:6 Md. R. 345 (3-13-20)
21.11.13.01 • 47:6 Md. R. 345 (3-13-20)
21.13.01.01,.03,.07,.09 • 47:6 Md. R. 345 (3-13-20)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08—12 (Part 2)

26.08.04.09,.09-1 • 46:20 Md. R. 860 (9-27-19)
26.11.08.01,.10 • 46:20 Md. R. 862 (9-27-19)

**30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
SERVICES SYSTEMS (MIEMSS)**

30.09.07.02 • 47:1 Md. R. 29 (1-3-20)

31 MARYLAND INSURANCE ADMINISTRATION

31.03.06.10 • 47:2 Md. R. 134 (1-17-20)
31.04.23.01—.04 • 47:2 Md. R. 135 (1-17-20)
31.09.04.03 • 46:2 Md. R. 82 (1-18-19)
46:13 Md. R. 604 (6-21-19)
46:26 Md. R. 1189 (12-20-19)
31.09.07.02,.03 • 47:1 Md. R. 30 (1-3-20)
31.10.06.02,.28,.30,.31 • 45:23 Md. R. 1119 (11-9-18)

32 MARYLAND DEPARTMENT OF AGING

32.03.05.01—.07 • 47:2 Md. R. 138 (1-17-20)

33 STATE BOARD OF ELECTIONS

33.13.21.01—.04 • 46:5 Md. R. 326 (3-1-19)

34 DEPARTMENT OF PLANNING

34.03.03.01—.12 • 47:5 Md. R. 317 (2-28-20)

The Governor

PROCLAMATION

Declaration of State of Emergency and Existence of Catastrophic Health Emergency — COVID-19

WHEREAS, an outbreak of disease (“COVID-19”) caused by the novel coronavirus occurred in Hubei province, China, in late 2019, and has currently been detected in more than 89 countries, including the United States;

WHEREAS, COVID-19 is a severe respiratory disease, resulting in illness or death, caused by the person-to-person spread of the novel coronavirus, which was not previously found in humans;

WHEREAS, the novel coronavirus, as a viral agent capable of causing extensive loss of life or serious disability, is a deadly agent;

WHEREAS, the World Health Organization (“WHO”) and the Centers for Disease Control and Prevention (“CDC”) have declared the COVID-19 outbreak a “public health emergency of international concern”;

WHEREAS, the Secretary of the U.S. Department of Health and Human Services has declared that COVID-19 creates a public health emergency;

WHEREAS, the CDC has issued guidance to all state and local governments, and all citizens, recommending preparedness to prevent community spread and guard against the potential of a COVID-19 pandemic;

WHEREAS, as of March 5, 2020, the CDC found that COVID-19 has infected individuals in 17 states, and resulted in a total of 177 confirmed and presumed positive cases in the United States;

WHEREAS, the transmission of the novel coronavirus in the state is a threat to human health in all of Maryland;

WHEREAS, the person-to-person spread modeled by the CDC and WHO indicates that extensive loss of life or serious disability is threatened imminently in all of Maryland because of the transmission in the state of novel coronavirus;

WHEREAS, COVID-19 is a public health catastrophe and public emergency;

WHEREAS, COVID-19 poses an immediate danger to public safety; and

WHEREAS, the impending threat to Maryland by COVID-19 is a catastrophic health emergency requiring the State to deploy resources and implement the emergency powers of the Governor to protect the health and safety of Marylanders;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., governor of the state of Maryland, by virtue of the authority vested in me by the Maryland Constitution and the laws of Maryland, including but not limited to Title 14 of the Public Safety Article, and in an effort to control and prevent the spread of COVID-19 within the state, hereby proclaim, effective immediately, that a state of emergency and catastrophic health emergency exists within the entire state of Maryland.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 5th day of March, 2020.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[20-06-28]

The General Assembly

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

SYNOPSIS NO. 4

House Bills

HB1583 Del Cox. Public Health - Abortions - Prenatal Diagnosis of Down Syndrome (Down Syndrome Dignity Act).

HB1584 Del Cox. Public Health - Family Planning Services - Order of Priority of Funding (Prioritization of Public Funding for Family Planning Act).

HB1585 Del B. Barnes. Economic Development - Maryland E-Innovation Initiative Program - Extension and Alterations.

HB1586 Del Cardin. State Board of Podiatric Medical Examiners - Appointments.

HB1587 Del Barve, et al. Vehicle Laws - Plug-In Electric Drive Vehicles - Reserved Parking Spaces.

HB1588 Del Kipke. Procurement - Major Information Technology Development Projects.

HB1589 Del Palakovich Carr. Election Law - Time Off for Employee Voting.

HB1590 Del Metzgar. Criminal Law - Assault on Public Transportation Operator - Penalties and Reporting.

HB1591 Del Haynes. Higher Education - Elijah E. Cummings Public Service Scholarship - Established.

HB1592 Del Acevero. State Government - Prevention of Genocide and Crimes Against Humanity and the Commission on Genocide Prevention.

HB1593 Del Kelly. Maryland Insurance Commissioner - Hearings - Authority to Delegate.

HB1594 Del Kelly. Pharmacists - Aids for the Cessation of Tobacco Product Use.

HB1595 Del Turner. Education - Voluntary Ethical Special Education Advocate Certificate Program.

HB1596 Del Turner. Video Lottery Terminal Proceeds - Local Impact Grants - Reimbursement for Maryland Route 210 Projects.

HB1597 Del Turner. State Procurement - Small Business Reserve Program.

HB1598 Del Corderman. Washington County - Hotel Rental Tax - Rate and Distribution of Revenue.

HB1599 Del Cardin. Arrest Warrants Issued by District Court Commissioners - Recall by Judge.

HB1600 Dels Patterson and Kittleman. Task Force to Study the Establishment of Regional Centers for Women Veterans.

HB1601 Del Jalisi. Gas and Electric Companies - Deposit Charges.

HB1602 Del Jalisi. Family Law - Grandparent Visitation.

HB1603 Del Jalisi. Motor Vehicle Insurance - Use of Credit History in Rating Policies.

HB1604 Del Jalisi. Criminal Law - Smoking Marijuana in Public - Penalty.

HB1605 Del Wilson. Business Regulation - Micro Markets - Regulation as Food Service Facility - Repeal.

HB1606 Del Wilson. Corporations and Associations - Fees for Processing Articles of Dissolution, Certificates of Cancellation, and Other Documents - Repeal.

HB1607 Del Cox, et al. Public Safety - Permit to Carry, Wear, or Transport a Handgun - Qualifications.

HB1608 Del Haynes. Division of Correction - Appointment and Removal of Employees - Standards.

HB1609 Dels Shoemaker and Rose. State Agricultural Land Transfer Tax - Application of Nonagricultural Use Reduction and Exemption.

HB1610 Del Crosby. General Provisions - Standard Time - Year-Round Daylight Saving Time.

HB1611 Del Crosby. Life and Health Insurance - Written Examination - Scoring.

HB1612 Del Moon, et al. State and Local Government - Participation in Federal Immigration Enforcement.

HB1613 Del Holmes. Speed Monitoring Systems - School Zones - Hours and Days of Operation.

HB1614 Del Jacobs, et al. Correctional Officers' Retirement System - Kent County.

HB1615 Del Kelly. Health Facilities - Assisted Living Programs - Referrals and Licenses.

HB1616 Del Kelly. Health Occupations Boards - Uniform Record-Keeping Requirements.

HB1617 Del D.M. Davis. Local Government Tort Claims Act - Definition of Local Government.

HB1618 Del M. Jackson. Maryland Emergency Management Agency - Cybersecurity Coordination and Operations Office - Establishment.

HB1619 Del M. Jackson. Public Information Act - Denial of Part of a Public Record - Victims and Witnesses.

HB1620 Dels Szeliga and Kipke. Vehicle Excise Tax - Farm Vehicles - Exemption.

HB1621 Del R. Watson, et al. Task Force to Study the Feasibility of a Bowie State University Law School.

HB1622 Del Haynes. Baltimore City - Police Officers - Jurisdiction.

HB1623 Del Haynes. Education - Community Colleges - Collective Bargaining.

HB1624 Del M. Fisher, et al. Primary and Secondary Schools - Alternative School Options (Right to Learn Act).

HB1625 Del M. Fisher. Concentration of Poverty School Grants - Authorized Use.

HB1626 Del Wilson. Zero-Emission Motor Vehicles - Registration Fees (Increasing Highway Equity Act).

HB1627 Del Jalisi. Motor Vehicles - Large Vehicles - Left Lane Prohibition.

HB1628 Del Luedtke, et al. Sales and Use Tax - Rate Reduction and Services.

HB1629 Del Clippinger. Office of the Attorney General - Firearm Crime - Study.

HB1630 Del Ivey. Natalie M. LaPrade Medical Cannabis Commission - Education Programs and Research Projects - Licenses.

HB1631 Del Rose, et al. Income Tax - Subtraction Modification - Retirement Income.

HB1632 Del Dumais. Child Support - Extraordinary Medical Expenses.

HB1633 Del Ebersole, et al. Baltimore County Board of Education - Election of Officers.

HB1634 Del Luedtke. State Superintendent of Schools - Qualifications and Senate Confirmation.

HB1635 Del Pena-Melnyk, et al. Maryland Department of Health - Birth Registration - Gestational Carriers.

HB1636 Del Forbes. Capital Projects – High Performance and Green Buildings – Alterations (Green Building Restoration Act).
HB1637 Del Pena-Melnyk, et al. Maryland Lynching Truth and Reconciliation Commission - Reporting and Sunset Extension.
HB1638 Del Boteler, et al. Criminal Procedure - Registered Sex Offenders - Entry Onto School Property.
HB1639 Del Acevero. Real Property - Residential Leases - Prohibitions Against Renters Insurance Requirements.
HB1640 Del Anderson, et al. Morgan State University - Police Force Powers - Authorization.
HB1641 Del Jalisi. Housing and Community Development - Shelter and Transitional Housing Facilities Grant Program - Mandated Funding.
HB1642 Del Jalisi. Community Healthy Air Act.
HB1643 Del J. Lewis. Environment - Organics Recycling and Composting - Grant Program.
HB1644 Del Rose, et al. Inspector General for Education - Powers and Duties - Alterations (Accountability in Education Act of 2020).
HB1645 Del Mangione, et al. Criminal Procedure – Registered Sex Offenders – Entry Onto School Property (Predator-Free Schools Act).
HB1646 Del Valentino-Smith. State Health Care Facilities - Employees - Alternative Workweeks.
HB1647 Del R. Watson, et al. Gaming – Task Force to Study Online Gaming.
HB1648 Del Acevero. Public Health - Healthy Maryland Program - Establishment.

