

Maryland Register

Issue Date: July 21, 2017

Volume 44 • Issue 15 • Pages 745—798

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 3, 2017, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of July 3, 2017.

Gail S. Klakring
Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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

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Illustrations by Carolyn Anderson, Dept. of General Services

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August 4	July 17	July 26	July 24
August 18	July 31	August 9	August 7
September 1	August 14	August 23	August 21
September 15**	August 28	September 6	September 1
September 29	September 11	September 20	September 18
October 13	September 25	October 4	October 2
October 27**	October 6	October 18	October 16
November 13***	October 23	November 1	October 30
November 27***	November 6	November 15	November 13
December 8	November 20	November 29	November 27
December 22	December 4	December 13	December 11
January 5**	December 18	December 27	December 22
January 19**	December 29	January 10	January 8

* 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 Chapter Section Paragraph
 Subtitle Regulation Subsection Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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Open Meetings Compliance Board

NOTICE OF ANNUAL MEETING

The Open Meetings Compliance Board will hold its annual meeting at 11:00 a.m. on August 3, 2017, in Room 161 of the Arundel Center, 44 Calvert Street, Annapolis, Maryland. The public is invited to attend.

If you are interested in attending, please contact Ms. Janice Clark at OpenGov@oag.state.md.us or 410-576-7033 so that we may make the necessary arrangements. An agenda will be available in July when determined. It will be posted here: <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/default.aspx#meetings>.

[17-15-21]

SUMMARY OF OPINIONS ISSUED FROM APRIL 1 — JUNE 30, 2017*

11 Official Opinions of the Compliance Board 22 (2017)

Cambridge City Council (Hon. Stephen W. Rideout, Complainant)
April 13, 2017

Topics Discussed: Notice-Content, Written Closing Statements

Opinion: Regarding the Cambridge City Council's meeting that the Council on February 21, 2017, the Compliance Board found:

Public vote: The Council conceded that it was required to vote publicly to close the meeting and therefore to provide the public with advance notice of the public's right to attend. The Council violated §§3-305(d) and 3-302.

Use of an agenda as the presiding officer's written statement. The Council did not prepare an adequate closing statement and did not adopt the agenda as its statement. The Council violated § 3-305(d).

Closed Session Topic. In its closed session, the Council discussion was beyond the scope of the disclosed topic. The Council violated § 3-305

Violations: §§ 3-302, 3-305

11 Official Opinions of the Compliance Board 25 (2017)

MD State Board of Veterinary Medical Examiners (Kathleen C. Hastings, Complainant)

May 2, 2017

Topics: Administrative Function Exclusion, Timely Notice Provision, Timely Agenda Provision, Timely Minutes,, Closed Session Topics, Closed Session Summary.

Opinion: Regarding the nine board and workgroup ("Board") meetings identified in the complaint, the Compliance Board found:

Notice: No violations

Posting of minutes: No violations.

Discussion of policy matter during administrative session: The Board's discussion briefly strayed beyond a particular complaint matter and into a policy topic that the public body was required to discuss in the open. The Board violated § 3-301.

Closed session summaries. The Board did not include all of the information required by § 3-104 and violated it.

Violations: §§ 3-104, 3-301

11 Official Opinions of the Compliance Board 35 (2017)

Board of Directors, Maryland Environmental Service (Michele J. Fluss, Complainant)

May 4, 2017

Topics:

Opinion: Regarding the January 25, 2016 meeting of the Board of Directors of the Maryland Environmental Service ("MES Board"), the Board found:

Notice: No violations

Violations: None

11 Official Opinions of the Compliance Board 38 (2017)

Rock Hall Town Council (Grenville Whitman, Complainant)

June 17, 2017

Topics: Personnel Exception, Legal Advice Exception, Closed Session Summary

Opinion: Regarding the council meetings held on January 12 and February 9, 2017, the Compliance Board found:

Closed session topics: The Council violated § 3-305 by secretly discussing matters that did not fall within an exception to the Act.

Closed session disclosures: The Council violated the disclosure requirements set by §§ 3-104, 3-305(d) and § 3-306(c)(2)

Violations: §§ 3-104, 3-305 and 3-306

* The Compliance Board's opinions for this quarter are posted in full in Volume 10, accessible at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>.

[17-15-13]

The General Assembly

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

SYNOPSIS NO. 9

Chapters

CH0569 SB0539 (Amended) The President (Admin), et al. Criminal Law - Distribution of Controlled Dangerous Substances - Fentanyl.

CH0570 HB1432 (Amended) Chr HGO (Dept), et al. Health Care Providers - Prescription Opioids - Limits on Prescribing (The Prescriber Limits Act of 2017).

CH0571 HB1329 (Enrolled) Del Bromwell, et al. Heroin and Opioid Prevention Effort (HOPE) and Treatment Act of 2017.

CH0572 SB0967 (Enrolled) Sen Klausmeier, et al. Heroin and Opioid Prevention Effort (HOPE) and Treatment Act of 2017.

CH0573 HB1082 (Enrolled) Del Bromwell, et al. Heroin and Opioid Education and Community Action Act of 2017 (Start Talking Maryland Act).

CH0574 SB1060 (Enrolled) Sen Miller, et al. Heroin and Opioid Education and Community Action Act of 2017 (Start Talking Maryland Act).

CH0575 HB1619 (Enrolled) Del Clippinger. Maryland Stadium Authority - Maryland Sports and Affiliated Foundations - Establishment.

CH0576 HB1383 (Amended) Del Barron, et al. Behavioral Health Administration - Outpatient Civil Commitment Pilot Program.

CH0577 SB1042 (Amended) Sen Feldman, et al. Behavioral Health Administration - Outpatient Civil Commitment Pilot Program.

CH0578 SB0433 (Amended) Sen Klausmeier, et al. Substance Use Treatment - Inpatient and Intensive Outpatient Programs - Consent by Minor.

CH0579 HB1127 Del Kelly. Health Insurance - Coverage Requirements for Behavioral Health Disorders - Modifications.

CH0580 HB0869 (Amended) Del S. Howard, et al. Recovery Residence Residential Rights Protection Act.

CH0581 HB0887 (Amended) Del Pena-Melnyk, et al. Health Insurance - Prior Authorization for Drug Products to Treat an Opioid Use Disorder - Prohibition.

CH0582 HB0950 Del Pena-Melnyk, et al. University System of Maryland - Constituent Institutions - Alcohol and Drug Addiction Recovery Program.

CH0583 HB0786 (Enrolled) Del Angel, et al. Education - Individualized or Group Behavioral Counseling Services - Establishment.

CH0584 HB0857 Del Angel, et al. Maryland Mental Health Law - Small Private Group Home - Definition.

CH0585 HB1522 (Enrolled) Del Hill. Needs Assessment for Student School-Based Behavioral Health Services.

CH0586 HB0390 (Amended) The Speaker (Admin), et al. Improving the State Procurement Oversight Structure.

CH0587 SB0310 (Enrolled) The President (Admin), et al. Improving the State Procurement Oversight Structure.

CH0588 SB0311 (Amended) The President (Admin), et al. Promoting Efficiencies in State Procurement.

CH0589 HB0426 (Enrolled) The Speaker (Admin), et al. Promoting Efficiencies in State Procurement.

CH0590 HB1021 (Enrolled) Del Reznik, et al. Reorganization of State Procurement.

CH0591 SB0319 (Enrolled) The President (Admin), et al. Pathways in Technology Early College High (P-TECH) School Act of 2017.

CH0592 SB1085 (Enrolled) Sen Conway. Morgan State University - Designation as the State's Preeminent Public Urban Research University.

CH0593 HB0562 (Enrolled) Del Hayes (BCA). Baltimore City Board of School Commissioners - Members - Appointment and Removal.

CH0594 HB0441 Del Anderson (BCA) and Del McIntosh. Education - Debt Service for Transferred Schools - County Reimbursement Grace Period.

CH0595 SB0487 (Enrolled) Sen McFadden (BCA), et al. Baltimore City - Residential Ground Leases - Abandoned Property.

CH0596 SB0541 (Amended) Sen Conway (BCA). Baltimore City - Board of Municipal and Zoning Appeals - Appeals Authority.

CH0597 SB0846 (Amended) Sen Conway (BCA). Baltimore City - Hotel Room Tax - Convention Center Promotion and Operations.

CH0598 HB1037 (Amended) Del Anderson (BCA), et al. Baltimore City - Civilian Review Board.

CH0599 HB0226 (Amended) Del Anderson. Baltimore Police Department - Reporting on Community Policing.

CH0600 HB1348 (Enrolled) Del Clippinger, et al. Baltimore City - 46th District Alcoholic Beverages Act of 2017.

CH0601 HB1136 (Enrolled) Del Ali, et al. Baltimore City - Alcoholic Beverages - Licenses - Hours of Sale.

CH0602 SB0479 (Amended) Sen Robinson. Baltimore City - Alcoholic Beverages - Marketplace License.

CH0603 HB0022 Del Conaway. Baltimore City Fire Department - Motorized Fire Equipment - Report.

CH0604 HB0052 Del Conaway. Baltimore City School Police Force - Vehicles and Firearms - Report.

CH0605 SB0680 Sen Lee, et al. Adult Protective Services Investigations - Completion Time.

CH0606 SB0714 (Enrolled) Sen McFadden. Criminal Procedure - Indigent Individual - Indigency Determination.

CH0607 SB1024 (Amended) Sens McFadden and Ready. Education - State Grants for Education Aid.

CH0608 HB1381 (Enrolled) Del Clippinger, et al. Adult High School Pilot Program.

CH0609 SB0866 (Enrolled) Sens Klausmeier and Ferguson. Adult High School Pilot Program.

CH0610 SB1106 (Enrolled) Sen Zucker. Health Care Practitioners - Use of Teletherapy.

CH0611 SB0786 (Amended) Sen Zucker, et al. Education - Restraint and Seclusion - Consideration and Reporting.

CH0612 SB0872 (Amended) Sen Zucker, et al. James W. Hubbard Inclusive Higher Education Grant Program.

CH0613 HB0628 (Amended) Dels Barron and West. Secretaries of Principal Departments - Supervision and Review of Decisions and Actions by Units Within Departments.

CH0614 SB0517 (Amended) Sen Zucker, et al. Secretaries of Principal Departments - Supervision and Review of Decisions and Actions by Units Within Departments.

- CH0615 HB0659 (Enrolled)** Del Angel, et al. Task Force to Study Tax Sales in Maryland.
- CH0616 SB0823 (Enrolled)** Sens Eckardt and Ferguson. Task Force to Study Tax Sales in Maryland.
- CH0617 SB1033 (Amended)** Sens Eckardt and Mathias. Residential Property - Vacant and Abandoned Property - Expedited Foreclosure.
- CH0618 HB1168 (Enrolled)** Dels Holmes and Angel. Counties and Municipalities - Land Bank Authorities.
- CH0619 SB0957 (Amended)** Sen Eckardt, et al. Counties and Municipalities - Land Bank Authorities.
- CH0620 HB1169 (Amended)** Del Mautz, et al. Connecting Rural Maryland Act of 2017.
- CH0621 SB0717 (Amended)** Sen Eckardt, et al. Connecting Rural Maryland Act of 2017.
- CH0622 HB1526** Dels Angel and Vallario. Criminal Procedure - Postsentencing - Victim Notification.
- CH0623 HB0253** Del Angel, et al. State Board of Nursing - Registered Nurses and Licensed Practical Nurses - Renewal of Licenses - Continuing Education Units.
- CH0624 HB0793** Dels Angel and Malone. Family Law - Divorce - Restoration of Former Name.
- CH0625 SB0083** Sen Kagan. Family Law - Divorce - Restoration of Former Name.
- CH0626 HB0735 (Amended)** Del Malone, et al. Estates and Trusts - Share of Intestate Estate Inherited by Surviving Spouse.
- CH0627 SB0073 (Amended)** Sen Reilly. Estates and Trusts - Share of Intestate Estate Inherited by Surviving Spouse.
- CH0628 HB0906** Del Malone, et al. Criminal Law - Crime of Violence - Home Invasion.
- CH0629 SB0465 (Enrolled)** Sen Kagan, et al. Maryland Nonprofit Development Center Program and Fund - Bridge Loans.
- CH0630 SB0632 (Enrolled)** Sen Kagan, et al. Election Law - Persons Doing Public Business - Reporting by Governmental Entities.
- CH0631 SB0074** Sen Kagan. Maryland Code - Standardization of Terminology - Nonprofits.
- CH0632 SB0026 (Amended)** Sen Kagan, et al. Maryland False Claims Act - Municipal Corporations.
- CH0633 HB1506** Del Glenn, et al. State Government - Office of Minority Affairs and Interdepartmental Advisory Committee on Minority Affairs - Renaming.
- CH0634 SB0700 (Amended)** Sen Robinson, et al. State Government - Office of Minority Affairs and Interdepartmental Advisory Committee on Minority Affairs - Renaming.
- CH0635 HB1446 (Enrolled)** Del Hayes, et al. Procurement Preferences - Blind Industries and Services of Maryland - Janitorial Products.
- CH0636 HB1492 (Amended)** Del Hayes, et al. Housing and Community Development - Food Deserts - Small Loans.
- CH0637 HB0269 (Amended)** Del Krimm, et al. Housing Navigator and Aftercare Program.
- CH0638 SB0531 (Enrolled)** Sen Benson, et al. Housing Navigator and Aftercare Program.
- CH0639 HB0916 (Amended)** Del Sydnor, et al. Motor Vehicle Insurance - Discrimination in Underwriting and Rating - Prohibitions.
- CH0640 SB0534 (Amended)** Sen Benson, et al. Motor Vehicle Insurance - Discrimination in Underwriting and Rating - Prohibitions.
- CH0641 HB1067 (Enrolled)** Del A. Miller, et al. Public Schools and Shelters - Homeless Girls and Women - Feminine Hygiene Products.
- CH0642 SB0625 (Enrolled)** Sen Benson, et al. Public Schools and Shelters - Homeless Girls and Women - Feminine Hygiene Products.
- CH0643 HB1163 (Enrolled)** Del A. Miller, et al. Criminal Procedure - Conditional Release - Electronic Monitoring (Amber's Law).
- CH0644 HB1279 (Amended)** Del Morales, et al. Police Training Commission - Training Requirements - Human Trafficking.
- CH0645 SB0220 (Amended)** Sen Lee, et al. Police Training Commission - Training Requirements - Human Trafficking.
- CH0646 SB0221 (Enrolled)** Sen Lee, et al. Adult Entertainment Establishments - National Human Trafficking Resource Center Hotline Information - Sign Posting Requirements.
- CH0647 HB0653 (Amended)** Del B. Wilson. Crimes - Solicitation to Commit Murder or Arson - Statute of Limitations.
- CH0648 SB0387 (Amended)** Sen Lee. Crimes - Solicitation to Commit Murder or Arson - Statute of Limitations.
- CH0649 HB0521** Del B. Wilson, et al. Criminal Procedure - Sex Offender Registrant - Notice of International Travel.
- CH0650 HB0738** Del B. Wilson. Criminal Law - Sex Offenses - Out-of-State Convictions.
- CH0651 HB1263** Del Dumais. Family Law - Child Abuse and Neglect - Definitions.
- CH0652 SB0996** Sens Lee and Muse. Family Law - Child Abuse and Neglect - Definitions.
- CH0653 HB0721 (Amended)** Del Dumais. Juvenile Services - Services and Programs for Females.
- CH0654 SB0674 (Amended)** Sen Kelley, et al. Juvenile Services - Services and Programs for Females.
- CH0655 SB0272 (Amended)** Sen Kelley, et al. Guardianship and Child in Need of Assistance Proceedings - Jurisdiction and Authority of Juvenile Court.
- CH0656 SB0505 (Amended)** Sen Kelley, et al. Civil Actions - Child Sexual Abuse - Statute of Limitations and Required Findings.
- CH0657 HB0498 (Amended)** Del Hettleman. Health Care Decisions Act - Advance Directives and Surrogate Decision Making - Disqualified Individuals.
- CH0658 HB0509 (Enrolled)** Del Hettleman, et al. Higher Education - Student Loan Notification Letter.
- CH0659 SB0734 (Amended)** Sen Kasemeyer, et al. Sexual Assault Victims Resources Act of 2017.
- CH0660 HB0267 (Amended)** Del B. Wilson, et al. Program Open Space - Authorized Transfer to the Maryland Heritage Areas Authority Financing Fund - Increase.
- CH0661 SB0257 (Amended)** Sen Kasemeyer, et al. Program Open Space - Authorized Transfer to the Maryland Heritage Areas Authority Financing Fund - Increase.
- CH0662 SB0975 (Enrolled)** Sen Ready. Real Property - Agricultural Land Preservation Easements - Separate Parcels.
- CH0663 SB0449** Sen Kasemeyer. Estates and Trusts - Vehicle Transfers - Excise Tax and Fee Exemption.
- CH0664 SB0559 (Amended)** Sen Kasemeyer. Baltimore County - Alcoholic Beverages - Issuance of Licenses Near Places of Worship.
- CH0665 HB0287 (Amended)** Del Hixson, et al. Hunger-Free Schools Act of 2017.
- CH0666 HB0081 (Amended)** Del Morhaim, et al. Estates and Trusts - Conditions of Disability and Incapacity - Confinement.
- CH0667 HB0188 (Enrolled)** Del Morhaim, et al. Public Health - Advance Directives - Witness Requirements, Advance Directives Services, and Fund.
- CH0668 HB0518 (Enrolled)** Del Morhaim, et al. Public Health - Prenatal HIV Testing.
- CH0669 SB0041 (Enrolled)** Chr EHE (Dept). State Board of Nursing - Nurse Licensure Compact - Revisions.

- CH0670 HB0122** Chr ENV (Dept). Motor Vehicles - Electronic Inspection Certificates for Used Vehicles - Sunset Extension.
- CH0671 HB0295 (Amended)** Del Kramer. Criminal Procedure - Criminal Injuries Compensation Board - Impaired Boating.
- CH0672 HB0493 (Amended)** Del Kramer, et al. Long-Term Care Insurance - Premium Rates.
- CH0673 HB0601 (Amended)** Del Kramer, et al. Senior Call-Check Service and Notification Program - Establishment.
- CH0674 HB0744 (Amended)** Dels Kramer and West. Corporations - Maryland General Corporation Law - Miscellaneous Provisions.
- CH0675 SB0579** Sen Mathias, et al. State Government - Display of the POW/MIA Flag on State Building Grounds.
- CH0676 HB0675 (Amended)** Del Sample-Hughes, et al. Health Insurance - Coverage for Digital Tomosynthesis.
- CH0677 SB0061 (Amended)** Sen Mathias, et al. Health Insurance - Coverage for Digital Tomosynthesis.
- CH0678 HB0740 (Amended)** Del Angel, et al. President Jimmy Carter Cancer Treatment Access Act.
- CH0679 SB0919 (Amended)** Sen Mathias, et al. President Jimmy Carter Cancer Treatment Access Act.
- CH0680 SB0580 (Amended)** Sen Mathias, et al. State Personnel - Leap Year - Personal Leave.
- CH0681 HB0082** Del Carr (Chr Jt Com on Fed Rels). Woodrow Wilson Bridge and Tunnel Compact - Repeal.
- CH0682 SB0125** Sen Feldman. Woodrow Wilson Bridge and Tunnel Compact - Repeal.
- CH0683 HB0263 (Amended)** Del Carr, et al. School Bus Monitoring Cameras - Exclusion of Vehicle Rental Companies - Repeal and Notification Requirement.
- CH0684 HB0492 (Amended)** Del Carr, et al. Vehicle Laws - Certificate of Title - Transfer-on-Death Beneficiary Designation.
- CH0685 HB0083** Del Luedtke, et al. Income Tax - Subtraction Modification - Discharged Student Loan Debt.
- CH0686 HB0979 (Amended)** Del Luedtke, et al. Property Tax Credit - Public Safety Officers.
- CH0687 HB0459 (Enrolled)** Del Queen, et al. Higher Education - Adult Correctional Institutions - Job Training and Education.
- CH0688 HB1081 (Amended)** Del Jackson, et al. Correctional Officers' Retirement System - Membership.
- CH0689 SB0650 (Amended)** Sen Guzzone, et al. Correctional Officers' Retirement System - Membership.
- CH0690 SB0664 (Amended)** Sen Edwards, et al. Correctional Officers' Retirement System - Membership.
- CH0691 SB0117** Sens Edwards and Serafini. Community Colleges - Out-of-State Fee - Waiver for Border State Residents.
- CH0692 SB0273 (Enrolled)** Sen Edwards, et al. State Forest, State Park, and Wildlife Management Area Revenue Equity Program.
- CH0693 SB0592 (Amended)** Sen Edwards. Allegany County - Property Tax Credits - Community Organizations and Lions Center.
- CH0694 SB0979 (Enrolled)** Sen Edwards. Vehicle Laws - All-Terrain Vehicles and Snowmobiles.
- CH0695 SB0591 (Enrolled)** Sen Edwards. Garrett County - Payment to Rescue Squads.
- CH0696 SB0341 (Amended)** Sen Edwards. Vehicle Laws - School Vehicles - Definition.
- CH0697 HB0011** Del Lam, et al. Vehicle Laws - Causing Diesel Emissions to Discharge Onto Another - Prohibition.
- CH0698 HB1433 (Amended)** Del Valentino-Smith, et al. Local Income Tax Overpayments - Local Reserve Account Repayment - Forgiveness.
- CH0699 SB0397 (Amended)** Sen Edwards, et al. Local Income Tax Overpayments - Local Reserve Account Repayment - Forgiveness.
- CH0700 HB1468 (Enrolled)** Del Valentino-Smith, et al. Medical Records - Disclosure of Directory Information and Medical Records.
- CH0701 SB0584 (Enrolled)** Sen Rosapepe, et al. Medical Records - Disclosure of Directory Information and Medical Records.
- CH0702 HB1071 (Enrolled)** Del Valentino-Smith, et al. Vehicle Laws - Victim's Representative Notification - License Suspension Hearing.
- CH0703 HB0836 (Amended)** Del Folden, et al. Criminal Procedure - Expungement - Common Law Battery.
- CH0704 HB0851 (Amended)** Del Folden, et al. Landlord and Tenant - Military Personnel - Limitation on Liability for Rent.
- CH0705 SB0049 (Amended)** Sens Cassilly and Jennings. Landlord and Tenant - Military Personnel - Limitation on Liability for Rent.
- CH0706 HB1275 (Amended)** Del Vogt, et al. State Government - Department of Veterans Affairs - Veterans' Services Specialists.
- CH0707 SB0857 (Enrolled)** Sens Smith and Waugh. State Government - Department of Veterans Affairs - Veterans' Services Specialists.
- CH0708 HB0587 (Enrolled)** Del Reznik, et al. State Finance and Procurement - Veteran-Owned Small Business Enterprises - Definitions and Penalties.
- CH0709 SB1084 (Enrolled)** Sen Waugh. State Finance and Procurement - Veteran-Owned Small Business Enterprises - Definitions and Penalties.
- CH0710 HB0176 (Amended)** Del Morgan, et al. Motor Vehicle Registration - Exception for Golf Carts - Golden Beach Patuxent Knolls.
- CH0711 HB0951 (Amended)** Del Lisanti, et al. State Highway Administration - Alfred B. Hilton Memorial Bridge - Dedication.
- CH0712 SB1157** Sen Cassilly, et al. State Highway Administration - Alfred B. Hilton Memorial Bridge - Dedication.
- CH0713 HB0456 (Amended)** Del Kaiser, et al. Children With Disabilities and Child Care Providers - Dispute Resolution Process.
- CH0714 SB0943 (Enrolled)** Sen Smith, et al. Children With Disabilities and Child Care Providers - Dispute Resolution Process.
- CH0715 HB1240 (Enrolled)** Del Kaiser, et al. Individualized Education Programs - Studies.
- CH0716 SB0025 (Amended)** Chr FIN (Dept). Maryland Transit Administration - Transit Service - Contracted Taxicab Service.
- CH0717 HB1017 (Enrolled)** Chr JUD (Dept). Motor Vehicle Administration - Driving Records - Expungement.
- CH0718 HB0713 (Enrolled)** Chr W&M (Dept). Sales and Use Tax - Light Rail Vehicles - Exemption.
- CH0719 HB0290 (Amended)** Del Grammer, et al. Maryland Transportation Authority - Third Generation-Electronic Toll Collection System.
- CH0720 HB0123 (Amended)** Chr HGO (Dept). Health Insurance - Required Conformity With Federal Law.
- CH0721 SB0169 (Enrolled)** Sen Middleton, et al. Health - Cost of Emergency Room Visits to Treat Dental Conditions and Coverage of Dental Services Under Medicaid - Study.
- CH0722 HB1553 (Amended)** Del Cullison, et al. Nonprofit Health Entity - Acquisition - Waiver of Waiting Period.
- CH0723 SB0527** Sen Middleton. Credit Regulation - Unsecured Open End Credit Plans - Fees and Charges.
- CH0724 HB1270** Del Waldstreicher, et al. Credit Regulation - Unsecured Open End Credit Plans - Fees and Charges.
- CH0725 SB0290 (Amended)** Sen Middleton, et al. Motor Vehicle Liability Insurance Policies - Placement and Reinstatement.
- CH0726 HB1273** Del Cullison, et al. Pharmacists - Substitution and Dispensing of Biological Products.

