

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 28, 2015, 5 p.m.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 September 28, 2015.

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



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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Lawrence J. Hogan, Jr., Governor; **John C. Wobensmith,** Secretary of State; **Brian Morris,** Administrator; **Gail S. Klakring,** Senior Editor; **Mary D. MacDonald,** Editor, Maryland Register and COMAR; **Elizabeth Ramsey,** Editor, COMAR Online, and Subscription Manager; **Tami Cathell,** Help Desk, COMAR and Maryland Register Online.

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PERSONS WITH DISABILITIES

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Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
October 30**	October 9	October 21	October 19
November 13	October 26	November 4	November 2
November 30***	November 9	November 18	November 16
December 11**	November 20	December 2	November 30
December 28***	December 7	December 16	December 14
January 8**	December 18	December 30	December 28
January 22	January 4	January 13	January 11

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

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

** Note closing date changes

*** Note issue date and closing date changes

The regular closing date for Proposals and Emergencies is Monday.

COMAR Online

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

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

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

Availability of Monthly List of Maryland Documents

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

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

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 Section 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.

<p>02 OFFICE OF THE ATTORNEY GENERAL</p> <p>02.06.03.01—10 • 42:13 Md. R. 798 (6-26-15)</p> <p>05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT</p> <p>05.14.02.01—11 • 42:18 Md. R. 1181 (9-4-15) 05.19.03.01—03,05 • 42:19 Md. R. 1231 (9-18-15)</p> <p>07 DEPARTMENT OF HUMAN RESOURCES</p> <p>07.01.06.02—06 • 41:25 Md. R. 1489 (12-12-14) 07.02.07.01—26 • 42:2 Md. R. 148 (1-23-15) 07.02.26.01—15 • 42:2 Md. R. 159 (1-23-15) 07.07.08.03 • 42:21 Md. R. 1304 (10-16-15) 07.07.09.05 • 42:21 Md. R. 1305 (10-16-15)</p> <p>08 DEPARTMENT OF NATURAL RESOURCES</p> <p>08.02.01.14 • 42:18 Md. R. 1184 (9-4-15) 08.02.04.13 • 42:16 Md. R. 1059 (8-7-15) 08.07.03.01—03 • 42:21 Md. R. 1305 (10-16-15) 08.07.06.01,02 • 42:19 Md. R. 1232 (9-18-15) 08.07.07.07 • 42:20 Md. R. 1267 (10-2-15) 08.07.08.05 • 42:21 Md. R. 1306 (10-16-15)</p> <p>09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION</p> <p>09.03.06.02,,24,,25 • 42:2 Md. R. 170 (1-23-15) 09.03.06.23 • 42:21 Md. R. 1307 (10-16-15) 09.03.09.07 • 42:21 Md. R. 1308 (10-16-15) 09.03.12.09 • 42:21 Md. R. 1309 (10-16-15) 09.09.02.01 • 41:25 Md. R. 1500 (12-12-14) 09.11.09.02 • 42:21 Md. R. 1310 (10-16-15) 09.12.44.01,,02 • 42:1 Md. R. 25 (1-9-15) 09.12.81.01-1,,04-1 • 42:2 Md. R. 173 (1-23-15)</p>	<p>09.14.04.01,,02,,04 • 42:1 Md. R. 26 (1-9-15) 09.19.04.01,,02 • 42:2 Md. R. 174 (1-23-15) 09.19.12.02 • 42:2 Md. R. 174 (1-23-15) 09.23.04.03 • 41:25 Md. R. 1500 (12-12-14) 09.38.01.01—03 • 42:16 Md. R. 1065 (8-7-15) 09.39.01.01 • 42:21 Md. R. 1311 (10-16-15)</p> <p>10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE</p> <p style="text-align: center;">Subtitles 01—08 (1st volume)</p> <p>10.01.08.04 • 41:25 Md. R. 1504 (12-12-14) 10.01.17.02 • 42:21 Md. R. 1311 (10-16-15) 10.01.18.01—08 • 41:22 Md. R. 1322 (10-31-14) 10.05.05.03 • 42:21 Md. R. 1314 (10-16-15) 10.07.03.05 • 42:21 Md. R. 1314 (10-16-15) 10.07.05.04 • 42:21 Md. R. 1315 (10-16-15) 10.07.16.01—22 • 42:18 Md. R. 1185 (9-4-15) (ibr)</p> <p style="text-align: center;">Subtitle 09 (2nd volume)</p> <p>10.09 • 42:15 Md. R. 1031 (7-24-15) (err) 10.09.02.05 • 42:2 Md. R. 181 (1-23-15) 10.09.20.01—19 • 42:2 Md. R. 182 (1-23-15) 10.09.26 • 42:4 Md. R. 443 (2-20-15) (err) 42:6 Md. R. 546 (3-20-15) (err) 10.09.26.01—53 • 42:3 Md. R. 328 (2-6-15) 10.09.63.06 • 42:19 Md. R. 1235 (9-18-15) 10.09.64.05 • 42:19 Md. R. 1235 (9-18-15) 10.09.65.17 • 42:19 Md. R. 1235 (9-18-15) 10.09.66.05 • 42:19 Md. R. 1235 (9-18-15) 10.09.84.06,,23 • 42:17 Md. R. 1116 (8-21-15)</p> <p style="text-align: center;">Subtitles 10 — 22 (3rd Volume)</p> <p>10.10.04.02 • 42:21 Md. R. 1316 (10-16-15) 10.12.04.04 • 42:21 Md. R. 1317 (10-16-15) 10.19.03.03 • 42:17 Md. R. 1116 (8-21-15)</p>
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 13B.08.02.01—.12 • 42:17 Md. R. 1141 (8-21-15)
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26.13.01.03,.05 • 42:2 Md. R. 247 (1-23-15)
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26.16.01.01—.05,.07—.20 • 42:2 Md. R. 254 (1-23-15)

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29 DEPARTMENT OF STATE POLICE

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30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

30.08.12.11 • 42:19 Md. R. 1246 (9-18-15)

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31.03.05.01—.14 • 42:16 Md. R. 1085 (8-7-15)

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32 MARYLAND DEPARTMENT OF AGING

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33.01.01.01 • 42:21 Md. R. 1335 (10-16-15)

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33.13.01.01 • 42:21 Md. R. 1336 (10-16-15)

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33.20.07.01—.03 • 42:21 Md. R. 1354 (10-16-15)

33.20.08.01 • 42:21 Md. R. 1355 (10-16-15)

36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

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36.06.03.01—.08 • 42:14 Md. R. 930 (7-10-15)

36.06.04.01—.04 • 42:14 Md. R. 930 (7-10-15)

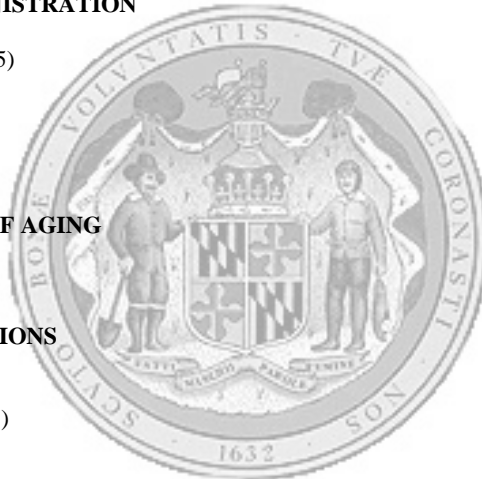
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The Governor

EXECUTIVE ORDER 01.01.2015.22

The Department of Commerce

WHEREAS, Cultivating robust economic growth, business development, and job creation requires effectively marketing Maryland's vast commercial opportunities to businesses and investors;

WHEREAS, The Hogan-Rutherford Administration advances the goals of the Maryland Economic Development and Business Climate Commission (Augustine Commission) and Chapter 141 of the Acts of the General Assembly of 2015 by the change enacted herein;

WHEREAS, The mission of the Department of Commerce will be to strengthen the Maryland economy by developing and implementing programs that aim to generate new jobs or retain existing jobs, attract business investment in new or expanding companies, and promote the State's strategic assets; and

WHEREAS, The Hogan-Rutherford Administration will present legislation to the Maryland General Assembly to be introduced in the 2016 Legislative Session to provide efficiency in reference to the Department of Commerce in conformance with the priorities of the Augustine Commission.

NOW THEREFORE, I, LAWRENCE J. HOGAN JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION, INCLUDING ARTICLE II, § 24 OF THE CONSTITUTION, AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

The Department of Business and Economic Development, which is scheduled to become known as the Department of Economic Competitiveness and Commerce effective October 1, 2015, will henceforth and for all time be known as and titled the Department of Commerce.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 1st Day of October, 2015.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[15-21-29]

EXECUTIVE ORDER 01.01.2015.23

Executive Order Regarding Hurricane Joaquin Declaration of a State of Emergency

WHEREAS, The State of Maryland is subject to a variety of hazards and disasters including an impending emergency as defined in Section 14-101(c)(1) of the Public Safety Article of the Annotated Code of Maryland;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that as a result of the impending impact of Hurricane Joaquin and associated high winds, severe rain, and other significant hazards, there is a need for special preparedness and response for which resources may be requested;

WHEREAS, Hurricane Joaquin is currently a category four hurricane moving towards the East Coast of the United States and forecasted by the National Hurricane Center to impact the State of Maryland;

WHEREAS, The precise path of Hurricane Joaquin remains uncertain and the entire State of Maryland must therefore take steps to prepare for potential property destruction and minimize the threat to public safety and the lives of all Marylanders who may be in the path of the storm;

WHEREAS, There is a need to take protective actions to protect the lives and property of citizens expected to be impacted by the potentially disastrous effects of Hurricane Joaquin;

WHEREAS, Resources may be requested due to intense and powerful wind, heavy rains, and flooding that may affect the State of Maryland;

WHEREAS, Transportation, water utility, and other critical infrastructure may be negatively affected by power outages, wind damage, and flooding;

WHEREAS, State and local government agencies may require additional resources and support in order to implement protective actions and meet the public safety and welfare needs of citizens that could be affected by the storm, heavy winds, flooding, and power outages;

WHEREAS, The citizens of Maryland may require direct assistance in repairing damaged homes and businesses and in order to return to their daily lives;

WHEREAS, The Federal Emergency Management Agency has urged all residents to take steps now to prepare their families and businesses for the impending hurricane;

WHEREAS, Certain regulations related to commercial vehicles may need to be waived;

WHEREAS, Use of resources of the Maryland National Guard may be required; and

WHEREAS, In order to facilitate the deployment of requisite resources within provisions of Maryland law and in order to implement the emergency powers of the Governor, an Executive Order of the Governor is necessary and appropriate.

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND BASED ON THE ABOVE FINDINGS, DECLARE THAT AN EMERGENCY EXISTS WITHIN THE ENTIRE STATE OF MARYLAND PERTAINING TO THE NEED TO PREPARE FOR HURRICANE JOAQUIN.

As a result of the emergency condition, the following measures are enacted:

1. The Maryland National Guard is called into action and State service.
2. The Maryland Emergency Management Agency, the Maryland State Police, and/or any other appropriate State authority, are authorized to engage, deploy and coordinate available resources and activate their emergency preparedness plans.
3. Given the uncertain path, severity and impact of Hurricane Joaquin on the State of Maryland, all State employees are to report for work as they would in the ordinary course, unless otherwise directed.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 1st Day of October, 2015.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[15-21-30]

EXECUTIVE ORDER 01.01.2015.24

Executive Order Regarding Hurricane Joaquin Declaration of a State of Emergency (Amends Executive Order 01.01.2015.23)

WHEREAS, The State of Maryland is subject to a variety of hazards and disasters including an impending emergency as defined in Section 14-101(c)(1) of the Public Safety Article of the Annotated Code of Maryland;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that as a result of the impending impact of Hurricane Joaquin and another strong storm moving into the Mid-Atlantic area, and the associated high winds, severe rain, and other significant hazards, there is a need for special preparedness and response for which resources may be requested;

WHEREAS, Hurricane Joaquin remains a category four hurricane but is no longer moving towards the East Coast of the United States;

WHEREAS, The forecasts tracking Hurricane Joaquin have changed with it now appearing that the storm is on a northeasterly track; however, there is another storm moving into the Mid-Atlantic area;

WHEREAS, There remains a need to take actions to protect the lives and property of citizens of certain Maryland counties and Baltimore City expected to be impacted by the effects of Hurricane Joaquin and other storms;

WHEREAS, Resources may be requested due to intense and powerful wind, heavy rains, and flooding that may affect the following counties in Maryland: Caroline, Worcester, Somerset, Wicomico, Dorchester, Talbot, Queen Anne's, Kent, Cecil, Harford, Baltimore, Anne Arundel, Calvert, St. Mary's, and Charles, as well as Baltimore City;

WHEREAS, Transportation, water utility, and other critical infrastructure may be negatively affected by power outages, wind damage, and flooding;

WHEREAS, State and local government agencies may require additional resources and support in order to implement protective actions and meet the public safety and welfare needs of citizens that could be affected by the storm, heavy winds, flooding, and power outages;

WHEREAS, The citizens of Maryland in the designated areas may require direct assistance in repairing damaged homes and businesses and in order to return to their daily lives;

WHEREAS, Certain regulations related to commercial vehicles may need to be waived;

WHEREAS, Use of resources of the Maryland National Guard may be required; and

WHEREAS, In order to facilitate the deployment of requisite resources within provisions of Maryland law and in order to implement the emergency powers of the Governor, an Executive Order of the Governor is necessary and appropriate.

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND BASED ON THE ABOVE FINDINGS, DECLARE THAT AN EMERGENCY EXISTS PERTAINING TO THE NEED TO PREPARE FOR HURRICANE JOAQUIN AND OTHER STORMS WITHIN THE FOLLOWING MARYLAND COUNTIES: CAROLINE, Worcester, Somerset, Wicomico, Dorchester, Talbot, Queen Anne's, Kent, Cecil, Harford, Baltimore, Anne Arundel, Calvert, St. Mary's, AND Charles, AS WELL AS BALTIMORE CITY.

As a result of the emergency condition, the following measures are enacted:

A. The Maryland National Guard is called into action and State service.

B. The Maryland Emergency Management Agency, the Maryland State Police, and/or any other appropriate State authority, are authorized to engage, deploy and coordinate available resources and activate their emergency preparedness plans FOR THE FOLLOWING MARYLAND COUNTIES: CAROLINE, Worcester, Somerset, Wicomico, Dorchester, Talbot, Queen Anne's, Kent, Cecil, Harford, Baltimore, Anne Arundel, Calvert, St. Mary's, AND Charles, AS WELL AS BALTIMORE CITY.

C. Given the uncertain path, severity and impact of Hurricane Joaquin AND OTHER STORMS on the State of Maryland, all State employees are to report for work as they would in the ordinary course, unless otherwise directed.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 2nd Day of October, 2015.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[15-21-37]

EXECUTIVE ORDER 01.01.2015.25

Rescission of Executive Orders 01.01.2015.23 and 01.01.2015.24

WHEREAS, I, Lawrence J. Hogan, Jr., Governor of the State of Maryland, issued Executive Orders 01.01.2015.23 declaring a State of Emergency in the State of Maryland and 01.01.2015.24 limiting the State of Emergency to certain Maryland counties and Baltimore City, both of which also implemented the emergency powers of the Governor to protect the lives and property of citizens impacted by the emergency; and

WHEREAS, The emergency caused by the threat and impact of severe weather no longer exists in any Maryland county or Baltimore City.

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE EMERGENCY THAT EXISTED IN THE STATE OF MARYLAND NO LONGER EXISTS AND HEREBY RESCIND EXECUTIVE ORDERS 01.01.2015.23 AND 01.01.2015.24.

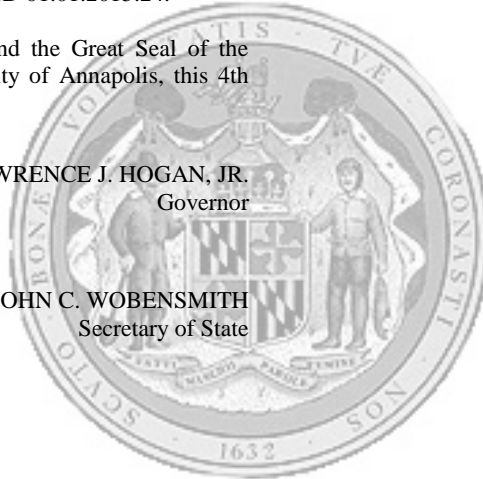
GIVEN Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 4th day of October, 2015.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[15-21-38]



Open Meetings Compliance Board

SUMMARY OF OPINIONS ISSUED FROM JULY 1 — SEPTEMBER 30, 2015*

9 Official Opinions of the Compliance Board 243 (2015)
Mayor and Council of Rockville (Ann M. Wallas, Association of Administrative Municipal Employees, Complainants)
July 8, 2015
Topics discussed: Notice (required contents when the meeting will be closed immediately after it is convened); scope of “legal advice” exception.

9 Official Opinions of the Compliance Board 246 (2015)
Garrett County Development Corporation (Michael Bell & others, Complainants)
July 30, 2015
Topic discussed: Definition of “public body” (as applied to development corporation no longer subject to county’s governance)

9 Official Opinions of the Compliance Board 256 (2015)
Frederick County Historic Preservation Commission (Kimberly Mellon, Complainant)
August 20, 2015
Topics discussed: Notice (advice on use of standing notices, timing); minutes (need to generate written minutes when technology for alternative methods fails)

9 Official Opinions of the Compliance Board 259 (2015)
Mayor & Common Council of the Town of University Park (Judd O. Nelson and others, Complainants)
August 20, 2015
Topics discussed: Definition of “meeting” as applied to email communications (guidance on electronic communications among a quorum); minutes (timeliness of adoption when public body cannot agree on content)

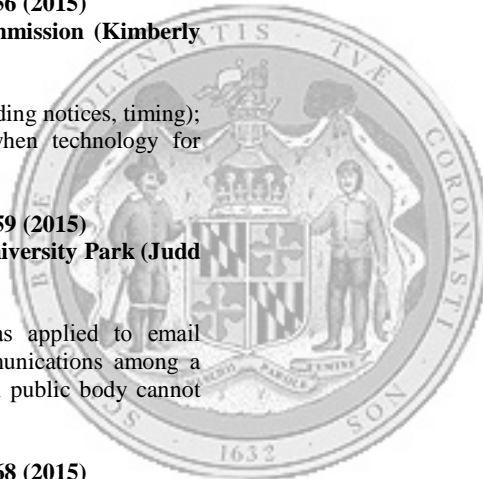
9 Official Opinions of the Compliance Board 268 (2015)
Re: Heroin and Opioid Task Force (Michele J. Fluss, Complainant)
August 24, 2015
Topics discussed: Notice (general requirement); minutes (adoption and accuracy); timeliness of new public body’s designation of trainee

9 Official Opinions of the Compliance Board 271 (2015)
Re: Town Commission, Town of Barclay (William E. Wallace, Complainant)
September 18, 2015
Topics discussed: Inability of Compliance Board to resolve disputes of fact (contradictory versions of whether commissioners discussed public business after they adjourned a public meeting)

9 Official Opinions of the Compliance Board 273 (2015)
Re: Board of Commissioners, Housing Authority of Prince George’s County (consolidated complaints) (Sabrina B. Wear, Esq. and Alexa E. Bertinelli, Esq., Complainants)
October 14, 2015
Topics discussed: Notice (timeliness); notice and open meeting requirements (impermissibility of “pre-meetings” and “special meetings” held without notice); complaint procedures (requirement that public bodies respond to Open Meetings Act complaints)

9 Official Opinions of the Compliance Board 279 (2015)
Re: Citizens’ Advisory Board – Traffic Issues, Montgomery County Police Department (Ronald W. Ely and Thomas Barrett, Complainants)
October 14, 2015
Topic discussed: Definition of “public body” (as applied to committee created by merit system employee several steps removed from executive authority)

*The full text of these opinions can be found at <http://www.oag.state.md.us/Opengov/Openmeetings/index.htm>, through the link for “Opinions.”



Regulatory Review and Evaluation

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

Title 08 DEPARTMENT OF NATURAL RESOURCES

Opportunity for Public Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Department of Natural Resources is currently reviewing and evaluating the following chapters of COMAR:

SUBTITLE 04 BOATING

- 08.04.02 Maryland Boat Act Advisory Committee
- 08.04.07 Boating Accidents
- 08.04.08 Boat Livery Operation
- 08.04.11 Waterway Improvement Program
- 08.04.13 Mooring Devices

SUBTITLE 05 RURAL LEGACY

- 08.05.01 General

SUBTITLE 06 RECREATIONAL WATER USES

- 08.06.01 Potomac River
- 08.06.02 Interference with Approved Powerboat Races, Regattas, or Exhibitions

SUBTITLE 07 FORESTS AND PARKS

- 08.07.01 State Forest
- 08.07.02 Roadside Tree Care
- 08.07.03 Forest Management Programs
- 08.07.04 Forest Fire Protection
- 08.07.05 Woodland Incentive Program
- 08.07.06 Use of State Parks

SUBTITLE 08 DEEP CREEK LAKE

- 08.08.01 General Provisions
- 08.08.03 Buffer Strip Uses
- 08.08.05 Permits
- 08.08.06 Permit Suspension and Revocation
- 08.08.07 Removal of Docks, Mooring Buoys, Structures and Facilities
- 08.08.08 Appeals
- 08.08.09 Violation of Regulations

SUBTITLE 09

- 08.09.01 Activities or Uses in the Beach Erosion Control District
- 08.09.02 Beach Erosion Control District

SUBTITLE 10

- 08.10.01 General

Pursuant to its work plan, the Department will evaluate the need to retain, amend, or repeal any obsolete or duplicative provisions based on whether the regulations are:

- Still necessary for the public interest;
- Drafted in a clear and understandable manner;
- Still supported by statutory authority and judicial opinions and consistent with federal and other State regulations;

- Still effective in accomplishing the intended purpose of the regulations; and
- Obsolete or otherwise appropriate for amendment or repeal.

The Department would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on these regulations. If the comments include suggested changes to the regulations, please be as specific as possible and provide language for the suggested changes.

Comments should be directed to Rich Norling, Legislative Director, by mail to Department of Natural Resources, 580 Taylor Avenue, C-4, Annapolis, MD 21401; by fax to 410-260-8111 or by email to Rich.Norling@maryland.gov. Comments must be received by November 16, 2015.

[15-21-23]

TITLE 31 MARYLAND INSURANCE ADMINISTRATION

Notice of Availability of Evaluation Report

Pursuant to State Government Article, §10-135(b)(1), Annotated Code of Maryland, Regulatory Review and Evaluation Act, and Executive Order 01.01.2003.20, notice is hereby given that the Evaluation Report regarding COMAR 31.06.01, 31.06.02, 31.06.03, and 31.06.04 is available for public inspection and comment for a period of 60 days following the date of this notice.

This report may be reviewed online at <http://www.mdinsurance.state.md.us/sa/news-center/proposed-regulations.html> or by appointment at the Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202. Information and appointments may be obtained by contacting Catherine Grason, Director of Regulatory Affairs, at 410-468-2201 or by email at insurancereview.mia@maryland.gov.

[15-21-22]

Final Action on Regulations

Symbol Key

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

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 10 RACING COMMISSION

09.10.03 Prohibited Acts

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

Notice of Final Action

[15-193-F]

On September 15, 2015, the Maryland Racing Commission adopted amendments to Regulation **.01-1** under **COMAR 09.10.03 Prohibited Acts**. This action, which was proposed for adoption in 42:15 Md. R. 1023 (July 24, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

J. MICHAEL HOPKINS
Executive Director

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Final Action

[15-218-F]

On October 5, 2015, the Secretary of Health and Mental Hygiene adopted:

(1) Amendments to Regulation **.04** under **COMAR 10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services**; and

(2) The repeal of Regulations **.01—11** under **COMAR 10.09.28 Residential Rehabilitation for Children in Certain Out-of-Home Placements**.

This action, which was proposed for adoption in 42:16 Md. R. 1066—1067 (August 7, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.49 Telehealth Services

Authority: Health-General Article, §§2-104(b) and 15-105.2(b), Annotated Code of Maryland

Notice of Final Action

[15-188-F]

On September 23, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.01—11**, the repeal of existing Regulation **.12**, and new Regulation **.12** under **COMAR 10.09.49 Telehealth Services**. This action, which was proposed for adoption in 42:14 Md. R. 886—890 (July 10, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.59 Specialty Mental Health Services

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

Notice of Final Action

[15-198-F]

On October 5, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.01—04**, **.06—09**, **.12**, and **.13**, the repeal of existing Regulation **.05**, and new Regulation **.05** under **COMAR 10.09.59 Specialty Mental Health Services**. This action, which was proposed for adoption in 42:15 Md. R. 1023—1026 (July 24, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Final Action

[15-150-F]

On October 6, 2015, the Secretary of Health and Mental Hygiene adopted:

(1) Amendments to Regulation .03 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations;**

(2) Amendments to Regulations .04, .07, and .27 under **COMAR 10.09.67 Maryland Medicaid Managed Care Program: Benefits;**

(3) The repeal of Regulation .17 and new Regulation .17 under **COMAR 10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management;** and

(4) Amendments to Regulation .06 under **COMAR 10.09.72 Maryland Medicaid Managed Care Program: Departmental Dispute Resolution Procedures.**

This action, which was proposed for adoption in 42:14 Md. R. 890—898 (July 10, 2015), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 26, 2015.

Attorney General’s Certification

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

COMAR 10.09.69.17: Correcting typographical errors in the Age Limit column of the chart.

10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management

Authority: Health-General Article, §15-102.1(b)1 and 15-103(b)4(i) Annotated Code of Maryland

.17 Table of Rare and Expensive Disease Diagnosis.

ICD10	ICD 10 Description	Age Limit
B20— C96.6	(proposed text unchanged)	
D61.01	Constitutional (pure) red blood cell aplasia	[[0—64]] 0—20
D61.09	Other constitutional aplastic anemia	[[0—64]] 0—20
D66— G12.9	(proposed text unchanged)	
G24.1	Genetic torsion dystonia	[[0—20]] 0—64
G24.8	Other dystonia	[[0—20]] 0—64
G25.3— Q75.8	(proposed text unchanged)	
Q77.4	Achondroplasia	[[0—20]] 0—1
Q77.6— Z99.2	(proposed text unchanged)	

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

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

Notice of Final Action

[15-231-F]

On October 6, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .19 and .19-3 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations.** This action, which was proposed for adoption in 42:17 Md. R. 1112—1116 (August 21, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.70 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services

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

Notice of Final Action

[15-170-F]

On September 23, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .02 and .03 under **COMAR 10.09.70 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services.** This action, which was proposed for adoption in 42:14 Md. R. 898—907 (July 10, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.75 Maryland Medicaid Managed Care Program—Corrective Managed Care

Authority: Health-General Article, §15-102.1(b)9 and 15-103, Annotated Code of Maryland

Notice of Final Action

[15-159-F]

On October 5, 2015, the Secretary of Health and Mental Hygiene adopted the repeal of Regulations .01—.04 and new Regulations .01—.05 under **COMAR 10.09.75 Maryland Managed Care Program—Corrective Managed Care.** This action, which was proposed for adoption in 42:13 Md. R. 804—805 (June 26, 2015), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 26, 2015.

Attorney General's Certification

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

Regulation .02B(9): Language was added to clarify timing requirement.

Regulation .03C and D: Proposed language was divided into two provisions solely for clarification purposes.

.02 Corrective Managed Care Plan.

A. (proposed text unchanged)

B. *For all benefit abuse covered by an MCO's corrective managed care plan, the plan shall:*

(1)—(8) (proposed text unchanged)

(9) *Provide an enrollee determined to have abused benefits 20 days from the date of the notice to present additional documentation to explain the facts that serve as the basis for the MCO's determination of benefit abuse, consistent with §D of this regulation;*

(10)—(12) (proposed text unchanged)

C.—E. (proposed text unchanged)

.03 Enrollee Notice.