[20-06-21]

Senate Bills

SB1019 Sen Hester. Public Schools - Special Education Classrooms - Use of Video Recording Devices.
SB1020 Sen Hester. Property Tax Credit - Public Safety Officer - Volunteer Auxiliary and Volunteer Reserve Police Officers.
SB1021 Sen Jennings. Baltimore County - Motorcycles - Sunday Sales.
SB1022 Sen Elfreth. Board of Regents of the University System of Maryland - Tuition Exemption - Student Members.
SB1023 Sen Ready. Carroll County - Instant Ticket Lottery Machines.
SB1024 Sen Benson. Home Energy Assistance - Critical Medical Needs Program - Power to the People Pilot Program.
SB1025 Sen Bailey. Task Force on Reciprocity of Fishing License Penalties.
SB1026 Sen McCray. Interagency Commission on School Construction - Project Approval - Prioritization.
SB1027 Sen Lam. Department of Transportation - Heads of Business Units - Appointment and Senate Confirmation.
SB1028 Sen Rosapepe, et al. Balancing the State Budget.
SB1029 Sens Carter and Smith. Public Information Act - Personnel and Investigatory Records - Complaints Against Law Enforcement Officers.
SB1030 Sen Ready. Income Tax - Subtraction Modification - Retirement Income.
SB1031 Sen Klausmeier. Medical Cannabis - Grower, Dispensary, and Processor Agents - Age Requirement.
SB1032 Sen Klausmeier. Renewable Energy Portfolio Standard - Hydroelectric Power.
SB1033 Sen Peters, et al. Task Force to Study the Feasibility of a Bowie State University Law School.
SB1034 Sen Patterson, et al. Criminal Law - Felony Second Degree Assault - Sports Official.
SB1035 Sen Hester. Hemp Farming Program - Expansion - Processing Hemp.
SB1036 Sen Hester. Maryland Emergency Management Agency - Cybersecurity Coordination and Operations Office - Establishment.
SB1037 Sen Sydnor. Alcoholic Beverages - Prohibited Acts - Defense to Prosecution for Sale to Underage Individuals.
SB1038 Sen Sydnor. Juveniles Convicted as Adults - Sentencing - Limitations and Reduction (Juvenile Restoration Act).
SB1039 Sen Klausmeier. Maryland Insurance Commissioner - Hearings - Authority to Delegate.
SB1040 Sen Rosapepe. Local Tax Relief for Working Families Act of 2020.
SB1041 Sen Hayes. Child Abuse and Neglect - Disclosure of Identifying Information.
SB1042 Sen Hettleman, et al. Civil Actions – Strategic Lawsuits Against Public Participation.
SB1043 Sen Sydnor, et al. Historically Black Colleges and Universities - Funding.
SB1044 Sen Hester. State Government - Prevention of Genocide and Crimes Against Humanity and the Commission on Genocide Prevention.
SB1045 Sen Eckardt. Department of Information Technology - Study of a Common Information Technology Platform for Health Occupations Boards.
SB1046 Sen McCray. Baltimore City - Alcoholic Beverages - Class B-D-7 Licenses.
SB1047 Sen Beidle, et al. Office of the Attorney General - Firearm Crime - Study.
SB1048 Sens Miller and Smith. Criminal Procedure - Office of the Public Defender - Definition of Serious Offense.
SB1049 Sen Hester. Cybersecurity Talent Pipeline Management Program.
SB1050 Sen Sydnor, et al. Public Safety - Lost or Stolen Regulated Firearm - Reporting.
SB1051 Sen Klausmeier. Public Safety - Interjurisdictional Policing Grant Program - Establishment.
SB1052 Sen Klausmeier, et al. Criminal Procedure - Registered Sex Offenders - Entry Onto School Property.
SB1053 Sen Klausmeier. Baltimore County - Behavioral Health - Hub and Spoke Pilot Program.
SB1054 Sen Patterson. Vehicle Laws - Registration - Renewal.
SB1055 Sen Sydnor. Baltimore County Board of Education - Election of Officers.
SB1056 Sen Sydnor. Real Property - Deletion of Unlawful Ownership Restrictions - Exemption From Fees and Surcharges.
SB1057 Sen Carter. Baltimore City - Control of Police Department of Baltimore.
SB1058 Sens Lee and Young. Criminal Law - Possession of Child Pornography - Penalty.
SB1059 Sen Lee, et al. Criminal Procedure - Restitution - Trauma-Informed Restorative Justice.
SB1060 Sen McCray. Higher Education - Morgan State University - Office of Technology Transfer.
SB1061 Sen Bailey. St. Mary's County - Transfer Tax - Sunset Extension.
SB1062 Sen Kelley. Maryland Department of Health - Birth Registration - Gestational Carriers.
SB1063 Sen Eckardt. State Health Care Facilities - Employees - Alternative Workweeks.
SB1064 Sen Carter. Public Health - Healthy Maryland Program - Establishment.

[20-06-22]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated February 11, 2020, **NEDA BIGGS** (CPF # 9406230025), P.O. Box 473, Smyrna, Delaware 19977, has been placed on inactive status by consent, effective immediately, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated February 28, 2020, **THOMAS IAN MOIR** (CPF # 0612130135), 9595 West Quincy Avenue, Littleton, Colorado 80123, has been suspended, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[20-06-23]

Emergency Action on Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 33 STATE BOARD OF ELECTIONS Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

33.19.01 Definitions; General Provisions

Authority: Election Law Article, §§1-101(v), 2-102(b)(4), 2-202(b), 3-305(e), and 3-306(a), (d), and (e), Annotated Code of Maryland

Notice of Emergency Action

[20-068-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .01 under **COMAR 33.19.01 Definitions; General Provisions**.

Emergency status began: February 12, 2020.

Emergency status expires: May 5, 2020.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

.01 Applicability to Elections.

A.—C. (text unchanged)

D. Same day registration and address changes during early voting are permitted for the special general election that is to run concurrently with the regularly scheduled primary election on April 28, 2020.

LINDA H. LAMONE
State Administrator of Elections

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, §4-745, Annotated Code of Maryland

Notice of Final Action

[20-024-F]

On March 3, 2020, the Secretary of Natural Resources adopted amendments to Regulation .07 under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 47:2 Md. R. 64—65 (January 17, 2020), has been adopted as proposed.

Effective Date: March 23, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215 and 4-11A-04, Annotated Code of Maryland

Notice of Final Action

[20-025-F-I]

On March 3, 2020, the Secretary of Natural Resources adopted amendments to Regulation .17 under **COMAR 08.02.04 Oysters**. This action, which was proposed for adoption in 47:2 Md. R. 66—67 (January 17, 2020), has been adopted as proposed.

Effective Date: March 23, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

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

Notice of Final Action

[20-014-F]

On March 3, 2020, the Secretary of Natural Resources adopted amendments to Regulation .21 under **COMAR 08.02.05 Fish**. This action, which was proposed for adoption in 47:2 Md. R. 67—68 (January 17, 2020), has been adopted as proposed.

Effective Date: March 23, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.13 Fishing Licenses—Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure

Authority: Natural Resources Article, §§4-206, 4-220, 4-701, 4-745, and 4-1201, Annotated Code of Maryland

Notice of Final Action

[20-026-F]

On March 3, 2020, the Secretary of Natural Resources adopted amendments to Regulations .03, .05, .08, and .10 under **COMAR 08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure**. This action, which was proposed for adoption in 47:2 Md. R. 68—74 (January 17, 2020), has been adopted as proposed.

Effective Date: March 23, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

Notice of Final Action

[20-027-F]

On March 3, 2020, the Secretary of Natural Resources adopted:
(1) Amendments to Regulation .03 under **COMAR 08.02.21 Yellow Perch**; and

(2) New Regulation .09 under **COMAR 08.02.25 Gear**.

This action, which was proposed for adoption in 47:2 Md. R. 75—76 (January 17, 2020), has been adopted as proposed.

Effective Date: March 23, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 13 ENERGY AND COASTAL ZONE ADMINISTRATION

08.13.02 Pollinator-Friendly Designation of Solar Generation Facilities

Authority: Natural Resources Article, §§3-303 and 3-303.1, Annotated Code of Maryland

Notice of Final Action

[20-022-F]

On March 3, 2020, the Secretary of Natural Resources adopted new Regulations .01—.04 under a new chapter, **COMAR 08.13.02 Pollinator-Friendly Designation of Solar Generation Facilities**. This action, which was proposed for adoption in 47:2 Md. R. 76—77 (January 17, 2020), has been adopted as proposed.

Effective Date: March 23, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

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

Notice of Final Action

[19-260-F]

On February 27, 2020, the Maryland Racing Commission adopted amendments to Regulations .20 and .28 under **COMAR 09.10.01 Thoroughbred Rules**. This action, which was proposed for adoption in 46:26 Md. R. 1175 (December 20, 2019), has been adopted as proposed.

Effective Date: April 1, 2020.

MICHAEL J. ALGEO
Chairman
Maryland Racing Commission

Subtitle 10 RACING COMMISSION

09.10.02 Harness Racing

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

Notice of Final Action

[19-261-F]

On February 27, 2020, the Maryland Racing Commission adopted amendments to Regulations .25 and .53 under **COMAR 09.10.02 Harness Racing**. This action, which was proposed for adoption in 46:26 Md. R. 1175—1176 (December 20, 2019), has been adopted as proposed.

Effective Date: March 23, 2020.

MICHAEL J. ALGEO
Chairman
Maryland Racing Commission

Subtitle 10 RACING COMMISSION

09.10.03 Prohibited Acts

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

Notice of Final Action

[19-269-F]

On February 27, 2020, the Maryland Racing Commission adopted new Regulation .01-2 under **COMAR 09.10.03 Prohibited Acts**. This action, which was proposed for adoption in 46:26 Md. R. 1176 (December 20, 2019), has been adopted as proposed.

Effective Date: April 1, 2020.

MICHAEL J. ALGEO
Chairman
Maryland Racing Commission

Subtitle 22 BOARD OF COSMETOLOGISTS

09.22.01 General Requirements

Authority: Business Occupations and Professions Article, Title 5, Annotated Code of Maryland

Notice of Final Action

[19-266-F]

On February 4, 2020, the Board of Cosmetologists adopted amendments to Regulation .15 under **COMAR 09.22.01 General Regulations**. This action, which was proposed for adoption in 46:26 Md. R. 1177 (December 20, 2019), has been adopted as proposed.

Effective Date: March 23, 2020.

CHARLES RISER
Chairman
Board of Cosmetologists

Subtitle 22 BOARD OF COSMETOLOGISTS

09.22.02 Beauty Salons

Authority: Business Occupation and Professions Article, Title 5, Annotated Code of Maryland

Notice of Final Action

[19-267-F]

On February 4, 2020, the Board of Cosmetologists adopted amendments to Regulations .03 and .07 under **COMAR 09.22.02 Beauty Salons**. This action, which was proposed for adoption in 46:26 Md. R. 1177—1178 (December 20, 2019), has been adopted as proposed.

Effective Date: March 23, 2020.

CHARLES RISER
Chairman
Board of Cosmetologists

Subtitle 22 BOARD OF COSMETOLOGISTS

09.22.03 Schools

Authority: Business Occupations and Professions Article, Title 5, Annotated Code of Maryland

Notice of Final Action

[19-268-F]

On February 4, 2020, the Board of Cosmetologists adopted amendments to Regulations .02 and .07 under **COMAR 09.22.03 Schools**. This action, which was proposed for adoption in 46:26 Md. R. 1178 (December 20, 2019), has been adopted as proposed.

Effective Date: March 23, 2020.

CHARLES RISER
Chairman
Board of Cosmetologists

Title 13A STATE BOARD OF EDUCATION

Subtitle 07 SCHOOL PERSONNEL

13A.07.13 *State Board of Education Teacher Member Election*

Authority: Education Article, §2-202, Annotated Code of Maryland

Notice of Final Action

[19-232-F]

On February 25, 2020, the Maryland State Board of Education adopted new Regulations .01—.07 under a new chapter, **COMAR 13A.07.13 State Board of Education Teacher Member Election**. This action, which was proposed for adoption in 47:1 Md. R. 26—27 (January 3, 2020), has been adopted as proposed.

Effective Date: March 23, 2020.

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

Title 14 INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

14.22.02 Criminal Offenses and Seriousness Categories

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

Notice of Final Action

[20-031-F]

On March 3, 2020, the Maryland State Commission on Criminal Sentencing Policy adopted amendments to Regulations .01 and .02 under **COMAR 14.22.02 Criminal Offenses and Seriousness**

Categories. This action, which was proposed for adoption in 47:2 Md. R. 116—125 (January 17, 2020), has been adopted as proposed.