- CH0727 SB0710 (Amended)** Sen Conway. Education - Children With Disabilities - Individualized Education Program Process - Parental Consent.
- CH0728 SB0001 (Amended)** Sen Conway, et al. Education - Specialized Intervention Services - Reports.
- CH0729 HB0616 (Amended)** Del Atterbeary, et al. Education - Pregnant and Parenting Students - Attendance Policy.
- CH0730 HB1145 (Amended)** Del Tarlau, et al. Public School Employee Whistleblower Protection Act.
- CH0731 SB0452 (Enrolled)** Sen Manno, et al. Education - Accountability Program - Assessments (More Learning, Less Testing Act of 2017).
- CH0732 SB1191 (Amended)** Sens Manno and Nathan-Pulliam. Schools and Child Care Centers - State Grant Program - Security Upgrades for Facilities at Risk of Hate Crimes or Attacks.
- CH0733 SB1169 (Amended)** Sen Bates, et al. Unemployment Insurance - Charge of Benefits - Waiver Due to Natural Disaster.
- CH0734 HB0439** Del Otto. Somerset County - State's Attorney - Annual Salary.
- CH0735 HB1320 (Amended)** Charles County Delegation. Southern Maryland Code Counties - Towing Companies - Authority to Regulate.
- CH0736 HB1500** Harford County Delegation. Sheriff of Harford County - Salary.
- CH0737 HB1469 (Amended)** Del P. Young, et al. Public Assistance - Family Investment Program - Child Support Pass Through.
- CH0738 SB1009 (Enrolled)** Sen Jennings, et al. Public Assistance - Family Investment Program - Child Support Pass Through.
- CH0739 HB0926** Del McComas, et al. Child Support - Health Insurance - Definition.
- CH0740 SB0293** Sen King, et al. Child Care Subsidy Program - Alternative Methodology - Report.
- CH0741 HB0437** Del Jones. Higher Education - University System of Maryland - Quasi-Endowment Funds.
- CH0742 SB0202** Sen King, et al. Higher Education - University System of Maryland - Quasi-Endowment Funds.
- CH0743 SB0200 (Enrolled)** Sen King, et al. Income Tax Credit - Qualified Research and Development Expenses - Credit Amounts.
- CH0744 SB0154 (Enrolled)** Sen King, et al. Vehicle Laws - School Bus Monitoring Cameras - Civil Penalty.
- CH0745 SB0261 (Amended)** Sen Bates, et al. Property Tax Credit - Residential Property Damaged by Natural Disaster.
- CH0746 HB1246** Del Clark, et al. Forests and Parks - Public Recreation on Private and State-Owned Land - Hunting.
- CH0747 HB0756** Del Stein. Vehicle Laws - Annual Vehicle Shows.
- CH0748 HB0889 (Enrolled)** Del Stein. Vehicle Laws - HOV Lanes - Tow Trucks.
- CH0749 HB0494** Del Stein, et al. Motor Vehicles - Use of Fog Lights When Windshield Wipers Operating - Repeal.
- CH0750 SB0086** Sen Norman. Motor Vehicles - Use of Fog Lights When Windshield Wipers Operating - Repeal.
- CH0751 SB0668** Sen Norman, et al. Vehicle Laws - Operation of Motorcycles - Handlebar Height.
- CH0752 SB0707 (Amended)** Sens Norman and Cassilly. Vehicle Law - Waste and Recycling Collection Vehicles - Use of Yellow and Amber Lights (The Senator Bob Hooper Sanitation Safety Act).
- CH0753 HB0952 (Enrolled)** Del Healey, et al. Vehicle Law - Waste and Recycling Collection Vehicles - Use of Yellow and Amber Lights (The Senator Bob Hooper Sanitation Safety Act).
- CH0754 HB0997 (Amended)** Dels Fraser-Hidalgo and Kramer. Vehicle Laws - Bicycles, Play Vehicles, and Unicycles - Operation on Sidewalks and in Crosswalks.
- CH0755 HB0830 (Enrolled)** Dels Healey and Frush. Pollinator Habitat Plans - Plan Contents - Requirements and Prohibition.
- CH0756 HB1335** Del Wilkins, et al. Vehicle Laws - Obstruction Hanging From Rearview Mirror - Enforcement.
- CH0757 HB1150** Dels McMillan and Folden. Vehicle Laws - Off-Highway Recreational Vehicles.
- CH0758 HB1447 (Amended)** Del McMillan, et al. Motor Vehicle Administration - Registration Plates - Return.
- CH0759 HB1456** Del Parrott. Vehicle Laws - Passing to the Right - Use of Shoulder.
- CH0760 HB1301 (Amended)** Del Frush, et al. Vehicle Laws - School Crossing Guards - Authority to Direct Traffic.
- CH0761 HB1334 (Amended)** Del A. Washington, et al. State Highway Administration - Traffic Control Devices - Decorative Treatments.
- CH0762 HB1287 (Enrolled)** Del A. Washington, et al. Commission on the School-to-Prison Pipeline and Restorative Practices.
- CH0763 SB0424 (Enrolled)** Sen Rosapepe, et al. The Textbook Cost Savings Act of 2017.
- CH0764 SB0815 (Amended)** Sens Rosapepe and Middleton. State Board of Pharmacy - Registered Pharmacy Technicians - Exemption for Pharmacy Students.
- CH0765 HB0983 (Amended)** Del Pena-Melnyk, et al. Health Insurance - Health Care Services Delivered Through Telehealth - Coverage.
- CH0766 HB1147 (Amended)** Del Morales, et al. Health Insurance - Prescription Drugs - Dispensing Synchronization.
- CH0767 SB0898 (Amended)** Sen Astle, et al. Health Insurance - Prescription Drugs - Dispensing Synchronization.
- CH0768 HB0184 (Amended)** Del Morales, et al. Public Health - Treatment of Attention-Deficit/Hyperactivity Disorder - Identification and Posting of Information.
- CH0769 HB0912** Del Morales, et al. State Board of Examiners of Psychologists - Criminal History Records Checks - Renewals and Reinstatements.
- CH0770 HB0957 (Enrolled)** Del Miele, et al. State Board of Physicians - Medical Professional Liability Insurance Coverage - Verification, Publication, and Notification Requirements (Janet's Law).
- CH0771 HB0584 (Enrolled)** Del K. Young, et al. Investigational Drugs, Biological Products, and Devices - Right to Try Act.
- CH0772 HB0443** Del West, et al. Assisted Living Programs - Licensure Fees.
- CH0773 HB0185 (Enrolled)** Dels Rosenberg and Waldstreicher. Department of Health and Mental Hygiene - Distribution of Tobacco Products to Minors - Prohibition and Enforcement.
- CH0774 HB1107 (Enrolled)** Del Rosenberg. Procurement - Intergovernmental Cooperative Purchasing Agreements.
- CH0775 SB0007** Sen Pinsky. Governor's P-20 Leadership Council - College and Career Readiness and College Completion Reporting - Revisions.
- CH0776 HB0167 (Amended)** Del McCray, et al. Counties and Municipalities - At-Will Supervisory Employees - Residency Requirements.
- CH0777 HB1002 (Amended)** Del Davis. Electric Universal Service Program - Unexpended Funds.
- CH0778 HB0289 (Amended)** Del Hayes, et al. Baltimore City - Alcoholic Beverages - Marketplace License.
- CH0779 SB0581 (Amended)** Sens Ferguson and King. Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds.
- CH0780 HB0514 (Enrolled)** Del Jameson, et al. Energy Efficiency Programs - Calculation of Program Savings and Consideration of Cost-Effectiveness.

CH0781 HB1134 (Enrolled) Del Frick, et al. Maryland Financial Consumer Protection Commission.

CH0782 HB0467 (Amended) Del McCray, et al. Providing Our Workers Education and Readiness (POWER) - Apprenticeship Act.

CH0783 HB1144 (Enrolled) Del Jones, et al. Payroll Recovery Act.

CH0784 HB1600 Del Jones. State Board of Cosmetologists - License Renewal - Continuing Education.

CH0785 SB1149 (Amended) Sen Oaks, et al. Baltimore City - Maryland Transit Administration - Transit Services for Public School Students.

CH0786 HB0529 (Amended) Chr W&M (Dept). Election Law - Political Parties, Candidacy, and Campaign Finance.

CH0787 HB0602 (Amended) Del Robinson, et al. Keep Antibiotics Effective Act of 2017.

CH0788 SB0422 (Enrolled) Sen Pinsky, et al. Keep Antibiotics Effective Act of 2017.

CH0789 HB0177 (Enrolled) Del McKay, et al. Killing or Wounding Black Bears - Penalties - Exemption for Protection of Managed Honey Bee Colonies.

CH0790 SB1165 (Amended) Sen Waugh. Maryland Longitudinal Data System - Student and Workforce Data Linkage - Extension of Time Limit.

CH0791 HB0680 (Enrolled) Del Kaiser (MD Lngtdnl Data System), et al. Maryland Longitudinal Data System - Student and Workforce Data Linkage - Extension of Time Limit.

CH0792 SB0853 Sen Madaleno, et al. Transitional Supports for Ex-Offenders - Repeal of Restrictions (Maryland Equal Access to Food Act of 2017).

CH0793 HB0860 (Enrolled) Del Lierman, et al. Transitional Supports for Ex-Offenders - Repeal of Restrictions (Maryland Equal Access to Food Act of 2017).

CH0794 SB0029 (Amended) Sen Pinsky. Natural Resources - Forest Conservation Act - Forest Conservation Thresholds and Afforestation and Reforestation Requirements.

CH0795 HB0617 (Amended) Del Healey, et al. Natural Resources - Forest Conservation Act - Forest Conservation Thresholds and Afforestation and Reforestation Requirements.

CH0796 HB0073 (Amended) Del Luedtke. Election Law - Election Judges - Minimum Age.

CH0797 SB0811 Sen Zirkin, et al. Civil Cases - Maryland Legal Services Corporation Fund - Surcharges - Repeal of Sunset.

CH0798 HB0972 Del Dumais, et al. Civil Cases - Maryland Legal Services Corporation Fund - Surcharges - Repeal of Sunset.

CH0799 SB0348 (Enrolled) Sen Kelley, et al. State Compensation for Erroneous Conviction and Imprisonment - Certification of Error.

CH0800 HB0593 (Amended) Del Dumais. State Compensation for Erroneous Conviction and Imprisonment - Certification of Error.

CH0801 SB0949 (Enrolled) Sens Smith and Madaleno. Criminal Procedure - Expungement - Possession of Marijuana.

CH0802 HB0739 (Amended) Del Moon, et al. Public Safety - SWAT Teams - Standards.

CH0803 SB0941 (Enrolled) Sen Smith, et al. Public Safety - SWAT Teams - Standards.

CH0804 SB0224 (Amended) Sen Lee, et al. Public Safety - Regulated Firearms - Definition of Convicted of a Disqualifying Crime.

CH0805 HB0294 Del Dumais, et al. Public Safety - Regulated Firearms - Definition of Convicted of a Disqualifying Crime.

CH0806 HB0746 Del M. Washington. Public School Labor Relations Board - Administration and Enforcement - Revisions.

CH0807 SB0459 (Amended) Sen Feldman, et al. Bail Bond - Installment Contract - Form and Confessed Judgment Prohibition.

CH0808 SB0713 (Enrolled) Sen Young, et al. Products That Contain Mercury - Prohibition on Sale of Electric Switches, Electric Relays, and Gas Valve Switches.

CH0809 HB0504 (Amended) Del Robinson, et al. Products That Contain Mercury - Prohibition on Sale of Electric Switches, Electric Relays, and Gas Valve Switches.

CH0810 SB1081 (Amended) Sen Madaleno, et al. Health - Family Planning Services - Continuity of Care.

CH0811 SB0488 (Enrolled) Prince George's County Senators. Prince George's County - Alcoholic Beverages Regulation Reform Act of 2017.

CH0812 HB1317 (Enrolled) Prince George's County Delegation. Prince George's County - Alcoholic Beverages Regulation Reform Act of 2017 PG 310-17.

CH0813 HB1283 (Enrolled) Del Branch, et al. Alcoholic Beverages - Class 5 Brewery License.

CH0814 HB0523 (Enrolled) Del Jameson, et al. Electronic Nicotine Delivery Systems and Vaping Liquid - Licensing.

CH0815 SB0403 (Amended) Sen Astle, et al. Private Passenger Motor Vehicle Liability Insurance - Enhanced Underinsured Motorist Coverage.

CH0816 SB1034 (Enrolled) Sen King, et al. Maryland Public Broadcasting Commission - Funding and Video Streaming.

CH0817 HB0034 (Enrolled) Del Holmes. Real Property - Homeowners Associations - Resale of Lot - Inspection Fees.

CH0818 HB0631 (Enrolled) The Speaker (Atty Gen Ofc), et al. Public Health - Essential Off-Patent or Generic Drugs - Price Gouging - Prohibition.

CH0819 HB1573 (Enrolled) Prince George's County Delegation. Prince George's County - Tax Sales - Limited Auction and Foreclosure for Abandoned Property PG 411-17.

CH0820 HB0613 (Enrolled) Del Hettleman, et al. Pharmacists - Contraceptives - Prescribing and Dispensing.

CH0821 SB0363 (Amended) Sen Conway. Pharmacists - Contraceptives - Prescribing and Dispensing.

CH0822 SB0110 (Enrolled) Sen Conway. Public Health - Expedited Partner Therapy - Trichomoniasis and Pharmacist Dispensing.

CH0823 HB0824 (Enrolled) Chr HGO. State Board of Morticians and Funeral Directors - Sunset Extension and Program Evaluation.

CH0824 SB0548 (Enrolled) Chr EHE. State Board of Morticians and Funeral Directors - Sunset Extension and Program Evaluation.

CH0825 HB1626 Del Ali, et al. Election Law - Early Voting - Registered Voter Updating the Voter's Address on an Existing Registration.

CH0826 HB0224 Del Lierman. Higher Education - AmeriCorps Program Participants - In-State Tuition.

CH0827 HB0212 (Enrolled) Del Waldstreicher, et al. Consumer Protection - Credit Report Security Freezes - Prohibition on Fees and Required Notices.

CH0828 SB0270 (Enrolled) Sen Lee, et al. Consumer Protection - Credit Report Security Freezes - Prohibition on Fees and Required Notices.

CH0829 HB0232 Del McKay, et al. Correctional Services - Commissioner's Duties - Staffing Report.

CH0830 HB0554 Del Carey, et al. Anne Arundel County - Alcoholic Beverages - Board of License Commissioners - Attorneys.

CH0831 SB0374 Sen Astle. Anne Arundel County - Alcoholic Beverages - Board of License Commissioners - Attorneys.

CH0832 HB1309 (Amended) Del Frush, et al. Environment - Recycling - Special Events.

CH0833 SB0885 (Amended) Sens Rosapepe and Kagan. Environment - Recycling - Special Events.

CH0834 SB0746 (Enrolled) Chr JPR (Md Jud Conf). District Court Commissioners - Residency in Contiguous County.

CH0835 HB0192 (Amended) Del Lafferty. Task Force to Study Bicycle Safety on Maryland Highways.

CH0836 SB0142 (Enrolled) Sens Manno and Zirkin. Task Force to Study Bicycle Safety on Maryland Highways.

CH0837 HB1149 (Amended) Del Kramer. Maryland Securities Act - Vulnerable Adults.

CH0838 SB0951 (Amended) Sen Smith, et al. Maryland Securities Act - Vulnerable Adults.

CH0839 SB0856 (Amended) Sen Guzzone, et al. Maryland Legal Services Corporation Funding - Abandoned Property Funds.

CH0840 SB0969 (Enrolled) Sen Feldman. Electricity - Construction of Overhead Transmission Lines - Condemnation Authority.

CH0841 HB1415 Del Anderson. Commercial Law - Maryland Antitrust Act - Indirect Purchasers.

CH0842 SB0858 (Amended) Sen Smith, et al. Commercial Law - Maryland Antitrust Act - Indirect Purchasers.

CH0843 SB0651 (Amended) Sen Smith, et al. Public Schools - Suspensions and Expulsions.

CH0844 HB0425 (Enrolled) Del Lierman, et al. Public Schools - Suspensions and Expulsions.

CH0845 HB1227 (Enrolled) Del Mosby, et al. The Problem Gambling Funding and Treatment Act of 2017.

CH0846 HB1464 (Amended) Dels Waldstreicher and Barkley. Make Office Vacancies Extinct Program.

CH0847 HB1595 (Amended) Dels Jones and McIntosh. Baltimore City Community College - Realignment.

CH0848 SB1127 (Amended) Sen Conway, et al. Baltimore City Community College - Realignment.

CH0849 SB0908 (Enrolled) Sen Ferguson, et al. Maryland Education Development Collaborative - Established.

CH0850 HB0088 (Enrolled) Baltimore County Delegation. Education - Selection of Members to the Baltimore County School Board.

CH0851 HB1498 (Enrolled) Dels A. Washington and Tarlau. Campaign Finance - Political Organizations - Compliance and Disclosure.

CH0852 HB0898 (Amended) Del Ebersole, et al. Election Law - Campaign Finance - Coordinated Expenditures.

[17-15-11]

The Judiciary

COURT OF APPEALS OF MARYLAND DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated June 16, 2017, **PATRICK M. MORAN**, 8929 Kilkenny Circle, Nottingham, Maryland 21236, has been disbarred by consent, effective immediately from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated May 18, 2017, **KELLY GARNER KILROY**, 5126-B Dorsey Hall Drive, Ellicott City, Maryland 21012, has been disbarred by consent, effective June 19, 2017 from the further practice of law in this State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 19, 2017, **JAMES P. WU**, 2418 St. Paul Street, 3rd Floor, Baltimore, Maryland 21218, has been disbarred by consent, effective immediately from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 19, 2017, **JESSE RAYMOND RUHL**, 6374 Overbrook Avenue, Philadelphia, Pennsylvania 19151, has been indefinitely suspended by consent, effective immediately from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 5, 2017, **ROBERT L. KLINE, III**, 5019 St. George's Avenue, Baltimore, Maryland 21212, has been replaced upon the register of attorneys in the Court of Appeals as of June 20, 2017 having subscribed to the oath of attorneys, in compliance with the Order of Court filed June 5, 2017. Notice of this action is certified in accordance with Maryland Rule 19-761.