The MCO shall provide an enrollee determined to have abused MCO benefits a written notice that includes the following:

A.—B. (proposed text unchanged)

C. *[[If the enrollee does not provide additional information referenced in §B of this regulation, a]] A statement that the enrollee will be enrolled in corrective managed care and the effective date and duration of that enrollment;*

D. An explanation that the effective date will be tolled pending the MCO's review of any additional information the enrollee provides pursuant to §B of this regulation;

[[D.]] E.—[[E.]] F. (proposed text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.80 Community-Based Substance Use Disorder Services

Authority: Health-General Article, §§2-104(b), 8-204(c)(1), 15-103(a)(1), and 15-105(b), Annotated Code of Maryland

Notice of Final Action

[15-215-F]

On October 6, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .01—.08 under **COMAR 10.09.80 Community-Based Substance Use Disorder Services**. This action, which was proposed for adoption in 42:16 Md. R. 1067—1071 (August 7, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS

10.40.05 Hearing Procedures

Authority: Health Occupations Article, §§16-313 and 16-314; State Government Article, §10-206; Annotated Code of Maryland

Notice of Final Action

[15-217-F]

On October 6, 2015, the Secretary of Health and Mental Hygiene adopted the repeal of existing Regulations .01—.10 and new Regulations .01—.10 under **COMAR 10.40.05 Hearing Procedures**. This action, which was proposed for adoption in 42:17 Md. R. 1118—1123 (August 21, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

10.54.02 Local Agency

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

Notice of Final Action

[15-220-F]

On October 5, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .18 under **COMAR 10.54.02 Local Agency**. This action, which was proposed for adoption in 42:16 Md. R. 1081—1082 (August 7, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 17
**DEPARTMENT OF BUDGET
AND MANAGEMENT**
**Subtitle 04 PERSONNEL SERVICES
AND BENEFITS**

17.04.15 Maryland Rx Program

Authority: State Personnel and Pensions Article, §§2-502.1 and 2-503,
Annotated Code of Maryland

Notice of Final Action
[15-229-F]

On October 6, 2015, the Secretary of Budget and Management adopted amendments to Regulations **.02—.04** under **COMAR 17.04.15 Maryland Rx Program**. This action, which was proposed for adoption in 42:17 Md. R. 1150—1151 (August 21, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

DAVID R. BRINKLEY
Secretary of Budget and Management

Title 36
**MARYLAND STATE
LOTTERY AND GAMING
CONTROL AGENCY**
Subtitle 05 TABLE GAMES

36.05.04 Blackjack Rules

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

Notice of Final Action
[15-211-F]

On September 24, 2015, the Maryland Lottery and Gaming Control Agency adopted amendments to Regulations **.02, .06, and .13** under **COMAR 36.05.04 Blackjack Rules**. This action, which was proposed for adoption in 42:16 Md. R. 1088—1090 (August 7, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

GORDON MEDENICA
Director

Title 26
**DEPARTMENT OF THE
ENVIRONMENT**
**Subtitle 12 RADIATION
MANAGEMENT**

26.12.01 Radiation Protection

Authority: Environment Article, §§8-106, 8-301, and 8-304, Annotated Code
of Maryland

Notice of Final Action
[15-201-F-I]

On September 18, 2015, the Secretary of the Environment adopted amendments to Regulation **.01** under **COMAR 26.12.01 Radiation Protection**. This action, which was proposed for adoption in 42:15 Md. R. 1029 (July 24, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 05 TABLE GAMES
36.05.19 Double Draw Poker Game

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

Notice of Final Action
[15-210-F]

On September 24, 2015, the Maryland Lottery and Gaming Control Agency adopted new Regulations **.01 — .13** under a new chapter, **COMAR 36.05.19 Double Draw Poker Game**. This action, which was proposed for adoption in 42:16 Md. R. 1090—1094 (August 7, 2015), has been adopted as proposed.

Effective Date: October 26, 2015.

GORDON MEDENICA
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 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 07 CHILD SUPPORT ENFORCEMENT ADMINISTRATION

07.07.08 State Comptroller Intercept Program

Authority: Family Law Article, §§10-113 and 10-113.2, Annotated Code of Maryland

Notice of Proposed Action [15-330-P]

The Secretary of Human Resources proposes to amend Regulation .03 under **COMAR 07.07.08 State Comptroller Intercept Program**.

Statement of Purpose

The purpose of this action is to repeal the \$10 fee that is deducted by the Child Support Enforcement Administration before distributing a tax refund to any non-TCA obligee under the State Comptroller Intercept Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will repeal the \$10 fee imposed by the Child Support Enforcement Administration.

II. Types of Economic Impact.

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

- | | | |
|-----------------------------|------|--------------|
| A. On issuing agency: | (R-) | Minor Impact |
| B. On other State agencies: | NONE | |
| C. On local governments: | NONE | |

	Benefit (+) Cost (-)	Magnitude
--	-------------------------	-----------

- | | | |
|---|------|--|
| D. On regulated industries or trade groups: | NONE | |
| E. On other industries or trade groups: | NONE | |
| F. Direct and indirect effects on public: | NONE | |

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

A. Based on FY 2015 actual collections, there is an estimated decrease in revenue of \$145,158.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Garvey, Deputy Director of Government Affairs, Department of Human Resources, 311 W. Saratoga Street, or call 410-767-6886, or email to andrea.garvey@maryland.gov, or fax to 410-333-0637. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.03 Duties of the Administration.

A.—F.(text unchanged)

[G. The Administration shall deduct a fee of \$10 before distributing a tax refund to any non-TCA obligee. However, the fee may not exceed 25 percent of the amount otherwise to be distributed to the obligee.]

SAM MALHOTRA
Secretary of Human Resources

**Subtitle 07 CHILD SUPPORT
ENFORCEMENT ADMINISTRATION
07.07.09 Federal Income Tax Refund Offset
Program**

Authority: Family Law Article, §§10-110, 10-113, and 10-114, Annotated Code of Maryland
Agency Note: Federal Regulatory Reference—45 CFR §303.72;
42 U.S.C. §664

Notice of Proposed Action
[15-329-P]

The Secretary of Human Resources proposes to amend Regulation .05 under COMAR 07.07.09 Federal Income Tax Refund Offset Program.

Statement of Purpose

The purpose of this action is to repeal the \$25 fee that is deducted by the Child Support Enforcement Administration before distributing an offset amount to any non-Temporary Cash Assistance custodial parent under the Federal Income Tax Refund Offset Program.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed regulation repeals a \$25 fee collected by the Child Support Enforcement Administration prior to the distribution of an offset amount.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	Moderate
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. Based on FY 2015 actual collections, the repeal of the \$25 fee will result in an estimated loss of \$589,142.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Garvey, Deputy Director of Government Affairs, Department of Human Resources, 311 W. Saratoga Street, or call 410-767-6886, or email to andrea.garvey@maryland.gov, or fax to 410-333-0637. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.05 Distribution.

[A.] If an amount is offset from a noncustodial parent owing certified non-TCA and TCA arrears, the intercepted amount shall be applied first to the TCA obligation, and if there is any amount remaining, to the non-TCA obligation.

[B.] The Administration shall deduct a fee of \$25 before distributing an offset amount to any non-TCA custodial parent. However, the fee may not exceed 25 percent of the amount otherwise to be distributed to the custodial parent.]

SAM MALHOTRA
Secretary of Human Resources

**Title 08
DEPARTMENT OF NATURAL
RESOURCES**

Subtitle 07 FORESTS AND PARKS

08.07.03 Forest Management Programs

Authority: Tax-Property Article, §8-211(p); Annotated Code of Maryland

Notice of Proposed Action
[15-318-P]

The Secretary of Natural Resources proposes to amend Regulations .01—.03 under COMAR 08.07.03 Forest Management Programs.

Statement of Purpose

The purpose of this action is to reduce enrollment fees and update the names of the Department's units referenced throughout the regulations. The Department is proposing to reduce the fees to more closely conform them to the cost of processing the transaction.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This amendment will reduce the enrollment fees to a \$50 entry fee and a \$100 inspection fee.

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

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

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

- A. \$3,000 reduction in revenue.
- F. Reduction in fees for some as current entry fee is based on a percentage of assessed woodland value and \$50, whichever is greater.

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 Marian Honecny, Supervisor, Urban & Community Forestry, MD Forest Service, 580 Taylor Ave E-1, Annapolis, MD 21401, or call 410-260-8511, or email to marian.honecny@maryland.gov, or fax to 410-260-8595. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - (2) "Forest Conservation and Management Agreement" means an agreement between the [Department of Natural Resources, Public Lands and Forestry,] *Department of Natural Resources—Forest Service* and a woodland owner of 5 or more contiguous acres which sets the conditions by which a woodland owner may enter and remain in the management program.
 - (3) (text unchanged)

.02 Planting and Sale of Trees and Seedlings at the Maryland Forest Tree Nursery.

A. Limitation. The [Department of Natural Resources, Public Lands and Forestry,] *Department of Natural Resources—Forest Service* may sell trees and seedlings produced at the Maryland Forest Tree Nursery only for conservation purposes.

B. Requirements.

- (1) A representative of the [Department of Natural Resources, Public Lands and Forestry,] *Department of Natural Resources—Forest Service* shall develop a tree-planting plan and examine the planting site of trees planted for conservation purposes.
- (2)—(3) (text unchanged)
- (4) All trees for roadside planting shall be planted on public road rights-of-way or other public lands. A tree-planting plan shall be developed by a representative of the [Department of Natural Resources, Public Lands and Forestry,] *Department of Natural Resources—Forest Service* before the trees are allocated.
- (5) A report of the planting shall be furnished by the planter when requested by the Department of Natural Resources—*Forest Service*.
- (6)—(7) (text unchanged)

.03 Charges for Administering the Forest Conservation and Management Program.

- A. (text unchanged)
- B. Definitions. For the purpose of this regulation:
 - (1) "Assistant Secretary" means Assistant Secretary of [Public Lands and Forestry] *Land Resources*; and
 - (2) (text unchanged)
- C. Charges for Participating in a Forest Conservation and Management Agreement. A woodland owner shall pay a nonrefundable fee for participating in the Forest Management Program as follows:
 - (1) Upon application, an entry fee [equal to 0.22 percent of the assessment of the woodland, but not less than] of \$50;
 - (2) An inspection fee every 5 years [equal to 20 percent of the entry fee but not less than] of \$100; and
 - (3) (text unchanged)
- D. (text unchanged)
- E. Charges for Inspections. A Forest Conservation and Management Agreement shall contain a provision which requires that inspections to determine compliance with the Agreement shall be made at least once every 5 years by a representative of [Public Lands and Forestry] *Department of Natural Resources—Forest Service*. Failure to allow an inspection by [Public Lands and Forestry] *Department of Natural Resources—Forest Service* to be conducted or to reimburse [Public Lands and Forestry] *Department of Natural Resources—Forest Service* for costs shall invalidate the Agreement, and result in a reassessment.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 07 FORESTS AND PARKS

08.07.08 Licensed Forest Products Operator

Authority: §5-608, Annotated Code of Maryland

Notice of Proposed Action

[15-317-P]

The Secretary of Natural Resources proposes to amend Regulation **.05** under **COMAR 08.07.08 Licensed Forest Products Operator.**

Statement of Purpose

The purpose of this action is to reduce renewal fees. The Department is proposing to reduce the fees to more closely conform to the cost of processing the transaction.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This amendment will reduce the license renewal fee from \$30 to \$20 per year.

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

Benefit (+)	
Cost (-)	Magnitude

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: (+) Minimal

F. Direct and indirect effects on public: NONE

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

A. The renewal reduction of \$10 will reduce revenue by approximately \$5,000

E. The reduction in renewal fees will save the forest product operator renewing his or her license \$10 per year.

Economic Impact on Small Businesses

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

The proposed action will have a small, positive 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 Marian Honecny, Supervisor, Urban & Community Forestry, MD Forest Service, 580 Taylor Ave E-1, Annapolis, MD 21401, or call 410-260-8511, or email to marian.honecny@maryland.gov, or fax to 410-260-8595. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.05 Requirements for Licensure.

A. Qualifications; Issuance. The Department shall issue a forest products operator license to any applicant who:

- (1) Pays the fee of [\$30] \$20 per year; and
- (2) (text unchanged)

B. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.06 Mortgage Lenders

Authority: Business Regulation Article, § 2-105; Financial Institutions Article, §§ 2-105.1, 11-503, 11-503.1, 11-505, 11-506(a), 11-506(c)(1), 11-507, 11-508(g), 11-511, 11-511.1, 11-513(a) and 11-515(c); Real Property Article, § 3-104.1, Annotated Code of Maryland

Notice of Proposed Action

[15-323-P]

The Commissioner of Financial Regulation proposes to amend Regulation .23 under **COMAR 09.03.06 Mortgage Lenders**.

Statement of Purpose

The purpose of this action is to reduce the mortgage lender license investigation fee.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Reduction of the \$100 mortgage lender license investigation fee to \$1 will benefit initial applicants of mortgage lender licenses and will reduce agency revenue by approximately \$49,401 annually.

II. Types of Economic Impact.

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

- A. On issuing agency:
Department of Labor, Licensing and Regulation (R-) \$49,401 annually
- B. On other State agencies: NONE
- C. On local governments: NONE

Benefit (+)	
Cost (-)	Magnitude

- D. On regulated industries or trade groups:
Regulated Industries/
Mortgage lenders (+) \$49,401 annually
- E. On other industries or trade groups: NONE
- F. Direct and indirect effects on public: NONE

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

A. By reducing the investigation fee, the department will have reduced revenues of approximately \$49,401 annually.

D. Cumulatively the industry will have costs savings of approximately \$49,401 annually by reduction of this initial license investigation fee.

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 Keisha Whitehall Wolfe, Acting Deputy Commission of Financial Regulation, Department of Labor, Licensing and Regulation, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6362, or email to keisha.whitehallwolfe@maryland.gov, or fax to 410-333-0475. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.23 Fees.

A. Application Investigation Fee. The nonrefundable investigation fee required by Financial Institutions Article, §11-507(b)(1), Annotated Code of Maryland, is [\$100] \$1.

B.—D. (text unchanged)

GORDON M. COOLEY
Commissioner of Financial Regulation

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.09 Mortgage Loan Originators

Authority: Business Regulation Article, §2-105; Financial Institutions Article, §§2-105.1, 11-602, 11-603, 11-603.1, 11-604, 11-605, 11-606, 11-609, 11-612, 11-612.1, and 11-613(b); Annotated Code of Maryland

Notice of Proposed Action

[15-324-P]

The Commissioner of Financial Regulation proposes to amend Regulation .07 under **COMAR 09.03.09 Mortgage Loan Originators.**

Statement of Purpose

The purpose of this action is to reduce the application investigation fee for mortgage loan originators and affiliated insurance producer-mortgage loan originators. The proposed regulation also reduces the license amendment fee for mortgage loan originators and affiliated insurance producer-mortgage loan originators.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will lead to a reduction in revenue of approximately \$381,590 annually. It is expected that the new, reduced license amendment fee will cover the cost of staff time to process amendment requests. It is expected that the separate license application fee will be sufficient to cover the cost of processing license applications, including associated investigation time.

II. Types of Economic Impact.

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

A. On issuing agency:

(1) Reduction in License Amendment Fee (Originators)	(R-)	\$79,915
(2) Reduction in License Amendment Fee -Aff Originator	(R-)	\$1,705
(3) Reduction of Investigation Fee (Originator)	(R-)	\$297,000
(4) Reduction of Investigation Fee -Aff Originator	(R-)	\$2,970

B. On other State agencies:

NONE

C. On local governments:

NONE

Benefit (+)	Cost (-)	Magnitude
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D. On regulated industries or trade groups:

(1) Reduction in License Amendment Fee (Originator)	(+)	\$79,915
(2) Reduction in License Amendment Fee -Aff Originator	(+)	\$1,705
(3) Reduction of Investigation Fee (Originator)	(+)	\$297,000
(4) Reduction of Investigation Fee -Aff Originator	(+)	\$2,970

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

NONE

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

A(1) and D(1). This reduction is expected to affect approximately 1,453 licensees annually.

A(2) and D(2). This reduction is expected to affect approximately 31 licensees annually.

A(3). This change will affect approximately 3,000 applicants annually.

A(4). This change is expected to affect approximately 30 applicants annually.

D(3). This change will affect approximately 3,000 applicants annually.

D(4). This change is expected to affect approximately 30 applicants annually.

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 Keisha Whitehall Wolfe, Acting Deputy Commissioner, Office of the Commissioner of Financial Regulation, Department of Labor, Licensing and Regulation, 500 N Calvert Street, Suite 402, Baltimore, MD, 21202, or call 410-230-6362, or email to keisha.whitehallwolfe@maryland.gov, or fax to 410-333-0475. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.07 Fees.

A. Application Investigation Fee. The nonrefundable investigation fee required by Financial Institutions Article, [§11-606(b)(1)] § 11-604(c)(1), Annotated Code of Maryland, is [\$100] \$1.

B.—C. (text unchanged)

C-1. Licensing Fees for Affiliated Insurance Producer-Mortgage Loan Originator Subject to Financial Institutions Article, §11-603.1, Annotated Code of Maryland.

(1) Application Investigation Fee. The nonrefundable investigation fee required by Financial Institutions Article, [§11-604(b)(1)] § 11-604(c)(1), Annotated Code of Maryland, is [\$100] \$1.

(2)—(3) (text unchanged)

D. (text unchanged)

E. License Amendment Fee. The license amendment fee required by Financial Institutions Article, §11-603(c)(2), Annotated Code of Maryland, is [\$75] \$20.

GORDON M. COOLEY
Commissioner of Financial Regulation

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.12 Foreclosure Procedures for Residential Property

Authority: Real Property Article, § 7-105.1, Annotated Code of Maryland

Notice of Proposed Action
[15-322-P]

The Commissioner of Financial Regulation proposes to amend Regulation .09 under **COMAR 09.03.12 Foreclosure Procedures for Residential Property**.

Statement of Purpose

The purpose of this action is to reduce the prefile mediation fee of \$350. The fee is provided for in regulation administered by the Commissioner of Financial Regulation but paid to the Department of Housing and Community Development, which has expressed recommendation of this action.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Commissioner of Financial Regulation is reducing the prefile mediation fee of \$350 to \$1. The Department of Housing and Community Development has recommended this action. DHCD collected \$1,750 in FY 14 and \$2,800 in FY 13.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	

B. On other State agencies:		
(1) Office of Administrative Hearings	(E+)	Unclear
(2) Department of Housing and Community Development	(R-)	\$2,268 per year
C. On local governments:	NONE	

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

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

B(1). OAH is the State agency that conducts mediation sessions. To the extent that reduction of this fee increases the number of secured parties that offer prefile mediation, there will be an increase in costs to OAH. Because borrowers that elect prefile mediation are not permitted to elect postfile mediation, any increase in the number of prefile mediation sessions may be offset by a corresponding decline in postfile mediation sessions.

B(2). The Department of Housing and Community Development reported collecting \$1,750 in FY 14 and \$2,800 in FY 13.

D. Reduction of the fee will result in a reduction in costs to regulated industries.

F. There will be a reduction in foreclosure related expenditures if the borrower elects to participate in a prefile mediation.

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 Keisha Whitehall Wolfe, Acting Deputy Commissioner for Financial Regulation, Department of Labor, Licensing and Regulation, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6362, or email to keisha.whitehallwolfe@maryland.gov, or fax to 410-333-0475. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.09 Prefile Mediation Process.

A.—D. (text unchanged)

E. The total fee for prefile mediation is [\$350] \$1. In accordance with instructions from the Department of Housing and Community Development, the secured party shall pay the full amount of the [\$350] prefile mediation fee to the Housing Counseling and Foreclosure Mediation Fund established under Housing and Community Development Article, §4-507, Annotated Code of Maryland. The secured party may elect to pay the prefile mediation fee on behalf of the homeowner or collect all or any portion of the [\$350] fee as part of the resolution of the mortgage loan through prefile mediation or foreclosure, as applicable.

GORDON M. COOLEY
Commissioner of Financial Regulation

Subtitle 11 REAL ESTATE COMMISSION

Benefit (+)
Cost (-) Magnitude

09.11.09 Fees

Authority: Business Occupations and Professions Article, §17-213; Business Regulation Article, §2-106.4; Annotated Code of Maryland

Notice of Proposed Action
[15-308-P]

The Real Estate Commission proposes to amend Regulation .02 under **COMAR 09.11.09 Fees**. This action was considered at a public meeting held on September 14, 2015, notice of which was given by publication on September 10, 2015 and September 11, 2015 in the Daily Record and by posting notice on the agency website, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to reduce the amount charged by the Real Estate Commission for original license fees and license renewal fees for real estate brokers, associate brokers, and salespeople.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The reduction in fees is expected to lead to an estimated \$238,192 reduction in annual revenue for the Real Estate Commission in FY16, and an estimated \$535,408 reduction in annual revenue in FY17. However, the reduction is not expected to reduce revenues below expenditures on a going-forward basis.

II. Types of Economic Impact.

Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
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A. On issuing agency:		
(1) Reduction in Salesperson Fee (original)	(R-)	\$60,490 in each of FY16 and FY17
(2) Reduction in Associate Broker Fee (original)	(R-)	\$3,930 in each of FY16 and FY17
(3) Reduction in Broker Fee (original)	(R-)	\$3,600 in each of FY16 and FY17
(4) Reduction in Salesperson Fee (renewal)	(R-)	\$138,096 in FY16, \$385,848 in FY17
(5) Reduction in Associate Broker Fee (renewal)	(R-)	\$13,518 in FY16, \$35,442 in FY17
(6) Reduction in Broker Fee (renewal)	(R-)	\$18,558 in FY16, \$46,098 in FY17

B. On other State agencies: NONE

C. On local governments: NONE

D. On regulated industries or trade groups:

(1) Reduction in Salesperson Fee (original)	(+)	\$60,490 in each of FY16 and FY17
(2) Reduction in Associate Broker Fee (original)	(+)	\$3,930 in each of FY16 and FY17
(3) Reduction in Broker Fee (original)	(+)	\$3,600 in each of FY16 and FY17
(4) Reduction in Salesperson Fee (renewal)	(+)	\$138,096 in FY16, \$385,848 in FY17
(5) Reduction in Associate Broker Fee (renewal)	(+)	\$13,518 in FY16, \$35,442 in FY17
(6) Reduction in Broker Fee (renewal)	(+)	\$18,558 in FY16, \$46,098 in FY17

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

- A(1). 3,025 salesperson licenses expected to be issued in FY16 and FY17
- A(2). 197 associate broker licenses expected to be issued in FY16 and FY17
- A(3). 181 broker licenses expected to be issued in FY16 and FY17
- A(4). 6,905 salesperson licenses renewed in FY16, 19,292 renewed in FY17
- A(5). 676 associate broker licenses renewed in FY16, 1,772 renewed in FY17
- A(6). 928 broker licenses renewed in FY16, 2,305 renewed in FY17
- D(1). 3,025 salesperson licenses expected to be issued in FY16 and FY17
- D(2). 197 associate broker licenses expected to be issued in FY16 and FY17
- D(3). 181 broker licenses expected to be issued in FY16 and FY17
- D(4). 6,905 salesperson licenses renewed in FY16, 19,292 renewed in FY17
- D(5). 676 associate broker licenses renewed in FY16, 1,772 renewed in FY17
- D(6). 928 broker licenses renewed in FY16, 2,305 renewed in FY17

Economic Impact on Small Businesses

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

The impact on small businesses is meaningful. Most licensees are independent contractors, so they are small businesses. Approximately 39,000 licensees will be positively affected by paying lower fees in order to obtain and renew their licenses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Kathie Connelly, Executive Director, Real Estate Commission, 500 North Calvert Street, 3rd Floor, Baltimore, MD, 21202, or call 410-230-6227, or email to kathie.connelly@maryland.gov, or fax to 410-333-0023. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Schedule of Fees.

Fees charged by the Commission are as follows:

- A. Original license fees:
 - (1) Broker—[\$210] \$190;
 - (2) Associate broker—[\$150] \$130;
 - (3) Salesperson—[\$110] \$90;
- B. License renewal fees:
 - (1) Broker—[\$190] \$170;
 - (2) Associate broker—[\$130] \$110;
 - (3) Salesperson—[\$90] \$70;
- C.—I. (text unchanged)

KATHIE CONNELLY
Executive Director
Real Estate Commission

Subtitle 39 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES AND HOME INSPECTORS—APPRAISAL MANAGEMENT COMPANIES

09.39.01 Fees

Authority: Business Occupations and Professions Article, §§16-217, 16-5B-04 and 16-5B-18, Annotated Code of Maryland

Notice of Proposed Action
[15-321-P]

The Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors proposes to amend Regulation .01 under COMAR 09.39.01 Fees. This action was considered at a public meeting of the Commission held on September 11, 2015, notice of which was published on Commission website as well as published in the Daily Record on September 10 and September 11, 2015 pursuant to State Government Article, §10-506(c) Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to reduce fees charged to appraisal management company registrants to enable the Commission to generate sufficient funds to cover its direct and indirect costs incurred in its regulatory oversight of appraisal management companies and to lower its surplus funds to a more prudent level.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will reduce the fee charged for an original appraisal management company registration fee from \$2,250 to \$1,750, and reduce the annual appraisal management company registration fee from \$2,500 to \$2,000.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
Commission of REAAMCHI	(R-)	\$79,000 annually
B. On other State agencies:		
	NONE	
C. On local governments:		
	NONE	
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Original AMC registration fee	(+)	\$500
(2) Annual AMC registration fee	(+)	\$500
E. On other industries or trade groups:		
	NONE	
F. Direct and indirect effects on public:		
	(+)	Indeterminable

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

A. The fee reduction is not anticipated to have a material fiscal impact on the operation of the Commission or its ability to generate sufficient annual revenue to offset the direct and indirect costs attributable to the regulation of appraisal management companies.

D(1). AMCs and AMC registrants will benefit from the reduction of fees charged to them for doing business in Maryland.

D(2). AMCs and AMC registrants will benefit from the reduction of fees charged to them for doing business in Maryland

F. The general public will benefit from an effective program to regulate appraisal management companies pursuant to the legislative intent of the General Assembly and federal financial regulatory reform.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. The overall cost for a small appraisal management company to apply for and obtain its registration with the Commission will be reduced from \$2,500 to \$2,000. Most appraisal management companies operating in Maryland are large, national entities and this action may not have a material economic impact on the business. However, the fee reduction will benefit existing small appraisal management companies and may encourage other small appraisal management companies to register as an appraisal management company in Maryland.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Patricia Schott, Executive Director, Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors, 500 N. Calvert Street #302, Baltimore, MD 21202, or call 410-230-6165, or email to patricia.schott@maryland.gov, or fax to 410-333-6314. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Commission of Real Estate Appraiser, Appraisal Management Companies and Home Inspectors during a public meeting to be held on December 8, 2015, at 500 N. Calvert Street, Baltimore, MD 21202.

.01 Schedule of Fees.

Pursuant to Business Occupations and Professions Article, Title 16, Annotated Code of Maryland, the Commission shall set fees to produce funds to approximate the cost of maintaining the Commission. Fees charged by the Commission are as follows:

- A. (text unchanged)
- B. Original appraisal management company registration fee — [\$2,250] *\$1,750; and*
- C. Annual appraisal management company registration fee — [\$2,500] *\$2,000.*

STEVEN O'FARRELL
Chairman
Commission of Real Estate Appraisers, Appraisal
Management Companies and Home Inspectors

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 01 PROCEDURES

10.01.17 Fees for Food Protection, Public Pools, Public Spas, Public Spray Grounds, and Youth Camp Programs

Authority: Health-General Article, §§2-104, 21-301, 21-308, 21-309, 21-309.1, 21-403, 21-412, 21-808, and 21-812, Annotated Code of Maryland

Notice of Proposed Action

[15-319-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under COMAR 10.01.17 Fees for Food Protection, Public Pools, Public Spas, Public Spray Grounds, and Youth Camp Programs.

Statement of Purpose

The purpose of this action is to reduce the annual license fees for certain food processing plants including food manufacturing plants, ice manufacturing plants, and beverage plants. Fees are also reduced for food warehouses or distribution centers that distribute potentially or non-potentially hazardous food.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The reduction of fees for certain annual food processing plant licenses will decrease General Fund revenues and decrease expenditures of the regulated industry. The Department will collect less revenue in the form of annual food processing plant licensing fees totaling \$152,500 in the first full year that the reduced fees are charged (year one). There is no economic impact on other State agencies or local governments. The regulated industry is expected to benefit from the lower fees, particularly small food processors and manufacturers. The regulated industry's expenditures will decrease by \$152,500 in year one.

II. Types of Economic Impact.

- A. On issuing agency:
- B. On other State agencies:
- C. On local governments:

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R-)	\$152,500
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	

- D. On regulated industries or trade groups:
- E. On other industries or trade groups:
- F. Direct and indirect effects on public:

D. On regulated industries or trade groups:	(+)	\$152,500
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. Annual food plant processing licensing fees are received by the Department on a rolling basis due to a variety of external factors (e.g. different operating seasons, various anniversary dates, failed inspections, etc.). The anticipated revenue reduction is based on the estimated number of annual licenses issued to food processing plants affected by the proposed fee changes. The reduction in fee revenue of \$152,500 annually is calculated by multiplying the estimated number of licenses by the difference in fee amount (see Table 1).

Table 1. Proposed Fee and Revenue Changes

	<i>Current Fee</i>	<i>Proposed Fee</i>	<i>Annual Number of Licenses</i>	<i>General Fund Change</i>
Annual license fees for food processing plants:				
Bakery Plant	\$400	\$150	*	*
Cannery	\$400	\$150	*	*
Confectionary Plant	\$400	\$150	*	*
Crab Meat Plant	\$400	\$150	*	*
Ice Manufacturing Plant	\$400	\$150	*	*
Food Manufacturing Plant	\$400	\$150	*	*
Bottled Water Plant	\$400	\$150	*	*
Soft Drink Manufacturing Plant	\$400	\$150	*	*
Frozen Food Manufacturing Plant	\$400	\$150	*	*
Subtotal			324	(\$81,000)
Shellfish				
Shucking, packing, or repacking plant	\$400	\$150	36	(\$9,000)
Shipping or reshipping plant	\$200	\$150	76	(\$3,800)
Subtotal			112	(\$12,800)
Food warehouse or distribution center that distributes:				
Potentially hazardous food	\$400	\$150	196	(\$49,000)
Only non-potentially hazardous food	\$200	\$150	194	(\$9,700)
Subtotal			390	(\$58,700)
Grand Total — General Fund Revenue Impact			826	(\$152,500)



* Unavailable

D. There are benefits to certain regulated entities arising from this proposal that include a savings of \$152,500 from reductions in fees during year one.