Effective Date: April 1, 2020.

DAVID SOULE
Executive Director

Title 15 MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 06 PLANT PEST CONTROL

15.06.04 Regulation of Invasive Plants

Authority: Agriculture Article, §§2-103(b) and 9.5-301, Annotated Code of Maryland

Notice of Final Action

[20-005-F]

On February 20, 2020, the Maryland Department of Agriculture adopted amendments to Regulation .06 under **COMAR 15.06.04 Regulation of Invasive Plants**. This action, which was proposed for adoption in 47:1 Md. R. 27 (January 3, 2020), has been adopted as proposed.

Effective Date: March 23, 2020.

JULIANNE A. OBERG
Deputy Secretary of Agriculture

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.28 *Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions*

Authority: Environment Article, §§1-404, 2-103, and 2-301—2-303, Annotated Code of Maryland

Notice of Final Action

[19-270-F]

On February 24, 2020, the Secretary of the Environment adopted new Regulations .01 and .02 under a new chapter, **COMAR 26.11.28 Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions**. This action, which was proposed for adoption in 46:26 Md. R. 1187—1189 (December 20, 2019), has been adopted as proposed.

Effective Date: March 23, 2020.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

Notice of Final Action

[20-008-F]

On February 25, 2020, the Insurance Commissioner adopted:

- (1) New Regulations **.01—.05** under a new chapter, **COMAR 31.10.46 Pharmacy Benefits Managers—Maximum Allowable Cost**;
- (2) New Regulations **.01—.05** under a new chapter, **COMAR 31.10.47 Cost Pricing and Reimbursement Other than MAC**; and
- (3) New Regulations **.01—.05** under a new chapter, **COMAR 31.10.48 Filing of Contracts and Amendments**.

This action, which was proposed for adoption in 47:1 Md. R. 30—35 (January 3, 2020), has been adopted as proposed.

Effective Date: March 23, 2020.

ALFRED W. REDMER, JR.
Insurance Commissioner

Title 33 STATE BOARD OF ELECTIONS

Notice of Final Action

[19-271-F]

On February 27, 2020, the State Board of Elections adopted amendments to:

- (1) Regulation **.01** under **COMAR 33.01.01 Definitions**;
 - (2) Regulation **.01** under **COMAR 33.19.02 Public Notice**;
- and
- (3) Regulation **.02** under **COMAR 33.19.04 Processing New Registrants and Address Changes**.

This action, which was proposed for adoption in 46:26 Md. R. 1190—1191 (December 20, 2019), has been adopted as proposed.

Effective Date: March 23, 2020.

LINDA H. LAMONE
State Administrator of Elections

Withdrawal of Regulations

Title 14 INDEPENDENT AGENCIES

Subtitle 35 MARYLAND HEALTH BENEFIT EXCHANGE

14.35.07 Eligibility Standards for Enrollment in a Qualified Health Plan, Eligibility Standards for APTC and CSR, and Eligibility Standards for Enrollment in a Catastrophic Qualified Health Plan in the Individual Exchange

Authority: Insurance Article, §31-106(c)(1)(iv), Annotated Code of Maryland

Notice of Withdrawal

[19-214-W]

The Maryland Health Benefit Exchange withdraws the proposal to amend Regulations .12, .13, .18, and .19 under **COMAR 14.35 07 Eligibility Standards for Enrollment in a Qualified Health Plan, Eligibility Standards for APTC and CSR, and Eligibility Standards for Enrollment in a Catastrophic Qualified Health Plan in the Individual Exchange**, as published in 46:22 Md. R. 1022—1023 (October 25, 2019).

MICHELE EBERLE
Executive Director

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 21 STATE PROCUREMENT REGULATIONS

Notice of Proposed Action

[20-067-P]

The Board of Public Works proposes to:

- (1) Amend Regulation .01 under **COMAR 21.01.02 Terminology**;
- (2) Amend Regulation .01 under **COMAR 21.01.03 Applicability**;
- (3) Amend Regulations .03—.05 under **COMAR 21.02.01 Board of Public Works**;
- (4) Repeal Regulations .01—.05 under **COMAR 21.02.03 Department of Budget and Management**;
- (5) Amend Regulations .01—.04 and adopt new Regulations .06—.09 under **COMAR 21.02.05 Department of General Services**;
- (6) Amend Regulations .01—.04 under **COMAR 21.02.08 Procurement Improvement Council — Open Meetings**;
- (7) Amend Regulations .01 and .07 under **COMAR 21.05.01 General Provisions**;
- (8) Amend Regulations .06, .11, and .17 under **COMAR 21.05.02 Procurement by Competitive Sealed Bidding**;
- (9) Amend Regulation .02 under **COMAR 21.05.03 Procurement by Competitive Sealed Proposals**;
- (10) Amend Regulations .01 and .07 under **COMAR 21.05.09 Intergovernmental Cooperative Purchasing**;
- (11) Amend Regulation .07 under **COMAR 21.05.12 Procurement of Human, Social, Cultural, and Educational Services**;
- (12) Amend Regulation .11 and adopt new Regulations .29 and .30 under **COMAR 21.07.01 Mandatory Contract Provisions—All Contracts (except as provided under COMAR 21.05.07, 21.07.02, and 21.07.03)**;
- (13) Amend Regulation .07 under **COMAR 21.07.02 Mandatory Construction Contract Clauses**;

(14) Amend Regulation .01 under **COMAR 21.07.03 Mandatory Terms and Conditions for Purchase Orders Over \$50,000**;

(15) Amend Regulations .02 and .04 under **COMAR 21.10.02 Protests**;

(16) Amend Regulations .02, .04, and .05 under **COMAR 21.11.01 Small Business Procurements**;

(17) Amend Regulations .04, .09, and .15 under **COMAR 21.11.03 Minority Business Enterprise Policies**;

(18) Amend Regulation .07 under **COMAR 21.11.05 Procurement from Maryland Correctional Enterprises, Blind Industries and Services of Maryland, and the Employment Works Program**;

(19) Amend Regulation .01 under **COMAR 21.11.13 Veteran-Owned Small Business Enterprises**; and

(20) Amend Regulations .01, .03, .07, and .09 under **COMAR 21.13.01 Reporting Requirements**.

Statement of Purpose

The purpose of this action is to update COMAR Title 21. Revisions include updates to reflect changes in State Finance and Procurement Article, Annotated Code of Maryland, and corrections to outdated or invalid terminology, references, and typographical errors.

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 Gabriel Gnall, Procurement Advisor, Board of Public Works, 80 Calvert Street, Annapolis, MD 21401, or call 410-260-7335, or email to gabriel.gnall@maryland.gov, or fax to

410-974-5240. Comments will be accepted through April 13, 2020. A public hearing has not been scheduled.

Subtitle 01 GENERAL PROVISIONS

21.01.02 Terminology

Authority: State Finance and Procurement Article, §§11-101 and 12-101, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(16) (text unchanged)

(16-1) “Chief Procurement Officer (CPO)” means an official of the Department of General Services, appointed by the Governor with the advice and consent of the Senate, who is the head of all procurement activity for the Executive Branch of State government within the jurisdiction of the Department of General Services.

(17)—(32) (text unchanged)

(33) “Department” means the State Treasurer, the Departments of General Services[,] and Transportation, [Information Technology, Budget and Management, Public Safety and Correctional Services in connection with procurements for State correctional facilities within the Department’s jurisdiction,] and the Maryland Port Commission.

(34)—(44) (text unchanged)

[(45) “General Board” means the General Professional Services Selection Board.]

(46)—(53) (text unchanged)

(54) Minority Business Enterprise (MBE).

(a) “Minority business enterprise (MBE)” means any legal entity, other than a joint venture, organized to engage in commercial transactions which is:

(i)—(ii) (text unchanged)

(b) “Minority business enterprise (MBE)” includes a not-for-profit entity organized to promote the interests of physically or mentally disabled individuals.

(55)—(91) (text unchanged)

[(92) “Transportation Board” means the Transportation Professional Services Selection Board.]

(93)—(98) (text unchanged)

21.01.03 Applicability

Authority: Natural Resources Article, §3-103; State Finance and Procurement Article, §§11-201—11-203, 12-101, and 12-104; Annotated Code of Maryland; Ch. 198, Acts of 2009; Chs. 428, 495, and 713, Acts of 2010; Chs. 108, 111, and 268, Acts of 2017; Ch. 273, Acts of 2019

.01 Exemptions.

A. The following are exempt from applicability of this title:

(1)—(35-2) (text unchanged)

(35-3) The State Archives for preservation, conservation, proper care, restoration, and transportation of fine art or decorative art that is in the custody of the Commission on Artistic Property and owned by or loaned to the State; [and]

(35-4) *The Board of Trustees of the Maryland Teachers and State Employees Supplement Retirement Plans, except as provided in State Finance and Procurement Article, Title 12, Subtitle 4, and Title 14, Subtitle 3, Annotated Code of Maryland, for:*

(a) *Services of managers to invest the assets deposited and invested in investment options of the supplemental retirement plans in accordance with the statements of investment policy adopted by the Board of Trustees of the Maryland Teachers and State Employees Supplement Retirement Plans;*

(b) *Expenditures to manage, maintain, and enhance the value of assets deposited and invested in investment options of the supplemental retirement plans selected in accordance with the statements of investment policy adopted by the Board of Trustees of the Maryland Teachers and State Employees Supplement Retirement Plans from time to time; and*

(c) *Expenditures for the safe custody, domestic or global, of assets deposited and invested in investment options of the supplemental retirement plans selected in accordance with State Personnel and Pensions Article, §35-302(b), Annotated Code of Maryland; and*

(36) (text unchanged)

B.—D. (text unchanged)

Subtitle 02 STATE PROCUREMENT ORGANIZATION

21.02.01 Board of Public Works

Authority: Education Article, §§14-204, 14-205, and 14-405; State Finance and Procurement Article, §§12-101, 12-107, 12-202, 12-203, 12-204, 13-108, and 15-112; Annotated Code of Maryland; Ch. 471, Acts of 1991; Ch. 608, Acts of 1999; Ch. 581, Acts of 2016

.03 Designation of Control and Procurement Authorities.

A. Control Authorities. The Board recognizes the following control authorities:

(1) (text unchanged)

[(2) Department of Budget and Management;]

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

[(4)] (3) Department of Transportation; and

[(5)] (4) Maryland Port Commission;]

(6) Department of Public Safety and Correctional Services in connection with certain procurements for State correctional facilities within the Department’s jurisdiction; and

(7) Department of Information Technology].

B.—C. (text unchanged)

.04 Delegation of Procurement and Contracting Authority.

[A. The Department of Budget and Management.

(1) The Board hereby delegates authority to the Secretary of Budget and Management for approval of the award of the following procurement contracts within the Department’s jurisdiction:

(a) Service contracts, except architectural and engineering contracts, in the amount of \$200,000 or less;

(b) Contract modifications that:

(i) Do not materially change the scope of the original contract;

(ii) Individually do not change the amount of the contract, or any cost component of the contract, by more than \$50,000; or

(iii) Exercise by a using agency a contract option of \$200,000 or less;

(c) Contracts in the amount of \$100,000 or less resulting from sole source procurements submitted by using agencies, as permitted by Department of Budget and Management regulations approved by the Board;

(d) Contracts in the amount of \$50,000 or less resulting from competitive procurement in which only one bid or offer was received; and

(e) Contracts in the amount of \$200,000 or less for rental vehicles supplied to using agencies, in accordance with COMAR 21.02.03.04.