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 16, 2017, **RAYMOND JEROME VANZEGO, JR.**, 9450 Marlboro Pike, Upper Marlboro, Maryland 20774, has been indefinitely suspended by consent, effective June 28, 2017 from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 5, 2017, **RODNEY M. JONES**, 2514 Maryland Avenue, Baltimore, Maryland 21218, has been disbarred by consent, effective June 30, 2017 from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 30, 2017, **PAMELA BRUCE STUART**, 5115 Yuma Street, NW, Washington, DC 20016, has been suspended, effective immediately from the further practice of law in this State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

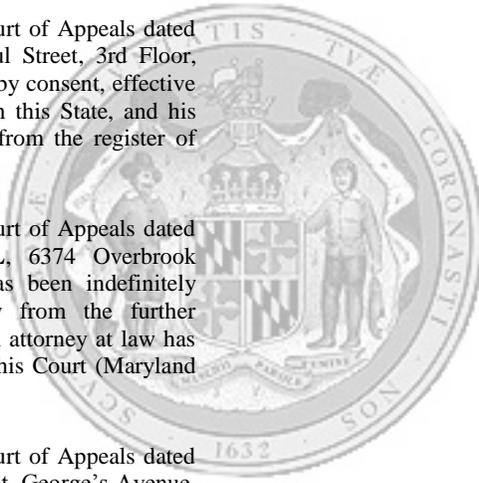
* * * * *

This is to certify that by an Order of the Court of Appeals dated April 21, 2017, **FRED KELLY GRANT**, 1509 Saratoga Drive, Woodland, California 95695, has been indefinitely suspended by consent, effective July 3, 2017 from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 8, 2017, **STERLING GARRETT MEAD**, 6315 Candlewicke Court, Sykesville, Maryland 21784, has been suspended by consent for one (1) year, effective July 3, 2017 from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[17-15-16]



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 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 03 HOMEOWNERSHIP PROGRAMS

05.03.08 *Energy-Efficient Homes Construction Loan Program*

Authority: Housing and Community Development Article, §4-2003(a)(5),
Annotated Code of Maryland

Notice of Final Action [17-133-F]

On July 5, 2017, the Secretary of Housing and Community Development adopted new Regulations **.01—****.14** under a new chapter, **COMAR 05.03.08 Energy-Efficient Homes Construction Loan Program**. This action, which was proposed for adoption in 44:10 Md. R. 474—478 (May 12, 2017), has been adopted as proposed.

Effective Date: July 31, 2017.

KENNETH C. HOLT
Secretary of Housing and Community Development

proposed for adoption in 44:2 Md. R. 102—104 (January 20, 2017), has been adopted with the nonsubstantive changes shown below.

Effective Date: July 31, 2017.

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 09.03.09.09B(3)(a): The nonsubstantive change involves the deletion of a cross-reference to a proposed regulation made contemporaneous herewith, but is still being revised and thus not ready for final action. This change is not substantive because the cross-reference is not necessary to the function of the proposed regulation, and its removal does not affect the purpose of the regulation.

.09 Advertising and Solicitation.

A. (proposed text unchanged)

B. *Licensee Name and Address.*

(1) — (2) (proposed text unchanged)

(3) *In any advertisement, a mortgage loan originator must disclose:*

(a) *The name or approved trade name [[as required by COMAR 09.03.06.04L]] of the mortgage loan originator's employer; and*

(b) *The mortgage loan originator's NMLSR Unique Identifier.*

(4) (proposed text unchanged)

ANTONIO P. SALAZAR
Acting Commissioner of Financial Regulation

Title 09 DEPARTMENT OF LABOR, LICENSING, AND 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, 11-603.1, 11-605, 11-606, 11-609, 11-612, 11-612.1, and 11-613(b); Annotated Code of Maryland

Notice of Final Action [17-045-F]

On July 7, 2017, the Acting Commissioner of Financial Regulation adopted amendments to Regulations **.01—****.05**, the repeal of existing Regulation **.06**, the recodification of existing Regulation **.07** to be Regulation **.06**, and new Regulations **.07—****.09** under **COMAR 09.03.09 Mortgage Loan Originators**. This action, which was

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.09 Medical Laboratories

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

Notice of Final Action [17-119-F]

On June 29, 2017, the Secretary of Health adopted amendments to Regulation **.07** under **COMAR 10.09.09 Medical Laboratories**. This action, which was proposed for adoption in 44:9 Md. R. 440 (April 28, 2017), has been adopted as proposed.

Effective Date: July 31, 2017.

DENNIS SCHRADER
Secretary of Health

Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

Notice of Final Action
[17-125-F]

On June 29, 2017, the Secretary of Health adopted amendments to:

- (1) Regulation .02 under **COMAR 10.28.03 Examination and Licensing of Optometrists**;
- (2) Regulation .02 under **COMAR 10.28.06 Examination of Patients by Optometrists, Maintenance of Records, and Keeping of Certain Instrumentation and Equipment**;
- (3) Regulation .02 under **COMAR 10.28.07 Fee Schedule**;
- (4) Regulation .02 under **COMAR 10.28.09 Advertising**;
- (5) Regulation .02 under **COMAR 10.28.10 Optometrist Accountability**; and
- (6) Regulations .01 and .02 under **COMAR 10.28.11 Use of Diagnostic Pharmaceutical Agents**.

This action, which was proposed for adoption in 44:10 Md. R. 493—494 (May 12, 2017), has been adopted as proposed.

Effective Date: July 31, 2017.

DENNIS SCHRADER
Secretary of Health

**Title 13A
STATE BOARD OF
EDUCATION**

**Subtitle 02 LOCAL SCHOOL
ADMINISTRATION**

13A.02.01 Local Boards of Education

Authority: Education Article, §§2-205, 4-101, 4-105, 4-106, 5-101, 5-109, and 7-103, Annotated Code of Maryland

Notice of Final Action
[17-111-F]

On June 27, 2017, the Maryland State Board of Education adopted amendments to Regulation .01 under **COMAR 13A.02.01 Local Boards of Education**. This action, which was proposed for adoption in 44:8 Md. R. 412 (April 14, 2017), has been adopted as proposed.

Effective Date: July 31, 2017.

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

Subtitle 32 BOARD OF PHYSICIANS

10.32.08 Licensure of Athletic Trainers

Authority: Health Occupations Article, §§14-5D-06 and 14-5D-11.3, Annotated Code of Maryland

Notice of Final Action
[17-126-F]

On June 29, 2017, the Secretary of Health adopted amendments to Regulation .06 under **COMAR 10.32.08 Licensure of Athletic Trainers**. This action, which was proposed for adoption in 44:10 Md. R. 494—495 (May 12, 2017), has been adopted as proposed.

Effective Date: July 31, 2017.

DENNIS SCHRADER
Secretary of Health

**Subtitle 05 SPECIAL INSTRUCTIONAL
PROGRAMS**

**13A.05.02 Administration of Services for
Students with Disabilities**

Authority: Education Article, §§2-205, 8-301—8-319, 8-3A-01—8-3A-11, and 8-401—8-419; Human Services Article, §§8-401—8-409; Labor and Employment Article, §§11-801 and 11-901 et seq.; Annotated Code of Maryland
Federal Statutory Reference: 20 U.S.C. §§1408, 1412, 1413, and 1437;
Federal Regulatory References: 34 CFR 300 and 303

Notice of Final Action
[17-121-F]

On June 27, 2017, the Maryland State Board of Education adopted amendments to Regulations .03 and .14 under **COMAR 13A.05.02 Administration of Services for Students with Disabilities**. This action, which was proposed for adoption in 44:9 Md. R. 443 (April 28, 2017), has been adopted as proposed.

Effective Date: July 31, 2017.

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

**Subtitle 42 BOARD OF SOCIAL WORK
EXAMINERS**

Notice of Final Action
[17-127-F]

On June 29, 2017, the Secretary of Health adopted amendments to:

- (1) Regulations .03 and .06—.08 under **COMAR 10.42.06 Continuing Education Requirements**; and
- (2) Regulations .02, .04, and .05 under **COMAR 10.42.08 Supervision**.

This action, which was proposed for adoption in 44:10 Md. R. 495—497 (May 12, 2017), has been adopted as proposed.

Effective Date: July 31, 2017.

DENNIS SCHRADER
Secretary of Health

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

Subtitle 08 DESIGNATION OF
TRAUMA AND SPECIALTY
REFERRAL CENTERS

30.08.15 Freestanding Emergency Medical
Facilities

Authority: Education Article, §13-509; *Health-General Article*,
§19-120(o)(3); Annotated Code of Maryland

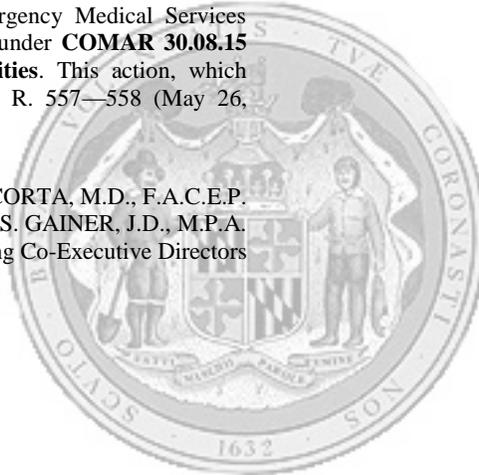
Notice of Final Action

[17-142-F]

On July 11, 2017, the Maryland Emergency Medical Services Board adopted adopt new Regulation .03 under **COMAR 30.08.15 Freestanding Emergency Medical Facilities**. This action, which was proposed for adoption in 44:11 Md. R. 557—558 (May 26, 2017), has been adopted as proposed.

Effective Date: July 31, 2017.

RICHARD L. ALCORTA, M.D., F.A.C.E.P.
PATRICIA S. GAINER, J.D., M.P.A.
Acting Co-Executive Directors



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 08 DEPARTMENT OF NATURAL RESOURCES Subtitle 02 FISHERIES SERVICE

08.02.03 Crabs

Authority: Natural Resources Article, §4-803, Annotated Code of Maryland

Notice of Proposed Action

[17-190-P]

The Secretary of Natural Resources proposes to amend Regulations .11 and .12 under **COMAR 08.02.03 Crabs**.

Statement of Purpose

The purpose of this action is to implement changes that were made to Natural Resources Article, §4-803, Annotated Code of Maryland during the 2017 legislative session. Senate Bill 59 and House Bill 1314 passed during the 2017 legislative session and will be effective July 1, 2017. This legislation requires the Department to adopt regulations to permit commercial harvesters to take crabs using legal gears one hour earlier than current rules permit on certain holidays and the day before those holidays. The proposed action allows commercial crab harvesters to start harvesting crabs one hour earlier than currently allowed on Memorial Day, July 4, Labor Day, and the day immediately preceding those holidays. The change applies to all commercial gear.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The action may have a small positive economic impact on commercial harvesters.

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

NONE

NONE

NONE

Benefit (+)

Cost (-)

Magnitude

- D. On regulated industries or trade groups:

Commercial harvesters

(+)

Indeterminable

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

NONE

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

D. The earlier workday on specified days may provide a small economic benefit for licensees who make use of it. Licensees who harvest early may be able to get to market earlier in the day which will mean that they could sell a higher quality product. Being able to harvest an extra hour could also mean a slightly higher harvest for those days and since the prices are usually better near holidays their income could be slightly increased for those days. The actual amount cannot be determined because it is unknown how many licensees will take advantage of the earlier start time.

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 Blue Crab Harvest Times, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through August 21, 2017. A public hearing will be held on August 2, 2017, at 3 p.m., at Tawes State Office Building, 580 Taylor Avenue, C-1 Conference Room, Annapolis, MD 21401.

.11 Season and Time for Catching Crabs.

A. Commercial.

(1) An individual licensed to catch crabs for sale may remove crabs from commercial gear in the Chesapeake Bay and its tidal tributaries only during the following time periods:

(a) Trotlines:

(i) [Between] *Except as provided in §A(1)(a)(iii) of this regulation, between 1 hour before sunrise to 9 hours after sunrise during the period May through September; [and]*

(ii) (text unchanged)

(iii) *Between 2 hours before sunrise to 9 hours after sunrise on Memorial Day, July 4, Labor Day, and the day immediately preceding each of those holidays; and*

(b) Crab Scrapes:

(i) [Between] *Except as provided in §A(1)(b)(iii) of this regulation, between 1 hour before sunrise to 9 hours after sunrise during the period May through September; [and]*

(ii) (text unchanged)

(iii) *Between 2 hours before sunrise to 9 hours after sunrise on Memorial Day, July 4, Labor Day, and the day immediately preceding each of those holidays; and*

(c) Crab pots, bank traps, channel pounds, collapsible traps, net rings, handlines, dip nets, and pound nets:

(i) *Except as provided in §A(1)(c)(ii) of this regulation, between 1/2 hour before sunrise to 7-1/2 hours after sunrise[.]; and*

(ii) *Between 1-1/2 hours before sunrise to 7-1/2 hours after sunrise on Memorial Day, July 4, Labor Day, and the day immediately preceding each of those holidays.*

[(d)] (2) (text unchanged)

[(2)] (3) An individual licensed to catch crabs for sale may set or place overboard scrapes only during the following time periods:

(a) [Between] *Except as provided in §A(3)(c) of this regulation, between 1 hour before sunrise to 9 hours after sunrise during the period May through September; [and]*

(b) *Between sunrise and 10 hours after sunrise during April and October[.]; and*

(c) *Between 2 hours before sunrise to 9 hours after sunrise on Memorial Day, July 4, Labor Day, and the day immediately preceding each of those holidays.*

[(3)] (4) Crab pots already on board a boat at the end of the [8-hour period] *time periods* specified in §A(1)(c) of this regulation may be set during a period of 1 hour immediately following [that 8-hour period] *those time periods.*

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

B.—C. (text unchanged)

.12 Special Regulations for Crabbing in Worcester County.

A.—C. (text unchanged)

D. Commercial Daily Time Restrictions. A person licensed to catch crabs for sale may remove crabs from commercial gear and set or retrieve crab pots in the coastal bays of the Atlantic Ocean and their tidal tributaries only during the following time periods:

(1) *Between sunrise and 8-½ hours after sunrise during April and October; [and]*

(2) [Between] *Except as provided in §D(3) of this regulation, between ½ hour before sunrise to 8 hours after sunrise during the period May through September[.]; and*

(3) *Between 1-1/2 hours before sunrise to 8 hours after sunrise on Memorial Day, July 4, Labor Day, and the day immediately preceding each of those holidays.*

E.—F. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources

**Title 11
DEPARTMENT OF
TRANSPORTATION**

**Subtitle 11 MOTOR VEHICLE
ADMINISTRATION—**

ADMINISTRATIVE PROCEDURES

**11.11.16 Expungement of Public Motor Vehicle
Administration Records**

Authority: Transportation Article, §§12-104(b) and 16-117.1; Annotated Code of Maryland

Notice of Proposed Action

[17-193-P]

The Administrator of the Motor Vehicle Administration proposes to adopt new Regulations .01—03 under a new chapter, **COMAR 11.11.16 Expungement of Public Motor Vehicle Administration Records.**

Statement of Purpose

The purpose of this action is to set procedures for the Motor Vehicle Administration to expunge the public driving record of a licensee in order to conform to Chapter 717, House Bill 1017, Acts of 2017.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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 August 21, 2017. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to set standards and procedures for the expungement of a public driving record by the Motor Vehicle Administration, as set forth in Transportation Article, §16-117.1, Annotated Code of Maryland.

.02 Expungement of a Public Driving Record.

A. The public driving record entries of a licensee that are eligible for expungement shall be expunged within 31 days of becoming eligible for expungement.

B. Suspensions related to driver safety and revocations shall delay a licensee’s eligibility for expungement as set forth in Transportation Article, §16-117.1, Annotated Code of Maryland.

C. The Administration has determined that:

(1) The following driver’s license suspensions are not related to driver safety:

(a) Upon death of a co-signer, as set forth in Transportation Article, §16-109, Annotated Code of Maryland;

(b) Failure to pay Child Support, as set forth in Transportation Article, §16-203, Annotated Code of Maryland;

(c) Outstanding Arrest Warrant, as set forth in Transportation Article, §16-204, Annotated Code of Maryland;

(d) Nonpayment of judgment, as set forth in Transportation Article, §17-204, Annotated Code of Maryland;

(e) Dispensing of motor fuel into a dirt bike in Baltimore City, as set forth in Transportation Article, §21-1128, Annotated Code of Maryland;

(f) Failure to appear or comply, as set forth in Transportation Article, §26-204, Annotated Code of Maryland;

(g) Failure to pay, as set forth in Transportation Article, §27-103, Annotated Code of Maryland;

(h) Possession of alcohol by a minor, as set forth in Criminal Law, §10-114 and Courts and Judicial Proceedings, §3-8A-19;

(i) Failure to pay for motor fuel, as set forth in Criminal Law, §7-104 and Transportation Article, §16-206.1, Annotated Code of Maryland;

(j) Improper use of a driver’s license or identification card by a minor to obtain alcohol, as set forth in Criminal Law Article, §10-113 and Courts and Judicial Proceedings Article, §3-8A-19, Annotated Code of Maryland;

(k) Noncompliance with traffic citation issued under federal law, as set forth in Transportation Article, §26-206 and Nonpayment of fine, as set forth in Transportation Article, §27-103, Annotated Code of Maryland; and

(l) Rejection by Maryland Automobile Insurance Fund, as set forth in Transportation Article, §17-105, Annotated Code of Maryland; and

(2) Driver license suspensions not listed under §C(1) of this regulation are related to driver safety.

.03 Refusal to Expunge a Public Driving Record.

A. The Administration shall not expunge the public driving record entries of a licensee who:

(1) Is currently:

- (a) Refused;
- (b) Canceled;
- (c) Suspended; or
- (d) Revoked;

(2) Has a pending:

- (a) Refusal;
- (b) Cancellation;
- (c) Suspension; or

(d) Revocation;

(3) Has a restricted license in lieu of a driver safety related suspension; or

(4) The Administration has determined has not driven a motor vehicle on the highways during the particular conviction-free period on which the expungement is based.

B. The Administration shall not expunge certain driving records entries, pursuant to Transportation Article, §16-117.1(d), Annotated Code of Maryland.

C. The Administration shall not expunge any driving record entries relating to a commercial driver’s license before the expiration of the time they are required to be retained under Transportation Article, §16-819, Annotated Code of Maryland, and in accordance with 49 CFR 384.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Subtitle 19 MOTOR VEHICLE ADMINISTRATION—SCHOOL VEHICLES

11.19.04 School Vehicle Inspection

Authority: Transportation Article, §§12-104(b) and 25-110, Annotated Code of Maryland

Notice of Proposed Action

[17-194-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulations .02, .03, .06, .07, and .10 and adopt new Regulation .11 under **COMAR 11.19.04 School Vehicle Inspection**.

Statement of Purpose

The purpose of this action is to set standards and procedures for the inspection of a school vehicle “head start vehicles” in order to conform to Ch. 696, S.B. 341, Acts of 2017.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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 August 21, 2017. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (3) (text unchanged)

(4) “Head start vehicle” has the meaning defined in Transportation Article, §11-154(a)(2)(iii), Annotated Code of Maryland.

(5) "Head start vehicle inspection" means an annual Type A inspection of a head start vehicle completed by an inspection mechanic at an authorized Maryland State Inspection facility.

(6) "Inspection mechanic" means an individual that is licensed by the Administration or Automotive Safety Enforcement Division to perform vehicle safety inspections on a specific class of vehicles.

[(4)] (7) — [(10)] (13) (text unchanged)

.03 School Vehicle Inspection Procedures.

A. (text unchanged)

B. Type B Inspections.

(1) — (8) (text unchanged)

(9) Minor Defects.

(a) — (d) (text unchanged)

C. Head Start Vehicle Inspection. During each 12-month period, the owner of a head start vehicle shall submit to the Administration a certification that a head start vehicle inspection was completed by an inspection mechanic at an authorized Maryland State Inspection facility.

.06 School Vehicles Manufactured Before April, 1977.

A. Every 12 months the Administration shall schedule three inspections for a school vehicle manufactured before April, 1977. These inspections shall be conducted as follows:

(1) For a Type I or Type II school vehicle:

(a) Two Type B inspections shall be conducted by a [school vehicle inspector] MVA compliance agent; and

[(2)] (b) (text unchanged)

(2) For a head start vehicle:

(a) Two Type B inspections shall be conducted by a MVA compliance agent; and

(b) One head start vehicle inspection shall be conducted by an inspection mechanic at an authorized Maryland State Inspection facility.

B. Type B Inspection.

(1) (text unchanged)

(2) The vehicle owner's mechanic shall assist the [school vehicle inspector] MVA compliance agent and shall raise the vehicle for performing the inspection.

(3) The results of each Type B inspection shall be recorded by the [school vehicle inspector] MVA compliance agent and witnessed by the owner or his authorized agent.

.07 [Buses] School Vehicles Over 12 Years Old.

A. A school [bus] vehicle over 12 model or calendar years old, after initial registrations:

(1) Shall, at the end of the 12th year, have:

(a) For a Type I or Type II school vehicle, an Inspection certification or a Type A inspection performed [at the end of the 12th year] by an Inspection Mechanic at a licensed State inspection station or a school vehicle inspection station that is certified by the Administration; or

(b) For a head start vehicle, a head start vehicle inspection completed by an inspection mechanic at an authorized Maryland State Inspection facility; and

(2) Is subject to the following annual inspection requirements:

(a) For a Type I or II school vehicle:

(i) One Inspection certification or a Type A inspection conducted by an Inspection Mechanic at a licensed State inspection station or a school vehicle inspection station that is certified by the Administration;

[(b)] (ii) One Type B inspection conducted by an MVA compliance agent; and

[(c)] (iii) One Type B inspection conducted by the owner or the owner's authorized representative: or

(b) For a head start school vehicle:

(i) One head start vehicle inspection completed by an inspection mechanic at an authorized Maryland State Inspection facility;

(ii) One Type B inspection conducted by an MVA compliance agent; and

(iii) One Type B inspection conducted by the owner or the owner's authorized representative.

B. The Type B inspection conducted by the owner or the owner's representative under [§A(2)(c)] §A(2)(a)(iii) or §A(2)(b)(iii) of this regulation shall be conducted and certified as specified in Regulation .03 of this chapter.

C. When a Type B inspection is conducted by a MVA compliance agent under [§A(2)(b)] §A(2)(a)(ii) or (b)(ii) of this regulation:

(1) — (3) (text unchanged)

.10 School Vehicle Tag Certification.