Economic Impact on Small Businesses

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

The Department assumes that there will be a positive economic impact on the members of the regulated industry totaling \$152,500 annually. The Department also assumes that because a majority of the regulated entities are small businesses in Maryland, these savings will disproportionately impact small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will

be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Fees.

The following fees are established by the Secretary:

A.—B. (text unchanged)

C. Annual license fee for:

(1) Food processing plants:

(a) Bakery plant — [\$400] \$150;

(b) Cannery — [\$400] \$150;

(c)—(d) (text unchanged)

(e) Confectionary plant — [\$400] \$150;

(f) Crab meat plant — [\$400] \$150;

(g) Ice manufacturing plant — [\$400] \$150;

(h) Shellfish:

(i) Shucking, packing, or repacking plant — [\$400] \$150;

(ii) Shipping or reshipping plant — [\$200] \$150; or

(iii) (text unchanged)

- (i) Food manufacturing plant — [\$400] \$150;
- (j) [Effective January 6, 2014, a] A food warehouse or distribution center that distributes:
 - (i) Potentially hazardous food — [\$400] \$150; or
 - (ii) Only non-potentially hazardous food — [\$200] \$150;
- (k) Bottled water plant — [\$400] \$150;
- (l) Soft drink manufacturing plant — [\$400] \$150;
- (m) Frozen food manufacturing plant — [\$400] \$150;
- (n)—(p) (text unchanged)
- (2) (text unchanged)
- D.—G. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 05 FREESTANDING AMBULATORY CARE FACILITIES

10.05.05 Freestanding Ambulatory Surgical Facilities

Authority: Health-General Article, §19-3B-01 et seq., Annotated Code of Maryland

Notice of Proposed Action [15-315-P]

The Secretary of Health and Mental Hygiene proposes amend Regulation .03 under **COMAR 10.05.05 Freestanding Ambulatory Surgical Facilities**.

Statement of Purpose

The purpose of this action is to reduce the initial and renewal licensure fees from \$3,000 to \$1,000 for freestanding ambulatory surgical facilities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Ambulatory surgical facilities will benefit from the lower licensing fees while OHCQ will still be able to license and survey ambulatory surgical facilities.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	\$219,333
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$219,333
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminate

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

A. The State general fund will be impacted in the amount of (329 providers × \$2,000 reduction for 3-year license) = 658,000 for a 3-year license period. Annually this loss equates to \$219,333.

D. Ambulatory Surgical Center providers will benefit due to lower costs to obtain a license in the amount of (329 providers × \$2,000 reduction for 3-year license) = 658,000 for a 3-year license period. Annually this loss equates to \$219,333.

F. Ambulatory surgical facilities will save on the costs of licensing that might otherwise need to be passed on to the public. This regulatory change poses no corresponding harm to the ability of OHCQ to perform its licensure and survey functions.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.03 Licensing Procedure.

In addition to meeting all of the requirements of COMAR 10.05.01.03A—C, the applicant shall submit a nonrefundable fee of [\$3,000] \$1,000 for a 3 year period, with an application for initial licensure, or submit a nonrefundable fee of [\$3,000] \$1,000 with an application for license renewal for a 3 year period.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 07 HOSPITALS

10.07.03 Health Care Staff Agencies

Authority: Health-General Article, §19-2001, Annotated Code of Maryland

Notice of Proposed Action [15-314-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .05 under **COMAR 10.07.03 Health Care Staff Agencies**.

Statement of Purpose

The purpose of this action is to reduce the annual licensure fee to \$100 for health care staffing agencies.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Health care staff agencies will benefit from reduced licensure fees. OHCQ can license and survey health care staff agencies with the revenues raised under the new fee. Regulated industries will benefit from a lower licensing fee.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R-)	\$27,250
B. On other State agencies:	NONE	
C. On local governments:	NONE	
<hr/>		
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	\$27,250
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminate

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

A. The impact to the State general fund is approximately \$27,250 annually (\$50 reduction x 545 licensees).

D. The impact to regulated industries is reduction of their costs to obtain a license (\$50 reduction x 545 licensees) \$27,250.

F. It will reduce costs for health care staff agencies that might otherwise need to be passed on to the public with no corresponding harm to the ability of OHCQ to perform its licensure and survey functions.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.05 Licensure Procedure.

A. Application for Licensure.

(1)—(2) (text unchanged)

(3) Along with the application, the applicant shall submit a:

(a) Nonrefundable 1-year license fee of [\$150] \$100 made payable to the Department; and

(b) (text unchanged)

B.—C. (text unchanged)

D. License Renewal.

(1) (text unchanged)

(2) Before a license expires, the agency may renew its license for an additional term, if the agency:

(a) (text unchanged)

(b) Pays to the Office the [\$150] \$100 license renewal fee;

and

(c) (text unchanged)

(3) (text unchanged)

E.—G. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 07 HOSPITALS

10.07.05 Residential Service Agencies

Authority: Health-General Article, Title 19, Subtitle 4A, Annotated Code of Maryland

Notice of Proposed Action

[15-313-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under **COMAR 10.07.05 Residential Service Agencies.**

Statement of Purpose

The purpose of this action is to reduce the initial and renewal licensure fees from \$2,100 every 3 years to \$1,000 every 3 years for residential service agencies.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Residential service agencies will benefit from the lower licensing fees while OHCQ will still be able to license and survey residential service agencies.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R-)	\$407,367
B. On other State agencies:	NONE	
C. On local governments:	NONE	
<hr/>		
	Benefit (+)	Magnitude
	Cost (-)	

D. On regulated industries or trade groups:

(+) \$407,367

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

(+) Indeterminate

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

A. OHCQ will still be able to license and survey residential service agencies.

D. Residential service agencies will benefit from reduced licensing fees.

F. Residential service agencies will save on the costs of licensing that might otherwise need to be passed on to the public, with no corresponding harm to the ability of OHCQ to perform its survey functions.

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.

Benefit (+) Cost (-)	Magnitude
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Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

D. On regulated industries or trade groups:	(+)	\$173,100
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminate

.04 Licensing Procedures.

A. Application for License.

(1) (text unchanged)

(2) An applicant shall submit:

(a)—(k) (text unchanged)

(l) A nonrefundable license fee [as follows:

(i) Before July 1, 2014, \$700 made payable to the Department for a 1-year licensing fee; and

(ii) After July 1, 2014, \$2,100] of \$1,000 made payable to the Department for a 3-year licensing fee.

B.—K. (text unchanged)

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

A. The State will be impacted by the decrease in revenue to the general fund in the amount of \$173,100 annually (3,462 providers x \$50 annual reduction in license cost).

D. Approximately 3,462 providers will benefit from the reduction in cost in the amount of \$173,100 (3,462 providers x \$50 annual reduction in license cost).

F. Medical laboratories will save on the costs to obtain a letter of permit exception that might otherwise need to be passed on to the public. The reduced fees will have no corresponding harm to the ability of OHCQ to perform its licensure and survey functions regarding providers that hold a letter of permit exception.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Subtitle 10 LABORATORIES

10.10.04 Medical Laboratories—Fees

Authority: Health-General Article, §§17-202, 17-204, 17-205, 17-207, 17-209, 17-502, 17-503, and 17-506, Annotated Code of Maryland

Notice of Proposed Action

[15-310-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under **COMAR 10.10.04 Medical Laboratories—Fees**.

Statement of Purpose

The purpose of this action is to reduce the biennial application and renewal licensure fee from \$200 to \$100 for a letter of exceptions for a POC or POLC and for Limited Testing for Rare Diseases.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Medical laboratories will benefit from the lower licensing fees while OHCQ will still be able to license and survey medical laboratories. OHCQ will still be able to license and survey medical laboratories. Medical laboratories that perform excepted tests will benefit from reduced fees to obtain a letter of permit exception.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	\$173,100
B. On other State agencies:	NONE	
C. On local governments:	NONE	

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Licensing — Letter of Exception and Permit.

A. Letter of Exception. Except as set forth in §C (4) of this regulation, a person applying for a letter of exception for a POL or POCL shall submit a licensing fee of [\$200] \$100 with an initial application and biennially after that with each renewal application.

B. Letter of Exception — Limited Testing for Rare Diseases. A person applying for a letter of exception-limited testing for rare diseases for a laboratory shall submit a licensing fee of [\$200] \$100 with an initial application and biennially after that with each renewal application.

C. Permit — General.

(1)—(3) (text unchanged)

(4) A person who qualifies for a letter of exception as set forth in COMAR 10.10.03.02 and performs one or more tests that require obtaining or renewing a permit shall pay initially, and biennially after that, a licensing fee of [:

(a) \$200 as set forth in §A of this regulation; and

(b)] \$200 as set forth in §C(3) of this regulation for each discipline in which the laboratory offers to perform or performs nonexcepted tests.

(5) (text unchanged)

D. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 12 ADULT HEALTH

10.12.04 Day Care for the Elderly and Adults with a Medical Disability

Authority: Health-General Article, §§2-104, 14-206, and 14-304, Annotated Code of Maryland

Notice of Proposed Action

[15-312-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under **COMAR 10.12.04 Day Care for the Elderly and Adults with a Medical Disability**.

Statement of Purpose

The purpose of this action is to eliminate the fee of \$100 per site visit that is imposed on Adult Medical Day Care Programs when additional site visits are required before issuance of a license due to significant regulatory violations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. It is anticipated that the elimination of this fee will result in minimal to no impact on the regulated industry and on the Department since this fee has been rarely utilized.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	Indeterminate
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(-)	Indeterminate
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. and D. This fee is levied on facilities that require the surveyor to repeat an inspection. As this fee has rarely been applied (\$100 - \$300 per year total charged to all Adult Medical Day Care providers combined), however the economic impact cannot be determined as a result of removing the fee.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.04 Licensing Procedure.

A. Letter of Interest.

(1)—(4) (text unchanged)

(5) License fee for initials and renewals.

(a)—(b) (text unchanged)

[(c) The fee includes a maximum of two pre-licensure site visits by the Department. When additional site visits are required before issuance of a license due to significant regulatory violations, the Department shall assess an additional fee of \$100 per site visit.]

B.—E. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Subtitle 22 DEVELOPMENTAL DISABILITIES

10.22.14 Low Intensity Support Services (LISS) Program

Authority: Health-General Article, §§7-703, 7-708, 7-717, and 7-904, Annotated Code of Maryland

Notice of Proposed Action

[15-158-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .03 and .05—.10 and adopt new Regulation .11 under **COMAR 10.22.14 Low Intensity Support Services (LISS) Program**. At this time, the Secretary is also withdrawing the amendments to Regulation .03 and .05—.10 and new Regulation .11 under **COMAR 10.22.14 Low Intensity Support Services (LISS) Program**, which were proposed in 41:21 Md. R. 1272—1275 (October 17, 2014).

Statement of Purpose

The purpose of this action is to improve the application process and lower the amount of funding to increase the number of individuals served. Also, in order to comply with Ch. 13, Acts of 2015, the description of an eligible diagnosis, as defined in S.B. 110 of 2015, has been added to Regulation .03.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. These proposed regulations have an economic impact because they infuse \$5,141,770 into the community for payment for low intensity support services.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$5,141,770
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) DDA Licensed Providers	(+)	\$511,770
(2) Individuals receiving LISS	(+)	\$4,630,000
E. On other industries or trade groups:		
	NONE	
F. Direct and indirect effects on public:		
	NONE	

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

A. The State has budgeted \$5,141,770 to spend on the low intensity support services program.

D(1). DDA licensed providers administering the program will receive funding.

D(2). Individuals receiving funding for low intensity support services will go directly in the community to obtain the services.

Economic Impact on Small Businesses

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

The proposed action has a meaningful economic impact on small businesses because \$511,770 will be infused into the State economy by means of consumer service needs.

Impact on Individuals with Disabilities

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

The proposed action has an impact on individuals with disabilities because in order to be eligible for funding a person must have at least a supports-only developmental disability. The funds expended in this program will benefit people with developmental disabilities directly.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.reg@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Camp” means a day camp, residential camp, travel camp, or trip camp that:

(a) During a calendar year, accommodates seven or more campers who are unrelated to the operator;

(b) Provides primarily recreational activities or has a substantial recreational component; and

(c) Operates on private property or private facilities, whether leased or owned, public property, or public facilities.

(4) “Child care” means the care or supervision for an individual, younger than 21 years old, who has a disabling condition or other emotional, developmental, physical, educational, or medical need necessitating child care when the individual’s parent or legal guardian gives the individual’s care over to another for some portion

of a 24-hour day as a supplement to the parent’s or guardian’s primary care of the child.

(5) “Day care” means the care provided to an individual 21 years old or older, who has a disabling condition or other emotional, developmental, physical, educational, or medical need necessitating care from an adult day care center.

(6) “Eligible diagnosis” means the individual has a severe chronic disability that:

(a) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of physical and mental impairments; and

(b) Is likely to continue indefinitely.

[(4)] (7)—[(8)] (11) (text unchanged)

(12) “Random selection process” means a system used to identify the applicants who will be considered for funding during Round 1 and Round 2 of each fiscal year, by using an automated system that does not consider the identity or any other personal aspect of the applicants.

[(9)] (13) (text unchanged)

[(3)] (14) Specialized Equipment and Assistive Technology.

(a) “[Assistive] Specialized equipment and assistive technology” means non-experimental technology or adaptive equipment which:

(i)—(ii) (text unchanged).

(b) “[Assistive] Specialized Equipment and assistive technology” may include:

(i) (text unchanged);

(ii) [Personal computers, tablets] Devices with web-based operating systems, software, and computer accessories [which] that enable participants to function more independently;

(c)—(f) (text unchanged)

(15) “Therapy” means occupational, physical, speech, or behavioral therapy that is not funded by other State funded programs or by health insurance, including the Medical Assistance Program.

(16) “Therapeutic summer program” means a set of services designed to provide medical, behavioral, or psychological therapies, such as speech, applied behavior analysis, and occupational, through a variety of activities, in a safe environment, which are recommended by a licensed professional, and provided by clinical staff with clinical oversight.

(17) “Usual, customary, and reasonable” means the amount paid for a service in a geographic area that is based on what providers in the area typically charge for the same or similar service, so long as that charge is reasonable.

.05 Application and Eligibility.

A. An individual shall [complete] submit to the Department:

(1) The [Program’s application form and demonstrate a service need; and] completed LISS application form;

[(2) Unless the services are for a minor, complete an application for the Medical Assistance Program.]

(2) For applicants younger than 21 years old, one of the following, demonstrating that the applicant meets the eligibility requirements for LISS:

(a) A finalized Individual Educational Program (IEP) from the current calendar year that identifies an eligible diagnosis and that is in effect as of the date of the LISS application; or

(b) A statement written by a licensed physician, confirming that the individual has an eligible diagnosis;

(3) For applicants 21 years old or older, one of the following, demonstrating that the applicant meets the eligibility requirements for LISS:

(a) A statement written by a licensed physician within the last 3 years, confirming that the individual has an eligible diagnosis;

(b) A psychological evaluation completed by a licensed professional within the last 3 years, confirming that the individual has an eligible diagnosis;

(c) An evaluation completed by an Occupational Therapist, a Division of Rehabilitation Services evaluator, or another licensed professional within the last 3 years, confirming that the individual has an eligible diagnosis; or

(d) A finalized IEP dated no later than 3 years after the applicant left the school system, confirming that the individual has an eligible diagnosis; and

(4) Upon request of the DDA, additional written evidence demonstrating that the criteria for specific services are met.

[B. Eligibility. To be eligible for the Program an individual:

(1) Shall be a Maryland resident;

(2) Shall have a developmental disability or be eligible for individual support services in accordance with Health-General Article, §7-403(c), Annotated Code of Maryland;

(3) May not be currently funded for full residential services under COMAR 10.22.17; and

(4) Shall have an identified service and support need.

C. An agency shall approve services for an eligible individual:

(1) On a first-come, first-served basis; and

(2) Dependent on the availability and allocation of funds.]

B. Eligibility.

(1) To be eligible for the Program, an individual:

(a) Shall be a Maryland resident and provide proof of address for the current calendar year;

(b) Shall have an eligible diagnosis;

(c) Shall provide proof of identity;

(d) May not be enrolled in any Maryland Medicaid home and community-based services waiver at the time of the random selection process, except that this restriction does not apply to applicants enrolled in the Maryland Model Waiver Program;

(e) May be enrolled in the Rare and Expensive Case Management (REM) Medicaid Program at the time of the random selection process;

(f) Shall submit a fully completed LISS application by the due dates established by the DDA; and

(g) Shall be selected by the random selection process.

(2) An individual currently receiving DDA services, other than coordination of community services, may not receive LISS funding under this chapter.

(3) An individual who received funding in Round 1 of the random selection process may not receive funding in Round 2 in the same fiscal year, even if the entire maximum amount of \$2,000 was not awarded to the individual in Round 1.

C. The agency shall approve services for an eligible individual:

(1) Who is selected by the random selection process; and

(2) Whose requested services, items, and providers comply with the provisions of this chapter.

.06 Scope.

A. Services [shall] funded under this program are intended to be, and are limited to, those that:

(1) [Increase] Enhance the individual's health or increase safety in the home environment;

(2) (text unchanged)

(3) Enable the individual to remain in [their] the individual's own home or with [their] the individual's family;

(4)—(5) (text unchanged)

B. Services funded under this program may not duplicate services available to the individual in the community, education systems, or under an existing health plan, including Medical Assistance services.

[C. Services may be temporary or needed on an ongoing basis]

[D.] C. To be approved for funding, requested services and items:

(1) All medical and health related services, prescription drugs, therapies, and items shall:

(a) Be prescribed by a professional authorized under the Health Occupations Article, Annotated Code of Maryland in the respective field;

(b) Be provided by an individual authorized under the Health Occupations Article, Annotated Code of Maryland;

(c) Have an expected outcome;

(d) Be approved by the:

(i) Respective health occupations licensing board; and

(ii) Federal Drug Administration (FDA); and

(e) Be provided by an individual authorized under the Health Occupations Article, Annotated Code of Maryland; and

(2) All providers of housing adaptations and barrier removal services shall:

(a) Be properly licensed or certified by the State to provide the service being rendered;

(b) Be bonded as is legally required;

(c) Obtain all required State and local permits;

(d) Obtain final required inspections; and

(e) Perform all work in accordance with State and local building codes.

E. The Administration shall pre-approve funding of any out-of-State services.]

(1) Shall be rendered by a provider whose administrative fee does not exceed 15 percent of the total cost of the item or service;

(2) May not be provided by a legally responsible person, as defined in Health General Article, §7-701(c), Annotated Code of Maryland;

(3) Shall be rendered by a provider who is licensed by the State to perform the service;

(4) Shall be received:

(a) Except in accordance with §C(4)(b) of this regulation, within the same fiscal year as the request; and

(b) For summer camps, summer programs, and therapeutic programs, in June of the current fiscal year, or in July and August of the following fiscal year; and

(5) Shall be approved in accordance with this chapter.

.07 Covered Services.

A. Services include supports involving:

(1) (text unchanged)

(2) Camps that are:

(a) Approved by the Maryland DHMH in accordance with COMAR 10.16.06;

(b) Accredited by the Maryland State Department of Education;

(c) Accredited by the American Camping Association certification;

(d) Approved by a State governmental entity; or

(e) Approved by the Developmental Disabilities Administration;

(3) Child care that is provided in accordance with COMAR 13A.16.01.02 and COMAR 13A.14.02;

[(3)] (4) Community integration services, including recreation programs;

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

[(5)] (6) Day care provided in accordance with Health General Article, §14-201(b) or §14-301(b), Annotated Code of Maryland;

[(6)] (7)—[(7)] (8) (text unchanged)

[(8)] (9) Housing adaptations and barrier removals provided that the applicant or the applicant's family owns the property needing the adaptation;

[(9) Housing assistance, including eviction assistance, utility disconnection, and deposits;]

(10)—(12) (text unchanged)

(13) Respite care *and approved camps*;

(14)—(16) (text unchanged)

(17) *Therapeutic summer programs*;

[(17)] (18) Training and support for self-advocacy; [and]

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

(20) *Tuition for post-secondary academic and vocational services*;

(21) *Tutoring for post-secondary academic and vocational services; and*

(22) *Repairs of vehicles that have been modified or adapted with specialized equipment to meet the needs of the eligible individual.*

B.—C. (text unchanged)

D. [All] *To be approved for funding, all requested medical [health-related] services, [prescription drugs,] and therapies [and items referred to in §A(7) shall]:*

(1) [Be] *Shall be prescribed by a professional authorized to do so under the Health Occupations Article, Annotated Code of Maryland, in the [respective] relevant field;*

(2) [Be] *Shall be provided or supervised by an [individual] organization authorized to do so under the Health Occupations Article, Annotated Code of Maryland, in the [respective] relevant field;*

(3) [Have an expected outcome] *Shall be prescribed for treatment of a specified illness or condition, or for amelioration of the symptoms of a specified illness or condition;*

(4) [Be] *Shall be a treatment that is approved by the:*

(a) Respective [health occupations] *Health Occupations* licensing board; and

(b) *The Federal Drug Administration (FDA), if the FDA regulates the treatment; and*

(5) *May not be:*

(a) *Related to the individual's primary or secondary education; and*

(b) *Covered by the individual's IEP.*

E. [All] *To be approved for funding, all providers of housing adaptations and barrier removal services shall:*

(1)—(3) (text unchanged)

(4) [Obtain] *Pass* final required inspections; and

(5) (text unchanged)

.08 Program Funding.

A. (text unchanged)

B. *Funding is not transferable, and the amount funded may not exceed the amount initially requested on the application.*

[B.] C. Amount of Funding.

(1) The agency may approve funding for an eligible individual for services up to [\$3,000] \$2,000 per fiscal year.

(2) [If the agency requests permission to fund services over \$3,000 per fiscal year, the Administration may approve the request if it complies with Regulation .06 of this chapter and there are available funds] *Requests for amounts exceeding \$2,000 may not be considered.*

[C.] D. The agency may not fund a request for services [without an identified] *unless the service or support [that] meets the requirements [of Regulation .06] of this chapter.*

[D.] E. Exclusions.

(1) [In addition to §D(2) and (3) of this regulation, all experimental or prohibited] *Treatments and therapies that are not generally accepted by the relevant scientific community [by the Health Occupations Licensing Boards and the FDA are excluded services] may not be provided or funded.*

(2) [Unless pre-approved by the Administration, the] *The Program [does] may not provide or [cover] fund the following:*

(a) (text unchanged)

(b) [Out-of-State services] *Adaptations or modifications that restrict an individual's movement or jeopardize the individual's welfare.*

(3) The Program [does] *may not provide or cover the following:*

(a)—(d) (text unchanged)

(e) Toys, *except those recommended by an individual authorized under the Health Occupations Article, Annotated Code of Maryland, for specified therapeutic purposes;*

[(f) Tuition;]

(g) Vacations; [or]

(h) Vehicle gas, tires, registration fees, loan payments, insurance coverage, and [or violations] *penalties for violations, such as tickets and fines; and*

(i) *Housing assistance, including eviction assistance, utility disconnection, and deposits.*

.09 Appeals.

A. Pursuant to Health-General Article, §7-406, Annotated Code of Maryland, and COMAR 10.22.16:

(1) On any action or inaction of the Secretary under Regulations .01—[.09] .08 of this chapter, *other than non-selection through the random selection process*, an applicant for services may request:

(a)—(b) (text unchanged)

(2)—(3) (text unchanged)

B.—C. (text unchanged)

.10 Program Agencies — Eligibility and Responsibilities.

A. [An] *The agency [who] that administers the Program shall:*

(1) Be licensed under COMAR 10.22.06 as [a] *an Individual and Family Support Program;*

(2) [Be] *Have been awarded a contract to administer the Program under the Administration's competitive procurement process; and*

(3) [Comply with all provisions and the requirements of the contract; and] *Maintain an operational procedure manual that is approved by DDA.*

[B. The agency shall ensure that a provider of housing adaptations and barrier removal services meets the requirements of Regulation .06 of this chapter.]

[C.] B. Funding of Services. The agency shall fund services as follows:

(1) [Reimburse] *Fund* only [for] services that meet the requirements of this chapter;

(2) [Reimburse] *Fund* services at the rates set forth in the contract;

(3) [Reimburse] *Fund* procured services based on *the usual, customary, and reasonable rate for the service provided; and*

(4) [Reimburse] *Fund* housing adaptations and barrier removals referenced in Regulation .07A(8) of this chapter, including the cost of the physical adaptation and associated costs for installation[; and].

[(5)] C. *The agency shall [Deny] deny funding if [the provider of the service does not meet the requirements of this chapter.]:*

(1) *The applicant does not meet eligibility criteria;*

(2) *The service or item requested is not permitted to be provided or funded by this chapter; or*

(3) *The provider of the service does not meet the requirements of this chapter.*

.11 Implementation Date.

This chapter shall be implemented July 1, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

**Subtitle 26 BOARD OF
ACUPUNCTURE**

10.26.01 Fee Schedule

Authority: Health Occupations Article, §§1A-205, 1A-206, 1A-302; Corporations and Associations Article, §§5-101 – 5-131; Annotated Code of Maryland

Notice of Proposed Action

[15-311-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under **COMAR 10.26.01 Fee Schedule**.

Statement of Purpose

The purpose of this action is to reduce the examination equivalency review fee from \$500 to \$250.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. It is anticipated that this reduction in fee will result in minimal to no impact on the regulated industry and on the Board since this fee has not been utilized for over 20 years.

II. Types of Economic Impact.

	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R-)	Indeterminate
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Indeterminate
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. and D. This fee is charged to a licensee, plus expenses involved with a Board member traveling to a location to conduct the review, for review of an examination to determine its equivalency to the examination given by the National Certification Commission for Acupuncture and Oriental Medicine. The Board cannot determine at this time how many times or if at all the fee will be charged.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.03 Fees.

The following fees are established by the Board:

- A.—F. (text unchanged)
- G. Examination equivalency review plus all necessary travel, accommodations, and translation or other expenses — [500] \$250;
- H.—N. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 34 BOARD OF PHARMACY

10.34.09 Fees

Authority: Health Occupations Article, §§12-205, 12-206, 12-302, 12-303, 12-305, 12-308, 12-310, 12-404, 12-407, 12-601, 12-6B-02, 12-6B-03, 12-6B-04, 12-6B-07, 12-6C-03, 12-6C-04, 12-6C-05, 12-6C-06, 12-6D-05, 12-6D-06, and 12-6D-09, Annotated Code of Maryland

Notice of Proposed Action

[15-331-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 and repeal existing Regulation .04 under **COMAR 10.34.09 Fees**. This action was considered by the Board of Pharmacy at a public meeting held September 16, 2015 notice of which was given by publication on the Board of Pharmacy website, <http://dhmh.maryland.gov/pharmacy/SitePages/Home.aspx>, from August 24, 2015 — September 16, 2015, pursuant to the State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Reduce certain fees to alleviate regulatory financial burdens on pharmacies that may be small businesses; and
- (2) Make technical corrections to COMAR 10.34.09 Fees, so that the renewal months for pharmacies and wholesale distributors coincide with the renewal months set forth in Health Occupations Article, §§12-308 and 12-6C-06, Annotated Code of Maryland; and to move the fees for pharmacy interns into Regulation .02.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposal decreases certain fees to alleviate the regulatory fee burden on pharmacies that may be small businesses in Maryland. The fees that have been decreased are:

- (a) Pharmacy renewal fee from \$600 to \$500 (biennial);
- (b) Approval of Pharmacy Technician Training Programs from \$200 to \$100; and
- (c) Duplicate pharmacy permit fee from \$30 to \$10.

There is an overall savings to independent pharmacies of \$195,510 biennially.

PROPOSED ACTION ON REGULATIONS

1322

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R-)	\$195,510 biennially
B. On other State agencies:	NONE	
C. On local governments:	NONE	
<hr/>		
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	\$195,510 biennially
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

- C. Distributor Fees.
 - (1)—(2) (text unchanged)
 - (3) Distributor reinstatement fee after [December 31] *May 31* — \$1,500.
- D. Pharmacy Technician Fees.
 - (1)—(2) (text unchanged)
 - (3) Pharmacy technician reinstatement fee — \$45; *and*
 - [(4) Pharmacy student — pharmacy technician administration fee for exemption — \$45; and]
 - [(5)] (4) Review of pharmacy technician training programs submitted to the Board for approval — [200] \$100.
- D-1. Pharmacy Intern Fees.
 - (1) Pharmacy intern registration fee — \$45; *and*
 - (2) Pharmacy intern renewal fee — \$45.
- E. Miscellaneous Fees.
 - (1) (text unchanged)
 - (2) Duplicate *pharmacist* license [or duplicate permit] fee — \$30;
 - (2-1) Duplicate pharmacy permit fee — \$10;
 - (2-2) Duplicate wholesale distributor permit fee — \$30;
 - (3)—(6) (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

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

A. The Board will be impacted by the biennial loss of revenue of approximately \$195,510. 1,931 pharmacies × \$100 fee reduction = \$193,100 biennially. The other reductions in fees are based on reductions proposed from the revenue received over the past two years in these categories. It is an approximation based on prior requests for Pharmacy Technician Program approval (\$1,000) and requests for duplicate pharmacy permits (\$1,410).