(2) The Secretary of Budget and Management has procurement and contracting authority for the following procurement contracts:

(a) Leases for agency supplied employee housing, pursuant to State Finance and Procurement Article, Title 10, Subtitle 3, Annotated Code of Maryland; and

(b) Purchasing, leasing, and rental contracts for the acquisition of motor vehicles for use by State officials and employees, pursuant to State Finance and Procurement Article, Title 3, Subtitle 5, of the Code.]

B. The Department of General Services. The Board hereby delegates authority to the Secretary of General Services for the approval and award of the following procurement contracts within the Department's jurisdiction:

(1) Capital construction contracts, *construction-related services contracts, information technology contracts, service contracts, architectural and engineering contracts, maintenance contracts, contracts for rental vehicles supplied to using agencies in accordance with COMAR 21.02.05.08, capital construction change orders, and capital construction-related service change orders* in the amount of \$200,000 or less;

[(2) Capital construction-related service contracts and change orders in the amount of \$200,000 or less;

(3) Architectural and engineering contracts in the amount of \$200,000 or less;

(4) Maintenance contracts in the amount of \$200,000 or less;]

[(5)] (2)—[(8)] (5) (text unchanged)

[(9)] (6) Contracts in the amount of [\$50,000] \$100,000 or less resulting from sole source procurement; [and]

[(10)] (7) Contracts in the amount of \$50,000 or less resulting from competitive procurement in which only one bid or offer was received[.];

(8) *Leases for agency-supplied employee housing; and*

(9) *Purchasing, leasing, and rental contracts for the acquisition of motor vehicles for use by State officials and employees, pursuant to State Finance and Procurement Article, Title 3, Subtitle 5, Annotated Code of Maryland.*

C. The Department of Transportation.

(1) The Board hereby delegates authority to the Secretary of Transportation and to the Maryland Transportation Authority for the approval and award of the following procurement contracts within their respective jurisdictions:

(a)—(f) (text unchanged)

(g) Contracts in the amount of [\$50,000] \$100,000 or less resulting from sole source procurement;

(h)—(i) (text unchanged)

(2) (text unchanged)

D. (text unchanged)

E. The Treasurer. The Board hereby delegates authority to the Treasurer for the approval and award of the following procurement contracts within the Treasurer's jurisdiction:

(1) Banking, investment, and other financial services contracts authorized by [Article 95 and the] State Finance and Procurement Article, §12-107, Annotated Code of Maryland;

(2) Contracts for insurance and insurance-related services obtained pursuant to State Finance and Procurement Article, Title 9 and §12-107, Annotated Code of Maryland.

F. Maryland Port Commission. The Board hereby delegates authority to the Chairman of the Maryland Port Commission for the approval and award of the following procurement contracts within the Maryland Port Commission's jurisdiction:

(1)—(8) (text unchanged)

(9) Contracts in the amount of [\$50,000] \$100,000 or less resulting from sole source procurement;

(10)—(11) (text unchanged)

G. (text unchanged)

[H. Department of Public Safety and Correctional Services. The Board delegates authority to the Secretary of Public Safety and Correctional Services for the approval and award of the following procurement contracts for State correctional facilities within the Department's jurisdiction:

(1) Capital construction contracts and change orders in the amount of \$200,000 or less;

(2) Capital construction-related services contracts and change orders in the amount of \$200,000 or less;

(3) Architectural and engineering contracts based upon the selection made by the Department of General Services in accordance with COMAR 21.12.05 in the amount of \$200,000 or less;

(4) For any single item of equipment or single equipment lease within the procurement authority of the Secretary of Public Safety and Correctional Services, equipment contracts and leases of equipment in support of construction and construction-related services in the amount of \$200,000 or less, or unless funded with general obligation bond proceeds, which must be approved by the Board regardless of amount;

(5) Contract modifications relating to contracts for architectural services and engineering services that:

(a) Do not materially change the scope of the original contract;

(b) Individually do not change the amount of the contract, or any cost component of the contract, by more than \$50,000; or

(c) Exercise by the agency a contract option of \$200,000 or less;

(6) Invoices necessary for the administration of capital improvement contracts;

(7) Contracts for the purchase of commodities and supplies in support of construction and construction-related services;

(8) Contracts in the amount of \$50,000 or less in support of construction and construction-related services resulting from sole source procurement; and

(9) Contracts in the amount of \$50,000 or less in support of construction and construction-related services resulting from competitive procurement in which only one bid or offer was received.]

I. (text unchanged)

J. The Department of Information Technology. The Board hereby delegates authority to the Secretary of Information Technology for the approval and award of the following procurement contracts within the Department's jurisdiction:

(1) Contracts for information technology in the amount of \$200,000 or less;

(2) Contract modifications that:

(a) Do not materially change the scope of the original contract;

(b) Individually do not change the amount of the contract, or any cost component of the contract, by more than \$50,000;

(c) Exercise by a using agency a contract option of \$200,000 or less; or

(d) Are renewals of proprietary information technology software licenses or associated services, provided that the original contract was approved by the Board or designated control agency;

(3) Contracts in the amount of \$100,000 or less resulting from sole source procurements by using agencies; and

(4) Contracts in the amount of \$50,000 or less resulting from competitive procurement in which only one bid or offer was received.]

.05 Review and Approval of the Award of Procurement Contracts.

A. Action Agendas.

(1) (text unchanged)

(2) The departments shall prepare a separate item for each procurement contract not delegated under this chapter, and shall submit the items to the Board in accordance with the following procedures:

[(a)] The Department of Budget and Management shall submit the items on a supplement to the Board Secretary's Action Agenda;

[(b)] (a) The Department of General Services shall submit the items on the Department of General [Service's] *Services* Action Agenda;

[(c)] (b)—[(d)] (c) (text unchanged)

[(e)] (d) For those specific projects as may be authorized from time to time by the General Assembly and to the extent so authorized, the Maryland Environmental Service shall submit the items on the Board Secretary's Action Agenda; *and*

[(f)] (e) [The Department of Public Safety and Correctional Services,] Morgan State University[, and St. Mary's College of Maryland shall submit the items on the Board Secretary's Action Agenda]; *and*

(g) The Department of Information Technology shall submit items on a supplement to the Board Secretary's Action Agenda].

(3)—(7) (text unchanged)

B. Procurement Agency Activity Reports (PAAR).

(1) The [departments and the Department of Public Safety and Correctional Services] *Departments* shall prepare and submit to the Board Procurement Agency Activity Reports (PAAR) covering all procurement contracts in excess of \$50,000, except contracts for the purchase of commodities and supplies, made pursuant to this chapter during the previous calendar month or not previously reported.

(2) In addition, a PAAR shall include a report of:

(a) All contract modifications and option renewals greater than \$50,000, but less than the amount requiring Board approval, approved by the departments [and the Department of Public Safety and Correctional Services] pursuant to this chapter;

(b) All cancellations of solicitations or rejections of all bids or proposals approved by the departments [and the Department of Public Safety and Correctional Services] pursuant to COMAR 21.06.02; *and*

(c) All construction contract change orders greater than \$50,000, but less than the amount requiring Board approval, approved by the Departments of General Services[, and Transportation[, Public Safety and Correctional Services,] and the Maryland Port Commission pursuant to this chapter.

(3) The PAAR of the Department of General Services [and the Department of Public Safety and Correctional Services] shall include a summary report of those invoices approved pursuant to this chapter which did not result from competitive bidding.

(4) (text unchanged)

(5) The PAAR shall be delivered by the [departments] *Departments* directly to the Secretary to the Board of Public Works, not later than the second Wednesday of the month following the reporting period, for inclusion as an item on the next Board Secretary's Action Agenda.

C. (text unchanged)

21.02.05 Department of General Services

Authority: State Finance and Procurement Article, §§4-204, 12-101, [12-107(b)(3)] 12-107, 12-108, 13-103, 13-104, 13-107, and 13-108(a)(1), Annotated Code of Maryland

.01 Duties, Responsibilities, and Authority.

A.—D. (text unchanged)

E. *The Secretary, through the Office of State Procurement within the Department, shall publish a Maryland State Procurement Manual that contains procurements standards, guidance, procedures, and*

best practices for agencies under the procurement authority of the Department. The Maryland State Procurement Manual shall be accessible by any person responsible for conducting procurement on behalf of or under the authority of the Department and the general public.

[E.] F. Specific Powers and Duties.

(1) The Secretary has specific powers and duties for:

(a) [the] *The* design and construction of public improvements[.];

(b) [maintenance,] *Maintenance*;

(c) [the] *The* purchasing of supplies (except insurance)[.];

(d) *Services*;

(e) *Information technology*; *and*

(f) [the] *The* leasing of equipment, *vehicles*, and real property.

(2) (text unchanged)

(3) *Procurement of Commodities and Equipment.* Concerning the procurement of commodities, pursuant to State Finance and Procurement Article, §§4-310—4-315, Annotated Code of Maryland, the Secretary is authorized to award purchase contracts for commodities, and equipment for all State agencies, except for [information technology equipment, motor vehicles, the purchase of which requires the prior approval of the Department of Budget and Management, and] purchases on behalf of the Mass Transit Administration of rolling stock and other property peculiar to the operation of a transit system. The Secretary is empowered to determine standards for materials, supplies, and equipment purchases, except for standards for the purchase of motor vehicles. The Secretary is also empowered to establish procedures that the using agencies shall follow when procuring materials, supplies, and equipment through the Department or when procuring those items under the exempt, delegated, or emergency purchasing authorities identified in these regulations.

(4) *Leasing.*

[(a)] Except for motor vehicles and information technology equipment, equipment leasing shall be the responsibility of the Department.]

[(b)] (a)—[(f)] (e) (text unchanged)

.02 Construction Contracts.

A. *Office of Facilities Planning, Engineering, and Construction.* The Department's Office of [Facilities Planning, Engineering, and Construction] *State Procurement* is responsible for [obtaining services] *conducting the procurements* for State construction projects. This Office shall prepare or cause to be prepared contract documents, shall advertise and solicit bids as appropriate, *and* shall manage the contract award process[, and]. *The Department's Office of Facilities Planning, Engineering, and Construction* shall administer the development and completion of the project.

B. *Obtaining Services.* The using agency may initiate a service request by submitting a program describing the work required to the Office of Facilities Planning, Engineering, and Construction. The program shall be submitted in accordance with instructions in the Program Manual. Following the receipt of the program, the [Department] *Department's Office of Facilities Planning, Engineering, and Construction* shall begin the process to obtain the required public improvements, *and shall submit the requisition to the Office of State Procurement.*

C. *Using Agency Responsibilities.* Before the contract is let, [the using agency shall provide a written recommendation for acceptance or rejection of the contract award] *the Department of General Services shall provide a written recommendation for acceptance or rejection of the contract award to the using agency.* During construction, an official representative of the using agency shall

attend the job initiation, progress, punch-out, and any other meeting convened to expedite or review the development of the project.

.03 Maintenance Contracts.

A. (text unchanged)

B. Delegation of Purchasing Authority to Using Agencies. The Department may establish policies and procedures permitting State agencies to enter into maintenance contracts with a value of less than [50,000] \$200,000, without concurrence of the Department. The procedures [shall be similar to the procedures described under COMAR 21.02.03.02C, and shall be included] *are described* in the [Maintenance Contract] *Maryland State Procurement Manual* [described under §C of this regulation].

[C. Maintenance Contract Manual. The Manual identifies procedures which pertain to the using agency's responsibilities in the procurement and development of maintenance projects. Instructions on delegations, bonding requirements, the soliciting of bids, the award of contracts, approval of change orders, and contractor payment are also included in the Manual.]