A. (text unchanged)

B. After completing the acceptance inspection of a school vehicle, the MVA compliance agent shall:

(1) If submitting the inspection certification in paper form to the Administration:

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

[(3)] (c) Return one copy of the certification to the Administration's Vehicle Inspection Services Division[.]; or

(2) Submit electronically to the Administration's Vehicle Inspection Services Division.

C. — E. (text unchanged)

F. The supervisor or director of transportation of the local school system shall:

(1) Submit inspection certifications as follows:

[(1)] (a) If submitting the inspection certification in paper form to the Administration:

(i) Issue the inspection certification in strict numbered sequence;

[(2)] (ii) — [(3)] (iii) (text unchanged)

[(4)] (iv) Immediately notify the Administration if any inspection certifications are stolen, lost, or destroyed; and

[(5) Notify the Administration when any change in the supervisor or director of transportation position is made; and]

[(6)] (v) Make certifications available for audit by the Administration during duty hours of the school system involved[.]; or

(b) Submit electronically; and

(2) Notify the Administration when any change in the supervisor or director of transportation position is made.

G. The Vehicle Inspection Services Division shall notify the Administration's Vehicle Registration Section not to accept stolen, lost, or destroyed certifications, which the Administration is notified of, under [§F(4)] §F(1)(a)(iv) of this regulation.

H. (text unchanged)

.11 Head Start Vehicle.

Pursuant to Transportation Article, §11-154, Annotated Code of Maryland, school vehicles may be registered in Maryland that were originally titled in another state and used to transport children, students, or teachers for educational purposes or in connection with a school activity in that state. These vehicles shall comply with regulations on transporting children enrolled in the federally funded Head Start program adopted by the United States Department of Health and Human Services. These Vehicles are to be used solely for transporting children to and from a Head Start program.

A. Head start vehicle owners shall:

(1) Have a head start vehicle inspection conducted for the initial registration and annually thereafter by an inspection mechanic at an authorized Maryland State Inspection facility.

(2) Be issued a School Vehicle Tag Certification (Form EP-216) for tags after being acceptance inspected by the Administration for compliance with COMAR Construction Standards 11.19.02.20 Color and Identification (Lettering) in addition to all equipment necessary for Head Start Transportation in the Code of Federal Regulations, Title 45, §1310.

(3) Submit a School Vehicle Contract Certification (EP-211) written contract certification to the Administration that the vehicle used for Head Start transportation will only be transporting children to and from a Head Start program.

(4) Be issued a Head Start Vehicle registration plate that is centrally issued by the Administration pursuant to Transportation Article, §13-420, Annotated Code of Maryland, after approval from the School Vehicle Safety Section.

B. A head start vehicle shall be constructed with materials that enable it to meet all criteria of the school bus seat upholstery fire block test established by the National School Transportation specifications and procedures adopted at the most recent National Congress on School Transportation.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.01 Provision of a Free Appropriate Public Education

Authority: Education Article, §§2-205, 7-305, 8-301—8-307, 8-3A-01—8-3A-08, and 8-401—8-416; Human Services Article, §§8-401—8-409; Labor and Employment Article, §§11-801 and 11-901 et seq.; State Government Article §9-1607.1; Annotated Code of Maryland
Federal Statutory Reference: 20 U.S.C. §§1411—1416; Federal Regulatory References: 34 CFR 99, 300, and 301

Notice of Proposed Action [17-191-P]

The Maryland State Board of Education proposes to amend Regulation .08 under **COMAR 13A.05.01 Provision of a Free Appropriate Public Education**. This action was considered by the State Board of Education at their meeting held on January 24, 2017.

Statement of Purpose

The purpose of this action is to align Regulation .08 with Education Article §8-408, Annotated Code of Maryland. The proposed amendments inform Individualized Education Program (IEP) teams of the requirement to include orientation and mobility (O&M) instruction in the IEP of a student who is blind or visually impaired, unless the IEP team determines that such instruction is inappropriate and conducts and O&M assessment to substantiate that determination.

Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

34 CFR 300.34 states that orientation and mobility services are “related services” under the Individuals with Disabilities Education Act (IDEA), but it does not direct the Individualized Education Program (IEP) team’s consideration of those services. COMAR 13A.05.01.08 is more stringent than federal standards because it would require an orientation and mobility assessment any time that an IEP team determines orientation and mobility services to be inappropriate, in order to substantiate the IEP team’s determination.

(2) Benefit to the public health, safety or welfare, or the environment:

The benefit of the proposed regulation is to confirm that students who are blind or visually impaired receive appropriate orientation and mobility services as part of their educational program, and that the IEP team assesses current and future needs before denying those services.

(3) Analysis of additional burden or cost on the regulated person:

The additional burden consists of conducting orientation and mobility assessments each time an IEP team determines orientation and mobility services to be inappropriate. The burden will vary depending on the number of students who are blind and visually impaired and for whom orientation and mobility services were initially determined to be inappropriate. A local school system may need to hire more staff, pay contractors, or train existing staff so that enough qualified individuals are available to conduct assessments and provide instruction.

(4) Justification for the need for more restrictive standards:

The more restrictive standards are necessary to comply with Education Article §8-408, which was amended by the General Assembly in 2015 to ensure that students who are blind and visually impaired are not under-identified for orientation and mobility services.

Estimate of Economic Impact

I. Summary of Economic Impact. To ensure that all students who are blind or visually impaired receive appropriate and adequate instruction in Orientation and Mobility, including safe and efficient travel skills, the new regulations require that all blind or visually impaired students receive either orientation and mobility instruction or, if such instruction is determined to be not appropriate, an orientation and mobility assessment to verify that initial determination. Local school systems may need to hire more staff, pay contractors, or train existing staff to administer such assessments and, as appropriate, provide orientation and mobility instruction.

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

	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.)

C. Will vary by local school system and be driven by the Individualized Education Programs of each student eligible.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

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

Under the new regulation, students who are blind or visually impaired will have an assumed need for Orientation and Mobility instruction. If the Individualized Education Program team determines such instruction to be inappropriate, a qualified individual is required to conduct an orientation and mobility assessment to ensure current and future needs are addressed.

Opportunity for Public Comment

Comments may be sent to Carmen A. Brown, LCSW-C, Brach Chief, Interagency Collaboration, Division of Special Education/Early Intervention Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7197 (TTY 410-333-6442), or email to carmen.brown1@maryland.gov, or fax to 410-333-1571. Comments will be accepted through August 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by State Board of Education during a public meeting to be held on September 19, 2017, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.08 Individualized Education Program (IEP) Team Responsibilities.

A. IEP Development.

(1)—(5) (text unchanged)

(6) *Blind or Visually Impaired Students.*

(a) If a student is blind or visually impaired, the IEP team shall provide for instruction in:

(i) [braille] *Braille* and the use of braille, including textbooks in braille, unless the IEP team determines that instruction in braille is not appropriate for the student in accordance with 34 CFR §300.324(a)(2)(iii), Education Article, §8-408, Annotated Code of Maryland, and COMAR 13A.06.05.01[.]; and

(ii) *Orientation and mobility, unless the IEP team determines that instruction in orientation and mobility is not appropriate for the student in accordance with Education Article, §8-408, Annotated Code of Maryland, and §A(6)(b)—(d) of this regulation.*

(b) *If the IEP team determines that instruction in orientation and mobility is not appropriate for the student, the IEP team shall order an orientation and mobility assessment, consistent with guidelines established by the Department, that:*

(i) *Includes input from the student’s parent or guardian;*

and
(ii) *Includes input from the student’s classroom teacher;*
(iii) *Takes into consideration the student’s age, current and future needs, ability to function in familiar and unfamiliar areas, and ability to function under various lighting conditions.*

(c) *To be qualified to conduct an orientation and mobility assessment under §A(6)(b) of this regulation or provide orientation and mobility instruction, an individual shall:*

(i) *Hold a Bachelor’s degree from an accredited college or university; and*

(ii) *Have completed any one of the credentialing options listed in §A(6)(d) of this regulation.*

(d) *Credentialing Options. To meet the credentialing requirement under §A(6)(c) of this regulation, an individual may:*

(i) *Hold a certificate as a Certified Orientation and Mobility Specialist (COMS) from the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP);*

(ii) *Hold National Orientation and Mobility Certification (NOMC) from the National Blindness Professional Certification Board (NBPCB); or*

(iii) *Complete all requirements of a university-based program in orientation and mobility, including a supervised internship or externship in orientation and mobility.*

(7)—(11) (text unchanged)

B. (text unchanged)

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

Title 14
INDEPENDENT AGENCIES
Subtitle 28 CANAL PLACE
PRESERVATION AND
DEVELOPMENT AUTHORITY

14.28.08 Procurement

Authority: Financial Institutions Article, §13-1008(4), Annotated Code of Maryland

Notice of Proposed Action

[17-184-P]

The Canal Place Preservation and Development Authority proposes to amend Regulations .02—.14 under **COMAR 14.28.08 Procurement.**

Statement of Purpose

The purpose of this action is to revise, update, and clarify the procurement regulations for the Canal Place Preservation and Development Authority (CPPDA).

With limited exceptions, the CPPDA is exempt from the regulations that govern procurement for most State agencies. (See Financial Institutions Article, §13-1027, Annotated Code of Maryland.) Instead, the CPPDA is required to have “written policies and procedures” governing procurement which cover issues including methods of procurement, advertising requirements, procurement goals, and approval processes. To this end, the CPPDA first adopted procurement regulations in 1995, which were last updated, in part, in 2009. A wholesale revision of the regulations has never occurred, and as the result the existing regulations are out-of-date, lack clarity in many respects, and are in some ways inconsistent with current best practices in procurement. Also, dollar thresholds for certain levels of

procurement authority and authorized procurement methods remain unadjusted for inflation and current operational realities. These revisions to the CPPDA's procurement regulations address these issues.

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 Paul Cucuzzella, Assistant Attorney General, Office of the Attorney General/ Maryland Department of Planning, 301 W. Preston St., 11th Floor, Baltimore, Maryland 21201, or call 410-767-1409, or email to paul.cucuzzella@maryland.gov, or fax to 410-697-9566. Comments will be accepted through August 21, 2017. A public hearing has not been scheduled.

.02 Scope and General Provisions.

A. This chapter does not apply to [the following]:

- (1) — (3) (text unchanged)
- (4) [Contracts] *Procurements* with [a] *an agency or unit of the federal [or] government, a State agency or unit, [or a] an agency or unit of a local jurisdiction, or an agency or unit of the government of another state;*
- (5) — (6) (text unchanged)
- (7) Agreements creating employee-employer relationships; [or]
- (8) *An agreement entered into by the Authority to lease real property as lessor; or*
- (9) A procurement *made* on behalf of a local jurisdiction if the:
 - (a) (text unchanged)
 - (b) Governing body of the local jurisdiction requests the Authority to waive its procedures[.]; and
 - (c) (text unchanged)

B. Except as provided in [Regulation .02A of this chapter] §A of *this regulation*, this chapter applies to each expenditure of the Authority for the acquisition of supplies, services, or construction[, or professional services].

C. Exemptions.

(1) The Authority is generally exempt from the provisions of, and the regulation adopted under, State Finance and Procurement Article, Division II, Annotated Code of Maryland[, and the regulations adopted under Division II].

(2) The Authority is not exempt from *the Minority Business Participation provisions* of State Finance and Procurement Article, Title 14, Subtitle 3, [and], *Annotated Code of Maryland, or the regulations adopted under those provisions.*

D. Authority to Act.

(1) *Unless otherwise specified in the regulations of this chapter, the Membership of the Authority, the Executive Director, or the Executive Director's designee may undertake any action, determination, decision, or other exercise of authority that is directed, permitted, or contemplated by the regulations of this chapter.*

(2) *The Executive Director may delegate to an employee of the Authority any authority that the regulations of this chapter grant to the Executive Director.*

E. *Procurement Records.*

(1) *The Authority shall maintain a record for each procurement that includes all solicitations, bids or proposals, determinations, contracts, debriefing records, and other materials pertinent to the procurement.*

(2) *The Authority's record of a procurement shall be available for public inspection as provided for and limited by the Public Information Act, General Provisions Article, Title 4, Annotated Code of Maryland.*

(3) *The Authority may not disclose proprietary information submitted to the Authority in response to a solicitation, except as required by law.*

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) "County" means any *one* of the 23 counties of the State and the Mayor and City Council of Baltimore, and any of its agencies or instrumentalities.

(7) (text unchanged)

(8) "Determination" means a written procurement decision made by [an official or employee of] the Authority [which is based upon written findings].

(9) "Emergency" means a sudden and unexpected occurrence or condition which management of the Authority could not reasonably foresee and which requires an action to avoid or to mitigate damage to the environment, to health, safety, or welfare, or to Authority property.].

[(10)] (9) (text unchanged)

[(11)] (10) "Invitation for bids" means [any] a document used [for soliciting] to solicit bids.

[(12)] (11) "Local jurisdiction" means [any] a county or municipality[, or any of their agencies or instrumentalities].

(12) "Membership of the Authority" means *the Membership of the Canal Place Preservation and Development Authority, as composed in accordance with Financial Institutions Article, §13-1005(a), Annotated Code of Maryland.*

(13) "Municipality" means a municipal corporation in the State subject to the provisions of Article XI-E of the Maryland Constitution, and any of its agencies or instrumentalities.

(14) "Offeror" means *a person who submits a proposal to the Authority.*

[(14)] (15) "Person" means an individual, receiver, trustee, guardian, personal representative, corporation, partnership, association, *unit of government*, or any other entity.

[(15)] (16) "Procurement" includes all functions that pertain to the process of purchasing or otherwise obtaining supplies, services, or construction[, or leasing personal property as lessee].

[(16)] "Procurement officer" means a person authorized to:

- (a) Enter into or administer procurement contracts, or
- (b) Make written determinations and findings with respect to procurement contracts.

(17) "Professional services" means services provided by architects, engineers, land surveyors, appraisers, accountants, financial advisors, attorneys, or other professional consultants.

[(18)] (17) Proposal.

(a) "Proposal" means the response by an offeror to a request for proposals [to obtain supplies, services, or construction].

(b) (text unchanged)

[(19)] (18) "Request for proposals" means [any] a document used [for soliciting] to solicit proposals [from offerors].

[(20)] (19) "Responsible" means capable in all respects of dutifully performing all requirements [of a procurement contract] contained in a solicitation and having the integrity and reliability

[that can ensure] *to assure* good faith performance of the procurement contract.

[(21)] (20) “Responsive” means conforming in all material respects to the requirements contained in a solicitation.

[(22)] (21) “Services” means the rendering of time, effort, or work, rather than the furnishing of a specific physical product other than reports incidental to the required performance, *such as professional services provided by architects, engineers, land surveyors, appraisers, accountants, financial advisors, attorneys, or other professional consultants.*

[(23)] “Sole source procurement” means a procurement for supplies, services, or construction that is available from only a single vendor.

(24) (22) “Solicitation” means an invitation for bids, a request for proposals, or any other method or instrument used to communicate to potential bidders or offerors *a procurement need of the [Authority’s procurement needs] Authority.*

[(25)] (23) (text unchanged)

.04 Contract Approval Authority.

A. Contract Approval. *The authority to approve a procurement contract for the Authority, subject to the requirement of §B of this regulation, rests with:*

(1) The Executive Director[:] *for a procurement contract that is less than or equal to \$50,000; and*

[(a) Except as provided in §C of this regulation, shall approve procurement contracts of the Authority; and

(b) May delegate authority to approve a procurement contract of the Authority to an Authority employee.]

(2) *The Membership of the Authority for a procurement contract that exceeds \$50,000.*

B. *If the Authority estimates that a solicitation will result in the award of a procurement contract that exceeds \$50,000, the Membership of the Authority shall approve the solicitation for the procurement before issuance of the solicitation.*

C. A procurement contract is [approved if the] *not effective or enforceable against the Authority unless the procurement contract is:*

[(a)] (1) [Authority approves the procurement contract as required in §C] *Approved as authorized under §A of this regulation;*

[(b)] (2) *In writing, except as provided in Regulation .06F of this chapter regarding small procurements; and*

(3) *The Executive Director [or an employee of the Authority described in §A(1)(b) of this regulation] signs the procurement contract or otherwise expresses [the Executive Director’s or the employee’s] in writing the Authority’s approval of the procurement contract [in writing].*

[(3) Except as provided in this regulation, a procurement contract is not enforceable against the Authority if the contract has not been approved as required in this regulation.

(4) Except as provided in Regulation .06E of this chapter:

(a) The procurement contracts of the Authority shall be in writing; and

(b) An oral contract purporting to bind the Authority is not enforceable against the Authority.

B.] D. *The Executive Director shall report to the Membership of the Authority on any procurement contract [award] approved by the Executive Director as authorized under §A(1) of this regulation that is in an amount exceeding [\$15,000] \$25,000[, but less than or equal to \$35,000].*

[C. Authority Approvals.

(1) If the Executive Director estimates that a procurement will result in the award of a procurement contract that exceeds \$35,000, the Authority shall first approve a solicitation notice for the procurement before distributing the notice.

(2) The Authority shall approve a procurement contract for more than \$35,000 before awarding the contract if:

(a) A solicitation notice was not approved for the contract as provided in §C(1) of this regulation; or

(b) The amount of the procurement contract award exceeds the Authority’s estimate of the procurement by an amount specified by the Authority.]

.05 Determinations.

[Determinations] *A determination required by [these regulations] this chapter shall be in writing [signed by the procurement officer.] and shall be retained by the Authority for not less than 3 years from the date of the determination.*

.06 Methods of Procurement, Source Selection, and Solicitation.

A. [The] *Authorized Methods of Procurement. All procurement contracts entered into by the Authority [may use] shall be awarded by one of the following procurement methods:*

(1) *Competitive sealed bidding in accordance with Regulation .07 of this chapter;*

(2) *Competitive sealed proposals in accordance with Regulation .08 of this chapter;*

(3) *Negotiated award after unsatisfactory competitive sealed bidding in accordance with Regulation .07I of this chapter;*

(4) *Sole source procurement in accordance with Regulation .09 of this chapter; [and]*

(5) *Small procurement in accordance with §F of this regulation; or*

(6) *Emergency procurement in accordance with Regulation .10 of this chapter.*

B. *Source Selection.*

(1) *The Authority may use small procurement for a procurement estimated by the Authority to be less than or equal to \$25,000.*

(2) *Competitive sealed bidding shall be the preferred method for any procurement estimated by the Authority to exceed \$25,000.*

(3) *For a procurement estimated by the Authority to exceed \$25,000, the Authority may use:*

(a) *Competitive sealed proposals if the Authority determines that:*

(i) *The procurement does not permit an award based solely on most favorable bid price or most favorable evaluated bid price;*

(ii) *Competitive sealed bidding is not practicable; or*

(iii) *Competitive sealed bidding is not advantageous to the Authority;*

(b) *Negotiated award after unsatisfactory competitive sealed bidding as authorized under Regulation .07I of this chapter;*

(c) *Sole source selection as authorized under Regulation .09 of this chapter; or*

(d) *Emergency procurement as authorized under Regulation .10 of this chapter.*

[B.] C. — [C.] D. (text unchanged)

[D.] E. Notice of Solicitation.

(1) [The Authority shall distribute solicitation notices in a manner reasonably sufficient to provide general notice to potential bidders or offerors. The Authority shall issue solicitation notices in a reasonable time in advance of the date responses are due. The Authority may charge reasonable fees for the solicitation documents.

(2) For a procurement estimated by the Authority to exceed [\$35,000] \$50,000, the Authority shall publish a notice of [the] solicitation:

(a) *At least 10 days before the due date identified in the solicitation for receipt of bids or proposals;*

(b) *On the Authority’s website; and*

(c) [in] *In an appropriate publication [at least 10 days before the date bids or proposals are due].*

[(3)] (2) For a procurement estimated by the Authority to [be more than \$15,000] *exceed \$25,000, but to be less than or equal to [\$35,000] \$50,000, the Authority [may issue a] shall publish a notice of solicitation [notice by posting the notice on a solicitation board at]:*

(a) *At least 10 days before the due date identified in the solicitation for receipt of bids or proposals;*

(b) *On the Authority's [offices, or] website; and*

(c) *If determined necessary by the Authority, by any other reasonable method taking into consideration the [estimated amount] nature of the procurement.*

(3) *For a procurement estimated by the Authority to exceed \$10,000, but to be less than or equal to \$25,000, the Authority shall issue a notice of solicitation:*

(a) *In a manner reasonably sufficient to provide general notice to potential bidders or offerors; and*

(b) *Reasonably in advance of the due date identified in the solicitation for responses to the solicitation.*

[E.] F. Small Procurement.

(1) For a procurement estimated by the Authority to be equal to or less than [\$7,500] *\$10,000, the Authority may:*

(a) [solicit any number of] *Solicit oral bids from any number of bidders[.]; and*

(b) [the Authority may enter] *Enter into either a written or an oral [contracts] procurement contract.*

(2) For a procurement estimated by the Authority to exceed [\$7,500] *\$10,000, but to be less than or equal to [\$15,000] \$25,000, the Authority shall [obtain at least three written bids.];*

(a) *Solicit bids as required by §E(3) of this regulation; and*

(b) [the Authority may enter] *Enter into [either] a written [or oral contracts] procurement contract.*

.07 Procurement by Competitive Sealed Bidding.

A. [Applicability. This regulation applies to any procurement of the Authority except as provided in Regulations .06E and .08—10 of this chapter.