D. Pharmacies will benefit due to lower costs for renewals, pharmacy technician program approval, and duplicate permit fees in the total amount of \$195,510 biennially.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Fees.

The following fees are established by the Board:

A. (text unchanged)

B. Pharmacy Fees.

(1) (text unchanged)

(2) Pharmacy renewal fee — [600] \$500; *and*

(3) Pharmacy — late fee (payable if renewal fee is received between [December 2] *May 2* and [January 31] *June 30*) — \$200; *and*

(4) Pharmacy reinstatement fee (payable if renewal fee is received after [January 31] *June 30*) — \$550.

Title 11
DEPARTMENT OF
TRANSPORTATION
Subtitle 04 STATE HIGHWAY
ADMINISTRATION

Notice of Proposed Action

[15-320-P]

The Acting Administrator of the State Highway Administration proposes to amend:

(1) Regulations .01 and .02 under **COMAR 11.04.05 Commercial-Industrial or Subdivision Street Permits (All Entrance Permits other than Residential)**; *and*

(2) Regulation .01 under **COMAR 11.04.06 Residential Entrance Permits**.

Statement of Purpose

The purpose of this action is to eliminate the requirement that the State Highway Administration charge an engineering fee when processing an application for a Commercial-Industrial or Subdivision Street Permit or Residential Entrance Permit.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The fee is currently \$50 for every access point for commercial development or subdivision; for residences with more than one access point onto a state highway, \$50 for each access in addition to the first one. Based on FY 2014, eliminating the fees for both kinds of development would reduce revenue to the TTF by \$7,300. SHA would also see a minimal expenditure decrease due to reduced accounting and auditing costs attributed to collecting these fees.

Developers would see minimal to moderate reduction in their costs for accessing state highways. The amount of this reduction would be based on the amount of access permits they apply for. The public

would see direct reduced costs if they require a permit for an access to their residential property, in addition to the first access, and through minimally reduced prices passed through by businesses.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1) Engineering fees	(R-)	Minimal
(2) Administrative costs	(E-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	(+)	Minimal
F. Direct and indirect effects on public:	(+)	Minimal

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

- A(1). The regulation change allow SHA to impose no engineering fee.
- A(2). Should SHA impose no engineering fee, the associated costs to process and account for the fee would be eliminated.
- D. Businesses would no longer be required to pay an engineering fee, which would save money and cost.
- E. To the extent the elimination of engineering fees would allow for access to be granted sooner and projects to be completed faster, businesses looking to open in proposed developments would benefit.
- F. An engineering fee would no longer be required for a second or subsequent residential access permit. This would benefit citizens seeking additional access form their property onto state roads.

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 Eric Backes, State Legislative Manager, State Highway Administration, 707 N. Calvert Street, C-412 Baltimore, MD 21202, or call 410-545-0413, or email to ebackes@sha.state.md.us, or fax to 410-209-5015. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

11.04.05 Commercial-Industrial or Subdivision Street Permits (All Entrance Permits other than Residential)

Authority: Transportation Article, §§2-103(b)(2), 8-202(b)(2)(i), 8-203(a), 8-204(b), (c), and, (i), 8-625, 8-626, 8-629, 8-630, and 8-646, Annotated Code of Maryland

.01 Authority.

A. Authority. The Annotated Code of Maryland grants to the Administration certain regulatory authority, including the right to

limit the width and location of existing access points, the requirement that a temporary or permanent entrance from any commercial or industrial property may not be made into any highway except in accordance with a permit issued by the Administration, and the requirement that permits must be acquired from the Administration before working within and across a State highway. An application for a permit to construct a commercial entrance street intersection shall be filed with plans, engineering fee check, *if applicable*, performance surety, and any other items which may be required by the responsible parties or their authorized representative.

B. (text unchanged)

.02 Procedure for Obtaining an Entrance Permit.

A. An individual or corporation desiring to construct a commercial, industrial, or public street entrance connecting with a State highway shall make written application, transmitted by methods as determined acceptable by the Administration, to the appropriate office listed below. Applications shall be accompanied by the required engineering fee, *if applicable*, performance surety, ten copies of the detailed plans, and a utility letter (see §I(2) of this regulation), if applicable.

B.—F. (text unchanged)

G. Engineering Fee. In connection with the processing of applications, an engineering fee [shall] *may* be charged for each point of access and offsite roadway improvement.

H.—L. (text unchanged)

11.04.06 Residential Entrance Permits

Authority: Transportation Article, §§2-103(b), 8-202(b)(2)(i), 8-203(a), and 8-204(b), (c), (i), Annotated Code of Maryland

.01 Procedure for Obtaining Permit.

A.—F. (text unchanged)

G. Engineering Fee. In connection with the processing of applications, an engineering fee [shall] *determined by the Administration may* be charged for each point of access and offsite improvement beyond the first point of access. [The] *No engineering fee [shall be waived for only] may be charged for* the first access to a single residential property.

H. (text unchanged)

DOUG SIMMONS
Acting Administrator

Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

11.11.05 Motor Vehicle Fees

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland, and as cited in Regulations .02—.06 of this chapter

Notice of Proposed Action

[15-316-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulations .02, .03, .05, and .06 under **COMAR 11.11.05 Motor Vehicle Fees**.

Statement of Purpose

The purpose of this action is to decrease the fees to allow for more efficient processing of applications for: 1) a corrected vehicle title; 2) identification card for a homeless individual; 3) certain business licenses; and 4) using the vehicle emissions inspection kiosk.

PROPOSED ACTION ON REGULATIONS

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The estimated economic impact to the Administration based on the proposed regulation is estimated to be a decrease in revenue of \$305,935.50 in FY 2017. The decrease is the result of decreasing the fees.

Based on the assumption and the information contained in this fiscal impact statement, the estimated economic impacts are as follows:

- (1) Title certificate -corrected (from \$50 to \$40);
- (2) Vehicle emissions (from \$14 to \$10); and
- (3) 10% reduction as follows:
 - i. New car dealer (from \$250 to \$225);
 - ii. Used car dealer (from \$250 to \$225);
 - iii. Motorcycle dealer (from \$150 to \$135);
 - iv. Trailer dealer (from \$150 to \$135);
 - v. Trailer dealer-trailers less than 15 feet in length or boat trailers (from \$50 to \$45);
 - vi. Automotive dismantler and recycler (from \$200 to \$180);
 - vii. Scrap processor (from \$200 to \$180);
 - viii. Factory branch (from \$1,000 to \$900);
 - ix. Manufacturer or distribution fee based on number of vehicles transferred to dealers during previous license year:
 - (a) 1—50 vehicles (from \$100 to \$90);
 - (b) 51—500 (from \$300 to \$270);
 - (c) 501—10,000 (from \$500 to \$450);and
 - (d) Over 10,000 vehicles (from \$1,000 to \$900);
 - x. Wholesale dealer (from \$250 to \$225);
 - xi. Vehicle salesperson (from \$75 to \$67.50);
 - xii. Title service agent (from \$62.50 to \$56.25);
 - xiii. Drivers' school license application fee (from \$200 to \$180);
 - xiv. Drivers' school or branches license (includes 2-year renewal) (from \$150 to \$135); and
 - xv. Driving instructor's license (from \$150 to \$135).

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:			
(1) Vehicle title certificate—corrected	(R-)		\$116,270
(2) Homeless id card—18 years and older	(R-)		\$25,760
(3) Homeless id card—under 18 years	(R-)		\$28
(4) New car dealer	(R-)		\$8,450
(5) Used car dealer	(R-)		\$21,300
(6) Motorcycle dealer	(R-)		\$990
(7) Trailer dealer	(R-)		\$2,040
(8) Boat trailer dealer	(R-)		\$10
(9) Automotive dismantler and recycler	(R-)		\$440
(10) Scrap processor	(R-)		\$4,680
(11) Factory branch	(R-)		\$500
(12) Manufacturer's or distributor	(R-)		\$3,230
(13) Wholesale dealer	(R-)		\$24,400

(14) Vehicle sales person	(R-)	\$65,870
(15) Title service agent	(R-)	\$2,362.50
(16) Driver school—original application	(R-)	\$1,420
(17) Driver school—renewal	(R-)	\$2,280
(18) Driver instructors	(R-)	\$6,195
(19) Vehicle emission inspection kiosk	(R-)	\$19,710
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:			
	NONE		
E. On other industries or trade groups:			
	NONE		
F. Direct and indirect effects on public:			
(1) Vehicle title certificate—corrected	(+)		\$116,270
(2) Homeless id card—18 years and older	(+)		\$25,760
(3) Homeless id card—under 18 years	(+)		\$28
(4) New car dealer	(+)		\$8,450
(5) Used car dealer	(+)		\$21,300
(6) Motorcycle dealer	(+)		\$990
(7) Trailer dealer	(+)		\$2,040
(8) Boat trailer dealer	(+)		\$10
(9) Automotive dismantler and recycler	(+)		\$440
(10) Scrap processor	(+)		\$4,680
(11) Factory branch	(+)		\$500
(12) Manufacturer's or distributor	(+)		\$3,230
(13) Wholesale dealer	(+)		\$24,400
(14) Vehicle sales person	(+)		\$65,870
(15) Title service agent	(+)		\$2,362.50
(16) Driver school—original application	(+)		\$1,420
(17) Driver school—renewal	(+)		\$2,280
(18) Driver instructors	(+)		\$6,195
(19) Vehicle emission inspection kiosk	(+)		\$19,710

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

A(1). FY 15 Revenue = \$581,350
 Projected Revenue with Proposed fee change = \$465,080 (11,627 x \$40 (new rate))
 Revenue Decrease = \$116,270 (\$581,350 - \$465,080)

A(2). FY 15 Revenue = \$26,880
 Projected Revenue with Proposed fee change = \$1,120 (1,120 x \$1 (new rate))
 Revenue Decrease = \$25,760 (\$26,880 - \$1,120)

A(3). FY 15 Revenue = \$84,500
 Projected Revenue with Proposed fee change = \$2 (2 x \$1 (new rate))
 Revenue Decrease = \$28 (\$30 - \$2)

A(4). FY 15 Revenue = \$84,500
 Projected Revenue with Proposed fee change = \$76,050 (\$84,500 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$8,450 (\$84,500 - \$76,050)

A(5). FY15 Revenue = \$213,000
 Projected Revenue with Proposed fee change = \$191,700 (\$213,000 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$21,300 (\$213,000 - \$191,700)

A(6). FY15 Revenue = \$9,900
 Projected Revenue with Proposed fee change = \$8,910 (\$9,900 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$990 (\$9,900 - \$8,910)

A(7). FY 15 Revenue = \$20,400
 Projected Revenue with Proposed fee change = \$18,360 (\$20,400 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$2,040 (\$20,400 - \$18,360)

A(8). FY 15 Revenue = \$100
 Projected Revenue with Proposed fee change = \$90 (\$100 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$10 (\$100 - \$90)

A(9). FY 15 Revenue = \$4,400
 Projected Revenue with Proposed fee change = \$3,960 (\$4,400 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$440 (\$4,400 - \$3,960)

A(10). FY 15 Revenue = \$46,800
 Projected Revenue with Proposed fee change = \$42,120 (\$46,800 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$4,680 (\$46,800 - \$42,120)

A(11). FY 15 Revenue = \$5,000
 Projected Revenue with Proposed fee change = \$4,500 (\$5,000 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$500 (\$5000 - \$4,500)

A(12). FY 15 Revenue = \$32,300
 Projected Revenue with Proposed fee change = \$29,070 (\$32,300 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$3,230 (\$32,230 - \$29,070)

A(13). FY 15 Revenue = \$244,000
 Projected Revenue with Proposed fee change = \$219,600 (\$244,000 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$24,400 (\$244,000 - \$219,600)

A(14). FY 15 Revenue = \$658,700
 Projected Revenue with Proposed fee change = \$592,830 (\$658,700 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$65,870 (\$658,700 - \$592,830)

A(15). FY15 Revenue = \$23,625
 Projected Revenue with Proposed fee change = \$21,262 (\$23,625 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$2,362.50 (\$23,625 - \$21,262)

A(16). FY 15 Revenue = \$14,200
 Projected Revenue with Proposed fee change = \$12,780 (\$14,200 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$1,420 (\$14,200 - \$12,780)

A(17). FY 15 Revenue = \$22,800
 Projected Revenue with Proposed fee change = \$20,520 (\$22,800 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$2,280 (\$22,800 - \$20,520)

A(18). FY15 Revenue = \$61,950
 Projected Revenue with Proposed fee change = \$55,755 (\$61,950 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$6, 195 (\$61,950 - \$55,755)

A(19). FY 15 Revenue = \$68,985
 Projected Revenue with Proposed fee change = \$49,275 (\$10 x 13.5tests x 365 days)
 Revenue Decrease = \$19,710 (\$68,985-\$49,275)

F(1). FY15 Revenue = \$581,350
 Projected Revenue with Proposed fee change = \$465,080 (11,627 x \$40 (new rate))
 Revenue Decrease = \$116,270 (\$581,350-\$465,080)

F(2). FY 15 Revenue = \$26,880 Projected Revenue with Proposed fee change = \$1,120 (1,120 x \$1 (new rate))
 Revenue Decrease = \$25,760 (\$26,880 - \$1, 120)

F(3). FY 15 Revenue = \$84,500 Projected Revenue with Proposed fee change = \$2 (2 x \$1 (new rate))
 Revenue Decrease = \$28 (\$30 - \$2)

F(4). FY 15 Revenue = \$84,500 Projected Revenue with Proposed fee change = \$76,050 (\$84,500 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$8,450 (\$84,500 - \$76,050)

F(5). FY15 Revenue = \$213,000 Projected Revenue with Proposed fee change = \$191,700 (\$213,000 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$21,300 (\$213,300 - \$191,700)

F(6). FY15 Revenue = \$9,900 Projected Revenue with Proposed fee change = \$8,9 10 (\$9,900 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$990 (\$9,900 - \$8,910)

F(7). FY 15 Revenue = \$20,400 Projected Revenue with Proposed fee change = \$18,360 (\$20,400 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$2,040 (\$20,400 - \$18,360)

F(8). FY 15 Revenue = \$100 Projected Revenue with Proposed fee change = \$90 (\$100 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$10 (\$100 - \$90)

F(9). FY 15 Revenue = \$4,400 Projected Revenue with Proposed fee change = \$3,960 (\$4,400 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$440 (\$4,400 - \$3,960)

F(10). FY 15 Revenue = \$46,800 Projected Revenue with Proposed fee change = \$42,120 (\$46,800 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$4,680 (\$46,800 - \$42,120)

F(11). FY 15 Revenue = \$5,000 Projected Revenue with Proposed fee change = \$4,500 (\$5,000 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$500 (\$5000 - \$4,500)

F(12). FY 15 Revenue = \$32,300 Projected Revenue with Proposed fee change = \$29,070 (\$32,300 revenue x .90 (factors in 10% fee reduction))
 Revenue Decrease = \$3,230 (\$32,230 - \$29,070)

PROPOSED ACTION ON REGULATIONS

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F(13). FY 15 Revenue = \$244,000 Projected Revenue with Proposed fee change = \$219,600 (\$244,000 revenue x .90 (factors in 10% fee reduction))

Revenue Decrease = \$24,400 (\$244,000 - \$219,600)

F(14). FY 15 Revenue = \$658,700 Projected Revenue with Proposed fee change = \$592,830 (\$658,700 revenue x .90 (factors in 10% fee reduction))

Revenue Decrease = \$65,870 (\$658,700 - \$592,830)

F(15). FY15 Revenue = \$23,625 Projected Revenue with Proposed fee change = \$21,262 (\$23,625 revenue x .90 (factors in 10% fee reduction)) Revenue Decrease = \$2,362.50 (\$23,625 - \$21,262)

F(16). FY 15 Revenue = \$14,200 Projected Revenue with Proposed fee change = \$12,780 (\$14,200 revenue x .90 (factors in 10% fee reduction))

Revenue Decrease = \$1,420 (\$14,200 - \$12,780)

F(17). FY 15 Revenue = \$22,800 Projected Revenue with Proposed fee change = \$20,520 (\$22,800 revenue x .90 (factors in 10% fee reduction))

Revenue Decrease = \$2,280 (\$22,800 - \$20,520)

F(18). FY15 Revenue = \$61,950 Projected Revenue with Proposed fee change = \$55,755 (\$61,950 revenue x .90 (factors in 10% fee reduction))

Revenue Decrease = \$6,195 (\$61,950 - \$55,755)

F(19). FY 15 Revenue = \$68,985 Projected Revenue with Proposed fee change = \$49,275 (\$10 x 13.5 tests x 365 days)

Revenue Decrease = \$19,710 (\$68,985-\$49,275)

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 Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200 Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Vehicle Titling Fees.

Service	Section	Fee
A. (text unchanged)		
B. Title certificate—corrected	13-118	[50] 40
C.— H. (text unchanged)	13-506 and 13-507	20

.03 Driver’s License and Identification Card Fees.

Service	Section	Fee
A.— G. (text unchanged)		
H. Identification Card:		
(1)— (5) (text unchanged)		
(6) <i>New or corrected issued to a homeless individual presenting documentation in accordance with COMAR 11.17.21.05A(5).</i>	12-301	1
I. (text unchanged)		

.05 Regulatory Business License Fees.

Service	Section	Fee
A. New car dealer.	15-307	[\$250] \$225

B. Used car dealer.	15-307	[250] 225
C. Motorcycle dealer.	15-307	[150] 135
D. Trailer dealer.	15-307	[150] 135
E. Trailer dealer—trailers less than 15 feet in length or boat trailers.	15-307	[50] 45
F. Automotive dismantler and recycler.	15-505	[200] 180
G. Scrap processor.	15-505	[200] 180
H. Factory branch.	15-204	[1,000] 900
I. Manufacturer or distributor fee based on number of vehicles transferred to dealers during previous license year, as follows:	15-204	
(1) 1—50 vehicles		[100] 90
(2) 51—500		[300] 270
(3) 501—10,000		[500] 450
(4) Over 10,000 vehicles		[1,000] 900
J. Wholesale dealer.	15-307	[250] 225
K. Vehicle salesperson.	15-406	[75] 67.50
L. Title service agent.	15-603	[62.50] 56.25
M. Drivers’ school license application fee.	15-703	[200] 180
N. Drivers’ school or branch license (includes 2-year renewal).	15-704	[150] 135
O. Driving instructor’s license (2-year renewal).	15-805	[150] 135
P.— T. (text unchanged)		

.06 Miscellaneous Fees.

Service	Section	Fee
A.— D. (text unchanged)		
E. [Repealed.] <i>Vehicle emissions inspection Kiosk fee. Every other year.</i>	23-207	\$10
F.— S. (text unchanged)		

CHRISTINE NIZER
Administrator

Subtitle 15 MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION

11.15.33 Vehicle Trade-In Allowance

Authority: Transportation Article, §§12-104(b), 13-809, and 13-812, Annotated Code of Maryland

Notice of Proposed Action

[15-273-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulation .08 under COMAR 11.15.33 Vehicle Trade-In Allowance.

Statement of Purpose

The purpose of this action is to update existing regulations to allow trade-in of a leased vehicle to be applied to the purchase price on the newly purchased vehicle.

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 Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 470-768-7506. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.08 Trade-in Allowance for Leased Vehicles.

[A.] A trade-in allowance under Transportation Article, §13-809(a)(3)(ii), Annotated Code of Maryland, may be applied to the purchase price of a leased vehicle if:

[(1)] A. The trade-in *vehicle* is in the same owner's name as the name of the lessee on the purchased vehicle; or

[(2)] B. The *trade-in* vehicle is:

[(a)] Owned by the same leasing company purchasing the vehicle;]

[(b)] (1) — [(c)] (2) (text unchanged)

[B. A trade-in does not include a vehicle acquired by a dealer but not assigned to a dealer.]

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 Amy Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Workers' Compensation Commission during a public meeting to be held on December 10, 2015, at 10 E. Baltimore Street, Baltimore, MD 21202.

.02 Notices of Insurance, Cancellation, Reinstatement, and Election of Coverage.

A. (text unchanged)

B. Notice of Cancellation.

(1) (text unchanged)

(2) Time for Filing.

(a) Cancellation by Insurer.

(i) (text unchanged)

(ii) If the insurer cancels the insurance policy for any other reason, the Notice of Cancellation shall be filed at least [30] 45 days before the effective date of the cancellation, in compliance with Insurance Article, §19-406(a), Annotated Code of Maryland.

(b) (text unchanged)

C.—E. (text unchanged)

MILT CHAFFEE
Administrator

**Title 14
INDEPENDENT AGENCIES**

**Subtitle 09 WORKERS'
COMPENSATION COMMISSION**

R. KARL AUMANN
Chair

14.09.12 Responsibilities of Insurers

Authority: Insurance Article, §19-406; Labor and Employment Article, §§9-309, 9-404, 9-405, 9-409, 9-410, and 9-744; Annotated Code of Maryland

Notice of Proposed Action

[15-307-P]

The Workers' Compensation Commission proposes to amend Regulation .02 under **COMAR 14.09.12 Responsibilities of Insurers**. This action was considered at a public meeting held on August 13, 2015, notice of which was given by publication in 42:15 Md. R. 1042 (July 24, 2015), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the current regulation to conform to the changes made necessary by the adoption of Ch. 88, Acts of 2015, which altered the time period (from 30 to 45 days) within which an insurer, except under specified circumstances, must serve a specified notice on an employer and file a copy of the notice with a specified individual if the insurer is canceling or refusing to renew a workers' compensation insurance policy before its expiration.

**Title 15
DEPARTMENT OF
AGRICULTURE**

**Subtitle 14 BOARD OF VETERINARY
MEDICAL EXAMINERS**

15.14.12 Fees

Authority: Agriculture Article, §2-303, Annotated Code of Maryland

Notice of Proposed Action

[15-328-P]

The State Board of Veterinary Medical Examiners proposes to amend Regulation .02 under **COMAR 15.14.12 Fees**.

Statement of Purpose

The purpose of this action is to reduce the registration fees charged to veterinarians for both initial registration and for annual renewal registration fees for license renewal.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There will be a moderate impact on revenue received by the SBVME beginning with the 2017 fiscal year for the reduction of registration fees for both the initial fee and the registration license renewal. Veterinary registration fees account for approximately 75% of the SBVME’s annual revenue. The SBVME is proposing to reduce the registration fee by 30% — from \$215 to \$150 annually. Fees for veterinarians who become licensed or reinstated beginning in fiscal year 2017 between January 1 and June 30 will be reduced from \$110 to \$75. The fee reductions will result in revenues being slightly less than expenditures.

II. Types of Economic Impact	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency: Board of Veterinary Medical Examiners	(R-)	\$178,825
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
(1) Re-registering veterinarians	(+)	\$65 annually
(2) Newly-licensed and reinstated veterinarians	(+)	\$35—\$65
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. The SBVME is proposing to reduce the registration fee charged to veterinarians who are: renewing their annual license; registering their license for the first time; or registering their license due to reinstatement of the license. In April 2012, the SBVME increased fees due to a reduction in the SBVME’s fund. Since then, the SBVME has generated a reserve from which it may begin drawing through the proposed fee reduction. This reserve is largely the result of the following: receiving more applications from prospective licensees and registrants than anticipated; unexpected shortages in staffing, resulting in less money spent on salaries and benefits; and delays in the implementation of projects requiring a full staff and the assistance of intra-agency programs. The fee changes will reduce the SBVME’s revenue by approximately \$178,825, as explained more fully in D(1) and (2).

D(1). Veterinarians who renew their veterinary license annually will pay \$65 less under the proposed fee structure. The fee reduction will save approximately 2,700 veterinarians renewing their licenses \$65 annually, for a total savings of \$175,500.

D(2). In March 2015, the SBVME reduced the veterinary registration fee from \$215 to \$110 for newly-licensed or newly-reinstated veterinarians who registered between January 1—June 30. The SBVME is proposing that the fee for these veterinarians be half of the fee proposed for re-registrants and those registering during the first half of the fiscal year. Therefore, the fee for newly-licensed and reinstated veterinarians registering between July 1—December 31 would be \$150, and the fee for newly-licensed and reinstated veterinarians registering between January—June 30 would be \$75. Approximately 60% of veterinarians who become licensed or reinstated with the SBVME register during the second half of the fiscal year. This is expected to result in an additional decrease in revenue for the SBVME of approximately \$3,325 annually.

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 Laura C. Downes, Executive Director, Maryland Department of Agriculture, 50 Harry Truman Parkway, Annapolis, Maryland 21401, or call 410 841 5862, or email to laura.downes@maryland.gov, or fax to 410 841 5780. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Fees.

The following fees are established by the Board of Veterinary Medical Examiners:

- A. Initial registration fees are established by the Board of Veterinary Medical Examiners:
 - (1) Between July 1 and December 31 — [\$215] \$150;
 - (2) Between January 1 and June 30 — [\$110] \$75.
- B. Annual registration renewal fee — [\$215] \$150;
- C.—K. (text unchanged)

JOSEPH BARTENFELDER
Secretary of Agriculture

**Title 20
PUBLIC SERVICE
COMMISSION**

**Subtitle 50 SERVICE SUPPLIED BY
ELECTRIC COMPANIES**

**20.50.12 Service Quality and Reliability
Standards**

Authority: Public Utilities Article, §§7-213, 13-201, and 13-202, Annotated Code of Maryland

Notice of Proposed Action

[15-306-P]

The Public Service Commission proposes to amend Regulation .02 under COMAR 20.50.12 **Service Quality and Reliability Standards**. This action was considered at a scheduled rule-making meeting held on September 1 and 2, 2015.

Statement of Purpose

The purpose of this action is to update the electric distribution system reliability standards in accordance with Public Utilities Article, §7-213(d), Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The six largest electric utilities are required to achieve high levels of reliability by requiring improvements in their indices of reliability performance and outage recovery times. Incremental costs identified below are estimates for these utilities to achieve the performance levels required by these indices.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(-)	\$400 million through year 2019
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	\$1,000 million through year 2019

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

D. The regulations require the six largest electric utilities to achieve high levels of reliability by requiring improvements in their indices of reliability performance and outage recovery times. The cost estimate provided is an estimate of the potential incremental costs of these electric utilities to achieve the performance levels required by the new indices through 2019. Some of these costs may be included in future electric distribution rates for these six utilities, subject to Commission review to ensure expenditures are just and reasonable.

F. The benefits are derived from an improvement in reliability performance and outage recovery times by the electric utilities through 2019. Benefits were determined using a Department of Energy outage avoidance cost calculator using a 20-year average life for capital improvements and assuming that the largest reliability performance indices of the regulation are met by each utility.

Economic Impact on Small Businesses

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

The benefit estimate above is based on the total customer base of the six largest electric utilities operating in Maryland and not specifically attributable to small businesses. However, all electric utility customers will benefit from the improvements in service quality and reliability performance, including small businesses operating in a utility's service territory. Additionally, when utilities recover costs associated with complying with service quality and

reliability standards, the costs will be allocated to customer classes, including customer classes comprising small businesses. The amount of any potential increase in utility rates that will be applicable to small businesses is unquantifiable at this time.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 System-Wide Reliability Standards.

A. — C. (text unchanged)

D. SAIDI and SAIFI Standards.

(1) The SAIDI *in minutes* and SAIFI reliability standards for the calendar years [2012—2015] noted and thereafter, unless changed by the Commission, are as follows:

(a) Baltimore Gas and Electric Company					
	[2012	2013	2014	2015	
SAIDI	4.24	3.96	3.69	3.44	
SAIFI	1.51	1.47	1.43	1.39]	
	2015	2016	2017	2018	2019
SAIDI	206.4	192.0	177.6	162.6	142.2
SAIFI	1.39	1.33	1.27	1.22	1.08
(b) Choptank Electric Cooperative, Inc.					
	[2012	2013	2014	2015	
SAIDI	2.99	2.92	2.74	2.58	
SAIFI	1.50	1.49	1.44	1.39]	
	2015	2016	2017	2018	2019
SAIDI	154.8	152.4	151.2	149.4	148.2
SAIFI	1.39	1.38	1.37	1.37	1.36
(c) [Delaware] Delmarva Power [and] & Light Company					
	[2012	2013	2014	2015	
SAIDI	3.25	2.99	2.74	2.62	
SAIFI	1.77	1.65	1.55	1.46]	
	2015	2016	2017	2018	2019
SAIDI	157.2	151.0	145.0	139.0	125.0
SAIFI	1.46	1.41	1.36	1.32	1.22
(d) Potomac Edison Company					
	[2012	2013	2014	2015	
SAIDI	3.28	3.05	2.92	2.79	
SAIFI	1.11	1.10	1.09	1.08]	
	2015	2016	2017	2018	2019
SAIDI	167.4	165.0	162.6	160.2	153.0
SAIFI	1.08	1.08	1.08	1.08	1.08
(e) Potomac Electric Power Company					
	[2012	2013	2014	2015	
SAIDI	3.18	2.82	2.58	2.39	
SAIFI	1.95	1.81	1.61	1.49]	
	2015	2016	2017	2018	2019
SAIDI	143.4	125.0	116.0	109.0	101.0
SAIFI	1.49	1.25	1.14	1.04	0.95
(f) Southern Maryland Electric Cooperative, Inc.					
	[2012	2013	2014	2015	
SAIDI	2.37	2.35	2.33	2.32	
SAIFI	1.39	1.38	1.37	1.36]	
	2015	2016	2017	2018	2019
SAIDI	139.2	138.0	136.8	136.2	135.6
SAIFI	1.36	1.35	1.34	1.33	1.32

(2) — (6) (text unchanged)

- (7) SAIDI and SAIFI Standards after 2015.
 - (a) (text unchanged)
 - (b) By March 1, 2014 and every 4 years thereafter, unless otherwise directed by the Commission, each utility:
 - (i) Shall file proposed annual SAIDI and SAIFI reliability standards [and supporting testimony] for its Maryland service territory[. The proposed annual SAIDI and SAIFI reliability standards shall be for a 4-calendar-year period, at a minimum]; [and]
 - (ii) Shall file corresponding cost estimates associated with meeting the proposed SAIDI and SAIFI reliability standards as specified by the Commission; and
 - (iii) May propose any other appropriate reliability requirement for the Commission’s consideration along with supporting [testimony] comments.
 - (c) The proposed annual SAIDI and SAIFI reliability standards filed by each utility shall be for a 4-calendar- year period, at a minimum.
 - E. (text unchanged)

DAVID J. COLLINS
Executive Secretary

Title 26

DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

26.08.04 Permits

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330, Annotated Code of Maryland

Notice of Proposed Action [15-326-P]

The Secretary of the Environment proposes to amend Regulation .09-1 under **COMAR 26.08.04 Permits**.