.04 Commodity Procurement.

A. Delegation of Purchasing Authority to Using Agencies.

(1) Department of General Services Selects Exemptions. The Department reserves the right to delegate, either by commodity class or dollar value, certain purchase authority to using agencies. These classes and dollar exemptions are identified in the [Department of General Services Using Agency] *Maryland State Procurement Manual*. Delegated purchases are subject to any review, reporting, or auditing requirements established by the Department. Authority delegated by the Department under this regulation may be rescinded at the Department's discretion.

(2) Using Agency May Request Authority Delegation. A using agency may write the Department and present justification for a [commodity] *procurement* which it wishes exempted from the Department's award authority.

(3) (text unchanged)

[(4) Scheduled Purchase Items and Contract Items Supersede any Exempt or Delegated Procurement. The Department operates a regularly scheduled purchase program through which a using agency may plan and order needed commodities. The Department also develops term contracts for various commodities. Except for purchases off a local jurisdiction intergovernmental cooperative purchasing agreement, a using agency may not purchase from an alternate source an item which is available through the regularly scheduled purchase program or an item which is available through a term requirements or indefinite quantity contract except where an item can be purchased from another vendor when the total cost is less than that of the item on a schedule resulting from an intergovernmental agreement and the price of the purchase does not exceed \$1,000. A written determination shall be made that compares all elements of cost demonstrating the lower cost. Additionally, the total cost per year for all items purchased from an alternate vendor(s) may not exceed \$10,000 for each agency.]

B. Purchases Costing \$10,000 or More.

[(1) In a single transaction for commodities which cost \$10,000 or more in total and which are not ordered through the Department's scheduled purchase program or through a term requirements or indefinite quantity contract, the using agency shall prepare and submit to the Department a requisition form. This unscheduled requisition form shall be completed and distributed in accordance with the instructions in the Using Agency Manual.]

[(2)] The Department may not approve requisitions for commodities *valued \$10,000 or more* which are:

[(a)] (1)—[(b)] (2) (text unchanged)

C. (text unchanged)

D. Emergency Purchases. The Department shall allow using agencies to make emergency purchases of commodities in accordance with COMAR 21.05.06. Emergency purchases [over \$25,000] shall be reported as required by COMAR 21.05.06.02D. If a using agency determines that an emergency exists, the agency may contact the Department for assistance before making a purchase.

[E. Purchase of Perishables. The Department may delegate its purchase authority for the procurement of perishables to any using agency which the Department determines can properly handle these transactions. A listing of perishables where procurement authority has been delegated is included in the Using Agency Manual.]

[F.] E.—[G.] F. (text unchanged)

.06 Services.

A. *The Department is responsible for the control of service contracts and provides direction and assistance to the using agencies in their procurement and development of service contracts pursuant to their delegated authority.*

B. *Except as provided in §C of this regulation, this regulation applies to solicitations, contracts, and contract modifications to existing contracts issued by State agencies funded from any source (including nonbudgeted funds and reimbursable funds), which may be used to subsidize, purchase, lease, or otherwise procure contractual services.*

C. *The following are exempt from this regulation:*

(1) *Architectural and engineering services contracts of the Departments of General Services and Transportation;*

(2) *Contracts for acquisition and construction of capital improvements, leases, and maintenance services procured through or by the Departments of General Services and Transportation;*

(3) *Contracts for higher education student government self-supporting activities, when the funds being used for the payment were collected from non-State sources, provided that all transmittals and invoices are annotated to certify that all funds being used for the payment were collected from non-State sources;*

(4) *The sale of forest products;*

(5) *Banking, investment, and other financial services contracts authorized by State Finance and Procurement Article, §12-107, Annotated Code of Maryland; and*

(6) *Contracts for insurance and insurance-related services obtained pursuant to State Finance and Procurement Article, Title 9 and §12-107, Annotated Code of Maryland.*

D. *Unless otherwise specifically provided by statute, other contracts or classes of contracts may be declared in writing exempt in whole or in part from these regulations by the Secretary.*

.07 Procurement of State-Owned Motor Vehicles.

A. *Application.*

(1) *This regulation applies to all mopeds and motor vehicles as defined by Transportation Article, §§11-134.1, 11-135, and 11-176, Annotated Code of Maryland.*

(2) *Exempt from this regulation are vehicles assigned to persons with written exceptions from the Secretary.*

B. *Acquisition of Vehicles.*

(1) *Standards for purchase shall be determined by the Department of Budget and Management, with the concurrence of the Board. Standards shall be determined for the standard State automobile and such other classes as may be required by the State.*

(2) *Vehicle purchase requests, with specifications, initially shall be submitted to the Secretary of Budget and Management.*

(3) *Actual purchase shall be made by the Department.*

.08 Procurement of Rental Vehicles.

A. *The Secretary of General Services may periodically enter into contracts with automobile rental firms to supply rental vehicles to using agencies.*

B. Using agencies requiring the use of rental vehicles shall acquire them in accordance with the terms and conditions of the State contract or as specified by the Secretary of General Services, or both.

C. Using agencies requiring the use of rental vehicles not covered by the contracts referenced in §A of this regulation may acquire them using applicable small procurement procedures in accordance with COMAR 21.05.07 with the prior approval of the Secretary of General Services.

.09 Acquisition of Temporary Personnel Services.

A. The Secretary of General Services may enter into contracts with contractors providing temporary personnel services to supply certain classes of temporary personnel services.

B. The Secretary of General Services shall notify all using agencies of the prices at which temporary personnel services may be obtained and the procedure to be followed to obtain these services under the contracts referenced in §A of this regulation.

C. The Secretary of General Services or designee may permit exceptions to these procedures upon written request and justification.

21.02.08 Procurement [Advisory] Improvement Council — Open Meetings

Authority: State Finance and Procurement Article, §§12-101 and 12-105; State Government Article, §10-507; Annotated Code of Maryland

.01 Public Attendance.

A. At any open session of the Procurement [Advisory] Improvement Council, the general public is invited to attend and observe.

B. Except in instances when the Procurement [Advisory] Improvement Council expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session.

.02 Disruptive Conduct.

A. A person attending an open session of the Procurement [Advisory] Improvement Council may not engage in any conduct, including visual demonstrations such as the waving of placards, signs, or banners, that disrupts the sessions or that interferes with the right of members of the public to attend and observe the session.

B.—C. (text unchanged)

.03 Recording, Photographing, and Broadcasting of Open Sessions.

A. A member of the public, including any representative of the news media, may record discussions of the Procurement [Advisory] Improvement Council at an open session by means of a tape recorder or any other recording device if the device does not create an excessive noise that disturbs members of the Procurement [Advisory] Improvement Council or other persons attending the session.

B. A member of the public, including any representative of the news media, may photograph or videotape the proceedings of the Procurement [Advisory] Improvement Council at an open session by means of any type of camera if the camera:

(1) Is operated without excessively bright artificial light that disturbs members of the Procurement [Advisory] Improvement Council or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the Procurement [Advisory] Improvement Council or other persons attending the session.

C. A representative of the news media may broadcast or televise the proceedings of the Procurement [Advisory] Improvement Council at an open session if the equipment used:

(1) Is operated without excessively bright artificial light that disturbs members of the Procurement [Advisory] Improvement Council or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the Procurement [Advisory] Improvement Council or other persons attending the session.

D. (text unchanged)

.04 Recordings Not Part of Record.

A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be considered a part of the record of any proceeding of the Procurement [Advisory] Improvement Council.

Subtitle 05 PROCUREMENT METHODS AND PROJECT DELIVERY METHODS

21.05.01 General Provisions

Authority: State Finance and Procurement Article, §§11-201, 11-205, 12-101, 13-102, 13-110, 13-202, and 14-401, Annotated Code of Maryland; Ch. 216, Acts of 2009; Chs. 633 and 624, Acts of 2018; Ch. 356, Acts of 2019

.01 Methods of Source Selection.

Unless otherwise authorized by law, all State procurement contracts shall be awarded by one of the following methods, at the procurement officer's discretion, where applicable:

A.—G. (text unchanged)

H. Architectural [and], engineering, and land surveying services qualification based selection; or

I. (text unchanged)

.07 Procurement Record.

The procurement file on each procurement under COMAR 21.05.02 and 21.05.03 or 21.12.02—21.12.05 may be kept electronically and shall include:

A.—F. (text unchanged)

21.05.02 Procurement by Competitive Sealed Bidding

Authority: State Finance and Procurement Article, §§12-101, 13-103, 13-210, and 14-301—14-308, Annotated Code of Maryland; Chs. 586 and 587, Acts of 2017

.06 Master List.

[A.] Vendor lists may be compiled by the procurement agency to provide State agencies with the names of businesses that may be interested in competing for various types of State procurement contracts. A Master Vendor list shall be compiled by the Department of General Services as part of the eMaryland Marketplace. Unless otherwise provided, inclusion or exclusion of the name of a business does not indicate whether the business is responsible in respect to a particular procurement or otherwise is capable of successfully performing a State contract. Any person desiring to do business with the State shall [submit a bidder's application to the appropriate procurement agency] register with eMaryland Marketplace using the appropriate services and commodities codes indicating the types or kinds of State procurements for which the vendor wishes to be

considered. Out-of-State vendors shall be registered with the Maryland Department of Assessments and Taxation before award of the contract.

[B. Deletion of Vendors. Businesses that fail to respond to solicitations or notices of availability on three consecutive invitations of similar items may be removed by the procurement officer from the applicable vendors list after notice to the vendor. Prospective bidders who were sent solicitations or have obtained bidding documents who have been deleted but who currently meet the criteria for inclusion on the list may be reinstated on the list at their request.]

.11 Receipt, Opening, and [Recording] Posting of Bids.

A. Receipt. Upon [its] receipt of a paper bid or bid modification, each bid and modification shall be stored in a secure place until the time and date set for bid opening. *For online bid submission through the eMaryland Marketplace, the system security configuration shall not allow bids to be opened prior to the time and date established in the solicitation.* Before bid opening the State may not disclose the identity of any bidder.

B. Opening and [Recording] Posting. Bids and modifications shall be opened publicly, at the time, date, and place designated in the invitation for bids. The name of each bidder, the bid price, and such other information as is deemed appropriate shall be read aloud or otherwise made available. [This information also shall be recorded at the time of bid opening.] The bids shall be tabulated or a bid abstract made. The opened bid shall be available for public inspection at a reasonable time after bid opening but in any case before contract award except to the extent the bidder designates trade secrets or other proprietary data to be confidential as set forth in this title. Material so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid. Prices, makes, and model or catalog numbers of the items offered, deliveries, and terms of payment shall be publicly available at a reasonable time after bid opening but in any event before contract award regardless of any designation to the contrary at the time of bid opening.

C. (text unchanged)

D. *Electronic receipt, bid opening, and posting of the information required under §B of this regulation shall satisfy the requirements of this section.*

.17 Multi-Step Sealed Bidding.

A. (text unchanged)

B. Conditions for Use. Multi-step sealed bidding may be used when it is determined by the procurement officer[, with the approval of the agency head or designee and the appropriate control authority,] that it is impracticable to initially prepare specifications to support an award based solely on bid price.

C. (text unchanged)

21.05.03 Procurement by Competitive Sealed Proposals

Authority: State Finance and Procurement Article, §§12-101, 13-104, and 13-105, Annotated Code of Maryland

.02 Solicitation of Proposals.

A.—F. (text unchanged)

G. Receipt of Proposals.

(1) Proposals and modifications shall *either* be held in a secure place *if paper submission or remain locked via the eMaryland Marketplace per approved security configurations* until the established due date. Proposals [may] *shall* not be opened publicly but, *in the event a paper submission is received*, shall be opened in the presence of at least two State employees. [After the established

due date, a register of proposals shall be prepared that identifies each offeror.]