B.] Invitations for Bids. The Authority shall initiate a procurement by competitive sealed bidding by issuing an invitation for bids[. The invitation for bids shall include] *that includes:*

(1) *The procurement specifications;*

(2) [a written] *A bid form [based upon the specifications.];*

(3) [a] *A statement to be executed by the bidder that the bidder agrees to all terms, [and] conditions, and provisions of, and any [addenda, if any,] amendments to, the invitation for bids[.];*

(4) *Instructions on bid submission requirements, including the due date and address for bid submission;*

(5) [the] *The time and place of bid opening[.]; and*

(6) Any [such] other *instructions or information requirements as the Authority [reasonably] considers necessary. [The Authority may require bidders to submit samples or descriptive literature.]*

[C.] B. Prebid Conferences. The Authority may conduct prebid conferences[,] and [may] require [that] *the attendance [by] of bidders [be mandatory].*

C. Amendments to Initiations for Bids.

(1) *The Authority may amend an invitation for bids by:*

(a) *Publishing the amendment in the same manner that the Authority published the invitation for bids; and*

(b) *Delivering the amendment to all prospective bidders known by the Authority to have either received the invitation for bids or expressed an interest in the invitation for bids.*

(2) *A prospective bidder who receives delivery of an amendment from the Authority shall acknowledge receipt of the amendment.*

D. Bid Modifications and Withdrawal.

(1) A bidder may modify or withdraw a bid before bid opening by submitting written notice of *modification or withdrawal* to the Authority.

(2) The Authority shall return any bid security to a bidder if the bidder withdraws the bidder's bid in accordance with this [regulation] section.

E. Late Bids, Late Withdrawals, Late Modifications.

(1) The Authority may not consider a bid, bid withdrawal, or bid modification, received by the Authority after [the] bid opening [time and date], except that the Authority may consider a late bid, late withdrawal, or late modification, if the delay was substantially caused by the Authority. [The bidder is solely responsible for timely receipt of the bidder's bid.]

(2) (text unchanged)

F. Receipt and Opening of Bids.

(1) The Authority shall store bids *and any bid modifications* in a secure location before bid opening.

(2) The Authority may not disclose the identity of any bidder before bid opening.

(3) *Bid opening shall occur at the date, time, and place identified in the invitation for bids.*

(4) [An] *At bid opening, an employee of the Authority shall open bids publicly, read the bids aloud, [and] record the bids, and [at the date, time, and place set for bid opening in the bid notice. Opened bids shall be available for public inspection to the extent required by State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland. The Authority may not disclose proprietary information submitted by a bidder, except as required by law. Prices, makes, models, catalog numbers, delivery, and payment terms shall be made available for public inspection*

(4) After bids have been opened, the Authority shall] prepare a bid tabulation.

(5) [A bidder shall acknowledge receipt of bid addenda] *The Authority shall reject as nonresponsive any conditional bid.*

G. Bid Mistakes.

(1) The [procurement officer] *Authority may waive minor or technical irregularities in a bid if waiver is in the Authority's best interests.*

(2) Before award, a successful bidder may be permitted to withdraw its bid if the bidder presents clear and convincing evidence to [the procurement officer] *the Authority that:*

(a) [an] *An error has been made[, or if an error is obvious from the face of the bid documents.] in the bid; and*

(b) *The error is such that, had the error not been made, the bid as submitted would not have included the bid price or other material term.*

(3) If an error, and the intended correction of [a bid] *the error, are evident on the face of the bid documents, the bid shall be corrected and may not be withdrawn.*

(4) After [procurement contract] award[.];

(a) [a] *A mistake in a bid may only be corrected if the Authority determines that it would be unconscionable not to permit correction[.]; and*

(b) *The Authority may not allow any change in price.*

H. Bid Evaluation and Award.

(1) The Authority [procurement contract] shall [be awarded] *award the procurement contract to the responsible bidder who [submitting] submits the most favorable [responsive] bid price or most favorable evaluated bid price.*

[I.] (2) [Tie Bids.] If responsive tie bids are received from two or more responsible bidders, the Authority shall award the procurement contract in the same manner as provided in COMAR 21.05.02.14.

[J. Conditional Bids. The Authority shall reject as nonresponsive any conditional bid.

K.] *I. Procurement by Negotiated Award After Unsatisfactory Competitive Sealed Bidding.*

(1) The Authority may conduct discussions with bidders if, after bids have been opened:

(a) All bids are rejected [pursuant to] *under* Regulation .12 of this chapter;

(b) All bids [submitted result in] *included a bid* [prices] *price* in excess of funds available; or

(c) The [procurement officer, with the approval of the Executive Director,] *Authority* determines that all *bid* prices received are unreasonable as to one or more of the Authority's requirements and:

(i) There are no funds available to permit an award to the responsible bidder submitting the most favorable bid[.]; or

(ii) (text unchanged)

(2) [The] *If any of the circumstances in §I(1) of this regulation occurs, the Authority may:*

(a) [request] *Request that the bidders [to] submit revised bids[.]; and*

(b) [The Authority may conduct] *Conduct* discussions with bidders after revised bids have been submitted if the [procurement officer] *Authority* determines that [there is a compelling need for further discussions] *it is in the best interest of the Authority to do so.*

(3) [If there is more than one bidder, any] *Any* discussions conducted under this section concerning revised specifications or quantities shall be conducted with all responsible bidders.

(4) *The Authority shall award the procurement contract under this section to the responsible bidder who offered the most favorable bid price or most favorable evaluated bid price.*

.08 Procurement by Competitive Sealed Proposals.

A. Request for Proposals. *The Authority shall initiate a procurement by competitive sealed proposals by issuing a request for proposals that includes:*

(1) [A request for proposals shall include:

(a) The] *Information concerning proposal submission requirements, including the date, time, and place for submission of proposals;*

[(b) The proposal requirements, including price proposals;

(c)] (2) [The evaluation] *Evaluation* factors and *the* relative importance of each; [and

(d)] (3) A statement of *the required scope of work or scope of services and performance schedule* [required by the Authority.]; and

[(2)] (4) [A request for proposals may include] *Such* other information or requirements as the Authority [reasonably determines is] *may determine* necessary.

[(3)] B. *Preproposal Conferences.* The Authority may conduct preproposal conferences[,] and [may] require [that] *the* attendance by offerors [be mandatory].

C. *Amendments to Requests for Proposals.*

(1) *The Authority may amend a request for proposals by:*

(a) *Publishing the amendment in the same manner that the Authority published the request for proposals; and*

(b) *Delivering the amendment to all prospective offerors known by the Authority to have either received the request for proposals or expressed an interest in the request for proposals.*

(2) A *prospective offeror who receives delivery of an amendment from the Authority shall acknowledge receipt of the amendment.*

D. *Proposal Modification and Withdrawal.* An offeror may modify or withdraw a proposal before proposals are due by submitting written notice of modification or withdrawal to the Authority.

[B.] E. *Receipt and Opening of Proposals.*

(1) [A proposal, withdrawal, or modification received after the established due date and time, at the place designated for receipt of proposals, is late and may only be considered as provided for bids under Regulation .07E of this chapter.

(2)] *Proposals and modifications of proposals received by the Authority shall be held in a secure place until proposals are due.*

(2) *The Authority may open proposals at any time after proposals are due.*

(3) The Authority may not:

(a) [open] *Open* proposals publicly[.]; or

(b) [The Authority may not disclose] *Disclose* the contents of a proposal to any person other than a person responsible for evaluating or reviewing the proposal before procurement contract award. [The Authority may not disclose proprietary information submitted by an offeror, except as required by law.]

(4) *A proposal, withdrawal of proposal, or modification of proposal, received after proposals are due, is late and may only be considered as provided for bids under Regulation .07E of this chapter.*

(3) An offeror shall acknowledge receipt of addenda in its proposal.]

[C.] F. *Proposal Evaluation.*

(1) The Authority shall evaluate proposals:

(a) [using] *Using* the evaluation factors set forth in the request for proposals[.]; and

(b) *For a determination of which proposal is most advantageous to the Authority.*

(2) Technical proposals and price proposals shall be evaluated independently [of one another].

(3) (text unchanged)

[D.] G. *Discussions.*

(1) [The Authority may conduct discussions with qualified offerors. A] *As used in this section and in §E of this regulation, a "qualified offeror" is an offeror who submits a proposal in response to a request for proposals that [is determined by the procurement officer] the Authority determines is [to be] reasonably susceptible [to] of being selected for award of the procurement contract [award].*

(2) *The Authority may conduct discussions with a qualified offeror to:*

[(2) Discussions with qualified offerors may be held to:]

(a) [Ensure] *Assure that the offeror has full understanding of the Authority's requirements;*

(b) [and] *Assure that the Authority had full understanding of the offeror's proposal and ability to perform;*

[(b)] (c) [Obtain] *Negotiate the best price or other contract terms for the Authority; [and] or*

[(c)] (d) *Facilitate [arrival at] a procurement contract that is most advantageous to the Authority, taking into consideration price and other relevant evaluation factors set forth in the request for proposals.*

(3) The Authority shall treat qualified offerors fairly and equally with respect to [any] opportunity for discussions[, negotiations, or clarification of proposals].

[E.] H. *Best and Final Offers.* [The procurement officer]

(1) *The Authority may [permit a] request that each qualified [offerors] offeror [to revise their initial proposals by submitting] submit a best and final [offers] offer if the Authority determines that it is in the Authority's best interest to do so.*

(2) The Authority may:

(a) [require] *Require* more than one series of submissions of best and final offers; and

(b) *Engage in discussions on a best and final offer in accordance with §D of this regulation.*

(3) If the Authority requests more than one submission of best and final offers [is requested] and an offeror does not submit an offer in response to a request, the offeror's immediate previous offer shall be [construed as its] considered by the Authority as the offeror's best and final offer unless the offeror submits a timely notice of withdrawal of that immediate previous offer.

[F.] I. Procurement Contract Award. [Upon completion of] After completing all discussions and [negotiations] evaluations, the [procurement officer] the Authority shall:

(1) [make a determination] Determine [recommending award of the procurement contract to the responsible offeror whose] which proposal is [determined to be the] most advantageous to the Authority[.];

(2) Award the procurement contract based on the determination; and

(3) [The procurement officer shall] After award, promptly notify all unsuccessful offerors [of the recommended procurement contract award].

[G.] J. Debriefing of Unsuccessful Offerors.

(1) [When] If a procurement contract is [to be] awarded on some basis other than price alone, an unsuccessful offeror may [be debriefed upon the offeror's], within 10 days of the unsuccessful offeror's receipt of notification of the award, submit to the Authority a written request [submitted to the procurement officer within 10 days after the offeror has knowledge that the procurement contract is to be awarded to another offeror] for a debriefing from the Authority. [Debriefings shall be conducted by a procurement official familiar with the rationale for the selection decision and procurement contract award.]

(2) [Debriefing] A debriefing shall:

(a) Be conducted by an employee of the Authority who is familiar with the Authority's evaluation and determination on the procurement;

[(a)] (b) Be limited to discussion of the unsuccessful offeror's proposal and the Authority's evaluation of the proposal;

(c) [and may not include any discussion of a competing offeror's proposal];

(b)] Be factual and consistent with the evaluation of the unsuccessful offeror's proposal; and

[(c)] (d) Provide information on areas in which the Authority considered the unsuccessful offeror's technical proposal [was considered] to be weak [or], deficient, or less competitive.

(3) [Debriefing] A debriefing may not include:

(a) Discussion of a competing offeror's proposal; or

(b) [discussion] Discussion or dissemination of the thoughts, notes, or rankings of individual members of an evaluation committee[, but may include a summary of the procurement officer's rationale for the selection decision and recommended procurement contract award].

(4) A summary of the debriefing shall be made a part of the procurement contract file].

.09 Sole Source Procurement.

A. [Conditions for Use] Applicability. The Authority may award a procurement contract to a sole source without competition:

(1) [Except as provided in §B of this regulation, sole source procurement is not permissible unless] When a requirement is available from only a single source or vendor[.]; or

(2) [The determination as to whether a procurement shall be made as a sole source shall be made by the procurement officer and approved by the Executive Director. The determination and the basis for the determination shall be in writing. The Authority may not award a procurement contract to a sole source before the Executive Director's approval.

B. Confidential Services. The Authority may enter into a sole source procurement contract to] To retain [the] confidential services [of a contractor]:

(1) (text unchanged)

(2) For the appraisal of real property contemplated for acquisition by the Authority.

C. Determination. A determination to make a procurement by sole source without competition shall be made by the Executive Director based on a finding that a sole source procurement is in the Authority's best interest.

.10 Emergency Procurement.

A. [Application] Applicability. The [procurement officer, with the prior approval of the Executive Director.] Authority may award [an emergency procurement] a contract by emergency procurement when:

(1) There occurs a sudden and unexpected event or condition that the Authority did not reasonably foresee; and

(2) Due to the constraints of time, procurement by other than competitive sealed bidding or competitive sealed proposals [under Regulation .07 or .08 of this chapter].

B. Scope. An emergency procurement is limited to the procurement of those requirements] is necessary to avoid or mitigate damage to the environment[, or to public health, safety, or welfare.

[C.] B. [Competition] Determination. The determination to make an emergency procurement shall be made by the Executive Director.

C. Contract Award. When making an award by emergency procurement, [The] the Authority shall:

(1) [reasonably] Reasonably attempt to obtain [such competition as is] competitive bids or proposals consistent with meeting the time requirements of the emergency; and

(2) Make the award that is most advantageous to the Authority considering the circumstances of the emergency.

.11 Contract Award and Formation.

A. The [procurement officer] Authority shall [determine whether a bidder or offeror is responsible] award a procurement contract only to an offeror or bidder who is responsible and responsive, as determined by the Executive Director.

B. The [procurement officer] Executive Director may [find] determine that a bidder or offeror is not [a] responsible if the Executive Director finds that the bidder or offeror [for]:

(1) [Unreasonable failure by the bidder or offeror] Unreasonably failed to promptly supply information [promptly] requested by the Authority in connection with a determination of responsibility [under this chapter]; or

(2) [Any other reason indicating that the bidder or offeror does] Does not have the:

(a) Capability in all respects to perform fully the procurement contract requirements[.]; or

(b) Integrity and reliability that will ensure good faith performance.

C. [The procurement officer shall determine whether a bid or proposal is responsive. A responsive bid or proposal contains a definite unqualified offer to perform in accordance with the terms of the solicitation.

D. The] A procurement contract shall be:

(1) (text unchanged)

(2) Approved for legal sufficiency by an assistant attorney general of the State.

[E.] D. For a procurement [contracts which exceed \$10,000] contract that exceeds \$10,000, the [procurement] contract shall contain the provisions required by COMAR 21.07.01—21.07.03[.

F. The Executive Director may amend or delete any provision required by Regulation .11E of this chapter as the Executive

Director], as may be amended or deleted by the Authority as it considers necessary to further the business of the Authority.

.12 Cancellation [or] of Solicitations and Rejection of [Solicitations] Bids and Proposals.

A. The Authority may cancel a solicitation in whole or in part before opening of bids or proposals when, in the determination of the [procurement officer] *Executive Director*, cancellation is in the best interests of the Authority. Bids or proposals shall be returned to the bidders or offerors together with a notice of cancellation.

B. After opening of bids or proposals, the Authority may reject all bids or proposals [in whole or in part] when, in the determination of the [procurement officer] *Executive Director*, rejection is in the best interests of the Authority. Notice of rejection of all bids or proposals shall be sent to all vendors who submitted bids or proposals.

C. [Determination of the reason for cancellation or rejection shall be made part of the procurement file.

D.] The Authority may reject a bid or proposal in whole or in part when it is in the Authority's [reasonable] best interest to do so[. Reasons] and for reasons that may include, but are not limited to, [the following] a determination that:

- (1) (text unchanged)
- (2) The bid or proposal is not responsive [or];
- (3) [the] *The proposal is not reasonably susceptible to being selected for award;*

[(3)] (4) [The] *A bid or proposal price or other term is not reasonable; or*

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

[E. Opened bids or proposals shall be retained in the procurement file. Unopened bids or proposals shall be returned to the bidder or offeror, or otherwise disposed of by the Authority.]

.13 Disputes.

[Disputes arising] *A dispute that arises* in the performance of [the] a procurement [contracts] *contract* which [are] *is* not resolved by agreement of the parties shall be decided in writing by [an authorized representative of] the *Executive Director*. The decision of the *Executive [Director's authorized representative] Director* is final and conclusive unless, within 10 calendar days of receipt of a copy of the decision, the contractor delivers a written appeal to the *Executive Director*. In connection with an appeal, the contractor shall be [afforded] *given* an opportunity to be heard and to offer [binding] evidence in support of the contractor's position. The decision by the *Executive Director [is binding upon] binds* the contractor, and the contractor shall abide by the decision.

.14 Minority Business Enterprise Policies.

The Authority shall comply with the provisions of State Finance and Procurement Article, Title 14, Subtitle 3, Annotated Code of Maryland, and regulations adopted under those provisions.

DEIDRA L. RITCHIE
Executive Director

**Title 15
DEPARTMENT OF
AGRICULTURE
Subtitle 01 OFFICE OF THE
SECRETARY**

15.01.11 Industrial Hemp

Authority: Agriculture Article §14-102(c), Annotated Code of Maryland

Notice of Proposed Action

[17-192-P]

The Secretary of Agriculture proposes to adopt new Regulations **.01—10** under a new chapter, **COMAR 15.01.11 Industrial Hemp.**

Statement of Purpose

The purpose of this action is to explain the Department of Agriculture's certification program to grow or cultivate industrial hemp that is restricted to an institution of higher education for the sole purpose of agricultural academic research.

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 have an unknown economic impact, mostly in staff-time costs, by both the Department of Agriculture and an institution of higher education that applies to be certified to grow or cultivate industrial hemp.

II. Types of Economic Impact.

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

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

A. Unknown costs to the Department of Agriculture will depend on the number of applications and will include salary costs for staff to review applications and inspect certified sites for regulatory compliance.

D. Unknown costs to a certified institution of higher education will include staff costs, laboratory test fees and costs to comply with regulatory requirements including security requirements.

F. The public may benefit from the research performed by an institute of higher education on the uses for industrial hemp.

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 Kimberly Rice, Program Manager, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-5920, or email to kimberly.rice@maryland.gov, or fax to (410) 841-5835. Comments will be accepted through August 21, 2017. A public hearing has not been scheduled.

.01 Purpose.

This chapter explains the Department of Agriculture's requirements for the registration and the certification of a site owned or controlled by an institution of higher education to grow or cultivate industrial hemp for the limited purpose of agricultural research or academic research.

.02 Definitions.

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

B. Terms Defined.

(1) "Accredited laboratory" means a laboratory that is accredited to the International Standards Organization, standard 17025.

(2) "Authorized holder" means an institution of higher education that has been granted authority by the Department to acquire and possess industrial hemp for agricultural research and academic research purposes.

(3) "Certified site" means any property site owned, or controlled by an institution of higher education certified by and registered with the Department as a site where industrial hemp may be grown or cultivated for agricultural research or academic research purposes

(4) "Department" means the Maryland Department of Agriculture.

(5) "Destruction" means incinerating the industrial hemp crop within a secured area or destroying it by some other means as preapproved by the Department.

(6) "Dispose" and any variant thereof, means to render unusable for any purpose

(7) Industrial Hemp.

(a) "Industrial hemp" means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(b) "Industrial hemp" does not include any plant or part of a plant intended for a use that is regulated under Health – General Article, Title 13, Subtitle 33, Annotated Code of Maryland.

(8) "Institution of higher education" has the meaning stated in Education Article, §10-101, Annotated Code of Maryland.

(9) "Person" means an individual, partnership, corporation, limited liability company, association, or any business entity by whatever name designated and whether or not incorporated, unless the context clearly indicates otherwise.

(10) "Secured facility" means a building or structure where access is restricted to authorized persons only.

.03 Authorization to Grow and Cultivate Industrial Hemp.

A. Only an institution of higher education may submit an application to the Department for authorization to grow or cultivate industrial hemp.

B. Only a person acting on behalf of a Department-approved institution of higher education may possess, grow or cultivate industrial hemp.

C. Industrial hemp may only be grown or cultivated at a registered site or premises owned or controlled by an institution of higher learning.

D. An institution of higher education may not delegate to any person the institution's authority granted under this chapter to grow and cultivate industrial hemp.

E. It is the sole responsibility of any institution qualifying under this chapter to hold any federal permits required to possess, grow, or cultivate industrial hemp.

.04 Application Review and Approval.

An application to grow and cultivate industrial hemp shall be made on a Department form. Each application shall provide the following information, including, but not limited to:

A. A description of each site where industrial hemp will be grown or cultivated, harvested, stored, studied or disposed of, by physical address and by GPS coordinates;

B. A diagram for each site that visually depicts the buildings, structures, and improvements on the premises, and identifies their use, and that sets forth the relevant activities conducted at the site;

C. A detailed summary of the issues and matters that the applicant intends to study in conjunction with growing, cultivating, or processing industrial hemp; and

D. A security plan that the applicant plans to follow that meets the requirements of Regulation 10 of this chapter. The Department shall request the Maryland State Police to comment on the adequacy of the applicant's security plan.

.05 Rejection of Application or Revocation of Authority.

The Department may reject any application to grow or cultivate industrial hemp, and may revoke an authorization to grow and cultivate industrial hemp, if the Department determines that:

A. The application is incomplete or does not provide the information required pursuant to Regulation .04 of this chapter; or

B. The authorized holder has failed to comply with the requirements of this chapter.

.06 Term of Authorization.

Authorization to grow and cultivate industrial hemp expires 2 years after the date of the Department's approval. However, the Department may grant or renew an authorization to grow and cultivate industrial hemp for over 2 years if the Department determines that the issues and matters that the authorization holder intends to study or is studying, cannot be adequately and fully studied within 2 years from the date that authorization is granted or renewed.

.07 Required Studies and Reports, Hemp Movement, Destruction.

A. An authorized holder shall, no later than 3 months after the date the application was approved by the Department, furnish to the Department a report that provides detailed findings and conclusions regarding the agricultural research set forth in its application to grow or cultivate industrial hemp.

B. An authorized holder shall, every 6 months after furnishing a report of the type referred to in §A of this regulation, furnish a report that supplements detailed findings and conclusions set forth in earlier report or reports.

C. An authorized holder may study issues and matters different from those provided in its application to grow or cultivate industrial hemp, with the prior written approval of the Department, and all reports required by this chapter shall be furnished after the date of the Department's approval and shall set forth findings and conclusions regarding such different issues and matters.

D. Except as provided in §E of this regulation, industrial hemp may be grown or cultivated, harvested, stored, and disposed of by the authorized holder only on the registered site. Industrial hemp that has been harvested shall be stored in a secured facility except when it is being transported, within the registered premises, to an accredited laboratory for testing, or to another registered site approved by the Department.