Statement of Purpose

The purpose of this action is to eliminate annual fees related to certain general discharge permits issued by the Oil Control Program.

The amendments address the following topic:

- Notice of Intent coverage under General Discharge Permits for Storm Water and Hydrostatic Test Water from an Oil Terminal and Treated Groundwater.

The annual fee of \$120 is being eliminated for coverage under both General Discharge Permits.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The fiscal impact of eliminating the annual Notice of Intent (NOI) fee associated with the General Discharge Permits for the discharge of storm water and hydrostatic test water from oil terminals and for treated ground water from oil-contaminated ground water sources is expected to be approximately \$11,000 annually (i.e. \$44,000 over 4 years). The dischargers requesting coverage under these two General Discharge Permits will continue to submit an application fee along with the NOI Application every 5 years as MDE renews its permits (i.e. the MDE’s General Discharge Permits are approved for five years by the EPA). The affected industry will benefit by not having to pay these fees.

II. Types of Economic Impact.

	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R-)		\$11,000 annually
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)		\$11,000 annually
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	NONE		

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

- A. The proposed amendments will be able to be implemented using existing resources.
- B. Other State agencies are not generally engaged in the activities affected by the proposed amendments.
- C. Local governments are not generally engaged in the activities affected by the proposed amendments.
- D. Persons who seek coverage under the two discharge permits issued by the Oil Control Program will no longer pay the annual fee.

Economic Impact on Small Businesses

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

Small Business Analysis Worksheet

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

The intended beneficiaries are primarily businesses.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

Not Applicable.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

The intended beneficiaries are generally businesses. It is estimated that 25% to 50% of these businesses may be considered small businesses. There are 98 companies that have coverage under the Oil Control Program’s General Discharge Permits. Based on the

projected revenue reduction and the estimated number of affected small businesses, there is a projected annual savings of \$2,750 to \$5,500 to the small business community in Maryland. The present total payroll or total employment of these small businesses cannot be estimated.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

Disproportionate adverse impacts on Maryland small businesses are not expected.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

The expected positive impacts on small businesses as a result of the proposed action are the savings in annual fees discussed in 1c.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

No long-term aggravating or mitigating impacts are expected.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

The impacts in the stated categories are expected to be minimal, if any.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Christopher Ralston, Program Administrator, Oil Control Program, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 610, Baltimore, Maryland 21230-1720, or call 410-537-3470, or email to chris.ralston@maryland.gov, or fax to 410-537-3092. Comments will

be accepted through November 16, 2015. A public hearing has not been scheduled.

.09-1 Fees for General Discharge Permits.

A.—J. (text unchanged)

K. Storm Water and Hydrostatic Test Water from an Oil Terminal and Treated Ground Water NOI Fees.

[(1)] A person who intends to obtain coverage under the general discharge permit for storm water and hydrostatic test water from oil terminals or the general discharge permit for treated ground water from oil-contaminated ground water sources shall submit to the Department a fee of \$120 [per year] *with the NOI*.

[(2)] The fee shall be submitted with the NOI application and every July 1 after that.

(3) Fees may be prorated on a monthly basis.]

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 10 OIL POLLUTION AND TANK MANAGEMENT

26.10.06 Underground Storage System Technician, Remover, and Inspector Certification

Authority: Environment Article, §§4-401, 4-402, 4-405, 4-407, 4-408, 4-409, 4-410, 4-411, 4-411.1, 4-411.2, 4-415.1, 4-417, 4-701 et seq., and 7-201 et seq., Annotated Code of Maryland

Notice of Proposed Action

[15-325-P]

The Secretary of the Environment proposes to amend Regulations .02—.05, .09, and .12 under **COMAR 26.10.06 Underground Storage System Technician, Remover, and Inspector Certification**.

Statement of Purpose

The purpose of this action is to eliminate fees associated with certain certifications issued through the Oil Control Program.

The amendments address the following topics:

COMAR 26.10.06

- MDE Certified Underground Storage System Technician. The \$200 application fee is being eliminated.
- MDE Certified Underground Storage System Heating Oil Technician. The \$100 application fee is being eliminated.
- MDE Certified Underground Storage System Remover. The \$150 application fee is being eliminated.
- MDE Certified Underground Storage System Inspector. The \$300 application fee is being eliminated.
- Retesting Fees.

The retesting fee (equivalent to the application fee) is being eliminated for all four certification categories.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Fiscal impacts of the proposed amendments related to the Underground Storage Tank (UST) System certifications are expected to be \$47,470 annually (this was the 5-year average from fiscal years 2011 through 2015 with a range between \$44,300 and \$52,500). The revenue is based upon the application fees paid by contractors to obtain various UST System

certifications every 2 years. The affected industry will benefit by not having to pay these fees.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	\$47,470 annually
B. On other State agencies:	NONE	
C. On local governments:	NONE	
Benefit (+) Cost (-)		
D. On regulated industries or trade groups:	(+)	\$47,470 annually
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

- A. The proposed amendments will be able to be implemented using existing resources.
- B. Other State agencies are not generally engaged in the activities affected by the proposed amendments.
- C. Local governments are not generally engaged in the activities affected by the proposed amendments.
- D. Persons who apply to obtain these certifications will no longer pay the associated fees.

Economic Impact on Small Businesses

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

Small Business Analysis Worksheet

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

The intended beneficiaries are primarily businesses and individuals holding certificates for the UST related work.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

Not Applicable.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

The intended beneficiaries are generally businesses. It is estimated that 25% to 50% of these businesses may be considered small businesses. There are 394 active UST System Certifications at the close of FY2015. Based on the projected revenue reduction and the estimated number of affected small businesses, there is a projected annual savings of \$11,868 to \$23,735 to the small business community in Maryland. The present total payroll or total employment of these small businesses cannot be estimated.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

Disproportionate adverse impacts on Maryland small businesses are not expected.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

The expected positive impacts on small businesses as a result of the proposed action are the savings in annual fees discussed in 1c.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

No long-term aggravating or mitigating impacts are expected.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

The impacts in the stated categories are expected to be minimal, if any.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Christopher Ralston, Program Administrator, Oil Control Program, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 610, Baltimore,

Maryland 21230-1720, or call 410-537-3470, or email to chris.ralston@maryland.gov, or fax to 410-537-3092. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Technician Requirements.

A. A certified technician is allowed to install, upgrade, repair, and close underground storage systems if the following requirements are met:

(1) A score of 90 percent or better is achieved on the underground storage systems technician certification test given by the Department or its representative; *and*

(2) There is verifiable proof of:

(a) (text unchanged)

(b) Direct involvement in a minimum of six underground storage systems installations; *and*].

[(3) Payment of a \$200 application fee for certification remitted to the Department, and made payable to the Maryland Oil Disaster Containment, Clean-up, and Contingency Fund.]

B. An individual may apply to receive a heating oil technician certification that restricts the technician to the installation and removal of heating oil tanks with a capacity of 2,000 gallons or less. For this certification, the following requirements shall be met:

(1) A score of 90 percent or better is achieved on the heating oil technician certification test given by the Department or its representative; *and*

(2) There is verifiable proof of:

(a) (text unchanged)

(b) Direct involvement in a minimum of six underground storage systems installations; *and*].

[(3) Payment of a \$100 application fee for certification remitted to the Department and made payable to the Maryland Oil Disaster Containment, Clean-up, and Contingency Fund.]

C. (text unchanged)

.03 Remover Requirements.

A. A certified remover is allowed to close underground storage systems in accordance with COMAR 26.10.10 if the requirements in [§§B—D] §§ B – C of this regulation are met.

B.—C. (text unchanged)

[D. Payment of a \$150 application fee for certification is remitted to the Department, and made payable to the Maryland Oil Disaster Containment, Clean-up, and Contingency Fund.]

.04 Inspector Requirements.

A. A certified inspector is allowed to conduct environmental compliance audits and inspections of underground storage tank systems, including the determination that release detection and overfill devices are functioning correctly, if the following requirements are met:

(1) (text unchanged)

(2) There is verifiable proof of completion of [all of] the following:

(a) One or more nationally recognized or Department approved training courses, classes, examinations, or workshops pertaining to UST design, installation, operation, testing, or inspection; *and*

(b) An inspector orientation course provided by the Department; *and*].

[(c) Payment of a \$300 application fee for certification remitted to the Department, and made payable to the Maryland Oil Disaster Containment, Clean-up, and Contingency Fund.]

B. (text unchanged)

.05 Retesting.

[A. In order to retest, an individual receiving a score of between 70 and 90 percent on the test described in Regulations .02, .03, and .04 of this chapter:

(1) Shall retest at a scheduled test offering within 60 days of written notification of the test score; *and*

(2) May retest once without payment of the fee.

B. In order to retest, an individual receiving a score of less than 70 percent on the test described in Regulations .02, .03, and .04 of this chapter:

(1) Shall pay the test application fee; *and*

(2) Shall retest at a scheduled test offering.]

An individual who takes but does not pass a test required under Regulation .02, .03, or .04 of this chapter may retest at a scheduled test offering.

.09 Terms and Renewal of Certification.

A.—C. (text unchanged)

[D. An applicant shall remit the appropriate application fee according to Regulations .02, .03, and .04 of this chapter.]

.12 Reciprocity.

A. (text unchanged)

B. To obtain reciprocity certification, a person shall:

(1) (text unchanged)

(2) Provide verifiable proof of a minimum of 2 years of UST systems experience within the last 36 months; *and*

(3) Pass, with a score of 90 percent or better, an examination pertaining to Maryland laws and regulations; *and*].

[(4) Remit the appropriate application fee according to Regulations .02—.04 of this chapter.]

C. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.21 Control of Asbestos

Authority: Environment Article, §§6-411 and 6-413, Annotated Code of Maryland

Notice of Proposed Action

[15-309-P]

The Secretary of the Environment proposes to amend Regulation **.10** under **COMAR 26.11.21 Control of Asbestos**.

Statement of Purpose

The purpose of this action is to eliminate the asbestos license fee for businesses that employ two or less employees and reduce the license fee for businesses that employ three or more employees.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action reduces asbestos license application fees. The fee is eliminated for businesses that employ two or less employees. Currently, businesses that employ two or less people must pay \$125 annually when applying for or renewing a license with the Department. The fee is reduced from \$750 to \$625 for businesses that employ three or more employees.

II. Types of Economic Impact.

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

- A. On issuing agency: (R-) Minimal
- B. On other State agencies: NONE
- C. On local governments: NONE

Benefit (+)	Cost (-)	Magnitude
-------------	----------	-----------

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

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

A. Approximately 25—30 businesses of two employees or less apply for a license or renew a license with the Department annually. Based on these current numbers, the Department will experience an annual decrease in revenue of \$3,125—\$3,750.

Approximately 130—135 businesses of three employees or more apply for a license or renew a license with the Department annually. Based on these current numbers, the Department will experience an annual decrease in revenue of \$16,250—\$16,875.

D. The elimination of the license application and renewal fee for businesses with two or less employees will be a minimal economic benefit to the business of \$125 a year. The reduction of the license application and renewal fee for businesses with three or more employees will be a minimal economic benefit to the business of \$125 a year.

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 Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or call 410-537-4488, or email to randy.mosier@maryland.gov, or fax to 410-537-4243. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

Copies of the proposed action are available for review at the following locations:

- The Department of the Environment’s website at: <http://www.mde.state.md.us/programs/regulations/air/Pages/reqcomments.aspx>
- The Air and Radiation Management Administration; and
- Regional offices of the Department in Cumberland and Salisbury.

TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

.10 License Application.

- A. (text unchanged)
- B. Application Fee.

Number of Employees to be Engaged in Asbestos Projects	License Fee
2 or less	[\$125] <i>No fee</i>
3 or more	[\$750] \$625

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 32 MARYLAND DEPARTMENT OF AGING

Subtitle 02 PROVIDER REGULATIONS

32.02.01 Certificate of Registration for Continuing Care Facilities and Providers

Authority: Human Services Article §10-403, Annotated Code of Maryland

Notice of Proposed Action

[15-327-P]

The Department of Aging proposes to amend Regulation .17 under **COMAR 32.02.01 Certificate of Registration for Continuing Care Facilities and Providers.**

Statement of Purpose

The purpose of this action is to reduce expansion application fees.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This amendment will reduce the expansion application fee from \$100 per additional unit to \$50 per additional unit.

II. Types of Economic Impact.

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

- A. On issuing agency: (R-) Minor impact
- B. On other State agencies: NONE
- C. On local governments: NONE

Benefit (+)	Cost (-)	Magnitude
-------------	----------	-----------

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

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

A. Approximately one expansion application fee is submitted to

the Department of Aging annually for 11 units. Reduction of \$50 is a loss of \$550.

D. Will reduce expansion application fee by \$50 per additional unit.

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 Andrew Ross, Legislative Liaison and Federal Programs Coordinator, Maryland Department of Aging, 301 West Preston Street, Suite 1007, Baltimore, MD 21201, or call 410-767-2116, or email to andrew.ross@maryland.gov, or fax to 410-333-7943. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.17 Application for Expansion of Facility.

A.— D. (text unchanged)

E. Filing Fee.

(1) A filing fee of [\$100] \$50 per additional unit shall accompany the expansion approval request.

(2) (text unchanged)

RONA E. KRAMER
Secretary of Aging

**Title 33
STATE BOARD OF
ELECTIONS**

**Subtitle 01 DEFINITIONS; GENERAL
PROVISIONS**

33.01.01 Definitions

Authority: Election Law Article, §§1-101, 2-102(b)(4), [and] 3-101, and 3-305(e), Annotated Code of Maryland

Notice of Proposed Action

[15-275-P]

The State Board of Elections proposes to amend Regulation .01 under **COMAR 33.01.01 Definitions**. This action was considered by the State Board of Elections at its August 27, 2015, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to define terms used in the same day registration and address change process.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (24) (text unchanged)

(25) “Pre-qualified voter” means an individual who is not registered to vote but whom State Board determines to be eligible to register and vote during early voting.

(26) Proof of Residency.

(a) “Proof of residency” means one of the following documents:

(i) A current Maryland driver’s license;

(ii) A current MVA-issued State ID card;

(iii) A current MVA-issued change of address card;

(iv) A current utility bill;

(v) A current bank statement;

(vi) A current government check;

(vii) A current paycheck; or

(viii) Another current government document.

(b) “Proof of residency” means a document with the individual’s name and current address.

(c) For the purposes of §B(26)(a)(i)—(iii), “current” means that the license or card has not expired.

(d) For the purposes of §B(26)(a)(iv)—(viii), “current” means within the last 3 months.

(27) “Registration and oath document” means the document printed from an electronic pollbook that includes the voter’s registration information and the oaths required by Election Law Article, §§3-202(a)(1)(i) and 9-404(b)(1), Annotated Code of Maryland.

(28) Regular Ballot.

(1) “Regular ballot” means a ballot that is voted and counted at a polling place.

(2) “Regular ballot” does not include a provisional ballot.

[(25)] (29) — [(34)] (38) (text unchanged)

LINDA H. LAMONE

State Administrator of Elections

Subtitle 05 VOTER REGISTRATION

33.05.04 Processing VRAs and Other Requests

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, 3-204.1, and 3-301—[3-304] 3-305, Annotated Code of Maryland

Notice of Proposed Action

[15-280-P]

The State Board of Elections proposes to adopt new Regulation .01 and recodify existing Regulations .01 — .06 to be Regulations .02 — .07 under **COMAR 33.05.04 Processing VRAs and Other Requests**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to define how a local board receives and processes voter registration applications (VRA) and other related documents, the minimum information required to register, how

certain information is verified, the deadlines to register to vote or update a registration record, and when and how to request personal identification information. Some provisions apply to an individual who registers to vote or updates an address during early voting, but others do not.

The substantive change to COMAR 33.05.04.01 applies the requirements of COMAR 33.05.04.03 (minimum registration information), COMAR 33.05.04.04 (how certain information is verified), and COMAR 33.05.04.06 (request for personal identification information) to the process, while excluding the deadlines and how the application is processed. Also adding a new Regulation .01 necessitated the renumbering of subsequent regulations.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Applicability.

Except for the requirements in Regulations .03, .04, and .06 of this chapter, this chapter does not apply to the registration and address change process authorized under Election Law Article, §3-305, Annotated Code of Maryland.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.01 Definitions

Authority: Election Law Article, §§1-101, 2-102(b)(4), 13-218(b), and 13-245 and Title 13, Subtitle 3, Annotated Code of Maryland

Notice of Proposed Action

[15-295-P]

The State Board of Elections proposes to amend Regulation .01 under COMAR 33.13.01 Definitions. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify and code definitions, including business entity, donations, independent expenditure, lump sum contribution and person.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Authority line" has the meaning stated in Election Law Article, §13-401, Annotated Code of Maryland.

(2) "Business entity" means a firm, corporation, trust, unincorporated association, general partnership, limited partnership, limited liability company, real estate investment trust, or other entity or organization, whether or not conducted for profit.

(3) "Campaign finance report" has the meaning stated in Election Law Article, §1-101, Annotated Code of Maryland.

(4) "Campaign material" has the meaning stated in Election Law Article, §1-101, Annotated Code of Maryland.

[(1)] (5) (text unchanged)

(6) "Donation" means the gift or transfer, or promise of gift or transfer, of money or other thing of value to:

(a) An administrative account of the central committee or legislative party caucus committee;

(b) A person who makes independent expenditures; or

(c) A person who makes electioneering communications.

[(2)] (7) — [(4)] (9) (text unchanged)

(10) Independent Expenditure.

(a) "Independent expenditure" means a disbursement by a person or a political action committee expressly advocating the success or defeat of a clearly identified candidate or ballot issue if the disbursement is not made in coordination with or at the request or suggestion of a candidate, a campaign finance entity of a candidate, an agent of a candidate, or a ballot issue committee.

(b) For purposes of this definition, "clearly identified" means:

(i) The name of the candidate appears;

(ii) A photograph or drawing of the candidate appears;

or

(iii) The identity of the candidate or ballot issue is apparent by unambiguous reference.

[(5)] (11) "Legislative party caucus committee" has the meaning stated in Election Law Article, §1-101[(bb-1)], Annotated Code of Maryland.

(12) "Lump sum contribution" means the:

(a) Net amount received by a political committee from a raffle, spin, or chance at a fundraising event; or

(b) Contributions collected by payroll deductions pursuant to Election Law Article, §13-241 or 13-242, Annotated Code of Maryland.

[(6)] (13) (text unchanged)

(14) Person.

(a) "Person" includes an individual, a business entity, a federal political committee, an association, a labor organization, a union, a political club, or any other organization or group of persons.

(b) “Person” does not include a campaign finance entity organized under Election Law Article, Title 13, Subtitle 2, Part II, Annotated Code of Maryland.

[(7)] (15) “Responsible officers” has the meaning stated in Election Law Article, §1-101[(mm)], Annotated Code of Maryland.

[(8)] (16) “Statement of organization” means the [form] document used to establish a political committee under Election Law Article, [§13-207(c)] Title 13, Subtitle 2, Part II, Annotated Code of Maryland, and signed by the responsible officers[,] and, if applicable, an authorizing authority including a candidate.

[(9)] (17) (text unchanged)

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.02 Campaign Finance Report

Authority: Election Law Article, §§1-101, 2-102(b)(4), 13-218(b), and 13-245 and Title 13, Subtitle 3, Annotated Code of Maryland

Notice of Proposed Action

[15-296-P]

The State Board of Elections proposes to amend Regulation .02 under **COMAR 33.13.02 Campaign Finance Report**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to change the required contents of the campaign finance report to persons and business entities (rather than individuals and corporations) and adds new disclosure requirements for the reporting of a lump sum contribution.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Required Contents.

A. Report Requirements. Except as provided in §B of this regulation, for contributions received, the campaign finance report filed by a campaign finance entity shall include:

(1) — (2) (text unchanged)

(3) The name of:

(a) The [individual] *person* who made the contribution;

[(b)] The business, corporation, limited liability corporation, partnership entity, union, or other legal entity that made the contribution;]

[(c)] (b) — [(d)] (c) (text unchanged)

(4) The address of the contributor, provided that:

(a) If the [contributor] *person* is an individual:

(i) — (ii) (text unchanged)

(b) If the contributor is a [business entity, including a corporation, limited liability company, union, or other legal entity] *person except as provided in §A(4)(a) of this regulation*, the address where [that business entity, union or other legal entity] *the person* is registered or does business;

(5) (text unchanged)

(6) Whether the contribution is from:

(a) An individual or [corporation] *business entity*;

(b) A ticket purchased by an individual or [corporation] *business entity* including the amount per ticket; or

(c) — (j) (text unchanged)

(7) (text unchanged)

[(8)] For a political party central committee or a legislative party caucus committee, whether the contribution was an administrative contribution;]

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

B. Contributions from Different Contributors.

(1) Contributions from different contributors may be aggregated and reported as a lump sum *contribution* on a campaign finance report instead of the name and address of each contributor if the reported [aggregate] contribution amount received is from:

(a) [A monetary contribution that is \$50.99 or less;

(b) The purchase of one or more tickets for a campaign event provided:

(i) The cost of a ticket is \$50.99 or less; and

(ii) The cumulative amount per person is less than \$250.99; or

(c) The purchase of a raffle ticket, spin, or chance on a paddle wheel or wheel of fortune in accordance with Election Law Article, §13-240, Annotated Code of Maryland[.]; or

(b) *Payroll deductions collected in accordance with Election Law Article, §§13-241 and 13-242, Annotated Code of Maryland.*

(2) *For lump sum contributions, the campaign finance report shall include:*

(a) *If the lump sum contributions were generated from a raffle, spin, or chance:*

(i) *The net amount received by the political committee from the raffle, spin, or chance;*

(ii) *The total number of individuals purchasing a raffle ticket, spin, or chance; and*

(iii) *The price of the raffle ticket, spin, or chance;*

(b) *If the lump sum contributions were generated from a payroll deduction:*

(i) *The total amount received by the political committee;*

(ii) *The total number of individuals making contributions;*

and

(iii) *The average amount of the contribution received by the political committee.*

[(2)] (3) Reporting lump sum contributions on a campaign finance report does not relieve the [treasurer] *political committee* of the responsibility for maintaining the account book [of the campaign finance entity] pursuant to Election Law Article, §§13-221 and 13-240(b)(1), Annotated Code of Maryland.

[(3)] (4) Except as provided in Election Law Article, §13-240, Annotated Code of Maryland, failure to include the name and address of every contributor in the account book of the campaign finance entity for a lump sum *contribution* [reported] entry on a campaign finance report shall be deemed an anonymous contribution and subject to Election Law Article, §13-239, Annotated Code of Maryland.

C — E. (text unchanged)

LINDA H. LAMONE
State Administrator of Elections

- (b) Disbursements and expenditures made;
- (c) Obligations incurred by or on behalf of the political committee, including loan consent agreements; and
- (d) Other records used in the preparation of campaign finance reports, including any correspondence sent to a contributor requesting employer and occupation information.

(2) For every asset received and expenditure made, the account book shall have:

- (a) The amount or value of the asset received or expenditure made;
- (b) The date of the asset received or expenditure made;
- (c) The name and address of the person from whom the asset was received or to whom the expenditure was made; and
- (d) A description of the asset received or the purpose for which the expenditure was made.

C. Retention and Inspection.

(1) The State Board may request to inspect and receive a copy of all account books and related records of account book entries.

(2) All account books and related records of account book entries must be:

- (a) Retained and available for inspection until the earlier of:
 - (i) 10 years after the creation of an account book entry or related records; or
 - (ii) 2 years after the political committee files its final campaign finance report.
- (b) Stored and retained by the political committee in:
 - (i) The original format of the record production;
 - (ii) A photocopy of the original format of the record production; or
 - (iii) A scanned pdf format of the record production.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.06 Campaign Accounts

Authority: Election Law Article, §2-102(b)(4) and Title 13 Subtitle 2, Part IV, Annotated Code of Maryland

Notice of Proposed Action

[15-297-P]

The State Board of Elections proposes to amend Regulation .01 and adopt new Regulation .06 under **COMAR 33.13.06 Campaign Accounts**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to define the requirements of, contents of, and access to campaign account books.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 [Definitions] Definition.

A. In this chapter, the following [terms have] *term* has the [meanings] *meaning* indicated.

B. [Terms] *Term* Defined.

[(1)] “Financial Institution” has the meaning stated in Financial Institutions Article, §1-101(i), Annotated Code of Maryland.

[(2)] “Statement of Organization” means the document signed by the responsible officers and, if applicable, the authorizing candidate establishing a political committee with the State Board.]

.06 Campaign Account Book.

A. *Requirement.*

(1) A political committee shall maintain and retain an account book of the campaign finance activity of the political committee.

(2) Campaign finance reports are not considered the account book of the political committee.

(3) All disbursement or expenditures entries in the account book shall be supported by:

- (a) Receipts or invoices from the vendor; or
- (b) Contracts for services provided.

B. *Contents.*

(1) The account book shall have detailed and accurate records of all:

- (a) Assets received, including ticket sales, in-kind contributions transfers to the committee, and any other income received by the political committee;

Subtitle 13 CAMPAIGN FINANCING

33.13.08 Independent Expenditure Requirements

Authority: Election Law Article, §§2-102(b)(4) and 13-306[(1)], Annotated Code of Maryland

Notice of Proposed Action

[15-298-P]

The State Board of Elections proposes to amend Regulations .02 and .03 under **COMAR 33.13.08 Independent Expenditure Requirements**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to change the registration threshold from \$10,000 to \$5,000 and the disclosure obligations for an independent expenditure and electioneering communication report.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Registration.

A. In General. A person shall file the registration [notice] form required under §B of this regulation with the State Board within [24] 48 hours after the person has made aggregate independent expenditures of [\$10,000] \$5,000 or more in an election cycle for campaign material that is a public communication.

B. [Notice] Registration Form Requirements. The registration [notice] form shall consist of the following information:

- (1) (text unchanged)
- (2) The business or registration address of the person making the independent expenditures;
- (3) — (4) (text unchanged)
- (5) Whether the [independent expenditures] public communication supported or opposed the clearly identified candidate or ballot issue prominently featured in the campaign material or independent expenditure.
- (6) (text unchanged)
- (7) If the person is [an] a business entity, whether the person:
 - (a) — (b) (text unchanged)

C. Requirements for Shareholders', Members', or Donors' Notification. If the person will provide the notification in §B(7)(a) of this regulation:

- (1) The text reporting the independent expenditure [disbursements] made must be in at least 10-point type; or
- (2) The required hyperlink on the home or landing page of the person shall be labeled "Independent Political Spending".

D. Electronic Filing. The registration [notice] form shall be filed electronically by means of the browser-based software provided by the State Administrator.

.03 Required Contents of the Independent Expenditure Report.

A. For cumulative donations received [by the person for the purpose of furthering independent expenditures] of \$6,000 or more during a reporting period, the independent expenditure report filed by the person making independent expenditures shall include:

- (1) — (2) (text unchanged);
- (3) The name of [
 - (a) The individual who made the donation; or
 - (b) The organization, business entity, corporation, limited liability company, partnership, union, or other legal entity] the person that made the donation;
- (4) The address of the donor, provided that:
 - (a) (text unchanged)
 - (b) If the donor is [an organization, business entity, corporation, limited liability company, union, or other legal entity] a person except as provided in §A(4)(a) of this regulation, the address provided shall be where [that entity] the person is registered or does business;
- (5) — (7) (text unchanged)

B. Expenditures Made. For independent expenditures made to create or distribute campaign material that is a public communication, the independent expenditure report filed by the person making independent expenditures shall include:

- (1) The date the independent expenditure was made;
- (2) — (4) (text unchanged)
- (5) Whether the [independent expenditures] public communication supported or opposed the clearly identified candidate or ballot issue prominently featured in the campaign material or independent expenditure.