(2) (text unchanged)

21.05.09 Intergovernmental Cooperative Purchasing

Authority: State Finance and Procurement Article, §§12-101, 13-102, and 13-110, Annotated Code of Maryland; Ch. 774, Acts of 2017

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) “Primary procurement unit” means:

(a) (text unchanged)

[(b) The Department of Budget and Management;]

[(c)] (b)—[(e)] (d) (text unchanged)

[(f) The Department of Public Safety and Correctional Services;]

[(g)] (e) (text unchanged)

[(h)] (f) St. Mary’s College of Maryland; and

[(i)] (g) The University System of Maryland; and

(j) The Department of Information Technology].

.07 Public Notice.

When a primary procurement unit is a named participant in a solicitation for bids or proposals for an intergovernmental cooperative purchasing agreement, or the unit acts as a sponsor of an agreement, and the value of the procurement to be made by the State is expected to exceed [\$25,000] \$50,000, public notice of the solicitation shall be given pursuant to COMAR 21.05.02.04.

21.05.12 Procurement of Human, Social, Cultural, and Educational Services

Authority: State Finance and Procurement Article, §§12-101, 13-102, 13-104, 13-106, 13-108, and 13-109[, and 13-202], Annotated Code of Maryland

.07 Approvals.

A. (text unchanged)

B. Pursuant to COMAR [21.02.01.04A] 21.02.01.04B, the Department of [Budget and Management] General Services shall review and approve an award of a human, social, cultural, or educational services contract for \$200,000 or less before the contract is executed, unless the contract results from an emergency procurement[, a procurement under COMAR 21.02.03.02C,] or a small procurement.

C. A human, social, cultural, or educational services contract resulting from an emergency [or COMAR 21.02.03.02C] procurement shall be reported as provided in COMAR 21.02.01.05A(3)(a) [or .05B, as applicable].

Subtitle 07 CONTRACT TERMS AND CONDITIONS

21.07.01 Mandatory Contract Provisions—All Contracts (except as provided under COMAR 21.05.07, 21.07.02, and 21.07.03)

Authority: Election Law Article, §§14-101—14-108; General Provisions Article, §§5-101 and 5-503; State Finance and Procurement Article, §§12-101, 13-211, 13-217—13-219, 13-221—13-223, 13-317, 16-202, 17-401, 17-402, and 19-114; Annotated Code of Maryland; Chs. 588, 589, and 630, Acts of 2017; Ch. 403, Acts of 2019

.11 Termination for Default.

Mandatory provision for all contracts. One of the following clauses is preferred:

A. Alternate Clause — Termination for Default (short form).

“If the Contractor fails to fulfill its obligation under this contract properly and on time, *fails to provide any required annual and renewable bond 30 days prior to expiration of the current bond then in effect*, or otherwise violates any provision of the contract, the State may terminate the contract by written notice to the Contractor. The notice shall specify the acts or omissions relied upon as cause for termination. All finished or unfinished work provided by the Contractor shall, at the State’s option, become the State’s property. The State shall pay the Contractor fair and equitable compensation for satisfactory performance prior to receipt of notice of termination, less the amount of damages caused by Contractor’s breach. If the damages are more than the compensation payable to the Contractor, the Contractor will remain liable after termination and the State can affirmatively collect damages. Termination hereunder, including the determination of the rights and obligations of the parties, shall be governed by the provisions of COMAR 21.07.01.11B.”

B. Alternate Clause — Termination for Default (long form).

“(1) The State may, subject to the provisions of paragraph (3) of this regulation, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances: (a) If the Contractor fails to perform within the time specified herein or any extension thereof; [or] (b) *If the Contractor fails to provide any required annual and renewable bond 30 days prior to expiration of the current bond then in effect*; or (c) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the procurement officer may authorize in writing) after receipt of notice from the procurement officer specifying such failure.

“(2)—(7)” (text unchanged)

.29 Election Service Providers—Ownership of, Investment In, or Control of an Election Service Provider by a Foreign National.

Mandatory provision for all State Board of Elections contracts, including secondary competition awards, with an election service provider, as defined in Election Law Article, Title 2, Subtitle 1, Annotated Code of Maryland. The following clause is preferred:

“*The Contractor agrees to provide notice of: (a) any ownership of, investment in, or control of the election service provider by a foreign national at the time of the award of the contract; and (b) any material change in any ownership of, investment in, or control of the election service provider by a foreign national at any time for the duration of the contract. All notices required by this provision shall include: (a) the name and nationality of the foreign national that has ownership of, investment in, or control of the election service*

provider; and (b) the nature and extent of the ownership, investment, or control.

On a determination by the Administrator of the State Board of Elections that the foreign national has the ability to control, influence, or direct the election service provider in any manner that would compromise or influence, or give the appearance of compromising or influencing, the independence and integrity of an election, the Administrator of the State Board of Elections may terminate, in whole or in part, the contract with the election service provider.

Within 7 days after the Administrator of the State Board of Elections exercises the authority to terminate, in whole or in part, a contract with an election service provider under this regulation, the Administrator of the State Board of Elections shall notify the appropriate persons in writing of the termination of the contract and the Administrator’s reasons for terminating the contract.”

.30 Election Service Providers—Actual or Attempted Security Violations.

Mandatory provision for all State Board of Elections contracts, including secondary competition awards, with an election service provider, as defined in Election Law Article, Title 2, Subtitle 1, Annotated Code of Maryland. The following clause is preferred:

“*The Contractor, upon receipt of knowledge that a security violation or significant attempted security violation, as defined in Election Law Article, Title 2, Subtitle 1, Annotated Code of Maryland, has occurred involving an election system provided, supported, or maintained by the election service provider, shall: (a) notify the Administrator of the State Board of Elections in writing as soon as practicable, but not later than four days after becoming aware of the security violation or significant attempted security violation; and (b) cooperate with the Administrator of the State Board of Elections in submitting a report on each security violation and significant attempted security violation involving an election system.*”

21.07.02 Mandatory Construction Contract Clauses

Authority: State Finance and Procurement Article, §§12-101, 13-216, 13-218, [and] 13-225, and 17-801—17-804, Annotated Code of Maryland

.07 Default, Delay, and Time Extensions.

Mandatory provision for all construction contracts:

“Termination for Default — Damages for Delay — Time Extensions

“(1) If the Contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as shall insure its completion within the time specified in this contract, or any extension thereof, [or] fails to complete said work within this time, *or fails to provide any required annual and renewable bond 30 days prior to expiration of the current bond then in effect*, the State may, by written notice to the Contractor, terminate the Contractor’s right to proceed with the work or the part of the work as to which there has been delay. In this event the State may take over the work and prosecute the same to completion, by contract or otherwise, and may take possession of and utilize in completing the work the materials, appliances, and plant as may be on the site of the work and necessary therefor. Whether or not the Contractor’s right to proceed with the work is terminated, the Contractor and its sureties shall be liable for any damage to the State resulting from the Contractor’s refusal or failure to complete the work within the specified time.

“(2)—(7)” (text unchanged)

21.07.03 Mandatory Terms and Conditions for Purchase Orders Over \$50,000

Authority: Election Law Article, §§14-101—14-108; General Provisions Article, §§5-502—5-503; State Finance and Procurement Article, §§12-101, 13-217—13-219, 13-221, 16-202, 17-401, and 17-402; Annotated Code of Maryland; Ch. 630, Acts of 2017

.01 General.

The following are mandatory terms and conditions to be included in all purchase orders exceeding [\$25,000] \$50,000.

Subtitle 10 ADMINISTRATIVE AND CIVIL REMEDIES

21.10.02 Protests

Authority: State Finance and Procurement Article, §§12-101 and 15-201—15-223, Annotated Code of Maryland

.02 Filing of Protest.

A.—B. (text unchanged)

C. A protest may be filed *in writing and delivered by hand, electronic means [only if expressly permitted], the U.S. Postal Service, or a courier service* [and in the manner specified by the solicitation].

.04 Form.

To expedite handling of protests, the *front of the envelope or, in the event of an electronic submission, the subject line* should be labeled “Protest”. The written protest shall include as a minimum the following:

A.—D. (text unchanged)

Subtitle 11 SOCIOECONOMIC POLICIES

21.11.01 Small Business Procurements

Authority: State Finance and Procurement Article, §§12-101, 14-201—14-208, and 14-501—14-505, Annotated Code of Maryland; Ch. 119, Acts of 2016

.02 Small Business Procurement Programs.

A. (text unchanged)

B. The small business preference program specifically authorizes the Department of General Services, *the Department of Transportation, the University System of Maryland, and Morgan State University*[, and, for procurements in connection with the construction of State correctional facilities, Department of Public Safety and Correctional Services] to apply certain percentage price preferences in favor of certified small businesses when evaluating and awarding bids on those procurements designated for a small business preference.

C. (text unchanged)

.04 Small Business Eligibility/Certification.

A. (text unchanged)

B. *The Governor’s Office of Small, Minority, and Women Business Affairs shall certify a business as a small business for the exclusive purpose of pursuing out-of-State contracts if the business has:*

(1) *250 or fewer employees; or*

(2) *Average annual gross receipts of \$10,000,000 or less averaged over its most recently completed 3 fiscal years.*

[B.] C. Affidavit. Upon request of the Governor’s Office of Small, Minority, and Women Business Affairs, a business seeking

certification or recertification as a small business shall execute and submit a Small Business Affidavit in the form prescribed under [SD] SE of this regulation.

[C.] D. (text unchanged)

[D.] E. Affidavit Form. The Small Business Affidavit shall be in the following form:

SMALL BUSINESS AFFIDAVIT

I, _____ (type or print your name legibly),
affirm to the State of Maryland that:

1.—2. (text unchanged)

3. *For the exclusive purpose of pursuing out-of-State contracts, the business has:*

(a) *250 or fewer employees; or*

(b) *Average annual gross receipts of \$10,000,000 or less averaged over its most recently completed three fiscal years.*

[9.] 4.—[12.] 7. (text unchanged)

UNDER PENALTIES OF PERJURY, I hereby swear that the matters stated in this Affidavit are true.

_____(Date)

Signature

Type or print name legibly

[E.] F. (text unchanged)

.05 Small Business Preference Program.

A. Applicability. The small business preference program applies to procurements by the Department of Transportation, the Department of General Services, the University System of Maryland, and Morgan State University. [The small business preference program also applies to the Department of Public Safety and Correctional Services for procurements in connection with the construction of a State correctional facility.]

B. Procedures.

(1) Designation of Small Business Preference Contracts. The Secretaries of General Services[,] and Transportation, [and Public Safety and Correctional Services,] the Chancellor of the University System of Maryland, and the President of Morgan State University or their designees shall screen all procurements potentially eligible for a small business preference and shall determine which of those procurements shall be made under these procedures and the percentage preference to be applied. The determination shall be based on the availability of qualified, certified small businesses and other appropriate factors.

(2)—(5) (text unchanged)

21.11.03 Minority Business Enterprise Policies

Authority: State Finance and Procurement Article, §§12-101 and 14-301—14-308, Annotated Code of Maryland; Chs. 268, 283, 293, 328, and 715, Acts of 2009; Ch. 619, Acts of 2010; Chs. 252, 253, and 254, Acts of 2011; Ch. 154, Acts of 2012; Ch. 415, Acts of 2015; Ch. 313, Acts of 2016; Chs. 340 and 438, Acts of 2017; Chs. 335, 336, 481, and 482, Acts of 2018; Ch. 316, Acts of 2019

.04 Procurement Agency Responsibility.