E. The authorized holder may transport industrial hemp off the registered site only if it is being transported to an accredited laboratory for testing, or to another registered site approved by the Department.

F. A person transporting industrial hemp shall keep a complete record of all industrial hemp moved.

G. A person may not transport industrial hemp without the Department's prior approval and that person shall possess a Department issued certificate that identifies the person as an authorized holder.

H. An authorized holder shall prepare, maintain, and make available to the Department, upon request, a record that sets forth an accurate inventory of industrial hemp plants and seeds and shall reasonably ensure that no plant is possessed or grown or cultivated that would not meet the definition of industrial hemp because it contains concentration of more than 0.3 percent of delta-9 tetrahydrocannabinol, on a dry basis.

I. An authorized holder shall ensure that a representative sample of the plants grown or cultivated from each variety of seed used for the purpose of growing or cultivating industrial hemp is analyzed by an accredited laboratory that is independent of the authorized holder, to determine the concentration of delta-9 tetrahydrocannabinol therein. The required analysis shall be completed within 30 days of harvest. The authorized holder shall furnish the laboratory report that sets forth the results of this analysis to the Department, within 10 business days, after that analysis report is received by the authorized holder.

J. An authorized holder shall immediately dispose of all plants determined, after laboratory analysis, to have a concentration of more than 0.3 percent of delta-9 tetrahydrocannabinol on a dry weight basis. All destruction records shall be maintained by the authorized holder on the registered site for 2 years. The authorized holder shall make these records available to the Department upon request.

K. An authorized holder shall, no later than 15 days after having been granted authorization, notify, in writing, the applicable unit or units of law enforcement, in which the registered premises is located, that it has received such authorization and shall provide such unit or units of law enforcement a copy of the security plan referred to in Regulation .04D of this chapter. The authorized holder shall, no later than 15 days after having notified a unit or units of law enforcement, provide the Department with a copy of this notification. An authorized holder shall adequately monitor registered premises under its control and shall notify the appropriate unit or units of law enforcement and the Department regarding facts and circumstances that indicate that industrial hemp has been, or may be, held or possessed in violation of the provisions of this chapter.

L. All industrial hemp shall be destroyed by incineration after each growing season and when any research is completed.

.08 Recordkeeping.

A. An authorized holder shall keep, maintain, and make available to the Department complete and accurate records that provide the following information:

(1) A description of the registered site where industrial hemp is grown or cultivated;

(2) The name of the cultivar or cultivars grown and the weight in pounds of each cultivar purchased acquired and/or used, for the appropriate growing season;

(3) The volume of industrial hemp grown or cultivated, for the appropriate growing season;

(4) The volume of industrial hemp harvested;

(5) The volume of industrial hemp studied and the name and address of each person who is or has been involved in such study;

(6) The volume of industrial hemp disposed of, the date and location of each disposal, and the method of each disposal;

(7) The names of all research staff working on the industrial hemp research project; and

(8) All transport vehicle information, including vehicle tag information and transporters.

B. The records and materials referred to in §A of this regulation shall be maintained and made available to the Department for 2 years from the date they were made or prepared. The authorized holder shall provide the Department with a copy of all records required by this chapter at the completion of any research project.

.09 Inspections.

A. The authorized holder shall inspect the registered site as often as necessary to ensure compliance with the requirements set forth in this chapter.

B. An authorized holder shall allow the Department to inspect the registered site to ensure compliance with the requirements of this chapter.

.10 Security Measures.

A. An authorized holder is responsible for ensuring that:

(1) The industrial hemp is not removed from the registered site except for transportation to an accredited laboratory or transfer to another registered site pursuant to Regulation .07 of this chapter, or except as allowed by the Department pursuant to written authorization; and

(2) The industrial hemp is not acquired, possessed, grown or cultivated, harvested, stored, transported, or disposed of except under conditions that ensure that it will not be removed from the registered site except as authorized by Regulation .07E of this chapter, or used in violation of state or federal law.

B. The authorized holder shall take measures, satisfactory to the Department to ensure compliance with the requirements set forth in §A of this regulation, including, but not limited to:

(1) Restricting access to areas of the registered site where industrial hemp is grown or cultivated with at least an 8 foot locked fence area; and

(2) Posting signs that read, in readily observable block letters, "NO TRESPASSING"; and

(3) Planting industrial hemp so that it is not visible from any public roads, including any local, state or federal roadway.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

31.10.44 Network Adequacy

Authority: Insurance Article, §§2-109 and 15-112, Annotated Code of Maryland

Notice of Proposed Action

[17-199-P]

The Insurance Commissioner proposes to adopt new Regulations .01—.09 under a new chapter, COMAR 31.10.44 Network Adequacy.

Statement of Purpose

The purpose of this action is to adopt new regulations pursuant to updates to Insurance Article, §15-112, Annotated Code of Maryland, that occurred as a result of changes made during the 2016 legislative session.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The cost to insurance carriers may increase in order to meet these new requirements. While the definite cost cannot be determined at this point, the increase is expected to be minimal.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
(1) Administrative Expense	(+)	Minimal
(2) Expense	(+)	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.)

D(1). Assuming that insurance carriers are now required to submit additional forms to the Maryland Insurance Administration, their administrative expenses may go up.

D(2). Assuming that insurance carriers may have to expend some

time and resources to work with additional providers to contract with them, this might increase their cost slightly.

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 Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to networkadequacy.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through August 21, 2017. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to carriers that issue or renew health benefit plans in Maryland and use a provider panel for a health benefit plan offered in Maryland.

.02 Definitions.

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

B. Terms Defined.

(1) *“Access plan” means the materials that each carrier is required to file annually with the Commissioner to demonstrate that each of the carrier’s provider panels is adequate to meet the needs of its enrollees.*

(2) *“Behavioral health care” means care for mental health or a substance use disorder.*

(3) *“Carrier” means:*

- (a) *An insurer authorized to sell health insurance;*
- (b) *A nonprofit health service plan; or*
- (c) *A health maintenance organization.*

(4) *“Certified registered nurse practitioner” means an individual who is licensed as a certified nurse practitioner under Health Occupations Article, Title 8, Subtitle 3, Annotated Code of Maryland.*

(5) *“Enrollee” means a person entitled to health care benefits from a carrier.*

(6) *“Essential community provider” means a provider that serves predominantly low-income or medically underserved individuals. “Essential community provider” includes:*

- (a) *Local health departments;*
- (b) *Outpatient mental health and community based substance use disorder programs; and*
- (c) *Any entity listed in 45 CFR 156.235(c)*

(7) *“Group model HMO” means a type of health maintenance organization that:*

(a) *Contracts with one multispecialty group of physicians who are employed by and shareholders of the multispecialty group; and*

(b) *Provides or arranges for the provision of physician and other health care services to patients at medical facilities operated by the HMO or employs its own physicians and other providers on a salaried basis in health maintenance organization buildings to provide care to enrollees of the health maintenance organization.*

(8) *“Health benefit plan” has the meaning stated in Insurance Article, §15-112, Annotated Code of Maryland.*

(9) *“Health care facility” has the meaning stated in Insurance Article, §15-112, Annotated Code of Maryland.*

(10) *“Hospital” has the meaning stated in Health-General Article, §19-301, Annotated Code of Maryland.*

(11) "Material change to an access plan" means a change to an access plan that affects a carrier's ability to comply with the requirements of this chapter.

(12) "Network" means:

(a) A carrier's participating providers and the health care facilities with which a carrier contracts to provide health care services to the carrier's enrollees under the carrier's health benefit plan.

(b) If a carrier uses a provider panel developed by a subcontracting entity, "network" includes providers and health care facilities that contract with the subcontracting entity to provide health care services to the carrier's enrollees under the carrier's health benefit plan.

(13) "Network adequacy waiver request" means a written request from a carrier to the Commissioner wherein the carrier seeks the Commissioner's approval to be relieved of certain network adequacy standards in this chapter for 1 year.

(14) "Participating provider" means a provider on a carrier's provider panel.

(15) "Preventive care" means health care provided for the prevention and early detection of disease, illness, injury or other health condition, and includes all of the services required by 42 U.S.C. §300gg-13.

(16) "Primary care physician" means:

(a) A physician who is responsible for:

- (i) Providing initial and primary care to patients;
- (ii) Maintaining the continuity of patient care; or
- (iii) Initiating referrals for specialist care.

(b) "Primary care physician" includes:

- (i) A physician whose practice of medicine is limited to general practice; and
- (ii) A board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist or family practitioner.

(17) "Provider" means a person or group of persons licensed, certified, or otherwise authorized by law to provide health care services.

(18) "Provider panel" means the providers that contract either directly or through a subcontracting entity with a carrier to provide health care services to the carrier's enrollees under the carrier's health benefit plan. "Provider panel" does not include an arrangement in which any provider may participate solely by contracting with the carrier to provide health care services at a discounted fee-for-service rate.

(19) "Rural area" means a region that, according to the Maryland Department of Planning, has a human population of less than 1,000 per square mile.

(20) "Specialty provider" means a provider who:

(a) Focuses on a specific area of physical care, mental health care, or behavioral health care for a group of patients;

(b) Has successfully completed required professional training; and

(c) For a physician, has obtained Board certification through the American Board of Medical Specialties.

(21) "Suburban area" means a region that, according to the Maryland Department of Planning, has a human population equal to or more than 1,000 per square mile, but less than 3,000 per square mile.

(22) "Telehealth" means:

(a) As it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology by a provider to deliver a health care service within the scope of practice of the provider at a location other than the location of the patient.

(b) "Telehealth" does not include:

(i) An audio-only telephone conversation between a provider and a patient;

(ii) An electronic mail message between a provider and a patient; or

(iii) A facsimile transmission between a provider and a patient.

(23) "Tiered network" means a network of participating providers that has been divided into sub-groupings differentiated by the carrier according to:

(a) Cost-sharing levels;

(b) Provider payment;

(c) Performance ratings;

(d) Quality scores; or

(e) Any combination of these or other factors established as a means of influencing an enrollee's choice of provider.

(24) "Urban area" means a region that, according to the Maryland Department of Planning, has a human population equal to or greater than 3,000 per square mile.

(25) "Urgent care" means the treatment for a condition of an enrollee that satisfies either of the following:

(a) A medical condition, including a physical condition or a mental health condition, that, in the absence of medical care or treatment within 72 hours, could reasonably be expected by an individual, acting on behalf of a carrier and applying the judgment of a prudent layperson who possesses an average knowledge of health and medicine, would result in:

(i) Placing the enrollee's life or health in serious jeopardy;

(ii) The inability of the enrollee to regain maximum function;

(iii) Serious impairment to the enrollee's bodily function;

(iv) Serious dysfunction of any bodily organ or part of the enrollee; or

(v) The enrollee remaining seriously mentally ill with symptoms that cause the enrollee to be a danger to self or others; or

(b) A medical condition of an enrollee, including a physical condition or a mental health condition, that, in the absence of medical care or treatment within 72 hours, would, in the opinion of a provider with knowledge of the enrollee's medical condition, subject the enrollee to severe pain that cannot be adequately managed without the care or treatment.

(26) "Waiting time" means the time from the initial request for health care services by an enrollee or by the enrollee's treating provider to the earliest date offered for the appointment for services.

.03 Filing of Access Plan.

A. Each carrier subject to this chapter shall file an annual access plan with the Commissioner through the System for Electronic Rate and Form Filing (SERFF) on or before July 1 of each year for each provider panel used by the carrier, with the first access plan filing due on or before July 1, 2018.

B. If a carrier makes a material change to an access plan, the carrier shall:

(1) Notify the Commissioner of the change in writing within 15 business days after the material change to the access plan occurs; and

(2) Include in the notice required under §B(1) of this regulation a reasonable timeframe within which the carrier will file with the Commissioner an update to the existing access plan for review by the Commissioner.

C. Each annual access plan filed with the Commissioner shall include:

(1) An executive summary in the form set forth in Regulation .09 of this chapter;

(2) The information and process required by Insurance Article, §15-112(c)(4), Annotated Code of Maryland, and the methods used by the carrier to comply with the monitoring requirement under §15-112(c)(5);

(3) Documentation justifying to the Commissioner how the access plan meets each network sufficiency standard set forth in Regulations .04—.06 of this chapter; and

(4) A list of all changes made to the access plan filed the previous year.

.04 Travel Distance Standards.

A. Sufficiency Standards.

(1) Except as stated in §B of this regulation, each provider panel of a carrier shall have within the geographic area served by the carrier's network or networks, sufficient primary care physicians, specialty providers, mental health and substance use disorder providers, hospitals, and health care facilities to meet the maximum travel distance standards listed in the chart in §A(4) of this regulation for each type of geographic area. The distances listed in §A(4) of this regulation shall be measured from the enrollee's place of residence.

(2) When an enrollee elects to utilize a gynecologist, pediatrician, or certified registered nurse practitioner for primary care, a carrier may consider that utilization as a part of its meeting the standards listed in §A(4) of this regulation.

(3) The travel distance standards listed in §A(4) of this regulation do not apply to the following:

- (a) Home health care;
- (b) Durable medical equipment;
- (c) Heart transplant programs;
- (d) Heart or lung transplant programs;
- (e) Kidney transplant programs;
- (f) Liver transplant programs;
- (g) Lung transplant programs; or
- (h) Pancreas transplant programs.

(4) Chart of Travel Distance Standards.

	Urban Area Maximum Distance (miles)	Suburban Area Maximum Distance (miles)	Rural Area Maximum Distance (miles)
Provider Type:			
Primary Care Physician	5	10	30
Gynecology, OB/GYN	5	10	30
Pediatrics—Routine/Primary Care	5	10	30
Allergy and Immunology	15	30	75
Cardiovascular Disease	10	20	60
Chiropractic	15	30	75
Dermatology	10	30	60
Endocrinology	15	40	90
ENT/Otolaryngology	15	30	75
Gastroenterology	10	30	60
General Surgery	10	20	60
Gynecology Only	15	30	75
Licensed Clinical Social Worker	10	25	60
Nephrology	15	25	75
Neurology	10	30	60
Oncology—Medical and Surgical	10	20	60
Oncology—Radiation/Radiation Oncology	15	40	90
Ophthalmology	10	20	60

	Urban Area Maximum Distance (miles)	Suburban Area Maximum Distance (miles)	Rural Area Maximum Distance (miles)
Physiatry, Rehabilitative Medicine	15	30	75
Plastic Surgery	15	40	90
Podiatry	10	30	60
Psychiatry	10	25	60
Psychology	10	25	60
Pulmonology	10	30	60
Rheumatology	15	40	90
Urology	10	30	60
Other Provider Not Listed	15	40	90
Facility Type:			
Pharmacy	5	10	30
Acute Inpatient Hospitals	10	30	60
Applied Behavioral Analysis	15	30	60
Critical Care Services—Intensive Care Units	10	30	100
Diagnostic Radiology	10	30	60
Inpatient Psychiatric Facility	15	45	75
Outpatient Dialysis	10	30	50
Outpatient Infusion/Chemotherapy	10	30	60
Skilled Nursing Facilities	10	30	60
Surgical Services (Outpatient or Ambulatory Surgical Center)	10	30	60
Other Facilities	15	40	90

B. Group Model HMO Plans Sufficiency Standards.

(1) Each group model HMO's health benefit plan's provider panel shall have within the geographic area served by the group model HMO's network or networks, sufficient primary care physicians, specialty providers, mental health and substance use disorder providers, hospitals, and health care facilities to meet the maximum travel distance standards listed in the chart in §B(4) of this regulation for each type geographic area. The distances listed in §B(4) of this regulation shall be measured from the enrollee's place of residence or place of employment from which the enrollee gains eligibility for participation in the group model HMO's health benefit plan.

(2) When an enrollee elects to utilize a gynecologist, pediatrician, or certified registered nurse practitioner for primary care, a carrier may consider that utilization as a part of its meeting the standards listed in §B(4) of this regulation.

(3) The travel distance standards listed in §B(4) of this regulation do not apply to the following:

- (a) Home health care;
- (b) Durable medical equipment;
- (c) Heart transplant programs;
- (d) Heart or lung transplant programs;
- (e) Kidney transplant programs;
- (f) Liver transplant programs;
- (g) Lung transplant programs; or
- (h) Pancreas transplant programs.

(4) Chart of Travel Distance Standards.

	Urban Area Maximum Distance (miles)	Suburban Area Maximum Distance (miles)	Rural Area Maximum Distance (miles)
<i>Provider Type:</i>			
Primary Care Physician	15	20	45
Gynecology, OB/GYN	15	20	45
Pediatrics— Routine/Primary Care	15	20	45
Allergy and Immunology	20	30	75
Cardiovascular Disease	15	25	60
Chiropractic	20	30	75
Dermatology	20	30	60
Endocrinology	20	40	90
ENT/Otolaryngology	20	30	75
Gastroenterology	20	30	60
General Surgery	20	30	60
Gynecology Only	15	30	60
Licensed Clinical Social Worker	15	30	75
Nephrology	15	30	75
Neurology	15	30	60
Oncology—Medical, Surgical	15	30	60
Oncology— Radiation/Radiation Oncology	15	40	90
Ophthalmology	15	20	60
Physiatry, Rehabilitative Medicine	15	30	75
Plastic Surgery	15	40	90
Podiatry	15	30	90
Psychiatry	15	30	60
Psychology	15	30	60
Pulmonology	15	30	60
Rheumatology	15	40	90
Urology	15	30	60
Other Provider Not Listed	20	40	90
<i>Facility Type:</i>			
Pharmacy	5	10	30
Acute Inpatient Hospitals	15	30	60
Applied Behavioral Analysis	15	30	60
Critical Care Services— Intensive Care Units	15	30	120
Diagnostic Radiology	15	30	60
Inpatient Psychiatric Facility	15	45	75
Outpatient Dialysis	15	30	60
Outpatient Infusion/Chemotherapy	15	30	60
Skilled Nursing Facilities	15	30	60
Surgical Services (Outpatient or Ambulatory Surgical Center)	10	30	60
Other Facilities	15	40	120

C. Each provider panel of a carrier shall include at least 30 percent of the available essential community providers in each of the urban, rural, and suburban areas.

D. If a carrier uses a tiered network, the carrier’s provider panel shall meet the standards of this regulation for the lowest cost-sharing tier.

.05 Appointment Waiting Time Standards.

A. Sufficiency Standards.

(1) Subject to §B of this regulation, each carrier’s provider panel shall meet the waiting time standards listed in §C of this regulation for at least 95 percent of the enrollees covered under health benefit plans that use that provider panel.

(2) When it is clinically appropriate and an enrollee elects to utilize a telehealth appointment, a carrier may consider that utilization as a part of its meeting the standards listed in §C of this regulation.

B. Preventive care services and periodic follow-up care, including but not limited to, standing referrals to specialty providers for chronic conditions, periodic office visits to monitor and treat pregnancy, cardiac or mental health or substance use disorder conditions, and laboratory and radiological monitoring for recurrence of disease, may be scheduled in advance consistent with professionally recognized standards of practice as determined by the treating provider acting within the scope of the provider’s license, certification, or other authorization.

C. Chart of Waiting Time Standards.

Waiting Time Standards	
Urgent care (including medical, mental health, and substance use disorder services)	72 hours
Routine primary care	15 calendar days
Preventive visit/well visit	30 calendar days
Non-urgent specialty care	30 calendar days
Non-urgent ancillary services	30 calendar days
Non-urgent mental health/substance use disorder services	10 calendar days

.06 Provider-to-Enrollee Ratio Standards.

A. Except for a Group Model HMO’s health benefit plan, the provider panel for each carrier shall meet the provider-to-enrollee ratio standards listed in §B of this regulation.

B. The provider-to-enrollee ratios shall be equivalent to at least 1 full-time physician, or as appropriate, another full-time provider for:

- (1) 1,200 enrollees for primary care;
- (2) 2,000 enrollees for pediatric care;
- (3) 2,000 enrollees for obstetrical/gynecological care;
- (4) 2,000 enrollees for mental health care or services; and
- (5) 2,000 enrollees for substance use disorder care or services.

.07 Waiver Request Standards.

A. A carrier may apply for a network adequacy waiver, for up to 1 year, of a network adequacy requirement listed in this chapter.

B. The Commissioner may find good cause to grant the network adequacy waiver request if the carrier demonstrates that the physicians, other providers, or health care facilities necessary for an adequate network:

- (1) Are not available to contract with the carrier;
- (2) Are not available in sufficient numbers;
- (3) Have refused to contract with the carrier; or
- (4) Are unable to reach agreement with the carrier.

C. A carrier seeking a network adequacy waiver shall submit a written request to the Commissioner that includes the following information:

- (1) A description of any waiver previously granted by the Commissioner;

(2) A list of physicians, other providers, or health care facilities within the relevant service area that the carrier attempted to contract with, identified by name and specialty, if any, or health care facility type;

(3) A description of how and when the carrier last contacted the physicians, other providers, or health care facilities;

(4) A description of any reason each physician, other provider, or health care facility gave for refusing to contract with the carrier;

(5) Steps the carrier will take to attempt to improve its network to avoid future network adequacy waiver requests;

(6) If applicable, a statement that there are no physicians, other providers, or health care facilities available within the relevant service area for a covered service or services for which the carrier requests the waiver; and

(7) An attestation to the accuracy of the information contained in the network adequacy waiver request.

.08 Confidential Information in Access Plans.

A. The following information that is included in a carrier’s access plan shall be considered confidential by the Commissioner:

(1) Methodology used to annually assess the carrier’s performance in meeting the standards established under this chapter;

(2) Methodology used to annually measure timely access to health care services; and

(3) Factors used by the carrier to build its network.

B. A carrier submitting an access plan or a network adequacy waiver request may submit a written request to the Commissioner that specific information included in the plan or request not be disclosed under the Public Information Act and shall:

(1) Identify the particular information that the carrier requests not be disclosed; and

(2) Cite the statutory authority that permits denial of access to the information.

C. The Commissioner may review a request made under §B of this regulation upon receipt of a request for access pursuant to the Public Information Act.