(6) If the independent expenditure was to reimburse a person, the name and address of the person who received the reimbursement;

(7) The amount of the independent expenditure; and

(8) A description of the services or materials purchased by the independent expenditure.

C. (text unchanged)

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.09 Electioneering Communication Requirements

Authority: Election Law Article, §§2-102(b)(4) and 13-307 and Title 13, Subtitle 4, Part I, Annotated Code of Maryland

Notice of Proposed Action

[15-299-P]

The State Board of Elections proposes to amend Regulations .02 and .03 under **COMAR 33.13.09 Electioneering Communication Requirements**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to change the registration threshold from \$10,000 to \$5,000 and the disclosure obligations for an independent expenditure and electioneering communication report.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Registration.

A. In General. A person shall file the registration [notice] form required under §B of this regulation with the State Board within [24] 48 hours after the person has made aggregate disbursements of [\$10,000] \$5,000 or more in an election cycle for electioneering communications.

B. [Notice] Form Requirements. The registration [notice] form shall consist of the following information:

- (1) (text unchanged)
- (2) The business or registration address of the person making the electioneering communications;
- (3) — (4) (text unchanged)
- (5) Whether the electioneering communications supported or opposed the clearly identified candidate or ballot issue prominently featured in the electioneering communication.

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

[(6)] (7) If the person is [an] a *business* entity, whether the person:

(a) — (b) (text unchanged)

C. Requirements for Shareholders', Members', or Donors' Notification. If the person will provide the notification in [§B(6)(a)] §B(7)(a) of this regulation:

(1) (text unchanged)

(2) The required hyperlink *on the home or landing page of the person* shall be labeled "Independent Political Spending".

D. Electronic Filing. The registration [notice] *form* shall be filed electronically by means of the browser-based software provided by the State Administrator.

.03 Required Contents for an Electioneering Communication Report.

A. Report Requirements. For *cumulative* donations received of \$6,000 or more during a reporting period [for the purpose of furthering electioneering communications], the electioneering communication report filed by the person making electioneering communications shall include:

(1) — (2) (text unchanged)

(3) The name of[:

(a) The individual who made the donation; or

(b) The organization, business, corporation, limited liability company, partnership, union, or other legal entity] *the person* that made the donation;

(4) The address of the donor provided that:

(a) (text unchanged)

(b) If the donor is [an organization, business entity, corporation, limited liability company, union, or other legal entity] *a person except as provided in §A(4)(a) of this regulation*, the address provided shall be where [that entity] *the person* is registered or does business;

(5) — (7) (text unchanged)

B. Disbursements Made. For disbursements made, the electioneering communication report filed by the person making electioneering communications shall include:

(1) — (3) (text unchanged)

(4) The name of the candidate or ballot issue to which the electioneering communications relates *or featured*;

(5) *Whether the electioneering communications supported or opposed the clearly identified candidate or ballot issue prominently featured in the electioneering communication.*

[(5)] (6) — [(7)] (8) (text unchanged).

C. (text unchanged)

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.10 Prohibitions

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

Notice of Proposed Action

[15-300-P]

The State Board of Elections proposes to amend Regulations .01—.03 under COMAR 33.13.10 Prohibitions. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify the prohibition on contributions by video lottery licensees and applicants to just non-federal candidates, codify money order contributions as cash contributions and the treatment of slate contributions, codify the restrictions on lump sum contributions, and correct and clarify a term under a prohibited expenditure to elective office from political office.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) "Person" has the meaning stated COMAR [33.01.01.01B] 33.13.01.01B.

(5) "Political committee organized in support of a non-federal candidate" means:

(a) — (d) (text unchanged)

(e) A political action committee whose major purpose is to [elect] *support or oppose* candidates to non-federal offices [and make coordinated expenditures or transfers to a non-federal candidate].

.02 Prohibited Contributions.

A. — B. (text unchanged)

C. Video Lottery Operation Licensee or Applicant. Except as provided in §E of this regulation, a person may not make any contributions to a political committee *organized in support of a non-federal candidate* for the rest of the election cycle once that person holds or controls at least a 5 percent interest in the property or business that is:

(1) — (2) (text unchanged)

D. Video Lottery Operation Licensee or Applicant — Same Owners. If the person in §C of this regulation is a corporation, any wholly owned corporations or other corporations owned by identical shareholders of the person may not make any contributions to a political committee *organized in support of a non-federal candidate* for the rest of the election cycle.

E. — I. (text unchanged)

J. *Money Order Contributions.*

(1) *For the purposes of receiving a contribution, a money order contribution is considered as a cash contribution.*

(2) *In an election cycle, a person may not make one or more money order contribution transactions in excess of \$100 to a political committee.*

K. *Lump Sum Contributions.*

(1) *A political committee of a candidate may not:*

(a) *Report more than a cumulative amount of \$25,000 in lump sum contributions during an election cycle;*

(b) Report more than a cumulative amount of \$25,000 in lump sum contributions collected in a manner pursuant to Election Law Article, §13-241 or 13-242, Annotated Code of Maryland;

(c) Report a lump sum contribution of more than:

- (i) \$1,500 in a 24-hour period from a spin or chance; or
- (ii) \$2,500 in an election cycle from spins or chances; or

(d) Sell:

- (i) A spin or chance for more than \$2; or
- (ii) A raffle ticket for more than \$5 per ticket.

(2) If a political committee raises contributions from a spin, chance, or raffle in excess of the reporting and solicitation limits for a lump sum contribution received the political committee shall:

(a) Donate the excess to a charity of its choice; or

(b) Identify in its account book the amount received from each individual who purchased a spin or chance.

L. *Slate Committee.* Except as provided in §M of this regulation, a person may not make a contribution to a slate committee if the equally proportioned contribution among the candidate members of the slate would exceed the aggregate contribution limit of the person to a single candidate member of the slate when aggregated with contributions made by the person to the authorized candidate campaign committee of the candidate.

M. *Earmarked Contributions.* A person may designate or earmark a contribution to a slate for the exclusive use or benefit of individual candidate members if:

(1) The designation or earmark is in writing from the person making the contribution;

(2) The aggregate contribution limit of the person to the designated or earmarked candidates does not exceed the contribution limits; and

(3) The slate committee maintains a copy of the earmark document as a part of its account book records.

.03 Prohibited Expenditures.

A. (text unchanged)

B. *Prohibited Expenditures.* Except as provided in §C of this regulation, a political committee may not make an expenditure of campaign funds, directly or indirectly, in any amount for:

(1) — (3) (text unchanged)

(4) Expenses relating to the necessary and ordinary course of holding [political] *elective* office, except if related to legislative newsletters pursuant to Election Law Article, §13-408, Annotated Code of Maryland;

(5) — (9) (text unchanged)

C. (text unchanged)

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.12 Legislative Party Caucus Committee

Authority: Election Law Article, §§2-102(b)(4) and 13-208.1, Annotated Code of Maryland.

Notice of Proposed Action

[15-286-P]

The State Board of Elections proposes to amend Regulation .03 and adopt new Regulation .04 under **COMAR 33.13.12 Legislative Party Caucus Committee**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish the disclosure and book-keeping requirements for a legislative party caucus committee making coordinated in-kind contributions to candidates that it seeks to elect.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.03 Restrictions.

A. — B. (text unchanged)

C. *Certain Transfers and Contributions.* [Effective January 1, 2015, a] A legislative party caucus committee may make transfers or coordinated in-kind contributions greater than \$6,000 to a single authorized candidate campaign committee of a candidate that it seeks to elect only if the candidate:

(1) — (3) (text unchanged)

D. (text unchanged)

.04 Account Book and Affidavit.

A. *Account Book.* Subject to the aggregate in-kind contributions limit pursuant to Election Law Article, §13-226(c), Annotated Code of Maryland, the legislative party caucus committee shall in its account book itemize and attribute coordinated expenditures to the authorized candidate campaign committees of the candidate it seeks to elect.

B. *Affidavit.* The treasurer of the legislative party caucus committee shall file an affidavit with the campaign finance report required pursuant to Election Law Article, §13-309(b)(2), Annotated Code of Maryland, attesting, under penalty of perjury, that no candidate received aggregate in-kind contributions greater than the limit pursuant to Election Law Article, §13-226(c), Annotated Code of Maryland.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.15 Political Action Committees

Authority: Election Law Article, §§2-102(b)(4) and 13-309.1, Annotated Code of Maryland.

Notice of Proposed Action

[15-287-P]

The State Board of Elections proposes to amend Regulation .06 under **COMAR 33.13.15 Political Action Committees**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to add contribution information to a disclosure report from a political action committee that makes exclusively independent expenditures or electioneering communications.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.06 Required Contents for a Disclosure Report.

A. — B. (text unchanged)

C. *Contributions Received. For contributions received, the disclosure report filed by a political action committee registered to make exclusively independent expenditures or electioneering communications shall include:*

- (1) *The date that the contribution was received by the campaign finance entity;*
- (2) *The monetary amount or fair market value of the item or service rendered of the contribution;*
- (3) *The name of the person making the contribution;*
- (4) *If the person is not an individual, the permanent residential address of the individual contributor or registered business address of the person;*
- (5) *Whether the contribution transaction was cash, check, credit card, or payroll deduction;*
- (6) *Whether the contribution is from:*
 - (a) *An individual;*
 - (b) *A business entity, union, or other legal entity;*
 - (c) *A federal committee;*
 - (d) *A political club;*
 - (e) *A Maryland political action committee;*
 - (f) *A participating organization;*
 - (g) *A person making independent expenditures or electioneering communications; or*
 - (h) *A nonfederal out-of-State political committee; and*
- (7) *If the contribution is an in-kind contribution, a description of the in-kind contribution.*

[C.] D. *Applicability.* The disclosure requirement on whether the campaign material supports or opposes a candidate or ballot issue shall be determined by the candidate[,] or ballot issue [or issue] that is prominently featured on the campaign material.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.18 Coordinated Expenditures and In-Kind Contributions

Authority: Election Law Article, §§2-102(b)(4) and 13-304, Annotated Code of Maryland

Notice of Proposed Action

[15-288-P]

The State Board of Elections proposes to adopt new Regulations .01—.04 under a new chapter, **COMAR 33.13.18 Coordinated Expenditures and In-Kind Contributions**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to code the disclosure and use of coordinated in-kind contributions by a central committee.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to coordinated, aggregate in-kind contributions to a candidate from a central committee of a political party.

.02 Reporting of Coordinated In-Kind Contributions.

A. *Required Reporting — Central Committee.* The central committee of a political party making the coordinated expenditure shall report on a campaign finance report the name of the candidate that received the in-kind contribution.

B. *Required Reporting — Candidate Committee.* The authorized candidate campaign committee shall report on a campaign finance report:

- (1) *The name of the central committee of the political party that made the in-kind contribution;*
- (2) *A description of the in-kind contribution; and*
- (3) *The aggregate amount of in-kind contributions made in the election cycle from the central committee of the political party.*

.03 Applicability of Contribution Limits.

A. *Candidate Committees.* Coordinated in-kind contribution limits for a central committee of a political party shall be applied to the authorized candidate campaign committee of the candidate.

B. *Slates.* Coordinated in-kind contributions limits for a central committee of a political party may not be applied to slate committees.

.04 Use of Funds.

To make in-kind contributions to a candidate, a central committee of a political party:

A. Shall use contributions or transfers received pursuant to Election Law Article, §§13-226 and 13-227, Annotated Code of Maryland; and

B. May not use funds not received in accordance with the contribution limits of Election Law Article, §§13-226 and 13-227, Annotated Code of Maryland.

LINDA H. LAMONE
State Administrator of Elections

**Subtitle 14 ADMINISTRATION OF
PUBLIC FINANCING ACT**

33.14.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

Notice of Proposed Action

[15-303-P]

The State Board of Elections proposes to amend Regulation .02 under **COMAR 33.14.01 Definitions; General Provisions**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend definitions to reflect the correct terms of art and add in-kind contributions.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged).

(3) “Eligible candidate” [has the meaning stated in Election Law Article, §15-102(c), Annotated Code of Maryland] means an eligible gubernatorial ticket.

(4) “Eligible gubernatorial ticket” has the meaning stated in Election Law Article, §15-102(c), Annotated Code of Maryland.

[(4)] (5) — [(5)] (6) (text unchanged)

(7) “Gubernatorial ticket candidate committee” means a slate established and authorized by the gubernatorial ticket to receive contributions, including a public contribution, and to make expenditures.

(8) “In-kind contribution” means a contribution in a form other than money.

[(6)] (9) (text unchanged)

(10) “Participating organization” has the meaning stated in Election Law Article, §13-309.2, Annotated Code of Maryland.

[(7)] (11) “Political committee” [means any combination of two or more individuals, whether appointed by a candidate, appointed by any other individual, or formed in any other manner, that assists or attempts to assist in any way the promotion or success of any candidate in any election] has the meaning stated in Election Law Article, §1-101, Annotated Code of Maryland.

[(8)] (12) — [(11)] (15) (text unchanged)

LINDA H. LAMONE
State Administrator of Elections

**Subtitle 14 ADMINISTRATION OF
PUBLIC FINANCING ACT**

33.14.02 Eligibility Requirements and Procedures

Authority: Election Law Article, §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

Notice of Proposed Action

[15-293-P]

The State Board of Elections proposes to amend Regulations .03, .06, .09, and .10 and adopt new Regulation .12 under **COMAR 33.14.02 Eligibility Requirements and Procedures**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to codify the deadline to submit seed money in the primary election; clarify that campaign finance reports required under Election Law Article, Title 13, Annotated Code of Maryland, are mandatory and that the other distribution requests are optional; codify the time period for authorization for releasing of public funds to a qualified gubernatorial ticket; move the post-election report from the sixth Monday after the election to the eighth; require a full campaign finance report (instead of an itemization of the disbursements) and assess late fees if the report is filed late; and allow a gubernatorial candidate to use contributions received prior to the filing of a certificate of candidacy for seed money and public contribution matching.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.03 Deadline for Notice and Certification — Primary Elections.

A. *Notice of Intent Deadline.* For a primary election, the notice of intent [and the certification] shall be filed with the State Board not later than the deadline for filing a certificate of candidacy.

B. *Political Committee Required.* At the time of filing a notice of intent, the candidate shall establish a gubernatorial ticket candidate committee to receive a public contribution.

C. *Seed Money Deadline.* No later than the third Tuesday in May of the year of the election, the candidate shall submit a certification of seed money and an initial request for a public contribution for use in a primary election.

.06 Requests for Contribution — Primary Elections.

A. *Deadlines for Request.* For a primary election, the request shall be filed [as follows]:

(1) [For the first distribution to candidates, not later than 5 p.m. on February 1 of the year of the election] *According to the campaign finance reporting schedule in Election Law Article, §13-309, Annotated Code of Maryland, for an authorized candidate campaign committee;* and

(2) For subsequent [distributions] *optional* requests:

(a) — (b) (text unchanged)

B. — C. (text unchanged)

.09 Distributions.

A. *Initial Distribution.* Promptly after determining that a candidate is eligible for a public contribution, the State Board shall order the Comptroller to disburse the *initial* public contribution to that eligible candidate.

B. *Qualification in January or earlier.* If the State Board determines that a candidate is eligible in or before January of the year of the election, the distribution of the initial public contribution shall occur no later than February 1 of the year of the election.

C. *Continuing Distributions.* Within 5 business days of receiving a request from an eligible gubernatorial ticket for a public contribution, the State Board shall authorize additional distributions of a public contribution on a continuing basis during the election.

.10 Post-Election Returns.

A. *Reports.* Not later than the [sixth] *eighth* Monday after a primary or general election, [a candidate] *an eligible gubernatorial ticket* [who received a public contribution for that election] shall [report to] *file a campaign finance report with the State Board that includes:*

(1) The amount of the public contribution that was spent; [and]

(2) The purposes for which it was spent[.];

(3) *All contributions received;*

(4) *All expenditures made, including any in-kind contributions received by the political committee as an authorized expenditure by the political committee; and*

(5) *All outstanding obligations.*

B. *Return of Excess.* [Not] *Except as provided in §C of this regulation, not later than the eighth Monday after a primary or general election, a candidate who received a public contribution for that election shall return to the Comptroller any unspent portion of the contribution.*

C. *Outstanding Obligations.* *If an outstanding obligation was incurred not later than 30 days after the election for which the obligation counted against the expenditure limit and has not been paid, the eligible gubernatorial ticket shall:*

(1) *Engage in campaign finance activities exclusively for the payment of the outstanding obligation;*

(2) *File campaign finance reports pursuant to Election Law Article, §13-309, Annotated Code of Maryland, for an authorized candidate campaign committee; and*

(3) *Return any excess funds raised after payment of an outstanding obligation with the filing of the final campaign finance report of the eligible gubernatorial ticket.*

D. *Late Fee Penalty.* *If an eligible gubernatorial ticket fails to file the campaign finance report required under §A of this regulation, the State Board shall assess a late fee of \$10 for each day or part of a day that the campaign finance report is overdue, up to \$500.*

.12 Eligible Private Contributions.

A. *Permissible Contributions.* *After filing a notice of intent, a candidate may use any contributions received by the authorized candidate campaign established under Election Law Article, Title 13, Annotated Code of Maryland, for the candidate if the contributions were received after March 1 of the year immediately preceding the year of the election.*

B. *Exemption.* *Notwithstanding §A of this regulation, a candidate shall include any contributions received by the authorized candidate campaign established under Election Law Article, Title 13, Annotated Code of Maryland, for the candidate after the candidate publicly declares to seek the office of Governor.*

LINDA H. LAMONE
State Administrator of Elections

Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT

33.14.03 Limitations on Campaign Expenditures and Prohibitions

Authority: Election Law Article, §§2-102(b)(4), 15-104.1, 15-107, and 15-109(b), Annotated Code of Maryland

Notice of Proposed Action
[15-294-P]

The State Board of Elections proposes to amend Regulations .04—.06 and adopt new Regulations .07, and .08 under COMAR 33.14.03 **Limitations on Campaign Expenditures and Prohibitions**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to prohibit a gubernatorial ticket from being a member of a slate committee outside of the gubernatorial ticket committee; prohibit a gubernatorial ticket committee from making a transfer to another political committee; lower the threshold for an in-kind contribution to be eligible under the Public Financing Act; clarify the scope of an in-kind contributions and the exemptions; codify the date that expenditures start counting against the expenditure limit; and add the restrictions on fundraising activities for a gubernatorial ticket.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.04 Slates.

[For purposes of the expenditure limitation imposed by the Act, the State Board shall attribute to a candidate that part of an expenditure by a slate that equals the amount of the expenditure divided by the number of members of the slate. A candidate equals one member of the slate] *A gubernatorial ticket may not be a member of any slate committee except for the gubernatorial ticket campaign committee.*

.05 Prohibited Transfers [by Candidate].

Transfers from [the single campaign depository of an eligible candidate] *a gubernatorial ticket campaign committee* to any other political committee are [counted toward the candidate’s expenditure limitation] *prohibited.*

.06 In-Kind Contributions.

A. In General. An eligible [candidate] *gubernatorial ticket* shall include [an] in-kind [contribution of \$51 or more] *contributions* in meeting the expenditure limitation imposed by the Act.

B. In-Kind Contribution. *An in-kind contribution includes:*

(1) A contribution given to a political committee in nonmonetary form for services or property; or

(2) A coordinated expenditure made on behalf of the candidate where the candidate knows of and consents to the expenditure.

C. Value. *For the purposes of the expenditure limit, the value of an in-kind contribution is the fair market value of the item or service provided at the time of the contribution.*

D. Expenditure Limit. *Except as provided in Regulation .02 of this chapter and §E of this regulation, services provided to the eligible gubernatorial ticket for free or at a reduced cost are an in-kind contribution and subject to the expenditure limit.*

E. Exemption — Volunteer Activities.

(1) Volunteer activity is not an in-kind contribution when an individual:

(a) Volunteers the individual’s own time to a campaign;

(b) Uses the individual’s personal vehicle to provide transportation related to the election; or

(c) Provides legal services associated with the election.

(2) An individual is not a volunteer when a business entity or other person compensates the individual, directly or indirectly, for working on behalf of the gubernatorial ticket.

.07 Prior Expenditures.

After filing a notice of intent, any expenditures made from the date of a contribution that the gubernatorial ticket seeks to be considered as an eligible private contribution shall count against the expenditure limit imposed by the Act.

.08 Fundraising Activities.

A. During the Election. *After filing a notice of intent, a gubernatorial ticket or a person acting on behalf of the gubernatorial ticket may not, for the benefit of any other political committee, any person required to register with the State Board under Election Law Article, §§13-306 and 13-307, Annotated Code of Maryland, or participating organization:*

(1) Solicit contributions, including:

(a) The authorized use of the names or images of the gubernatorial ticket on the solicitations by the other political committee or person; or

(b) Appearing as a featured or honored speaker at a fundraiser event of the other political committee or person; or

(2) Coordinate fund-raising activities, including sharing of lists of potential donors.

B. After the Election. *The authorized candidate campaign committees of the individual candidates comprising the eligible gubernatorial ticket may not engage in campaign finance activities until the eligible gubernatorial ticket campaign committee files a final campaign finance report and repays to the Fund any unspent portion of the public contributions.*

LINDA H. LAMONE
State Administrator of Elections

Subtitle 16 PROVISIONAL VOTING

33.16.02 Provisional Voting Documents and Supplies

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

Notice of Proposed Action

[15-281-P]

The State Board of Elections proposes to amend Regulation .01, adopt new Regulation .03, recodify existing Regulations .03 and .04 to be Regulations .04 and .05, and amend and recodify existing Regulation .05 to be Regulation .06 under **COMAR 33.16.02 Provisional Voting Documents and Supplies**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt new Regulation .03, which requires a unique provisional ballot application for individuals who want to register to vote or make an address change during early voting, but who are not eligible to vote a regular ballot. The proposed language in Regulation .03 tracks the current language for the special provisional ballot application used during extended voting hours.

SBE’s changes to the electronic pollbook software will make the provisional voting process more efficient for voters and the local boards. The pollbook will print more information (rather than the voter writing it), and this information will be affixed to the new application. The document printed by the pollbook will include a barcode to provide an automated way for the local boards to find the appropriate record in the Statewide voter database, MDVOTERS.

The proposed language also allows the local board to combine the provisional voting station and the same day registration and address change station. In addition, adding a new Regulation .03 necessitated the renumbering of subsequent regulations.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Provisional Ballot Application.

A. Provisional Ballot Application. Except as required in [Regulation] *Regulations .02 and .03* of this chapter, the provisional ballot application shall include:

- (1) — (4) (text unchanged)
- B. — C. (text unchanged)

.03 Same Day Registration and Address Change Documents.

A. *Special Provisional Ballot Application.* The special provisional ballot application for same day registration and address changes during early voting shall include a place to affix the voter's registration and oath document.

B. *Use by Local Board.* Each local board shall use the special provisional ballot application prescribed by the State Administrator.

C. *Instructions.* The State Administrator shall provide a local board with instructions for election judges on the procedures for same day registration and address changes during early voting.

D. *Number of Special Provisional Ballot Applications.* Each local board shall provide special provisional ballot applications in an amount at least equal to the quantities specified by the State Administrator.

[.05].06 Other Supplies.

A. — B. (text unchanged)

C. *During early voting, a local board may combine the provisional voting station with the same day registration and address change station.*

LINDA H. LAMONE
State Administrator of Elections

Subtitle 16 PROVISIONAL VOTING

33.16.03 Issuance of Provisional Ballot

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

Notice of Proposed Action

[15-282-P]

The State Board of Elections proposes to amend Regulation **.01** under **COMAR 33.16.03 Issuance of Provisional Ballot**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to allow for certain "pending" voters to complete their registrations during early voting. If a "pending" voter provides the required information at an early voting center in the county where he lives, his registration will be complete and he can vote a regular ballot.

The new language in Regulation .01A(4) specifies that an individual who is not pre-qualified or did not provide proof of residency in the county where he is voting must vote a provisional ballot.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 In General.

A. A voter shall be issued a provisional ballot packet if:

(1) — (2) (text unchanged)

(3) The voter's registration status is pending because the voter's driver's license or full or partial social security number could not be verified or was not provided before the precinct register was created *and, if the voter appeared to vote during early voting, the voter did not provide the necessary information to complete the verification inquiry required by COMAR 33.05.04.04B;*

(4) The voter is not eligible to vote a regular ballot because:

(a) (text unchanged)

(b) In a primary election, the voter's party affiliation listed in the precinct register differs from the voter's stated affiliation; [or]

(c) The voter indicates, by not signing the change of address affirmation, that the voter changed residence before the close of registration; *or*

(d) *During early voting, the individual:*

(i) *Was not a pre-qualified voter; or*

(ii) *Could not provide proof of residency in the county*

where the individual was attempting to vote;

(5) — (6) (text unchanged)

B. — D. (text unchanged)

LINDA H. LAMONE
State Administrator of Elections

Subtitle 16 PROVISIONAL VOTING

33.16.04 Pre-Canvass Procedures

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305, 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

Notice of Proposed Action

[15-276-P]

The State Board of Elections proposes to amend Regulation **.02** under **COMAR 33.16.04 Pre-Canvass Procedures**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Define when a provisional ballot application for same day registration or address change is complete (i.e., the document printed by the pollbook is affixed and the voter signed the oath);

(2) Require the election director to determine whether the provisional voter is eligible to register to vote and provided proof of residency;

(3) Define how an individual satisfies the proof of residency requirement; and

(4) Fix incorrect numbering.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Pre-Canvass Review.

A. Before the Canvass.

(1) Complete Application.

(a) — (b) (text unchanged)

(c) A special provisional ballot application for extended voting hours is complete if:

(i) (text unchanged)

(ii) The voter signed *the oath printed on the envelope.*

(d) *A special provisional ballot application for same day registration or address change during early voting is complete if:*

(i) *The registration and oath document is affixed to the provisional ballot application; and*

(ii) *The voter signed the registration and oath document.*

(2) The election director shall determine whether:

(a) — (d) (text unchanged)

(e) The ballot cast by the voter is the correct ballot style for the voter based on the address listed on the provisional ballot application; [and]

(f) The challenge to the voter's identity was valid as provided in §D of this regulation[.];

(g) *If the individual attempted to register and vote during early voting but was not a pre-qualified voter, the individual is eligible to register to vote and provided proof of residency as provided in §E of this regulation;*

(h) *If the individual attempted to register and vote during early voting but did not provide proof of residency, the individual provided proof of residency as provided in §E of this regulation; and*

(i) *If the voter attempted to change the voter's address during early voting but did not provide proof of residency, the voter provided proof of residency as provided in §E of this regulation.*

(3) — (4) (text unchanged)

B. — D. (text unchanged)

E. *Satisfying the Proof of Residency Requirement. An individual satisfies the proof of residency requirement if the individual provides proof of residency to:*

(1) *An election judge who shall record the type of proof of residency information the individual provided; or*

(2) *The local board before the start of the provisional ballot canvass.*

LINDA H. LAMONE
State Administrator of Elections

Subtitle 16 PROVISIONAL VOTING

33.16.05 Canvass of Ballots — Procedures

Authority: Election Law Article, §§2-102(b)(4), 2-202-(b), 3-305(e), 9-403, and 11-303(c), Annotated Code of Maryland

Notice of Proposed Action

[15-301-P]

The State Board of Elections proposes to amend Regulation .03 under **COMAR 33.16.05 Canvass of Ballots — Procedures**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to define when a local board of canvassers must accept a provisional ballot application from an individual who tried to register to vote or update an address during early voting. As drafted, a local board must accept an application from:

(1) An individual who was not a pre-qualified voter during early voting but was later determined to be eligible to vote and the individual provided proof of residency; or

(2) A voter who did not present at the early voting center proof of residency for an address change but provided the proof before the start of the provisional canvass.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.03 Disposition of Provisional Ballot Application.

A. — B. (text unchanged)

C. Acceptance of Provisional Ballot Application. The local board shall accept a provisional ballot application only if:

(1) — (5) (text unchanged)

(6) The voter voted a provisional ballot during extended voting hours and the local board has received confirmation from the State Administrator that the order extending voting hours has not been invalidated; [and]

(7) The voter voted a provisional ballot because the voter's identity was challenged and the local board, after reviewing the affidavits and any other relevant information, has denied the challenge[.]; and

(8) *An individual who was not a pre-qualified voter during early voting was determined to be eligible to vote and satisfied the proof of residency requirement under COMAR 33.16.04.02E; and*

(9) *A voter who provided an address change during early voting but did not provide proof of residency under COMAR 33.16.04.02E submitted the required proof before the start of the provisional canvass.*

D. — E. (text unchanged)

LINDA H. LAMONE
State Administrator of Elections

Subtitle 18 VIOLATIONS

33.18.01 Civil Penalties

Authority: Election Law Article, §§2-102(b)(4), 13-235, 13-239, and 13-604.1, Annotated Code of Maryland

Notice of Proposed Action

[15-292-P]

The State Board of Elections proposes to amend Regulations .03 and .04 under **COMAR 33.18.01 Civil Penalties**. This action was considered by the State Board of Election at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to change where to remit an anonymous contribution from the State Treasurer to the Fair Campaign Financing Fund, clarify the authority that the State Board issues civil citations for fundraising during legislative session violations, and allow for a reduction in the civil penalty if the political committee voluntarily self-reports.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.03 Additional Violation.