A.—B. (text unchanged)

[C. The Department of Information Technology, in executing its responsibility under State Finance and Procurement Article, Title 3A, Subtitle 4, Annotated Code of Maryland, over procurement of information technology equipment and related services, shall require procurement agencies to make those procurements in compliance with this chapter.]

[D.] C. When delegating procurement authority to procurement agencies, the Department of General Services [and the Department of

Budget and Management] shall condition the delegation on compliance with this chapter.

[E.] D. (text unchanged)

.09 Procurement Solicitations.

A. (text unchanged)

B. Goal Setting Generally.

(1)—(2) (text unchanged)

(3) The following factors may be used to anticipate the degree of certified MBE prime contractor participation, to decide the certified MBE participation goal and subgoals, when used, and the MBE prime contractor and subcontractor procurement strategy to be used:

(a)—(d) (text unchanged)

(e) The guidelines established by the Governor's Office of Small, Minority & Women Business Affairs for determining the subgoals to be set for the groups listed in State Finance and Procurement Article, [§14-301(j)(1)(i)1, 2, 3, 4, and 6] §14-301(k)(1)(i)1—4 and 6, Annotated Code of Maryland.

(4)—(5) (text unchanged)

C.—G. (text unchanged)

.15 Certification — General.

A.—C. (text unchanged)

D. *A business that has received certification from a federal or county MBE program that uses a certification process substantially similar to the process established in this regulation shall be eligible for certification by the Department of Transportation as a State-certified MBE if the business:*

(1) *Has obtained certification under the Federal Disadvantaged Business Enterprise Program; and*

(2) *Meets the eligibility requirements of the State Minority Business Enterprise Program.*

21.11.05 Procurement from Maryland Correctional Enterprises, Blind Industries and Services of Maryland, and the Employment Works Program

Authority: Correctional Services Article, §3-515; State Finance and Procurement Article, §§12-101 and 14-101—14-108; Annotated Code of Maryland; Ch. 415, Acts of 2015; Ch. 313, Acts of 2016

.07 Responsibilities of Procurement Agencies.

A. General Purchasing Requirements.

(1)—(2) (text unchanged)

(3) To the extent practicable, a State unit or State aided or controlled entity shall include in a maintenance contract that has a component for housekeeping or janitorial services, a requirement that a prime contractor procure janitorial products from Blind Industries and Services of Maryland [when] if the specified products are *made, manufactured, remanufactured, or assembled by Blind Industries and Services of Maryland* and are available.

B.—F. (text unchanged)

21.11.13 Veteran-Owned Small Business Enterprises

Authority: State Finance and Procurement Article, §§14-601—14-605; Chs. 343 and 344, Acts of 2015; Chs. 708 and 709, Acts of 2017

.01 General — Purpose.

This chapter provides that maximum contracting opportunities be extended to veteran-owned small business enterprises, as both prime contractors and subcontractors, and establishes that:

A. (text unchanged)

B. The requirements of this chapter may be applied to individual task orders competitively procured among contractors under a [multiple-award procurement] *master contract* as provided in COMAR [21.06.03.10] 21.05.13.05.

Subtitle 13 PROCUREMENT REPORTING REQUIREMENTS

21.13.01 Reporting Requirements

Authority: Election Law Article, §§14-101 and 14-107; State Finance and Procurement Article, §§12-101, 13-207, [14-208,] 14-305, 14-505, 15-110, 15-111, and 17-104; Annotated Code of Maryland; Ch. 6, Acts of 2019

.01 Sole Source, Emergency, and Expedited Procurement Reports.

A. Requirements. The procedures for approval and reporting the award of a contract under sole source, emergency, or expedited situations are provided under COMAR 21.05.05 when there is only one source and COMAR 21.05.06 for all emergency and expedited procurements except for certain architectural services and engineering services which are governed by COMAR [21.12.02.14 and 21.12.04.08] 21.12.02.

B. (text unchanged)

[C. Report of the Board—Expedited Procurements. Subject to State Government Article, §2-1246, Annotated Code of Maryland, the Governor shall prepare and submit an annual written report within 90 days following the close of the fiscal year to the General Assembly of each expedited procurement approved by the Board during the preceding fiscal year.]

.03 Reports of the Small Business [Programs] Reserve Program.

[A. Small Business Preference Program. The Secretary of General Services, the Secretary of Transportation, the Chancellor of the University System of Maryland, and Morgan State University shall prepare and submit a written report annually within 90 days following the close of the fiscal year to the Board, and subject to State Government Article, §2-1246, Annotated Code of Maryland, to the Legislative Policy Committee, about the operation and effectiveness of the small business preference program (State Finance and Procurement Article, §14-208, Annotated Code of Maryland).

B. Small Business Reserve Program.]

[(1)] A. (text unchanged)

[(2)] B. Within 60 days after receipt of the reports required in [§B(1)] §A of this regulation, the Board of Public Works shall compile the information and report to the Legislative Policy Committee subject to State Government Article, §2-1246, Annotated Code of Maryland.

[(3)] C. (text unchanged)

[(4)] D. Each designated procurement unit shall submit a report on the small business reserve program to the Governor's Office of Small, Minority & Women Business Affairs within 90 days after the end of each fiscal year, in a format determined by the Governor's Office of Small, Minority & Women Business Affairs, that includes at a minimum:

[(a)] (1)—[(d)] (4) (text unchanged)

[(5)] E. By December 31 of each year, the Governor's Office of Small, Minority & Women Business Affairs shall summarize the information required in [§B(4)] §D of this regulation and report to the Board of Public Works and, subject to State Government Article, §2-1246, Annotated Code of Maryland, the Legislative Policy Committee.

.07 Reporting of Protests and Contract Disputes.

Each procurement officer shall prepare and submit a written report to [his] *the procurement officer's* respective agency head concerning

all protests and contract disputes. The frequency of this report shall be determined by the procurement agency. The report shall, at a minimum:

A.—C. (text unchanged)

.09 Report of Noncompetitive Negotiated Procurements.

The Department of [Budget and Management] *General Services* shall prepare and submit an annual report within 90 days following the close of the fiscal year to the Board and, subject to State Government Article, [§2-1246] §2-1257, Annotated Code of Maryland, to the General Assembly, of each class of procurement for which the noncompetitive negotiated procurement method has been approved. The report shall describe the reason for approving the use of that methodology for each class.

JOHN GONTRUM
Executive Secretary

Errata

COMAR 14.22

At 47:2 Md. R. 116 (January 17, 2020), column 2, line 24 from the bottom:

For: **CRIMINAL SENTENCING**

Read: **CRIMINAL SENTENCING POLICY**

[20-06-27]

Special Documents

DEPARTMENT OF THE ENVIRONMENT

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: January 1-31, 2020.

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:

Duncansville Municipal Authority – Public Water Supply System, GF Certificate No. GF-202001075, Borough of Duncansville and Allegheny Township, Blair County, Pa.; Well 2; Issue Date: January 24, 2020.

Leatherstocking Corporation dba Otesaga Hotel – Leatherstocking Golf Course, GF Certificate No. GF-202001076, Town of Otsego, Otsego County, N.Y.; Otsego Lake and consumptive use; Issue Date: January 24, 2020.

Millersburg Area Authority – Public Water Supply System, GF Certificate No. GF-202001077, Millersburg Borough and Upper Paxton Township, Dauphin County, Pa.; Wells 1, 2, 3, 4, and 5, and Springs 1 through 7; Issue Date: January 24, 2020.

Village of New Berlin – Public Water Supply System, GF Certificate No. GF-202001078, Town of New Berlin, Chenango County, N.Y.; Sheffield Creamery Well; Issue Date: January 24, 2020.

Town of Owego – Water District #4, GF Certificate No. GF-202001079, Town of Owego, Tioga County, N.Y.; Wells 1 and 2; Issue Date: January 24, 2020.

Shawville Power, LLC – Shawville Station, GF Certificate No. GF-202001080, Bradford Township, Clearfield County, Pa.; West Branch Susquehanna River and consumptive use; Issue Date: January 24, 2020.

West Cocalico Township Authority – Public Water Supply System, GF Certificate No. GF-202001081, West Cocalico Township, Lancaster County, Pa.; Well 1; Issue Date: January 24, 2020.

Northern Cambria Municipal Authority – Public Water Supply System, GF Certificate No. GF-202001082, Northern Cambria Borough, Cambria County, Pa.; Hazeltine Mine and Miller Hollow; Issue Date: January 24, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: February 6, 2020.

JASON E. OYLER

General Counsel and Secretary to the Commission

[20-06-15]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0009

*Maryland Transportation Authority
8019 Corporate Drive, Suite F
Baltimore, Maryland 21236
Attn: Brian Wolfe*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 19-WQC-0024.

Location: Phase II of the I-95 Section 200 roadway improvements under Maryland Transportation Authority Segment Nos. KH-3019, KH-3020, KH-3021, KH-3022, KH-3023, KG-3027, KH-3029, KH-3030 and KH-3031, and associated mitigation projects, located on I-95 from north of Old Joppa Road to Bynum Run, just south of MD 136 in Harford County, with proposed mitigation sites in Baltimore and Harford Counties.

The purpose of the project is to make roadway improvements to I-95 Section 200.

- Extend a two-lane express toll lane (ETL) on northbound I-95 from north of Old Joppa Road to Bynum Run, just south of MD 136;
- Make safety and operational improvements along northbound I-95;
- Relocate the existing Park and Ride at the interchange of I-95 and MD 152;
- Construct a new Park and Ride on MD 24;
- Construct two noise walls adjacent to northbound I-95 and two noise walls adjacent to southbound I-95;
- Provide a new Intelligent Transportation System communication system to improve operations and incident management along both northbound and southbound I-95;
- Stream restoration at the Lilly Run Stream Mitigation Site and the Jones Falls Eccleston Mitigation Site; and
- Use of temporary erosion and sediment controls.

The project will permanently impact 133,779 square feet of nontidal forested wetland, 7,563 square feet of nontidal scrub-shrub wetland, 31,038 square feet of nontidal emergent wetland, 2,298 square feet of nontidal forested/emergent wetland, 491,125 square feet of the 25-foot nontidal wetland buffer, 28,555 linear feet (254,750 square feet) of streams, and 210,636 square feet of 100-year nontidal floodplain. The project will temporarily impact 80,924 square feet of nontidal forested wetland, 6,258 square feet of nontidal scrub-shrub wetland, 84,413 square feet of nontidal emergent wetland, 235,373 square feet

of the 25-foot nontidal wetland buffer, 107 linear feet (1,181 square feet) of streams, and 1,179,654 square feet of 100-year nontidal floodplain

The WQC and its attachments may be viewed at the following link: <https://mde.maryland.gov/programs/Water/WetlandsandWaerways/Pages/WQC.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: Jennifer Bird at jennifer.bird@maryland.gov or 410-316-7959.

[20-06-13]

DEPARTMENT OF NATURAL RESOURCES

FISHING AND BOATING SERVICES — PUBLIC NOTICE

Closure of West River and Rhode River (Anne Arundel County) to Oyster Harvest — Effective 2/28/2020

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources announces that the West River and Rhode River (Anne Arundel County) are closed to oyster harvest beginning February 28, 2020 for the remainder of the 2019-2020 oyster season.

AREA CLOSED

All the waters west of a line beginning from a point at or near Curtis Point, defined by Lat. 38°51.19'N and Long. 76°29.83'W; then running approximately 330° True to a point at or near Dutchman Point, defined by Lat. 38°52.19'N and Long. 76°30.57'W.