D. The Commissioner may notify the carrier that made a request under §B of this regulation before granting access to information that was the subject of the request.

.09 Network Adequacy Access Plan Executive Summary Form.

A. For each provider panel used by a carrier for a health benefit plan, the carrier shall provide the network sufficiency results for the health benefit plan service area as follows:

(1) Travel Distance Standards.

(a) List the percentage of the participating providers, by primary care provider and specialty provider type, for which the carrier met the travel distance standards listed in Regulation .04 of this chapter, in the following format:

	Urban Area	Suburban Area	Rural Area
Primary Care Provider			
Specialty Provider			

(b) List the total number of certified registered nurse practitioners counted as a primary care provider.

(c) List the total percentage of primary care providers who are certified registered nurse practitioners.

(d) List the total number of essential community providers in the carrier’s network.

(e) List the total percentage of essential community providers available in the health benefit plan’s service area that are participating providers.

(2) Appointment Waiting Time Standards.

(a) List the percentage of appointments, by type of care, visits, or services, for which the carrier met the appointment waiting time standards listed in Regulation .05 of this chapter, in the following format:

Appointment Waiting Time Standard Results	
Urgent care- within 72 hours	
Routine primary care- within 15 calendar days	
Preventative Visit/Well Visit — within 30 calendar days	
Non-urgent specialty care — within 30 calendar days	
Non-urgent ancillary services — within 30 calendar days	
Non-urgent mental health/substance use disorder services — within 10 calendar days	

(b) List the total percentage of telehealth appointments counted as part of the appointment waiting time standard results.

(3) Provider-to-Enrollee Ratio Standards.

(a) This subsection does not apply to Group Model HMO health benefit plans.

(b) For all other carriers, list the percentage of provider-to-enrollee ratios that met the provider-to-enrollee ratio standards listed in Regulation .06 of this chapter for each of the following categories:

- (i) 1,200 enrollees for primary care;
- (ii) 2,000 enrollees for pediatric care;
- (iii) 2,000 enrollees for obstetrical/gynecological care;
- (iv) 2,000 enrollees for mental health care or service;

and

- (v) 2,000 enrollees for substance use disorder care and services.

B. The network adequacy access plan executive summary form filed by a carrier pursuant to §A of this regulation is not confidential information.

ALFRED W. REDMER, JR.
Insurance Commissioner

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: May 1—31, 2017.

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

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

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

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

Archbald Energy Partners, LLC, ABR-201705001, Archbald Township, Lackawanna County, Pa.; Consumptive Use of Up to 0.3000 mgd; Approval Date: May 10, 2017.

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

Cabot Oil & Gas Corporation, Pad ID: PetersenH P1, ABR-201205002.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 8, 2017.

Campbell Oil & Gas, Inc., Pad ID: Mid Penn Unit B Well Pad, ABR-201206017.R1, Bigler and Knox Townships, Clearfield County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 8, 2017.

SWEPI, LP, Pad ID: Wilson 286, ABR-201203027.R1, Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 8, 2017.

Cabot Oil & Gas Corporation, Pad ID: Bunnelle P2, ABR-201205001.R1, Bridgewater and Dimock Townships, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 9, 2017.

Chief Oil & Gas, LLC, Pad ID: Mehalick Drilling Pad, ABR-201210018.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 10, 2017.

Chesapeake Appalachia, LLC, Pad ID: Slattery, ABR-201211004.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 15, 2017.

Chesapeake Appalachia, LLC, Pad ID: Joeguswa, ABR-201211019.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 15, 2017.

Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 293 Pad E, ABR-201207011.R1, Cummings and McHenry Townships, Lycoming County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: May 17, 2017.

Cabot Oil & Gas Corporation, Pad ID: BusikJ P1, ABR-201206001.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 23, 2017.

Cabot Oil & Gas Corporation, Pad ID: WaldenbergerP P1, ABR-201206002.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 23, 2017.

SWN Production Company, LLC, Pad ID: Blaine Hoyd (M Pad), ABR-201207006.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 23, 2017.

SWN Production Company, LLC, Pad ID: Beaumont Schaunt (GU U), ABR-201207007.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 23, 2017.

SWN Production Company, LLC, Pad ID: Barnhart Well Pad, ABR-201205005.R1, Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 30, 2017.

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

Dated: June 22, 2017.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-15-18]

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Parts 806 and 808

Review and Approval of Projects; Hearings and Enforcement Actions

AGENCY: Susquehanna River Basin Commission.

ACTION: Final rule.

SUMMARY: This document contains rules that would amend the regulations of the Susquehanna River Basin Commission (Commission) to clarify application requirements and standards for review of projects, add a subpart to provide for registration of grandfathered projects, and revise requirements dealing with hearings and enforcement actions. These rules are designed to enhance the Commission's existing authorities to manage the water resources of the basin and add regulatory clarity.

DATES: This rule is effective July 1, 2017, except for the amendments to § 806.4(a)(1)(iii) and (a)(2)(iv) and the addition of subpart E to part 806 which are effective January 1, 2018.

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

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 final rulemaking, including the comment response document, visit the Commission's website at www.srbc.net.

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking was published in the *Federal Register* on September 21, 2016 (81 FR 64812); *New York Register* on October 5, 2016; *Pennsylvania Bulletin* on October 8, 2016; and *Maryland Register* on October 14, 2017. The Commission convened four public hearings: on November 3, 2016, in Harrisburg, Pennsylvania; on November 9, 2016, in Binghamton, New York; on November 10, 2016, in Williamsport, Pennsylvania; and on December 8, 2016, in Annapolis, Maryland. A written comment period was held open through January 30, 2017.

The Commission received 14 written public comments in addition to testimony received at the public hearings. The Commission has prepared a comment response document, which is available to the public at www.srbc.net. Comments that led to a change to the proposed rulemaking and their responses are discussed below.

Registration of Grandfathered Projects, Subpart E and § 806.4(a)(1)(iii) and (a)(2)(iv)

Comment: The Commission should allow projects to register a grandfathered amount previously determined by the Commission if it is not seeking a higher amount through the registration process.

Response: The Commission agrees that previous grandfathering determinations should be honored if the project wishes to register that amount. A new paragraph (c) is added in § 806.44 allowing the Executive Director to use past grandfathering determinations, and revisions are made to § 806.42(b) allowing the Commission to waive certain registration information if a project is relying on a past grandfathering determination.

Comment: Ongoing reporting requirements need to be linked to member jurisdiction reporting to avoid duplication of effort and confusion.

Response: The Commission agrees with the commenter that it is important to avoid unnecessary duplication of effort with state law requirements. Section 806.43(c) notes that if quantity reporting is required by the member jurisdiction where the project is located, the Commission may accept that reporting to satisfy the requirements of this paragraph. This evidences the Commission's intent to use its best efforts to accept state reporting requirements where appropriate. The Commission will add language to §§ 806.42(a)(6) and 806.43(c) to clarify its intention to rely on member jurisdiction reporting where it is able, and that any additional reporting required will be because it is not duplicated by the member jurisdiction. A new § 806.43(d) is added to emphasize the commitment of the Commission and its member jurisdiction to share all reporting data and to further the goal of creating a unified data set for all agencies involved.

Comment: The proposed rule at § 806.4(a)(1)(iii)(A) and (a)(2)(iv)(A) changes the current rule that allows a grandfathered consumptive use an additional increase of up to 20,000 gpd and a grandfathered withdrawal an additional increase of up to 100,000 gpd before review and approval of the grandfathered activity is triggered. This leeway should be restored for grandfathered projects.

Response: In most instances, the registration process will allow grandfathered projects sufficient margin for operational flexibility. However, the Commission agrees that the registration process should not put a project in jeopardy of needing review and approval subsequent to registration absent a change to the project. A new factor is added as § 806.44(b)(4) that allows the Executive Director to consider whether the grandfathered amount includes an operational margin of safety.

Comment: The proposed rule provides that the determination of the grandfathered quantity will be based on the most recent data. This may be too restrictive and projects should be allowed to submit more than the last five years of data and where such data is submitted, the Executive Director should base the determination under § 806.44 on the peak 30-day average for withdrawals and consumptive uses shown by the data.

Response: The Commission agrees that the factor as written could be clarified and the final rule reflects a revision to § 806.44(b)(1) to allow more than a minimum of five years of data to be submitted and that the Executive Director will consider the withdrawal and use data and the peak consecutive 30-day average shown by all the data submitted.

Consumptive Use Mitigation, § 806.22

Comments: The Commission should not adopt the Consumptive Use Mitigation Policy and the changes to the Consumptive Use Mitigation Rule.

The Commission should not shift the responsibility for physical consumptive use mitigation to project sponsors because project sponsor based mitigation will be more balkanized and less effective and the Commission has powerful tools to set up projects to provide such mitigation from the Compact.

The mitigation plan proposal should be removed or smaller projects should be able to have an abbreviated consumptive use mitigation alternative analysis.

New consumptive use mitigation requirements should not be applied retroactively to existing projects upon renewal.

The proposed rule should be revised to allow greater use of groundwater storage and quarries and be more flexible with respect to the "no impacts" to surface water requirements for such mitigation.

The Commission should focus its mitigation requirements to the low flow period.

All references to water critical planning areas should be removed. Article 11 of the Compact provides for designation of protected areas. This concept appears to circumvent those procedures.

Water critical areas should not be based on member jurisdiction planning areas and it should not be a mechanism to require mitigation for pre-compact consumptive use.

Response: The Commission has reviewed the detailed comments regarding how the Commission requires consumptive use mitigation and the options of projects to provide such mitigation. The Commission will further examine and reevaluate its policies and procedures for consumptive use and consumptive use mitigation in a more comprehensive fashion. As a result, the Commission will not move forward with the changes to the Consumptive Use Mitigation Policy and the consumptive use mitigation rule as follows. The definition of "water critical area" in § 806.3 is removed and all references to water critical areas are removed from §§ 806.22 and 808.1. The reference and changes associated with a mitigation plan in § 806.22(b) are removed. The changes associated with amending the 90 day mitigation requirement to 45 days in § 806.22(b)(1)(i) and (ii) are removed and reserved for the reevaluation process for consumptive use mitigation described above.

Project Review Application Procedures and Standards for Review and Approval—18 CFR Part 806, Subparts B and C

Comment: The Commission should clarify how the alternatives analysis under § 806.14(b)(2)(v) differs from the previous provision in the current rules at § 806.14(b)(1)(iii) and specify what is expected from applicants.

Response: The purpose for this requirement is to document the project sponsor's consideration of alternatives during planning of the proposed project to include, but not be limited to, identification of reasonable alternatives to the proposed water withdrawal project, the extent of the project sponsor's economic and technical investigation, the adequacy of the source to meet the demand, an assessment of the potential environmental impact, and measures for avoidance or minimization of adverse impact of each alternative. Specifically, the alternatives analysis should include identification of reasonable alternative water sources and locations, including opportunities for uses of lesser quality waters; project footprint and infrastructure; opportunities for water conservation or water saving technology; requirements of the uses of the water as related to the proposed locations; the economic feasibility of the alternative(s) and technical opportunities or limitations identified in the evaluation of reasonable alternate sites. The Commission is preparing a draft policy to outline how alternative analyses should be conducted and evaluated, and will release it for public comment prior to consideration for Commission adoption. In addition, on final rulemaking, the Commission will adjust the language of § 806.14(b)(1)(v) to make clear that the analysis is needed only for new projects and for major modifications that seek to increase the surface water withdrawal.

Comment: The Commission should reconcile the application requirements in § 806.14 to recognize that the potential for waiver of the aquifer testing requirements in § 806.12.

Response: The Commission agrees and has revised § 806.14(b)(2)(i) and (d)(2)(i).

Comment: The Commission should clarify whether renewals that involve a major modification should be handled under the new application and major modification standards in § 806.14(a) and (b) or in the renewal standards in § 806.14(c) and (d).

Response: The Commission agrees that the rule should be clarified and proposes changes to § 806.14(c) and 806.14(d)(2), (4) and (6) to establish that renewal applications, with either minor or major modifications, are subject to § 806.14(c) and (d).

Comment: The Commission should accept other types of certified mail proof of delivery beyond the US Postal Service under § 806.15(g).

Response: The Commission agrees and § 806.15(g) is revised to include the verified return delivery receipt from a comparable delivery service to the U.S. Postal Service.

Comment: The Commission should revise § 806.15(b)(3) to clarify which property is subject to the notice requirements and should read "where the property of such property owner is served by a public water supply."

Response: The Commission agrees and the final rulemaking is revised accordingly.

Comment: The Commission should exempt AMD passive treatment systems from the requirements for mining and construction dewatering under §§ 806.14(b)(6) and (d)(6) and 806.23(b)(5).

Response: The Commission has not extended its review jurisdiction over *passive* AMD treatment facilities and nothing in the proposed rule was meant to alter that long standing determination. Accordingly, the final rule contains revisions to §§ 806.14(b)(6) and (d)(6) and 806.23(b)(5) to remove the word "gravity-drained" and clarify its application to "AMD facilities that qualify as a withdrawal."

Miscellaneous Changes

Comment: Including in § 808.2(a) that the 30 day appeal period can run from publication on the Commission's website creates issues, including knowing whether the appeal period runs from publication on the website or the *Federal Register* and the fact that it is not always clear when something is posted to a website or is easily found on the website.

Response: The final rule revises § 808.2(a) to remove this language. The 30-day appeal period for third party appeals will run from the date of publication in the *Federal Register*.

Comment: The addition of "or other fluids associated with the development of natural gas resources" to the definition of "production fluids" under § 806.3 is inaccurate and over-inclusive. The revised definition of production fluids would cause confusion with the member jurisdiction terminology. The commenter is supportive of the stated goal of this change and proposed additional language to be added in other parts of regulations.

Response: The final rule removes the change to the definition of "production fluid." The revision proposed by the commenter will be evaluated for inclusion in a future rulemaking.

Comment: The addition of "consumptive use" to the definition of "facility" in § 806.3 is unwarranted as the definition of "facility" matches the definition in the Compact.

Response: The final rule will remove the amendment to the definition of "facility". However, the definition of facility includes plants, structures, machinery and equipment acquired, constructed, operated or maintained for the beneficial use of water resources that includes the consumptive use of water.

The Commission also is making additional housekeeping changes on the final rulemaking:

- 1) § 806.6(b)(6) (related to transfers of approvals) was added to recognize registered grandfathered aspects of a project under subpart E.
- 2) The phrase "hydro report" in § 806.14(d)(2)(ii) was clarified to "hydrogeologic report".
- 3) The word "Commission's" is removed from § 806.41(c).

Transition Issues

As noted in the DATES section, this rule will take effect on July 1, 2017, with the exception of the adoption of subpart E (related to registration of grandfathered projects) and the corresponding changes to § 806.4(a)(1)(iii) and (a)(2)(iv), which take effect on January 1, 2018.

Coincident with the authorization to adopt this final rulemaking, the Commission also adopted a Regulatory Program Fee Schedule that sets forth the fee for registration for grandfathered projects. This fee schedule is available on the Commission's website at www.srbcc.net/policies/policies.htm.

List of Subjects in 18 CFR Parts 806 and 808

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR parts 806 and 808 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 § 806.1 by revising paragraphs (a) and (f) to read as follows:

§ 806.1 Scope.

(a) This part establishes the scope and procedures for review and approval of projects under section 3.10 of the Susquehanna River Basin Compact, Pub. L. 91-575, 84 Stat. 1509, *et seq.*, (the compact) and establishes special standards under section 3.4(2) of the compact governing water withdrawals, the consumptive use of water, and diversions. The special standards established pursuant to section 3.4(2) shall be applicable to all water withdrawals and consumptive uses in accordance with the terms of those standards, irrespective of whether such withdrawals and uses are also subject to project review under section 3.10. This part, and every other part of 18 CFR chapter VIII, shall also be incorporated into and made a part of the comprehensive plan.

(f) Any Commission forms or documents referenced in this part may be obtained from the Commission at 4423 North Front Street, Harrisburg, PA 17110, or from the Commission's website at www.srbc.net.

3. In § 806.3, add, in alphabetical order, a definition for "Wetlands" to read as follows:

§ 806.3 Definitions.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

4. Amend § 806.4 by revising paragraphs (a) introductory text, (a)(1)(iii), (a)(2) introductory text, and (a)(2)(iv) and adding paragraph (a)(3)(vii) to read as follows:

§ 806.4 Projects requiring review and approval.

(a) Except for activities relating to site evaluation, to aquifer testing under § 806.12 or to those activities authorized under § 806.34, no person shall undertake any of the following projects without prior review and approval by the Commission. The project sponsor shall submit an application in accordance with subpart B of this part and shall be subject to the applicable standards in subpart C of this part.

(1) ***

(iii) With respect to projects that existed prior to January 23, 1971, any project:

(A) Registered in accordance with subpart E of this part that increases its consumptive use by any amount over the quantity determined under § 806.44;

(B) Increasing its consumptive use to an average of 20,000 gpd or more in any consecutive 30-day period; or

(C) That fails to register its consumptive use in accordance with subpart E of this part.

(2) *Withdrawals.* Any project, including all of its sources, described below shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set

forth in §§ 806.21 and 806.23. Hydroelectric projects, except to the extent that such projects involve a withdrawal, shall be exempt from the requirements of this section regarding withdrawals; provided, however, that nothing in this paragraph (a)(2) shall be construed as exempting hydroelectric projects from review and approval under any other category of project requiring review and approval as set forth in this section, § 806.5, or part 801 of this chapter. The taking or removal of water by a public water supplier indirectly through another public water supply system or another water user's facilities shall constitute a withdrawal hereunder.

(iv) With respect to groundwater projects that existed prior to July 13, 1978, surface water projects that existed prior to November 11, 1995, or projects that existed prior to January 1, 2007, with multiple sources involving a withdrawal of a consecutive 30-day average of 100,000 gpd or more that did not require Commission review and approval, any project:

(A) Registered in accordance with subpart E of this part that increases its withdrawal by any amount over the quantity determined under § 806.44;

(B) Increasing its withdrawal individually or cumulatively from all sources to an average of 100,000 gpd or more in any consecutive 30-day period; or

(C) That fails to register its withdrawals in accordance with subpart E of this part.

(3) ***

(vii) The diversion of any flowback or production fluids from hydrocarbon development projects located outside the basin to an in-basin treatment or disposal facility authorized under separate government approval to accept flowback or production fluids, shall not be subject to separate review and approval as a diversion under this paragraph (c)(3), provided the fluids are handled, transported and stored in compliance with all standards and requirements of the applicable member jurisdiction.

5. Amend § 806.6 by adding paragraph (b)(6) to read as follows:

§ 806.6 Transfer of approvals.

(b) ***

(6) The project is registered under subpart E of this part.

6. Amend § 806.11 by revising paragraph (b) to read as follows:

§ 806.11 Preliminary consultations.

(b) Except for project sponsors of electric power generation projects under § 801.12(c)(2) of this chapter, preliminary consultation is optional for the project sponsor (except with respect to aquifer test plans under § 806.12) but shall not relieve the sponsor from complying with the requirements of the compact or with this part.

7. Amend § 806.12 by revising paragraph (a) and adding paragraph (f) to read as follows:

§ 806.12 Constant-rate aquifer testing.

(a) Prior to submission of an application pursuant to § 806.13, a project sponsor seeking approval for a new groundwater withdrawal, a renewal of an expiring groundwater withdrawal, or an increase of a groundwater withdrawal shall perform a constant-rate aquifer test in accordance with this section.

(f) Review of submittals under this section may be terminated by the Commission in accordance with the procedures set forth in § 806.16.

8. Revise § 806.14 to read as follows:

§ 806.14 Contents of application.

(a) Applications for a new project or a major modification to an existing approved project shall include, but not be limited to, the following information and, where applicable, shall be subject to the requirements in paragraph (b) of this section and submitted on forms and in the manner prescribed by the Commission.

(1) Identification of project sponsor including any and all proprietors, corporate officers or partners, the mailing address of the same, and the name of the individual authorized to act for the sponsor.

(2) Project location, including latitude and longitude coordinates in decimal degrees accurate to within 10 meters, the project location displayed on a map with a 7.5-minute USGS topographic base, and evidence of legal access to the property upon which the project is proposed.

(3) Project description, including: purpose, proposed quantity to be withdrawn or consumed, if applicable, and identification of all water sources related to the project including location and date of initiation of each source.

(4) Anticipated impact of the project, including impacts on existing water withdrawals, nearby surface waters, and threatened or endangered species and their habitats.

(5) The reasonably foreseeable need for the proposed quantity of water to be withdrawn or consumed, including supporting calculations, and the projected demand for the term of the approval.

(6) A metering plan that adheres to § 806.30.

(7) Evidence of coordination and compliance with member jurisdictions regarding all necessary permits or approvals required for the project from other federal, state or local government agencies having jurisdiction over the project.

(8) Project estimated completion date and estimated construction schedule.

(9) Draft notices required by § 806.15.

(10) The Commission may also require the following information as deemed necessary:

(i) Engineering feasibility.

(ii) Ability of the project sponsor to fund the project.

(b) Additional information is required for a new project or a major modification to an existing approved project as follows.

(1) *Surface water.* (i) Water use and availability.

(ii) Project setting, including surface water characteristics, identification of wetlands, and site development considerations.

(iii) Description and design of intake structure.

(iv) Anticipated impact of the proposed project on local flood risk, recreational uses, fish and wildlife, and natural environment features.

(v) For new projects and major modifications to increase a withdrawal, alternatives analysis for a withdrawal proposed in settings with a drainage area of 50 miles square or less, or in a waterway with exceptional water quality, or as required by the Commission.

(2) *Groundwater*—(i) With the exception of mining related withdrawals solely for the purpose of dewatering; construction dewatering withdrawals and withdrawals for the sole purpose of groundwater or below water table remediation generally which are addressed in paragraph (b)(6) of this section, the project sponsor shall provide an interpretative report that includes all monitoring and results of a constant-rate aquifer test consistent with § 806.12 and an updated groundwater availability estimate if changed from the aquifer test plan, unless a request for a waiver of the requirements of § 806.12 is granted. The project sponsor shall obtain Commission approval of the test procedures prior to initiation of the constant-rate aquifer test.