A. — B. (text unchanged)

C. Pursuant to Election Law Article, §13-239, Annotated Code of Maryland, the campaign finance entity may not use the contribution from an anonymous source for any purpose and shall remit the contribution to the [State Treasurer] *Fair Campaign Financing Fund*.

.04 Civil Citation.

A. (text unchanged)

B. The civil [citation] *penalty* issued under Regulation .02D(4) or (5) of this chapter shall include:

(1) The civil [penalty] *citation*; and

(2) Remittance of the contribution to the [State Treasurer in accordance with Election Law Article, §13-239, Annotated Code of Maryland] *Fair Campaign Financing Fund*.

C. The civil citation issued in accordance with *Election Law Article, §13-604.1(i), Annotated Code of Maryland* may not include a civil penalty greater than \$500 for each violation.

D. *The State Board shall issue a civil citation seeking a civil penalty for violations pursuant to Election Law Article, §13-235, Annotated Code of Maryland.*

E. The State Board shall permit a reduction in the assessment of a civil penalty without the issuance of a civil citation if the candidate or political committee voluntarily reports or agrees to the violation.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 18 VIOLATIONS

33.18.02 Prohibited Acts

Authority: Election Law Article, §§2-102(b)(4) and 13-602, Annotated Code of Maryland

Notice of Proposed Action

[15-274-P]

The State Board of Elections proposes to adopt new Regulations .01—.03 under a new chapter, **COMAR 33.18.02 Prohibited Acts**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify the term “political convention” under prohibited acts to include filling vacancies; to prohibit contributions in the name of another; and to state the statutory penalties for certain violations.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Definitions.

A. *In this chapter, the following term has the meaning indicated.*

B. *Term Defined. “Political convention” means the act of a political party or central committee of the political party to select, nominate, or elect:*

(1) *A replacement candidate to the ballot pursuant to Election Law Article, Title 5, Subtitles 9 and 10, Annotated Code of Maryland;*

(2) *A member to the central committee;*

(3) *A person for appointment to fill a vacancy in accordance with Article III, Section 13, of the Maryland Constitution; or*

(4) *A candidate for the general election.*

.02 Prohibited Acts.

A. *A person may not directly or indirectly give, offer, or promise money, aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing to another person for the purpose of inducing or procuring that person to vote or refrain from voting for or against:*

(1) *An individual, question, or measure at an election or political convention; or*

(2) *The election of an officer by the General Assembly.*

B. A person may not directly or indirectly receive, accept, request, or solicit money, aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing from another person for the purpose of inducing or procuring a third person to vote or refrain from voting for or against an individual, question, or measure at an election or political convention.

C. A person may not vote or refrain from voting for or against an individual, question, or measure at an election or a political convention, in consideration of money, aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing paid, received, accepted, or promised to the advantage of that person or of another person.

D. A person may not directly or indirectly give a contribution or contributions to a political committee in a name other than the person's name.

.03 Penalty.

A person who violates this section is guilty of a misdemeanor and on conviction is:

A. Subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both; and

B. Ineligible to hold any public or party office for 4 years after the date of the offense.

LINDA H. LAMONE
State Administrator of Elections

**Subtitle 19 SAME DAY REGISTRATION
AND ADDRESS CHANGES**

33.19.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 3-305(e), Annotated Code of Maryland

Notice of Proposed Action

[15-277-P]

The State Board of Elections proposes to adopt new Regulations .01 and .02 under a new chapter, **COMAR 33.19.01 Definitions; General Provisions** under a new subtitle, **Subtitle 19 Same Day Registration and Address Changes**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to specify that same day registration and address changes during early voting will be offered for all regularly scheduled elections; it will not be available for special elections. Regulation .02 clarifies that same day party affiliation changes are not permitted.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or

call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Applicability to Elections.

A. Same day registration and address changes are available during early voting for the following regularly scheduled elections:

- (1) Presidential primary and general elections; and
- (2) Gubernatorial primary and general elections.

B. Same day registration and address changes are not available for special primary and general elections.

.02 Prohibited Changes.

Same day party affiliation changes are not permitted during early voting.

LINDA H. LAMONE
State Administrator of Elections

**Subtitle 19 SAME DAY REGISTRATION
AND ADDRESS CHANGES**

33.19.02 Public Notice

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 3-305(e), Annotated Code of Maryland

Notice of Proposed Action

[15-284-P]

The State Board of Elections proposes to adopt new Regulation .01 under **COMAR 33.19.02 Public Notice**, under a new subtitle, **Subtitle 19 Same Day Registration and Address Changes**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to define how the State Board of Elections (SBE) and the local boards will provide notice of the voter registration process. SBE will send to each pre-qualified voter a mailing with information on how to register to vote, and each local board will include in its specimen ballot information on how to change an address during early voting.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Minimum Requirements.

A. State Board. Before the close of registration for each election, the State Administrator shall send a pre-election mailing to each pre-qualified voter.

B. Local Board. A local board shall include in each specimen ballot information about how a voter can change the voter's address during early voting.

LINDA H. LAMONE
State Administrator of Elections

**Subtitle 19 SAME DAY REGISTRATION
AND ADDRESS CHANGES**

33.19.03 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 3-305(e), Annotated Code of Maryland

Notice of Proposed Action
[15-283-P]

The State Board of Elections proposes to adopt new Regulations .01—.04 under **COMAR 33.19.03 Election Judges**, under a new subtitle, **Subtitle 19 Same Day Registration and Address Changes**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to explain the requirement of a primary and back-up election judge for same day registration and address changes, establish restrictions on using local board employees as judges, and define the judges' duties and training requirements. Regulation .01A(3) requires each local board to hire one election judge to serve as a "greeter judge" to direct voters to the appropriate check-in station. Regulation .01C provides an exemption for those local boards that do not think that a greeter judge is necessary and establishes the process for requesting an exemption and reviewing the request. The training requirements mirror the training requirements for early voting and election day.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 In General.

A. Number of Election Judges. A local board shall designate:

- (1) One election judge who will be primarily responsible for same day registration and address changes;*
- (2) One election judge who will serve as a back-up to the primary election judge; and*
- (3) Except as provided in §C of this regulation, one election judge who greets voters as they arrive and directs them to the appropriate check-in line.*

B. Party Affiliation. To the extent practicable, the primary and back-up election judges shall be of different political parties.

C. Exception.

(1) If a local board does not believe that the election judge described in §A(3) of this regulation is necessary at an early voting center, the local board may request that the State Administrator exempt the local board from designating an election judge for this purpose.

(2) A local board shall submit the request no later than 3 months before an election.

(3) The State Administrator shall respond to the request within 5 business days of receipt.

.02 Local Board Employees.

If a local board appoints an employee to serve as the primary or back-up election judge for same day registration and address changes, the employee may not perform any duties other than those of an election judge.

.03 Duties of Election Judges.

A. Required Duties. Election judges assigned to same day registration and address changes shall perform the tasks identified in the judges' manual or supplement required in Regulation .04 of this chapter.

B. Other Duties. The election judges assigned as the primary and back-up election judges may also serve as the election judge facilitating provisional voting.

.04 Training of Election Judges.

A. Required Materials. The State Administrator shall develop and issue for the local boards:

- (1) A judges' manual or supplement for same day registration and address changes;*
- (2) Instruction sheets summarizing procedures for same day registration and address changes; and*
- (3) A curriculum for training election judges assigned to same day registration and address changes.*

B. Development of Manual. The State Administrator shall comply with the process established in COMAR 33.02.03 for developing the judges' manual or supplement for same day registration and address changes.

C. Use of Training Materials. Each local board shall use the manual or supplement, instruction sheets, and curriculum approved by the State Administrator.

D. Judges' Training Session. Each election director shall:

- (1) Prepare and conduct training classes for election judges in accordance with COMAR 33.02.03.04; and*
- (2) Conduct separate training classes for election judges assigned to same day registration and address changes.*

E. Attendance Mandatory. The provisions of COMAR 33.17.05.03E apply to election judges assigned to same day registration and address changes.

LINDA H. LAMONE
State Administrator of Elections

**Subtitle 19 SAME DAY REGISTRATION
AND ADDRESS CHANGES**

33.19.04 Processing New Registrants and Address Changes

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 3-305(e), Annotated Code of Maryland

Notice of Proposed Action
[15-285-P]

The State Board of Elections proposes to adopt Regulations .01 — .03 under **COMAR 33.19.04 Processing New Registrants and Address Changes**, under a new subtitle, **Subtitle 19 Same Day Registration and Address Changes**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to specify when an election judge issues a regular ballot and when a judge issues a provisional ballot. The election judge issues a regular ballot to an individual who is pre-qualified and provides proof of residency in the county where he is voting or to a voter who has an address change and provides proof of residency in the county where he is voting. If the individual does not meet these requirements, the election judge issues him a provisional ballot.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Same Day Registration.

A. *Issuance of Regular Ballot.* An election judge shall issue an individual a regular ballot if the individual:

- (1) Is a pre-qualified voter; and
- (2) Provides proof of residency in the county where the individual is attempting to register and vote.

B. *Issuance of Provisional Ballot.* An election judge shall issue an individual a provisional ballot if the individual:

- (1) Is not a pre-qualified voter; or
- (2) Cannot provide proof of residency in the county where the individual is attempting to register and vote.

.02 Same Day Address Changes.

A. *Issuance of Regular Ballot.* An election judge shall issue a voter a regular ballot if the voter provides proof of residency in the county where the voter is attempting to vote.

B. *Issuance of Provisional Ballot.* An election judge shall issue a voter a provisional ballot if the voter cannot provide proof of

residency in the county where the voter is attempting to register and vote.

.03 Responsibility of Election Judges.

The election judges assigned to same day registration and address changes shall:

- A. Ensure that all individuals who are not eligible to vote a regular ballot are offered a provisional ballot; and
- B. Ensure that each individual is issued the appropriate ballot.

LINDA H. LAMONE
State Administrator of Elections

**Subtitle 20 DISCLOSURE BY PERSONS
DOING PUBLIC BUSINESS**

33.20.01 Definitions

Authority: Election Law Article, §§2-102(b)(4) and 14-109, Annotated Code of Maryland

Notice of Proposed Action
[15-302-P]

The State Board of Elections proposes to amend Regulation .01 under **COMAR 33.20.01 Definitions**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to add definitions of donations and entities that benefit a candidate.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - (2) "Award" means the written notification by a governmental entity to a person announcing that the governmental entity intends to enter into a contract with that person.
 - [(2)] (3) — [(3)] (4) (text unchanged)
 - (5) "Donation" has the meaning stated in Election Law Article, §13-306 or 13-307, Annotated Code of Maryland.
 - [(4)] (6) (text unchanged)
 - (7) "Independent expenditure entity" means a person required to file an:
 - (a) Independent expenditure report; or
 - (b) Electioneering Communication report.

[(5)] (8) “Political committee affiliated with a candidate” means:

- (a) (text unchanged)
- (b) A slate of which a candidate is a member; [and]
- (c) A legislative party caucus committee, excluding the administrative account[.];
- (d) *A political party central committee, except for the administrative account, if the contributor knows that the contribution will be used for a coordinated expenditure for the candidate subject to the contribution limits pursuant to Election Law Article, §13-226(c), Annotated Code of Maryland; or*
- (e) *A political action committee whose major purpose is to support or oppose an identified candidate.*
- (9) “Statement of contributions” means a report that:
 - (a) *Is authorized or required under Election Law Article, Title 14, Annotated Code of Maryland;*
 - (b) *Relates to the campaign finance activity of the person doing public business; and*
 - (c) *Is filed or submitted on a form prescribed by the State Board.*

LINDA H. LAMONE
State Administrator of Elections

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

33.20.02 Statement of Contributions Requirements

Authority: Election Law Article, §§2-102(b)(4), 14-104, and 14-109, Annotated Code of Maryland

Notice of Proposed Action [15-278-P]

The State Board of Elections proposes to amend Regulations .02 and .03 under **COMAR 33.20.02 Statement of Contributions Requirement**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to bring regulations into conformance with H.B. 769, Acts of 2015, which added new disclosure requirements for a filer. Specifically, the filer must now disclose donations and contributions made to independent expenditure committees or entities. The bill also allowed a filer that made no applicable contributions during a reporting period to file a shortened disclosure report and report less information regarding the contract it has with the governmental entity. The proposed regulations establish a waiver process identical to the waiver process under Election Law Article, Title 13, Annotated Code of Maryland. Finally, the proposed regulations codify past practices and prior advice rendered by the State Ethics Commission and the Office of the Attorney General regarding the determination of a filer and attributed contributions.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Registration.

A. In General. A person doing public business shall file the registration notice required under §B of this regulation with the State Board [within 1 business day after] *by the end of the day of the award of a contract by a governmental entity.*

B. Notice Requirements. [The] *Except as provided in §D of this regulation, the registration notice shall include the following information:*

- (1) — (4) (text unchanged)
- (5) The name of the governmental entity that awarded the contract; [and]

(6) The name and relationship of any business entity or person attributed to or affiliated with the person filing the registration notice that was awarded a contract by a governmental entity[.]; *and*

(7) *The base amount of the consideration to be received by the person doing public business from the governmental entity for the contract.*

C. (text unchanged)

D. *Omission of Contract. The registration notice may omit:*

- (1) *Contract information if the State Board has approved this person’s request to waive the requirement to disclose the contract; or*
- (2) *The base amount of the consideration to be received for the performance of the contract if the person doing public business files for the entire period of performance of the contract an affidavit of limited applicable contributions under COMAR 33.20.04.*

.03 Required Contents for Statement of Contributions.

The statement of contributions filed by the person doing public business shall include:

A. The name of the candidate [to which the] *who received or benefited from the applicable contribution* [was made];

B. The name of the political committee affiliated with the candidate *or independent expenditure entity* that received the applicable contribution;

C. (text unchanged)

D. The aggregate *applicable* contributions attributed to the filer during the reporting period;

E. The aggregate *applicable* contributions to date attributed to the filer during the election cycle in which the applicable contribution was made;

F. If the *applicable* contribution was made by a person other than the filer but attributed to the filer, the filer must provide:

- (1) The name and address of:
 - (a) The individual who made the *applicable* contribution; or
 - (b) The organization, business, corporation, limited liability company, partnership, union, or other legal entity that made the *applicable* contribution;
- (2) The amount of the *applicable* contribution;
- (3) The date the *applicable* contribution was made; and
- (4) (text unchanged)

G. The method of the *applicable* contribution transaction and any other information on the transaction method required by the State Administrator;

H. The aggregate amount or value of *applicable* contributions made to [date to] *or for the benefit of* each candidate from the

contributor for the election cycle in which the statement of contributions is filed;

I. Unless already provided on the registration notice or exempted under COMAR 33.20.07:

- (1) The nature and amount of the contract awarded;
- (2) The name of the governmental entity that awarded the contract; and
- (3) The name of the business entity or person awarded the contract, if different from the filer; and

[J. The name of the governmental entity that awarded the contract;

K. The name of the business entity or person awarded the contract, if different from the filer; and]

[L.] J. (text unchanged)

LINDA H. LAMONE
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B. A statement, under penalty of perjury, that the person doing public business has not:

(1) Made applicable contributions in the cumulative amount of \$500 or more to a candidate or for the benefit of a nonfederal candidate during a reporting period; and

(2) Completed the performance of work on the contract with the governmental entity; and

C. An acknowledgment that the person doing public business is required to either file the next scheduled statement of contributions or file a new affidavit in lieu of that statement.

.03 Filing.

The person doing public business shall:

A. Complete the affidavit using the Internet form provided by the State Board; and

B. Sign and submit the affidavit using the electronic signature password issued by the State Board.

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State Administrator of Elections

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

33.20.04 Affidavit of Limited Applicable Contribution

Authority: Election Law Article, §§2-102(b)(4), 14-104, and 14-109, Annotated Code of Maryland

Notice of Proposed Action

[15-279-P]

The State Board of Elections proposes to adopt Regulations .01 — .03 under a new chapter, **COMAR 33.20.04 Affidavit of Limited Applicable Contribution**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish the required contents of Affidavit of Limited Applicable Contributions under the penalties of perjury.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to the affidavit that, under Election Law Article, §14-104(c)(3), Annotated Code of Maryland, a person doing public business may file in lieu of a statement of contributions.

.02 Required Contents.

The affidavit shall include:

- A. The name of the person doing public business;

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

33.20.05 Determination of the Filer

Authority: Election Law Article, §§2-102(b)(4), 14-105, and 14-109, Annotated Code of Maryland

Notice of Proposed Action

[15-290-P]

The State Board of Elections proposes to adopt new Regulations .01—.03 under a new chapter, **COMAR 33.20.05 Determination of the Filer**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify and code the determination of the filer and attributed contributions

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 In General.

A person doing public business must file a registration notice and statement of contributions with the State Board.

.02 Contract Determination.

A. *Length of Contract.* A person is considered doing public business when the total consideration of the contract is \$200,000 or more for the entire period of performance required under the contract.

B. *Option Year Renewal.* For the purposes of Election Law Article, Title 14, Annotated Code of Maryland, an option year renewal contract is considered a new contract.

C. *Contract Modifications.* If the contract is modified or any additional funds are appropriated increasing the amount of the contract to \$200,000 or more for the remainder of the period of performance, the person is considered doing public business and shall file a registration notice at the time of the modification or additional funds were approved.

D. *Acquisition, Merger, or Change in Ownership.*

(1) If a business entity acquires, merges with, or changes ownership or control over another business entity, the controlling business entity is considered the filer for purposes of Election Law Article, Title 14, Annotated Code of Maryland.

(2) Except as provided in §D(3) of this regulation, prior contracts made by the acquired, merged, or newly owned or controlled business entity may not be retroactively attributed to the filer.

(3) Contracts made by the acquired, merged, or newly owned or controlled business entity during a reporting period or existing contracts where the period of performance remains uncompleted will be attributed to the filer.

E. *Subsidiary Ownership.* If a business entity is a subsidiary of 30 percent or more of another business entity, the immediate parent of the business entity with a contract with a governmental entity is considered the person doing public business.

.03 Standard for Ownership or Control.

A. *Ownership.* For purposes of Election Law Article, §14-105(e), Annotated Code of Maryland, a business entity shall be considered a subsidiary of the person doing public business if owned or controlled by at least 30 percent by the person doing public business of the same individuals or business entities if:

(1) 30 percent or more of the beneficial ownership or equity of each entity is held by the same person or group of persons; or

(2) 30 percent or more of the voting shares or rights, membership, or partnership interests with voting or governing authority, control rights, trust control, or other form of governance or rights authority in each entity is directly or indirectly held or controlled by the same person or group of persons.

B. *Control.* A person or group of persons is deemed to have direct or indirect control of one or more business entities if the person or group of persons is authorized to make decisions regarding:

(1) Direction and amount of contributions, political spending, or any other political activity on behalf of the business entities; or

(2) Responsibility for day-to-day operation of the business entity or entities.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

33.20.07 Waivers

Authority: Election Law Article, §§2-102(b)(4), 14-104(c)(2) and (3), and 14-109, Annotated Code of Maryland

Notice of Proposed Action

[15-291-P]

The State Board of Elections proposes to adopt new Regulations **.01 — .03** under a new chapter, **COMAR 33.20.07 Waivers**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish a process of waiver requests on late filing fees, contract disclosure, and filing an initial statement of contributions.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Waiver Request — Late Filing Fees.

A. *Availability.* A person doing public business may request a waiver of the fees for the late filing of the statement of contributions or affidavit of limited applicable contributions.

B. *Requirements.*

(1) A request to waive the late fees shall be made in writing and filed with the State Administrator.

(2) The request shall include:

(a) The name, address, and telephone number of the person doing public business;

(b) A detailed statement of the facts underlying or circumstances surrounding why the person doing public business failed to timely file a statement of contributions; and

(c) A history of past compliance activity regarding the filing of the statement of contributions.

C. *Consideration and Determination.*

(1) With approval of the State Board, the State Administrator may waive the late filing fee for just cause.

(2) The State Administrator may reject a waiver request without notice or hearing.

(3) The decision of the State Administrator on the waiver request shall be in writing.

.02 Waiver Request — Initial Statement of Contributions.

A. *Availability.* A person doing public business may request a waiver of the requirement to file an initial statement of contributions.

B. Requirements.

(1) A request to waive the initial filing shall be made in writing and filed with the State Administrator.

(2) The request shall include:

(a) The name, address, and telephone number of the person doing public business;

(b) A detailed statement of the facts underlying or circumstances surrounding why the person doing public business should not file an initial statement of contributions;

(c) Whether the person doing public business has previously filed an initial statement of contributions for that level of government within the last 2 years;

(d) Whether the person doing public business has made any applicable contributions to a candidate for an office of a governmental entity with which the person is doing public business for the last 2 years; and

(e) A statement explaining how applicable contributions are reported to the chief executive officer of the business entity.

C. Consideration and Determination.

(1) With approval of the State Board, the State Administrator may waive the filing of the initial report for just cause.

(2) The State Administrator may reject a waiver request for the initial report without notice or hearing.

(3) The decision of the State Administrator on the waiver request shall be in writing.

.03 Waiver Request — Contract Disclosure.

A. Availability. A person doing public business may request a waiver of the requirement to file contract information.

B. Requirements.

(1) A request to waive the requirement to disclose contract information shall be made in writing and filed with the State Administrator.

(2) The request shall include:

(a) The name, address, and telephone number of the person doing public business;

(b) A detailed statement of the facts underlying or circumstances surrounding why the person doing public business should not disclose contract information;

(c) Whether the contract information is subject to any exemption under the Public Information Act;

(d) Whether the contract with the governmental entity is with a subsidiary of the person doing public business and the percentage of ownership or control that the requestor has over the business entity with the contract; and

(e) A statement certifying that the requestor has done public business during the reporting period.

C. Consideration and Determination.

(1) With approval of the State Board, the State Administrator may waive the contract disclosure requirement for just cause.

(2) The State Administrator may reject a waiver request without notice or hearing.

(3) The decision of the State Administrator on the waiver request shall be in writing.

D. Duration. If the State Board approves the waiver request, the waiver shall be valid for 1 calendar year.

LINDA H. LAMONE
State Administrator of Elections

**Subtitle 20 DISCLOSURE BY PERSONS
DOING PUBLIC BUSINESS**

33.20.08 Penalties

Authority: Election Law Article, §§2-102(b)(4), 14-107(c)(2), and 14-109, Annotated Code of Maryland

Notice of Proposed Action

[15-289-P]

The State Board of Elections proposes to adopt new Regulation .01 under a new chapter, **COMAR 33.20.08 Penalties**. This action was considered by the State Board of Elections at its August 27, 2015 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to code the late filing fee penalty.

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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.01 Late Filing Fee.

A. Late Fee Penalty. The State Board shall assess a late filing fee for a failure to file the statement of contributions required under Election Law Article, §14-104, Annotated Code of Maryland, of \$10 for each day or part of a day that the statement of contributions is overdue.

B. Maximum Fee. The maximum fee assessed under §A of this regulation is \$500.

LINDA H. LAMONE
State Administrator of Elections

Special Documents

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 806 — Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of proposed rulemaking; notice of public hearing.

SUMMARY: This document contains proposed rules that would amend the regulations of the Susquehanna River Basin Commission (Commission) to simplify and clarify the process for transferring approvals and to add sections dealing with general permits and modifications to approvals. These rules are designed to improve the Commission's administrative processes and add regulatory clarity.

DATES: Comments on the proposed rulemaking may be submitted to the Commission on or before November 9, 2015. The Commission has scheduled a public hearing on the proposed rulemaking, to be held October 29, 2015, in Grantville, Pennsylvania. The location of the public hearing is listed in the ADDRESSES section of this document.

ADDRESSES: Comments may be mailed to: Jason E. Oyler, Esq., General Counsel, Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788, or by e-mail to regcomments@srbc.net.

The public hearing will be held on October 29, 2015, at 7:00 p.m., at the East Hanover Township Municipal Building, Main Hall, 8848 Jonestown Road, Grantville, Pa. Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given below.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., General Counsel, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; e-mail: joyler@srbc.net. Also, for further information on the proposed rulemaking, visit the Commission's website at www.srbc.net.

SUPPLEMENTARY INFORMATION: The Commission is proposing to make regulatory changes to improve its administrative processes and add regulatory clarity. The major focus of these changes is to revise and simplify the Commission's transfer regulation, explicitly add provisions for the modification of a Commission approved project, and establish a process for the Commission to develop general permits.

1. 18 CFR 806.6. Transfer of approvals. The Commission proposes to delete the current section and replace it with simplified and easier to understand regulatory language. This revision still allows the Executive Director to approve transfers of approvals. For approvals greater than 10 years old, the current regulation requires the project sponsor to submit entirely new applications in order to transfer the project. The Commission has received complaints that this requirement is onerous and has the effect of cutting short the term of the approval solely because ownership is changing, despite no changes to the project itself or the use of the water. The revised language will allow the transfer to occur conditioned on the submission of an updated metering and monitoring plan consistent with 18 CFR 806.30. For projects undergoing a change of ownership that have an unapproved withdrawal, consumptive use and/or diversion associated with them, usually referred to as grandfathered aspects of the project, the current requirement to submit applications

for these grandfathered aspects contained in 18 CFR 806.6(c) and 18 CFR 806.4(a)(1)(iv), (a)(2)(v) and (a)(3)(iv) is retained. However, the revised language removes the requirement that these applications must be made within 90 days of the date of a change in ownership. The Commission found that it was difficult for project sponsors to meet this deadline. The revised language will allow the Executive Director to approve the transfer with a condition requiring these applications to be made. This will allow the Commission to consider the complexity and number of grandfathered sources that will be subject to the application requirements and establish an appropriate and realistic timeframe in the condition for these applications to be submitted. Due to the revision of the language in 18 CFR 806.6, a corresponding revision was required to 18 CFR 806.4(c).

2. 18 CFR 806.15. Notice of Application. In paragraph (a), the Commission proposes to amend the time for notices to be published from 10 days to 20 days. The Commission has received feedback that the 10 days is not always sufficient, especially when newspaper notices are required. Extending this time frame allows project sponsors more time to complete the notices without compromising the public's opportunity to provide comment. New paragraphs (h) and (i) were added to provide specific requirements for the newly proposed 18 CFR 806.17 (regarding general permits) and 18 CFR 806.18 (regarding minor modifications), respectively.

3. New 18 CFR 806.17. General Permits. Currently, the Commission does not have a process to establish general permits. The Commission is proposing a new section that would provide the Commission the ability to develop, issue and administer general permits. The new regulation provides procedures for issuance and administration of permits, as well as standards for denial of coverage and when an individual approval would be required. In crafting this regulation, the Commission looked to similar regulations of its member jurisdictions for guidance. In addition, changes to 18 CFR 806.4 and 806.14 were necessary to accommodate the addition of this new section.

4. New 18 CFR 806.18. Approval modifications. The Commission is proposing to add a section specific to modifications of approvals. The Commission currently accepts applications for modification, but does not have a clear process set forth in the regulations. The proposed section also establishes the concept of minor and major modifications. The process for minor modifications provides a process for minor changes to approval conditions that are more likely to be administrative in nature and have a low degree of controversy, and therefore can appropriately be authorized by the Executive Director. In addition, a change to 18 CFR 806.14 is necessary to provide specific application requirements for minor modifications. Minor modifications are specifically listed. All modifications that are not specifically listed as a minor modification are major modifications. As a part of the rulemaking, the Commission has included a non-exhaustive list of common major modifications to provide guidance to the public and the regulated community.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR Part 806 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

1. The authority citation for Part 806 continues to read as follows: Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. Amend § 806.4 by adding paragraph (a)(9) and revising paragraph (c) to read as follows:

§ 806.4 Projects requiring review and approval.

(a) * * *

(9) Any project subject to coverage under a general permit issued under § 806.17.

* * * * *

(c) Any project that did not require Commission approval prior to January 1, 2007, and not otherwise exempt from the requirements of paragraph (a)(1)(iv), (a)(2)(v), or (a)(3)(iv) pursuant to paragraph (b) of this section, may be undertaken by a new project sponsor upon a change of ownership pending action on a transfer application under § 806.6.

3. Revise § 806.6 to read as follows:

§ 806.6 Transfer of approvals.

(a) An existing Commission approval may be transferred to a new project sponsor by the Executive Director provided:

(1) The application for transfer is submitted within 90 days of a transfer or change in ownership of a project.

(2) The new project sponsor operates the project subject to the same terms and conditions of the existing approval pending approval of the transfer application.

(3) Any noncompliance by the existing project sponsor associated with the project or by the new project sponsor associated with other projects is resolved to the Commission's satisfaction.

(4) If the existing approval is greater than 10 years old, the transfer shall be conditioned to require the submission of an updated metering and monitoring plan consistent with the requirements of § 806.30.

(5) If the existing project has an unapproved withdrawal, consumptive use and/or diversion listed in paragraph (b), the transfer shall be conditioned to require the submission of a new application for review and approval of the unapproved withdrawal, consumptive use and/or diversion consistent with §§ 806.4 and 806.14.