PURPOSE OF THIS CLOSURE

The purpose of this closure is to protect the low abundance of oysters remaining on public oyster bottom in this area. This closure was requested by the Anne Arundel County Oyster Committee.

WHOM THIS NOTICE AFFECTS

This closure applies to all individuals who catch oysters recreationally or commercially.

EFFECTIVE DATE

This notice is effective at 12:01 a.m. February 28, 2020. The area is closed for the remainder of the 2019-2020 oyster season.

AUTHORITY

Code of Maryland Regulations (COMAR) 08.02.04.11G

FOR FURTHER INFORMATION CONTACT:

Fishing and Boating Services at 410-260-8302

JEANNIE HADDAWAY-RICCIO

Secretary of Natural Resources

[20-06-25]

FISHING AND BOATING SERVICES — PUBLIC NOTICE

Changes for the Atlantic Coast Recreational and Charter Boat Striped Bass Fishery — Effective 3/1/2020

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources announces changes to the recreational striped bass size and catch limits for the Atlantic Ocean, its coastal bays and their tributaries. Effective 12:01 a.m. March 1, 2020:

Recreational anglers may keep one striped bass per person per day.

The striped bass must be a minimum of 28 inches and may not exceed 35 inches in length.

WHY THIS IS NECESSARY

This action is necessary to implement the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Striped Bass.

http://asmfc.org/uploads/file/5dc071b0pr35AtlStripedBassAddVI_Apapproval.pdf

WHOM THIS NOTICE AFFECTS

This applies to all individuals who catch striped bass recreationally.

AUTHORITY

Code of Maryland Regulations (COMAR) 08.02.15.12

JEANNIE HADDAWAY-RICCIO

Secretary of Natural Resources

[20-06-26]

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.

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting

Date and Time: April 14, 2020, 9 — 11 a.m.

Place: 653 W. Pratt St., Ste. 212, Baltimore, MD

Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly the 2nd Tuesday of each month. Part of the meeting may include a closed session.

Contact: E. Fremont Magee (410) 706-8531

[20-06-11]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

Subject: Listing of Trauma/Specialty Referral Centers Requesting Reverification of Status and Call for Applications from Those Wishing to Be Considered for Designation

Add'l. Info: Pursuant to COMAR 30.08.02.10C, the Maryland Institute for Emergency Medical Services Systems (MIEMSS) gives notice that the following hospital has requested reverification as a Trauma and Specialty Center: Johns Hopkins Hospital Eye Trauma Center. Any person with knowledge of any reason why the above-listed hospital should not be reverified and redesignated is requested to submit a written statement of the reason to MIEMSS by April 6, 2020.

In addition, pursuant to COMAR 30.08.02.03C, hospitals not designated who wished to be considered for designation as an Eye Trauma Center should submit a written letter of interest to the office listed above. Letters of intent are due to MIEMSS by May 12, 2020. For more information contact Carole Mays, Director, Trauma and Injury Specialty Care Program at (410) 706-3932 or email cmays@miemss.org.

Contact: Sarah Sette (410) 706-8514

[20-06-14]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearing

Date and Time: May 7, 2020, 9 a.m. — 1 p.m.

Place: Best Western Plus Hotel and Conference Center, 5625 O'Donnell St., Baltimore, MD

Add'l. Info: Meeting of the Office of Pharmacy Service's Medicaid Pharmacy and Therapeutics Committee (Preferred Drug List). As soon as available, classes of drugs to be reviewed, speaker registration guidelines, and driving directions to the 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

[20-06-07]

HISTORIC ST. MARY'S CITY COMMISSION

Subject: Public Meeting

Date and Time: March 21, 2020, 10:30 a.m. — 12 p.m.

Place: St. Mary's College of Maryland Campus Center, Rm. 205, St. Mary's City, MD

Contact: Porzia Purves (240) 895-4960

[20-06-24]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting

Date and Time: May 14, 2020, 10 a.m.

Place: 200 St. Paul Pl., Francis Scott Key Rm., 22nd Fl., Baltimore, MD

Add'l. Info: In preparation for the 2020 hurricane season, Maryland Insurance Commissioner Al Redmer, Jr., will hold a meeting on Thursday, May 14, 2020, at 10 a.m., at Maryland Insurance Administration headquarters at 200 St. Paul Place in downtown Baltimore.

The meeting will review what the Maryland Insurance Administration has done and will continue to do in preparation for the upcoming hurricane season. Commissioner Redmer also will discuss how property and casualty insurers can help the Maryland Insurance Administration promptly and efficiently assist Maryland consumers.

You can also call in to the meeting by dialing 1-415-655-000. The access code is 737 491 483.

If you plan to attend this meeting, please RSVP to joy.hatchette@maryland.gov. If you have any questions, you may also contact Joy Hatchette at the same email address or at 410-468-2029.

Contact: Joy Hatchette (410) 468-2029

[20-06-06]

DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH) ADVISORY BOARD

Subject: Public Hearing

Date and Time: April 1, 2020, 10 a.m. — 12 p.m.

Place: MOSH Headquarters, 10946 Golden West Dr., Ste. 160, Hunt Valley, MD

Contact: Tiffany R. Jones (410) 767-2182

[20-06-09]

DIVISION OF LABOR AND INDUSTRY/BOARD OF BOILER RULES

Subject: Public Hearing

Date and Time: April 23, 2020, 1 — 3 p.m.

Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD

Contact: Tiffany R. Jones (410) 767-2182

[20-06-10]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting

Date and Time: March 26, 2020, 10 a.m. — 12 p.m.

Place: Montgomery Business Park, 1800 Washington Blvd., Ste. 330, Baltimore, MD

Contact: Kathy Lingo (410) 230-8790

[20-06-05]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: March 19, 2020, 1 — 4 p.m.

Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD

Contact: Valerie Wooding (410) 764-3570

[20-06-01]

GENERAL NOTICES

MARYLAND HEALTH CARE
COMMISSION**Subject:** Notice of Project Change

Add'l. Info: On February 12, 2020, the Maryland Health Care Commission (MHCC) received notice and a request for approval of project changes under COMAR 10.24.01.17B for Brinton Woods Health Care Center, holder of a Certificate of Need (CON), Docket No. 18-062422. The project's sponsor has requested approval of a capital cost increase of \$2,338,640.

Please refer to the Docket No. listed above in any correspondence on this request, a copy of which is available for review by appointment in MHCC offices during regular business hours. All correspondence should be addressed to Kevin McDonald, Chief, Certificate of Need, MHCC, 4160 Patterson Ave., Baltimore, MD 21215.

Contact: Ruby Potter (410) 764-3276
[20-06-16]

MARYLAND HEALTH CARE
COMMISSION**Subject:** Request for Letters of Intent — Substance Abuse

Add'l. Info: On February 11, 2020, the MHCC received a Letter of Intent from: CMD5 Residential, LLC for the establishment of a Track Two Intermediate Care Facility offering Medically Monitored Inpatient treatment for individuals with Substance Abuse Disorder to be located at 6040 Harford Rd., Baltimore, MD. The proposed facility will be a 104-bed residential treatment facility with 59 beds licensed designated at Level 3.7WM and 3.7; the remaining beds will be licensed as levels 3.1, 3.3, and 3.5 through the Behavioral Health Administration.

Pursuant to COMAR 10.24.01.08A(3) the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to establish a Track Two Alcoholism and Drug Abuse Treatment Facility in Central Maryland (Baltimore City and Baltimore, Harford, Howard, and Anne Arundel counties). Additional Letters of Intent should be submitted to MHCC, 4160 Patterson Ave., Baltimore, MD 21215, and are due by the close of business on April 13, 2020.

Contact: Ruby Potter (410) 764-3276
[20-06-19]

MARYLAND HEALTH CARE
COMMISSION**Subject:** Receipt of Application

Add'l. Info: On February 26, 2020, the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:

Pyramid Walden-Joppa — Matter No. 20-12-2440. Establishment of a new Track 2 Intermediate Care Facility offering Medically Monitored Inpatient treatment for substance abuse. The facility will consist of 50 beds licensed and designated for withdrawal management and medically monitored inpatient Level 3.7WM and 3/7, and an additional 22 beds licensed for Clinically Managed High Intensity Residential Treatment (Level 3.5). Proposed Cost: \$5,194,069.

The MHCC shall review the applications under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application 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, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Ave., Baltimore, MD 21215

Contact: Ruby Potter (410) 764-3276
[20-06-20]

BOARD OF OCCUPATIONAL
THERAPY PRACTICE**Subject:** Public Meeting

Date and Time: March 20, 2020, 9 a.m. — 12 p.m.

Place: Via Teleconference, MD

Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255. The meeting will take place by

teleconference. Please call the office to for call-in information.

Contact: Lauren Murray (410) 402-8556
[20-06-12]

RACING COMMISSION

Subject: Public Meeting

Date and Time: March 26, 2020, 12:30 — 1 p.m.

Place: Laurel Park, Laurel, MD

Contact: J. Michael Hopkins (410) 296-9682

[20-06-04]

COMMISSION ON STATE DEBT

Subject: Public Meeting

Date and Time: April 16, 2020, 1 p.m.

Place: Louis L. Goldstein Treasury Bldg., Assembly Rm. #114—#116, 80 Calvert St., Annapolis, MD

Add'l. Info: Annual meeting to recommend a State tax rate on real and personal property.

Contact: Christian Lund (410) 260-7920
[20-06-17]

DEPARTMENT OF VETERANS
AFFAIRS/MARYLAND VETERANS
COMMISSION**Subject:** Public Meeting

Date and Time: April 21, 2020, 10:30 a.m. — 1 p.m.

Place: Perry Point VA Medical Center, Perry Point, MD

Contact: Denise Nooe (410) 260-3840
[20-06-18]

WORKERS' COMPENSATION
COMMISSION**Subject:** Public Meeting

Date and Time: March 26, 2020, 9:30 — 11:30 a.m.

Place: 10 E. Baltimore St., Baltimore, MD

Add'l. Info: Portions of this meeting may be held in closed session.

Contact: Amy Lackington (410) 864-5300
[20-06-02]

GOVERNOR'S WORKFORCE
DEVELOPMENT BOARD**Subject:** Public Meeting

Date and Time: March 18, 2020, 3:30 — 5 p.m.

Place: 7201 Corporate Center Dr., Hanover, MD

Add'l. Info: Governor's Workforce Development Board Quarterly Meeting

Contact: Darla Henson (410) 767-2408
[20-06-08]

**YOUTH CAMP SAFETY ADVISORY
COUNCIL**

Subject: Public Meeting

Date and Time: April 1, 2020, 10 a.m. —
12 p.m.

Place: Anne Arundel Community College
— Arnold Campus, 101 College Pkwy.,
Arnold, MD

Contact: Tylvia Koromah (410) 767-8417
[20-06-03]

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Title 16	Department of Juvenile Services		\$32	\$20		
Title 17	Department of Budget and Management		\$38	\$25		
Title 18	Department of Assessments and Taxation		\$28	\$18		
Title 19A	State Ethics Commission		\$33	\$20		
Title 20	Public Service Commission		\$64	\$42		
Title 21	State Procurement Regulations		\$65	\$42		
Title 22	State Retirement and Pension System		\$33	\$18		
Title 23	Board of Public Works		\$26	\$15		
Title 24	Department of Commerce		\$47	\$25		
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Title 10 Maryland Department of Health

Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

Part 2

- 09 Medical Care Programs

Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and
Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
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Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
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- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid
Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine
- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supp Nutrition Prg for Women, Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program Profess.
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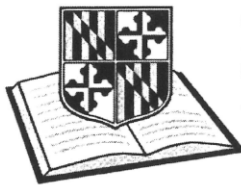
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