(6) Any modifications proposed by the new project sponsor shall be subject to a separate application and review process under §§ 806.14 and 806.18.

(b) Previously unapproved activities associated with a project subject to transfer under paragraph (a) of this section include:

(1) The project has an associated pre-compact consumptive water use that has not been subject to approval or had mitigation approved by the Commission.

(2) The project has an associated diversion that was initiated prior to January 23, 1971.

(3) The project has an associated groundwater withdrawal that was initiated prior to July 13, 1978 and that has not been approved by the Commission.

(4) The project has an associated surface water withdrawal that was initiated prior to November 11, 1995 and that has not been approved by the Commission.

(5) The project has a consumptive water use approval and has an associated withdrawal that has not been approved by the Commission.

(c) Upon undergoing a change of name that does not affect ownership or control of the project, the project sponsor must request a reissuance of the project's approval by the Executive Director within 90 days from the date of the change.

4. Amend § 806.14 by revising paragraph (a) introductory text and adding paragraph (d) to read as follows:

§ 806.14 Contents of applications.

(a) Except with respect to applications to renew an existing Commission approval and Notices of Intent for approvals by rule and general permits, applications shall include, but not be limited to, the following information and, where applicable, shall be submitted on forms and in the manner prescribed by the Commission. Renewal

applications shall include such information that the Commission determines to be necessary for the review of same, shall be subject to the standards set forth in Subpart C—Standards for Review and Approval of this part, and shall likewise be submitted on forms and in the manner prescribed by the Commission.

* * * * *

(d) Applications for minor modifications must be complete and will be on a form and in a manner prescribed by the Commission. Applications for minor modifications must contain the following:

(1) Description of the project;

(2) Description of all sources, consumptive uses and diversions related to the project;

(3) Description of the requested modification;

(4) Statement of the need for the requested modification;

(5) Demonstration that the anticipated impact of the requested modification will not adversely impact the water resources of the basin; and

(6) Any other information that the Commission or Executive Director deems necessary.

5. Amend § 806.15 by revising paragraph (a) and adding paragraphs (h) and (i) to read as follows:

§ 806.15 Notice of application.

(a) Any project sponsor submitting an application to the Commission shall provide notice thereof to the appropriate agency of the member State, each municipality in which the project is located, and the county planning agency of each county in which the project is located. The project sponsor shall also publish notice of submission of the application at least once in a newspaper of general circulation serving the area in which the project is located. The project sponsor shall also meet any of the notice requirements set forth in paragraphs (b) through (f) of this section, if applicable. All notices required under this section shall be provided or published no later than 20 days after submission of the application to the Commission and shall contain a description of the project, its purpose, the requested quantity of water to be withdrawn obtained from for sources other than withdrawals or consumptively used, and the address, electronic mail address, and phone number of the project sponsor and the Commission. All such notices shall be in a form and manner as prescribed by the Commission.

* * * * *

(h) For Notices of Intent (NOI) seeking coverage under a general permit, the project sponsor shall provide the NOI to the appropriate agency of the member State and each municipality and county planning agency in which the project is located and any additional notice identified in the general permit.

(i) For applications for minor modifications, the project sponsor shall provide notice of the application to the appropriate agency of the member State and each municipality and county planning agency in which the project is located.

6. Add § 806.17 to read as follows:

§ 806.17 General permits.

(a) *Coverage and purpose.* The Commission may issue a general permit, in lieu of issuing individual approvals, for a specifically described category of diversions, water withdrawals and consumptive uses that:

(1) Involve the same or substantially similar types of operations or activities,

(2) Require the same limitations or operating conditions, or both,

(3) Require the same or similar monitoring and reporting, and

(4) Will result in minimal adverse impacts.

(b) *Procedure for issuance.* (1) At least 30 days prior to the issuance of a general permit, the Commission shall publish notice in the *Federal Register* and the member jurisdiction administrative bulletins of the intent to issue a general permit.

(2) At least 30 days shall be provided for interested members of the public and Federal, State and local agencies to provide written comments on a proposed general permit.

(3) The Commission or Executive Director may, in its discretion, hold a public hearing on a proposed general permit.

(4) The issuance of a general permit adopted by the Commission will be published in the *Federal Register* and the member jurisdiction administrative bulletins. This notice shall set forth the effective date of the general permit.

(c) *Administration of general permits.* General permits may be issued, amended, suspended, revoked, reissued or terminated under this section.

(1) Any general permit issued under this section shall set forth the applicability of the permit and the conditions that apply to any diversion, withdrawal or consumptive use authorized by such general permit.

(2) The Commission may fix a term to any general permit issued.

(3) A project sponsor shall obtain permission to divert, withdraw or consumptively use water in accordance with a general permit by filing a Notice of Intent (NOI) with the Commission, in a form and manner determined by the Commission.

(4) Approval of coverage under a general permit shall be determined by the Executive Director or by any other manner that the Commission shall establish for any general permit.

(5) The Commission may set a fee for NOIs to any general permit.

(6) A project sponsor shall provide notice for NOIs in accordance with § 806.15(h) and any additional notice requirements that the Commission may adopt for any general permit.

(7) The requirements of § 806.16 apply to the review of NOIs to any general permit.

(8) Upon reissuance or amendment of a general permit, all project sponsors permitted to divert, withdraw or consumptively use water in accordance with the previous general permit shall be permitted to continue to operate with the renewed or modified general permit unless otherwise notified by the Commission.

(d) *Denial of coverage.* The Executive Director will deny or revoke coverage under a general permit when one or more of the following conditions exist:

(1) The project or project sponsor does not or can no longer meet the criteria for coverage under a general permit.

(2) The diversion, withdrawal or consumptive use, individually or in combination with other similar Commission regulated activities, is causing or has the potential to cause adverse impacts to water resources or competing water users.

(3) The project does not meet the requirements of § 806.21(a) or (b).

(4) The project includes other diversions, withdrawals or consumptive uses that require an individual approval and the issuance of both an individual approval and a general permit for the project would constitute an undue administrative burden on the Commission.

(5) The Executive Director determines that a project cannot be effectively regulated under a general permit and is more effectively regulated under an individual approval.

(e) *Requiring an individual approval.* If coverage is denied or revoked under paragraph (d) of this section, the project sponsor shall be notified in writing. The notice will include a brief statement for the reasons for the decision. If coverage under a general permit was previously granted, the notice will also include a deadline for submission of an application for an individual approval. Timely submission of a complete application will result in continuation of coverage of the applicable withdrawal, consumptive use or diversion under the general permit, until the Commission takes final action on the pending individual approval application.

(f) *Action of the commission.* Action by the Executive Director denying or revoking coverage under a general permit under paragraph (d) of this section, or requiring an individual approval under paragraph (e) of this section, is not a final action of the Commission until the project sponsor submits and the Commission takes final action on an individual approval application.

7. Add § 806.18 to read as follows:

§ 806.18 Approval modifications.

(a) *General.* A project sponsor shall submit an application for modification of a current approval prior to making a change in the design, operational plans, or use as presented in the application upon which the approval was originally issued, and that will affect the terms and conditions of the current approval.

(b) *Applications for modification.* (1) A project sponsor may apply for a modification of a current approval by submitting an application for modification to the Commission.

(c) *Minor modifications.* The following are considered minor modifications:

(1) Correction of typographical errors;

(2) Changes to monitoring or metering conditions;

(3) Addition of sources of water for consumptive use;

(4) Changes to the authorized water uses;

(5) Changes to conditions setting a schedule for developing, implementing, and/or reporting on monitoring, data collection and analyses;

(6) Changes to the design of intakes;

(7) Increases to total system limits that were established based on the projected demand of the project; and

(8) Modify approval to allow the modification of extraction well network used for groundwater remediation systems.

(d) *Major modifications.* Major modifications are changes not considered to be minor modifications. Major modifications may include, but are not limited to:

(1) Increases in the quantity of water withdrawals, consumptive uses or diversions;

(2) Increases to peak day consumptive water use;

(3) Increases to the instantaneous withdrawal rate or changes from a single withdrawal rate to a varied withdrawal rate;

(4) Changes affecting passby flows requirements; and

(5) Changes that have the potential for adverse impacts to water resources or competing water users.

(e) *Notice and approval.* (1) Applications for modifications are subject to the notice requirements of § 806.15.

(2) The Commission or Executive Director may approve, approve with conditions or deny an application for minor modification, or direct that an application for major modification be made.

(3) The Commission may approve, approve with conditions or deny an application for major modification.

Dated: September 17, 2015.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[15-21-27]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September 10, 2015, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on September 10, 2015, in Binghamton, New York, the Commission took the following actions: 1) approved or tabled the applications of certain water resources projects; 2) approved a request from Panda Power Funds for transfer of ownership of Hummel Station LLC; 3) accepted a settlement in lieu of penalty from Downs Racing L.P.; and 4) took additional actions, as set forth in the Supplementary Information below.

DATES: September 10, 2015.

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

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

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: 1) adoption of revisions to Resolution No. 2013-11; 2) release of proposed rulemaking to address shortcomings in the rules for transfer of approvals, create a category for minor modifications, establish a procedure for issuing general permits, and address other minor enhancements; 3) adoption of amendment of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; 5) approval of grants; 6) a report on delegated settlements with the following project sponsors, pursuant to SRBC Resolution 2014-15: Aqua Pennsylvania, Inc., in the amount of \$6,000; Conyngham Borough Authority, in the amount of \$5,000; Keister Miller Investments, LLC, in the amount of \$2,000; Susquehanna Gas Field Services, LLC, in the amount of \$2,500; and Wynding Brook, Inc. d/b/a Wynding Brook Golf Club, in the amount of \$5,000; and 7) approval to extend the term of emergency certificates with Aqua Pennsylvania, Inc. to September 1, 2016, and with Furman Foods, Inc. to December 3, 2015.

Compliance Matter:

The Commission approved a settlement in lieu of civil penalty for the following project:

Downs Racing L.P., Plains Township, Luzerne County, Pa. - \$25,000.

Project Applications Approved:

The Commission approved the following project applications:

Project Sponsor and Facility: Caernarvon Township Authority, Caernarvon Township, Berks County, Pa. Groundwater withdrawal of up to 0.673 mgd (30-day average) from Well 7.

Project Sponsor and Facility: Chetremon Golf Course, LLC, Burnside Township, Clearfield County, Pa. Consumptive water use of up to 0.200 mgd (peak day).

Project Sponsor and Facility: Chetremon Golf Course, LLC (Irrigation Storage Pond), Burnside Township, Clearfield County, Pa. Surface water withdrawal of up to 0.200 mgd (peak day).

Project Sponsor and Facility: Chief Oil & Gas LLC (Loyalsock Creek), Forksville Borough, Sullivan County, Pa. Surface water withdrawal of up to 1.500 mgd (peak day).

Project Sponsor and Facility: JELD-WEN, inc. Fiber Division - PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 1.

Project Sponsor and Facility: JELD-WEN, inc. Fiber Division - PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 4.

Project Sponsor and Facility: JELD-WEN, inc. Fiber Division - PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.323 mgd (30-day average) from Well 5.

Project Sponsor and Facility: JELD-WEN, inc. Fiber Division - PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.323 mgd (30-day average) from Well 6.

Project Sponsor and Facility: JELD-WEN, inc. Fiber Division - PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.345 mgd (30-day average) from Well 7.

Project Sponsor and Facility: JELD-WEN, inc. Fiber Division - PA, Wysox Township, Bradford County, Pa. Consumptive water use of up to 0.499 mgd (peak day).

Project Sponsor and Facility: Keister Miller Investments, LLC (West Branch Susquehanna River), Mahaffey Borough, Clearfield County, Pa. Surface water withdrawal of up to 1.000 mgd (peak day).

Project Sponsor and Facility: Lycoming County Water and Sewer Authority, Fairfield Township, Lycoming County, Pa. Groundwater withdrawal of up to 0.180 mgd (30-day average) from Production Well 3.

Project Sponsor and Facility: Moxie Freedom LLC, Salem Township, Luzerne County, Pa. Consumptive water use of up to 0.092 mgd (peak day).

Project Sponsor and Facility: Moxie Freedom LLC, Salem Township, Luzerne County, Pa. Groundwater withdrawal of up to 0.062 mgd (30-day average) from Production Well 1.

Project Sponsor and Facility: Seneca Resources Corporation (Marsh Creek), Delmar Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20110907).

Project Sponsor and Facility: Shrewsbury Borough, York County, Pa. Renewal and modification to increase groundwater withdrawal by an additional 0.024 mgd (30-day average), for a total of up to 0.089 mgd (30-day average) from the Blouse Well (Docket No. 19820103).

Project Sponsor and Facility: Shrewsbury Borough, York County, Pa. Renewal of groundwater withdrawal of up to 0.099 mgd (30-day average) from the Smith Well (Docket No. 19811203).

Project Sponsor and Facility: Talisman Energy USA Inc. (Wappasening Creek), Windham Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20110621).

Project Sponsor: UGI Development Company. Project Facility: Hunlock Creek Energy Center, Hunlock Township, Luzerne County, Pa. Modification to increase consumptive water use by an additional 1.526 mgd (peak day), for a total of up to 2.396 mgd (peak day) (Docket No. 20090916).

Project Sponsor and Facility: XTO Energy, Inc. (West Branch Susquehanna River), Chapman Township, Clinton County, Pa. Renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20110911).

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on October 29, 2015, in Grantville, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 4, 2015, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is November 9, 2015.

DATES: The public hearing will convene on October 29, 2015, at 7:00 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is November 9, 2015.

ADDRESSES: The public hearing will be conducted at the East Hanover Township Municipal Building, Main Hall, 8848 Jonestown Road, Grantville, PA 17028 (parking lot entry off of Manada Gap Road; see <http://easthanoverwpdcpa.org/index.php/about-contact>).

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at www.srbc.net/wrp. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action:

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.115 mgd (30-day average) from Dug Road Well.

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.038 mgd (30-day average) from Hilltop Well.

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.216 mgd (30-day average) from Midway Well 1.

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.110 mgd (30-day average) from Midway Well 2.

Project Sponsor: Byler Golf Management, Inc. Project Facility: Iron Valley Golf Course, Cornwall Borough, Lebanon County, Pa. Modification to authorize additional water use purpose (Docket Nos. 19981206 and 19981206-1).

Project Applications Tabled:

The Commission tabled action on the following project applications:

Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1 (Docket No. 19850901).

Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.190 mgd (30-day average) from Well 4 (Docket No. 19850901).

Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.090 mgd (30-day average) from Well 7 (Docket No. 19850901).

Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Borough, Cambria County, Pa. Application for groundwater withdrawal from Argyle Stone Bridge Well for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Township, Cambria County, Pa. Application for groundwater withdrawal from Cresson No. 9 Well for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, Pa. Application for groundwater withdrawal from Gallitzin Shaft Well 2A (Gallitzin Shaft #2) for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, Pa. Application for groundwater withdrawal from Gallitzin Shaft Well 2B (Gallitzin Shaft #1) for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

Project Sponsor and Facility: SWN Production Company, LLC (Tioga River), Hamilton Township, Tioga County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

Request for Conditional Transfer Approved:

The Commission approved the following request for conditional transfer:

Panda Power Funds request for transfer of ownership of Hummel Station LLC (Docket Nos. 20081222 and 20081222-2). Transferred dockets will include modification of conditions requiring mitigation of all consumptively used water.

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

Dated: September 22, 2015.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[15-21-26]

- Project Sponsor and Facility: Cabot Oil & Gas Corporation (Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).
- Project Sponsor and Facility: East Berlin Area Joint Authority, Reading Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.072 mgd (30-day average) from Well 1.
- Project Sponsor and Facility: East Berlin Area Joint Authority, Reading Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.108 mgd (30-day average) from Well 2.
- Project Sponsor and Facility: East Berlin Area Joint Authority, East Berlin Borough, Adams County, Pa. Application for groundwater withdrawal of up to 0.058 mgd (30-day average) from Well 4.
- Project Sponsor and Facility: East Berlin Area Joint Authority, East Berlin Borough, Adams County, Pa. Application for renewal with modification to increase groundwater withdrawal limit by an additional 0.048 mgd (30-day average), for a total of up to 0.072 mgd (30-day average) from Well 5 (Docket No. 19860601).
- Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.059 mgd (30-day average) from Well 3A.
- Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.028 mgd (30-day average) from Well 4.
- Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.056 mgd (30-day average) from Well 5.
- Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.022 mgd (30-day average) from Well 6.
- Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.046 mgd (30-day average) from Well 7.
- Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1 (Docket No. 19850901).
- Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.190 mgd (30-day average) from Well 4 (Docket No. 19850901).
- Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.090 mgd (30-day average) from Well 7 (Docket No. 19850901).
- Project Sponsor and Facility: Montgomery Water and Sewer Authority, Clinton Township, Lycoming County, Pa. Application for groundwater withdrawal of up to 0.360 mgd (30-day average) from Well 4.
- Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, Pa. Modification to increase combined withdrawal limit by an additional 0.199 mgd (30-day average), for a total combined withdrawal limit of 1.800 mgd (30-day average) from Wells 1 and 2 (Docket No. 20110617).
- Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Borough, Cambria County, Pa. Application for groundwater withdrawal from Argyle Stone Bridge Well of up to 6.300 mgd (30-day average) from four sources.
- Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Township, Cambria County, Pa. Application for groundwater withdrawal from Cresson No. 9 Well of up to 6.300 mgd (30-day average) from four sources.
- Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, Pa. Application for groundwater withdrawal from Gallitzin Shaft Well 2A (Gallitzin Shaft #2) of up to 6.300 mgd (30-day average) from four sources.
- Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, Pa. Application for groundwater withdrawal from Gallitzin Shaft Well 2B (Gallitzin Shaft #1) of up to 6.300 mgd (30-day average) from four sources.
- Project Sponsor and Facility: Sugar Hollow Water Services, LLC (Susquehanna River), Eaton Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20111214).
- Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20111217).
- Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Modification to increase surface water withdrawal by an additional 1.750 mgd (peak day), for a total of up to 2.500 mgd (peak day) (Docket No. 20140302).
- Project Sponsor and Facility: SWN Production Company, LLC (Tioga River), Hamilton Township, Tioga County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).
- Project Sponsor and Facility: Village of Sidney, Delaware County, N.Y. Modification to extend the approval term of the groundwater withdrawal approval (Docket No. 19860201) to provide time for development of a replacement source for existing Well 2-88.
- Project Scheduled for Action Involving a Diversion:**
Project Sponsor: Seneca Resources Corporation. Project Facility: Impoundment 1, receiving groundwater from Seneca Resources Corporation Wells 5H and 6H and Clermont Wells 1, 3, and 4, Norwich and Sergeant Townships, McKean County, Pa. Modification to add two additional sources (Clermont Well 2 and Clermont North Well 2) and increase the into-basin diversion from the Ohio River Basin by an additional 0.504 mgd (peak day), for a total of up to 1.977 mgd (peak day) (Docket No. 20141216).
- Opportunity to Appear and Comment:**
Interested parties may appear at the hearing to offer comments to the Commission on any project listed above. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Rules of conduct will be posted on the Commission's website, www.srbc.net, prior to the

hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed above may also be mailed to Mr. Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through www.srbc.net/pubinfo/publicparticipation.htm. Comments mailed or electronically submitted must be received by the Commission on or before November 9, 2015, to be considered.

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

Dated: September 24, 2015.

STEPHANIE L. RICHARDSON
Secretary to the Commission
[15-21-21]



General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

BOARD OF ARCHITECTS

Subject: Public Meeting
Date and Time: October 28, 2015, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262

[15-21-32]

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: October 28, 2015, 2 — 4 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patrick Pannella (410) 230-6223

[15-21-40]

STATE COUNCIL ON CHILD ABUSE AND NEGLECT

Subject: Public Meeting
Date and Time: November 5, 2015, 1 — 3 p.m.
Place: Judicial Education and Conference Center, Annapolis, MD
Contact: Claudia Remington (410) 336-3820

[15-21-10]

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE

Subject: Reduction of Bond Authorization Announcement

Add'l. Info: Pursuant to State Finance and Procurement Article, §8-128, Annotated Code of Maryland, which provides that if within 2 years after the date of an authorization of State debt no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

- (1) The enabling act provides otherwise; or
- (2) In an emergency, the Board unanimously grants a temporary exception for a period of 1 year.

Therefore, with Board of Public Works approval of item Maryland Department of the Environment C., dated May 13, 2015, we submit for publication the following

cancellation of bond authorizations in accordance with the above-referenced articles:

Supplemental Assistance Program: Ch. 483, Acts of 2010; \$261; authorized the funds in grants to provide assistance to grant and loan recipients to meet the local share of construction costs.

Supplemental Assistance Program: Ch. 396, Acts of 2011; \$250,000; authorized the funds in grants to provide assistance to grant and loan recipients to meet the local share of construction costs.

Re Rentuma
 Fiscal Specialist
 Administration and Finance

Contact: Re Rentuma (410) 260-7909

[15-21-25]

BOARD OF COSMETOLOGISTS

Subject: Public Meeting
Date and Time: November 2, 2015, 10 a.m. — 1 p.m.
Place: 500 N Calvert St., Baltimore, MD
Contact: Shirley Leach (410) 230-6195

[15-21-14]

JOINT CHAIRS OF THE DESIGN BOARDS

Subject: Public Meeting
Date and Time: October 26, 2015, 1:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262

[15-21-31]

MARYLAND STATE DEPARTMENT OF EDUCATION

Subject: Public Meeting
Date and Time: October 23, 2015, 10 a.m. — 1 p.m.; November 6, 2015, 10 a.m. — 1 p.m.
Place: Center for Technology in Education, 6740 Alexander Bell Dr., Columbia, MD
Add'l. Info: The Task Force to Study the Implementation of a Dyslexia Education Program (Task Force) was established through the enactment of H.B. 278, Acts of 2015, by the Maryland General Assembly. The Task Force is pleased to receive oral public comments. Please contact Carmen Brown at 410-767-7197 or via email at

carmen.brown1@maryland.gov at least 24 hours prior to the meeting to register to speak. Registration will be accepted on a first-come, first-served basis. To ensure effective use of the time available for public comment, speakers are encouraged to provide multiple written copies of their comments or any other documents supporting their oral comments. Appropriate accommodations for individuals with disabilities will be provided upon request. To allow time to arrange accommodations, 8 business days' notice prior to the meeting is requested. This notice is provided pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Contact: Carmen Brown (410) 767-7197

[15-21-16]

STATE BOARD OF STATIONARY ENGINEERS

Subject: Public Meeting
Date and Time: November 17, 2015, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Robin Bailey (410) 230-6160

[15-21-09]

BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Subject: Public Meeting
Date and Time: November 4, 2015, 10 a.m. — 3 p.m.
Place: 8720 Old Montgomery Rd., Columbia, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: James T. Marrow (410) 764-5011

[15-21-19]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: November 17, 2015, 3:30 — 4:30 p.m.
Place: James N. Robey Public Training Center, 220 Scott Wheeler Dr., Marriottsville, MD
Contact: Joan Patterson, Coordinator, (410) 767-6727

[15-21-18]

GENERAL NOTICES

1364

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: November 4, 2015, 4:30 — 6 p.m.
Place: 201 W. Preston St., Rm. L3, Baltimore, MD
Contact: Meghan Ames (410) 767-5079 [15-21-20]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE

Subject: Public Hearing
Date and Time: November 5, 2015, 9 a.m. — 12 p.m.
Place: UMBC Research and Technology Park—South Campus, 1450 South Rolling Rd., Halethorpe, MD
Add'l. Info: Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy & Therapeutics Committee (Preferred Drug List).

As soon as available, classes of drugs to be reviewed, agenda, speaker registration guidelines, and driving directions will be posted on the Maryland Pharmacy Program website at:

https://mmcp.dhmv.maryland.gov/pap/StatePages/Public%20Meeting%20Announcement%20and%20Procedures%20for%20Public%20Testimony.aspx.

Submit email questions to Dhmv.marylandpdquestions@maryland.gov.
Contact: Shawn Singh (410) 767-6896 [15-21-13]

INTER-AGENCY HEROIN AND OPIOID COORDINATING COUNCIL

Subject: Public Meeting
Date and Time: November 5, 2015, 10 — 11:30 a.m.
Place: Harry Hughes Conference Center, Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Add'l. Info: Agendas and approved meeting minutes, as well as any updates to the date and time of the meeting, can be found on our website at: http://bha.dhmv.maryland.gov/OVERDOS_E_PREVENTION/SitePages/interagency-heroin-council.aspx.
Contact: Sara Cherico-Hsii (410) 767-6500 [15-21-08]

DEPARTMENT OF INFORMATION TECHNOLOGY

Subject: Public Meeting
Date and Time: November 5, 2015, 1 — 3 p.m.
Place: MDOT Headquarters, 7201 Corporate Center Dr., Hanover, MD
Add'l. Info: Meeting for the Maryland Council on Open Data
Contact: Betsy Jackson (410) 260-6614 [15-21-11]

STATE ADVISORY BOARD FOR JUVENILE SERVICES

Subject: Public Meeting
Date and Time: November 6, 2015, 10 a.m. — 12 p.m.
Place: 120 W. Fayette St., 5th Fl., Baltimore, MD
Add'l. Info: This is a meeting of the Girls Services Subcommittee of the State Advisory Board.
Contact: Tim Gilbert (410) 230-3488 [15-21-35]

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

Subject: Public Meeting
Date and Time: November 4, 2015, 10 a.m.
Place: 10946 Golden West Dr., Ste. 160, Hunt Valley, MD
Add'l. Info: Issues related to occupational safety and health will be discussed. Interested persons should call the contact person to confirm meeting.
Contact: Debbie Stone (410) 767-2225 [15-21-39]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting
Date and Time: November 4, 2015, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262 [15-21-33]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: November 19, 2015, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460 [15-21-01]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review
Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following applications for Certificate of Need:

Recovery Center of America — Waldorf — Docket No. 15-08-2362; Establish an alcohol and drug abuse intermediate care facility which will include 64 detox/assessment beds (subject to CON review) and an additional 102 residential beds at level III.5 or lower to be located at 1110 Billingsley Road, Waldorf, Charles County; Proposed Cost: \$19,515,576.

Recovery Center of America — Earleville — Docket No. 15-07-2363; Establish an alcohol and drug abuse intermediate care facility which will include 21 detox/assessment beds (subject to CON review) and an additional 28 residential beds at level III.5 or lower to be located at 314 Grove Neck Road, Earleville, Cecil County; Proposed Cost: \$17,370,227.

Recovery Center of America — Upper Marlboro — Docket No. 15-16-2364; Establish an alcohol and drug abuse intermediate care facility which will include 55 detox/assessment beds (subject to CON review) and an additional 70 residential beds at level III.5 or lower to be located at 4620 Melwood Road, Upper Marlboro, Prince George's County; Proposed Cost: \$15,963,143.

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

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

Persons desiring to become interested parties in the Commission's review of the above-referenced applications must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business November 16, 2015. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicants as stated in COMAR 10.24.01.08F.

Please refer to the Matter/Docket Number listed above in any correspondence on the applications. Copies of the application are available for review

in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[15-21-24]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review

Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Seasons Residential Treatment Program, LLC — Docket No. 14-16-2357; Establish a 72-bed coed residential treatment center to provide services as a psychiatric residential treatment facility to be located at Allentown Road, (Parcel Number 09-2334), Fort Washington, Prince George's County; Projected Cost: \$12,366,000.

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

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.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business November 16, 2015. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Matter/Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[15-21-36]

MARYLAND PUBLIC BROADCASTING COMMISSION

Subject: Public Hearing

Date and Time: October 27, 2015, 8:30 — 10:30 a.m.

Place: Maryland Public Television, Owings Mills, MD

Contact: Laura Taylor (410) 581-4141
[15-21-12]

DEPARTMENT OF NATURAL RESOURCES/FISHERIES SERVICE

Subject: Public Notice — Commercial Striped Bass Common Pool Season Modification

Add'l. Info: The Secretary of the Maryland Department of Natural Resources, pursuant to COMAR 08.02.15.12H, announces the re-opening of the 2015 commercial Striped Bass common pool hook and line fishery on Tuesday, October 6, 2015, 1 hour before sunrise, with a catch limit of 400 lbs/permittee/week and 800 lbs/vessel/day. The common pool fishery will close on Thursday, October 8, 2015, 1 hour before sunset.

Mark J. Belton
Secretary of Natural Resources

Contact: Tamara O'Connell (410) 260-8271

[15-21-34]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: November 12, 2015, 1 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Sheri Henderson (410) 764-4785
[15-21-02]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: December 10, 2015, 1 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Sheri Henderson (410) 764-4785
[15-21-03]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: January 14, 2016, 1 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Sheri Henderson (410) 764-4785
[15-21-05]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: February 11, 2016, 1 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Sheri Henderson (410) 764-4785
[15-21-06]

WORKERS' COMPENSATION COMMISSION

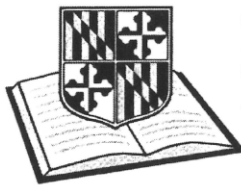
Subject: Public Meeting

Date and Time: November 12, 2015, 9 — 11 a.m.

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

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

Contact: Amy Lackington (410) 864-5300
[15-21-07]



**Office of the
Secretary of State**

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