(ii) Water use and availability.

(iii) Project setting, including nearby surface water features.

(iv) Groundwater elevation monitoring plan for all production wells.

(v) Alternatives analysis as required by the Commission.

(3) *Consumptive use.* (i) Consumptive use calculations, and a mitigation plan consistent with § 806.22(b).

(ii) Water conservation methods, design or technology proposed or considered.

(iii) Alternatives analysis as required by the Commission.

(4) *Into basin diversions.* (i) Provide the necessary information to demonstrate that the proposed project will meet the standards in § 806.24(c).

(ii) Identification of the source and water quality characteristics of the water to be diverted.

(5) *Out of basin diversions.* (i) Provide the necessary information to demonstrate that the proposed project will meet the standards in § 806.24(b).

(ii) Project setting.

(6) *Other projects.* Other projects, including without limitation, mine dewatering, construction dewatering, water resources remediation projects, and AMD remediation facilities that qualify as a withdrawal.

(i) In lieu of aquifer testing, report(s) prepared for any other purpose or as required by other governmental regulatory agencies that provides a demonstration of the hydrogeologic and/or hydrologic effects and limits of said effects due to operation of the proposed project and effects on local water availability.

(ii) [Reserved]

(c) All applications for renewal of expiring approved projects, including those with minor or major modifications, shall include, but not be limited to, the following information, and, where applicable, shall be subject to the requirements in paragraph (d) of this section and submitted on forms and in the manner prescribed by the Commission.

(1) Identification of project sponsor including any and all proprietors, corporate officers or partners, the mailing address of the same, and the name of the individual authorized to act for the sponsor.

(2) Project location, including latitude and longitude coordinates in decimal degrees accurate to within 10 meters, the project location displayed on map with a 7.5-minute USGS topographic base, and evidence of legal access to the property upon which the project is located.

(3) Project description, to include, but not be limited to: purpose, proposed quantity to be withdrawn or consumed if applicable, identification of all water sources related to the project including location and date of initiation of each source, and any proposed project modifications.

(4) The reasonably foreseeable need for the requested renewal of the quantity of water to be withdrawn or consumed, including supporting calculations, and the projected demand for the term of the approval.

(5) An as-built and approved metering plan.

(6) Copies of permits from member jurisdictions regarding all necessary permits or approvals obtained for the project from other federal, state, or local government agencies having jurisdiction over the project.

(7) Copy of any approved mitigation or monitoring plan and any related as-built for the expiring project.

(8) Demonstration of registration of all withdrawals or consumptive uses in accordance with the applicable state requirements.

(9) Draft notices required by § 806.15.

(d) Additional information is required for the following applications for renewal of expiring approved projects.

(1) *Surface water.* (i) Historic water use quantities and timing of use.

(ii) Changes to stream flow or quality during the term of the expiring approval.

(iii) Changes to the facility design.

(iv) Any proposed changes to the previously authorized purpose.

(2) *Groundwater*—(i) The project sponsor shall provide an interpretative report that includes all monitoring and results of any constant-rate aquifer testing previously completed or submitted to support the original approval. In lieu of a testing report, historic operational data pumping and elevation data may be considered, as a request for waiver of the requirements of § 806.12. Those projects that did not have constant-rate aquifer testing completed for the original approval that was consistent with § 806.12 or sufficient historic operational pumping and groundwater elevation data may be required to complete constant-rate aquifer testing consistent with § 806.12, prepare and submit an interpretative report that includes all monitoring and results of any constant-rate aquifer test.

(ii) An interpretative report providing analysis and comparison of current and historic water withdrawal and groundwater elevation data with previously completed hydrogeologic report.

(iii) Current groundwater availability analysis assessing the availability of water during a 1-in-10 year recurrence interval under the existing conditions within the recharge area and predicted for term of renewal (i.e., other users, discharges, and land development within the groundwater recharge area).

(iv) Groundwater elevation monitoring plan for all production wells.

(v) Changes to the facility design.

(vi) Any proposed changes to the previously authorized purpose.

(3) *Consumptive use.* (i) Consumptive use calculations, and a copy of the approved plan or method for mitigation consistent with § 806.22.

(ii) Changes to the facility design.

(iii) Any proposed changes to the previously authorized purpose.

(4) *Into basin diversion.* (i) Provide the necessary information to demonstrate that the proposed project will meet the standards in § 806.24(c).

(ii) Identification of the source and water quality characteristics of the water to be diverted.

(iii) Changes to the facility design.

(iv) Any proposed changes to the previously authorized purpose.

(5) *Out of basin diversion.* (i) Historic water use quantities and timing of use.

(ii) Changes to stream flow or quality during the term of the expiring approval.

(iii) Changes to the facility design.

(iv) Any proposed changes to the previously authorized purpose,

(6) *Other projects.* Other projects, including without limitation, mine dewatering, water resources remediation projects, and AMD facilities that qualify as a withdrawal.

(i) Copy of approved report(s) prepared for any other purpose or as required by other governmental regulatory agencies that provides a demonstration of the hydrogeologic and/or hydrologic effects and limits of said effects due to operation of the project and effects on local water availability.

(ii) Any data or reports that demonstrate effects of the project are consistent with those reports provided in paragraph (d)(6)(i) of this section.

(iii) Demonstration of continued need for expiring approved water source and quantity.

(iv) Changes to the facility design.

(v) Any proposed changes to the previously authorized purpose.

(e) A report about the project prepared for any other purpose, or an application for approval prepared for submission to a member jurisdiction, may be accepted by the Commission provided the said report or application addresses all necessary items on the Commission's form or listed in this section, as appropriate.

(f) 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; and

(5) Demonstration that the anticipated impact of the requested modification will not adversely impact the water resources of the basin.

(g) For any applications, the Executive Director or Commission may require other information not otherwise listed in this section.

9. Amend § 806.15 by revising paragraph (a), adding paragraph (b)(3), and revising paragraph (g) to read as follows:

§ 806.15 Notice of application.

(a) Except with respect to paragraphs (h) and (i) of this section, 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 and the appropriate county agencies 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 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.

(b) * * *

(3) For groundwater withdrawal applications, the Commission or Executive Director may allow notification of property owners through alternate methods where the property of such property owner is served by a public water supply.

* * * * *

(g) The project sponsor shall provide the Commission with a copy of the United States Postal Service return receipt or the verified return receipt from a comparable delivery service for the notifications to agencies of member States, municipalities and appropriate county agencies required under paragraph (a) of this section. The project sponsor shall also provide certification on a form provided by the Commission that it has published the newspaper notice(s) required by this section and made the landowner notifications as required under paragraph (b) of this section, if applicable. Until these items are provided to the Commission, processing of the application will not proceed. The project sponsor shall maintain all proofs of publication and records of notices sent under this section for the duration of the approval related to such notices.

10. Amend § 806.21 by revising paragraphs (a) and (c)(1) to read as follows:

§ 806.21 General standards.

(a) A project shall be feasible and not be detrimental to the proper reservation, development, management, or control of the water resources of the basin.

(c) ***

(1) The Commission may suspend the review of any application under this part if the project is subject to the lawful jurisdiction of any member jurisdiction or any political subdivision thereof, and such member jurisdiction or political subdivision has disapproved or denied the project. Where such disapproval or denial is reversed on appeal, the appeal is final, and the project sponsor provides the Commission with a certified copy of the decision, the Commission shall resume its review of the application. Where, however, an application has been suspended hereunder for a period greater than three years, the Commission may terminate its review. Thereupon, the Commission shall notify the project sponsor of such termination and that the application fee paid by the project sponsor is forfeited. The project sponsor may reactivate the terminated application by reapplying to the Commission, providing evidence of its receipt of all necessary governmental approvals and, at the discretion of the Commission, submitting new or updated information.

11. Amend § 806.22 by revising paragraphs (b) introductory text, (b)(3), (e), and (f)(3) and (9) to read as follows:

§ 806.22 Standards for consumptive use of water.

(b) *Mitigation.* All project sponsors whose consumptive use of water is subject to review and approval under § 806.4, § 806.5, § 806.6, or § 806.17 shall mitigate such consumptive use. Except to the extent that the project involves the diversion of the waters out of the basin, public water supplies shall be exempt from the requirements of this section regarding consumptive use; provided, however, that nothing in this section shall be construed to exempt individual consumptive users connected to any such public water supply from the requirements of this section. Mitigation may be provided by one or a combination of the following:

(3) Provide monetary payment to the Commission, for all water consumptively used over the course of a year, in an amount and manner prescribed by the Commission.

(e) *Approval by rule for consumptive uses.* (1) *General rule.* Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section, any project who is solely supplied water for consumptive use by public water supply may be approved by the Executive Director under this paragraph (e) in accordance with the following, unless the

Executive Director determines that the project cannot be adequately regulated under this approval by rule.

(2) *Notification of intent.* Prior to undertaking a project or increasing a previously approved quantity of consumptive use, the project sponsor shall submit a notice of intent (NOI) on forms prescribed by the Commission, and the appropriate application fee, along with any required attachments.

(3) *Time of notice.* Within 20 days after submittal of an NOI under paragraph (e)(2) of this section, the project sponsor shall satisfy the notice requirements set forth in § 806.15.

(4) *Metering, daily use monitoring, and quarterly reporting.* The project sponsor shall comply with metering, daily use monitoring, and quarterly reporting as specified in § 806.30.

(5) *Standard conditions.* The standard conditions set forth in § 806.21 shall apply to projects approved by rule.

(6) *Mitigation.* The project sponsor shall comply with mitigation in accordance with paragraph (b)(2) or (3) of this section.

(7) *Compliance with other laws.* The project sponsor shall obtain all necessary permits or approvals required for the project from other federal, state or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend or revoke any approval under this paragraph (e) if the project sponsor fails to obtain or maintain such approvals.

(8) *Decision.* The Executive Director may grant, deny, suspend, revoke, modify or condition an approval to operate under this approval by rule, or renew an existing approval by rule previously granted hereunder, and will notify the project sponsor of such determination, including the quantity of consumptive use approved.

(9) *Term.* Approval by rule shall be effective upon written notification from the Executive Director to the project sponsor, shall expire 15 years from the date of such notification, and shall be deemed to rescind any previous consumptive use approvals.

(f) ***

(3) Within 20 days after submittal of an NOI under paragraph (f)(2) of this section, the project sponsor shall satisfy the notice requirements set forth in § 806.15.

(9) The Executive Director may grant, deny, suspend, revoke, modify or condition an approval to operate under this approval by rule, or renew an existing approval by rule granted hereunder, and will notify the project sponsor of such determination, including the sources and quantity of consumptive use approved. The issuance of any approval hereunder shall not be construed to waive or exempt the project sponsor from obtaining Commission approval for any water withdrawals or diversions subject to review pursuant to § 806.4(a). Any sources of water approved pursuant to this section shall be further subject to any approval or authorization required by the member jurisdiction.

12. Amend § 806.23 by revising paragraphs (b)(2) and (b)(3)(i) and adding paragraph (b)(5) to read as follows:

§ 806.23 Standards for water withdrawals.

(b) ***

(2) The Commission may deny an application, limit or condition an approval to ensure that the withdrawal will not cause significant adverse impacts to the water resources of the basin. The Commission may consider, without limitation, the following in its consideration of adverse impacts: Lowering of groundwater or stream flow levels; groundwater and surface water availability, including cumulative uses; rendering competing supplies unreliable; affecting other water uses; causing water quality degradation that may be injurious to any existing or potential water use; affecting fish, wildlife or other living resources or their habitat; causing permanent loss of aquifer storage

capacity; affecting wetlands; or affecting low flow of perennial or intermittent streams.

(3) * * *

(i) Limit the quantity, timing or rate of withdrawal or level of drawdown, including requiring a total system limit.

* * * * *

(5) For projects consisting of mine dewatering, water resources remediation, and AMD facilities that qualify as a withdrawal, review of adverse impacts will have limited consideration of groundwater availability, causing permanent loss of aquifer storage and lowering of groundwater levels provided these projects are operated in accordance with the laws and regulations of the member jurisdictions.

13. Amend § 806.30 by revising the introductory text and paragraph (a)(4) and adding paragraph (a)(8) to read as follows:

§ 806.30 Monitoring.

The Commission, as part of the project review, shall evaluate the proposed methodology for monitoring consumptive uses, water withdrawals and mitigating flows, including flow metering devices, stream gages, and other facilities used to measure the withdrawals or consumptive use of the project or the rate of stream flow. If the Commission determines that additional flow measuring, metering or monitoring devices are required, these shall be provided at the expense of the project sponsor, installed in accordance with a schedule set by the Commission, and installed per the specifications and recommendations of the manufacturer of the device, and shall be subject to inspection by the Commission at any time.

(a) * * *

(4) Measure groundwater levels in all approved production and other wells, as specified by the Commission.

* * * * *

(8) Perform other monitoring for impacts to water quantity, water quality and aquatic biological communities, as specified by the Commission.

* * * * *

14. Amend § 806.31 by revising paragraphs (d) and (e) to read as follows:

§ 806.31 Term of approvals.

* * * * *

(d) If the Commission determines that a project has been abandoned, by evidence of nonuse for a period of time and under such circumstances that an abandonment may be inferred, the Commission may revoke the approval for such withdrawal, diversion or consumptive use.

(e) If a project sponsor submits an application to the Commission no later than six months prior to the expiration of its existing Commission docket approval or no later than one month prior to the expiration of its existing ABR or NOI approval, the existing approval will be deemed extended until such time as the Commission renders a decision on the application, unless the existing approval or a notification in writing from the Commission provides otherwise.

15. Add subpart E to read as follows:

Subpart E-Registration of Grandfathered Projects
Sec.

806.40 Applicability.

806.41 Registration and eligibility.

806.42 Registration requirements.

806.43 Metering and monitoring requirements.

806.44 Determination of grandfathered quantities.

806.45 Appeal of determination.

§ 806.40 Applicability.

(a) This subpart is applicable to the following projects, which shall be known as grandfathered projects:

(1) The project has an associated average consumptive use of 20,000 gpd or more in any consecutive 30-day period all or part of which is a pre-compact consumptive use that has not been approved by the Commission pursuant to § 806.4.

(2) The project has an associated groundwater withdrawal average of 100,000 gpd or more in any consecutive 30-day period all or part of which was initiated prior to July 13, 1978, that has not been approved by the Commission pursuant to § 806.4.

(3) The project has an associated surface water withdrawal average of 100,000 gpd or more in any consecutive 30-day period all or part of which was initiated prior to November 11, 1995, that has not been approved by the Commission pursuant to § 806.4.

(4) The project (or an element of the project) has been approved by the Commission but has an associated consumptive use or water withdrawal that has not been approved by the Commission pursuant to § 806.4.

(5) Any project not included in paragraphs (a)(2) through (4) of this section that has a total withdrawal average of 100,000 gpd or more in any consecutive 30-day average from any combination of sources which was initiated prior to January 1, 2007, that has not been approved by the Commission pursuant to § 806.4.

(6) Any source associated with a project included in paragraphs (a)(2) through (5) of this section regardless of quantity.

(b) A project, including any source of the project, that can be determined to have been required to seek Commission review and approval under the pertinent regulations in place at the time is not eligible for registration as a grandfathered project.

§ 806.41 Registration and eligibility.

(a) Project sponsors of grandfathered projects identified in § 806.40 shall submit a registration to the Commission, on a form and in a manner prescribed by the Commission, by December 31, 2019.

(b) Any grandfathered project that fails to register under paragraph (a) of this section shall be subject to review and approval under § 806.4.

(c) Any project that is not eligible to register under paragraph (a) of this section shall be subject to review and approval under § 806.4.

(d) The Commission may establish fees for obtaining and maintaining registration in accordance with § 806.35.

(e) A registration under this subpart may be transferred pursuant to § 806.6.

§ 806.42 Registration requirements.

(a) Registrations shall include the following information:

(1) Identification of project sponsor including any and all proprietors, corporate officers or partners, the mailing address of the same, and the name of the individual authorized to act for the sponsor.

(2) Description of the project and site in terms of:

(i) Project location, including latitude and longitude coordinates in decimal degrees accurate to within 10 meters.

(ii) Project purpose.

(3) Identification of all sources of water, including the date the source was put into service, each source location (including latitude and longitude coordinates in decimal degrees accurate to within 10 meters), and if applicable, any approved docket numbers.

(4) Identification of current metering and monitoring methods for water withdrawal and consumptive use.

(5) Identification of current groundwater level or elevation monitoring methods at groundwater sources.

(6) All quantity data for water withdrawals and consumptive use for a minimum of the previous five calendar years.

If the project sponsor registering submitted the water withdrawal and consumptive use data for the previous five calendar years to a member jurisdiction, that data will satisfy this requirement. A project sponsor registering may provide supplementary data related to water withdrawals and consumptive use quantities. If quantity data are not available, any information available upon which a determination of quantity could be made.

(7) For consumptive use, description of processes that use water, identification of water returned to the Basin, history of the use, including process changes, expansions and other actions that would have an impact on the amount of water consumptively used during the past five calendar years.

(8) Based on the data provided, the quantity of withdrawal for each individual source and consumptive use the project sponsor requests to be grandfathered by the Commission.

(9) Any ownership or name changes to the project since January 1, 2007.

(b) The Commission may require any other information it deems necessary for the registration process or waive any information required under paragraph (a) of this section for projects relying on a prior determination of the Commission.

§ 806.43 Metering and monitoring requirements.

(a) As a part of the registration process, the Commission shall review the current metering and monitoring for grandfathered withdrawals and consumptive uses.

(b) The Commission may require a metering and monitoring plan for the project sponsor to follow.

(c) Project sponsors, as an ongoing obligation of their registration, shall report to the Commission all information specified in the grandfathering determination under § 806.44 in a form and manner determined by the Commission. If water withdrawal and consumptive use quantity reporting is required by the member jurisdiction where the project is located, the Commission shall accept that reported quantity to satisfy the requirements of this paragraph (c), unless the Commission finds that additional data is needed that is not required by the member jurisdiction.

(d) Any data generated or collected under paragraph (c) of this section will be made available to the member jurisdictions in a manner and timeframe mutually agreeable to both the Commission and the jurisdiction.

§ 806.44 Determination of grandfathered quantities.

(a) For each registration submitted, the Executive Director shall determine the grandfathered quantity for each withdrawal source and consumptive use.

(b) In making a determination, the following factors should be considered:

(1) The withdrawal and use data and the peak consecutive 30-day average shown by the data;

(2) The reliability and accuracy of the data and/or the meters or measuring devices;

(3) Determination of reasonable and genuine usage of the project, including any anomalies in the usage;

(4) Whether the grandfathered amount includes an operational margin of safety; and

(5) Other relevant factors.

(c) The Executive Director, in lieu of a determination under paragraph (b) of this section, may accept a previous grandfathering determination by the Commission at the request of the project sponsor.

§ 806.45 Appeal of determination.

(a) A final determination of the grandfathered quantity by the Executive Director must be appealed to the Commission within 30 days from actual notice of the determination.

(b) The Commission shall appoint a hearing officer to preside over appeals under this section. Hearings shall be governed by the procedures set forth in part 808 of this chapter.

PART 808—HEARINGS AND ENFORCEMENT ACTIONS

16. The authority citation for part 808 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.*

17. Revise § 808.1 to read as follows:

§ 808.1 Public hearings.

(a) *Required hearings.* A public hearing shall be conducted in the following instances:

(1) Addition of projects or adoption of amendments to the comprehensive plan, except as otherwise provided by section 14.1 of the compact.

(2) Review and approval of diversions.

(3) Imposition or modification of rates and charges.

(4) Determination of protected areas.

(5) Drought emergency declarations.

(6) Hearing requested by a member jurisdiction.

(7) As otherwise required by sections 3.5(4), 4.4, 5.2(e), 6.2(a), 8.4, and 10.4 of the compact.

(b) *Optional hearings.* A public hearing may be conducted by the Commission or the Executive Director in any form or style chosen by the Commission or Executive Director in the following instances:

(1) Proposed rulemaking.

(2) Consideration of projects, except projects approved pursuant to memoranda of understanding with member jurisdictions.

(3) Adoption of policies and technical guidance documents.

(4) When it is determined that a hearing is necessary to give adequate consideration to issues related to public health, safety and welfare, or protection of the environment, or to gather additional information for the record or consider new information on a matter before the Commission.

(c) *Notice of public hearing.* At least 20 days before any public hearing required by the compact, notices stating the date, time, place and purpose of the hearing including issues of interest to the Commission shall be published at least once in a newspaper of general circulation in the area affected. In all other cases, at least 20 days prior to the hearing, notice shall be posted on the Commission Web site, sent to the parties who, to the Commission's knowledge, will participate in the hearing, and sent to persons, organizations and news media who have made requests to the Commission for notices of hearings or of a particular hearing. With regard to rulemaking, hearing notices need only be forwarded to the directors of the *New York Register*, the *Pennsylvania Bulletin*, the *Maryland Register* and the *Federal Register*, and it is sufficient that this notice appear in the *Federal Register* at least 20 days prior to the hearing and in each individual state publication at least 10 days prior to any hearing scheduled in that state.

(d) *Standard public hearing procedure.* (1) Hearings shall be open to the public. Participants may be any person, including a project sponsor, wishing to appear at the hearing and make an oral or written statement. Statements shall be made a part of the record of the hearing, and written statements may be received up to and including the last day on which the hearing is held, or within 10 days or a reasonable time thereafter as may be specified by the presiding officer.

(2) Participants are encouraged to file with the Commission at its headquarters written notice of their intention to appear at the hearing. The notice should be filed at least three days prior to the opening of the hearing.

(e) *Representative capacity.* Participants wishing to be heard at a public hearing may appear in person or be represented by

an attorney or other representative. A governmental authority may be represented by one of its officers, employees or by a designee of the governmental authority.

(f) *Description of project.* When notice of a public hearing is issued, there shall be available for inspection, consistent with the Commission's Access to Records Policy, all plans, summaries, maps, statements, orders or other supporting documents which explain, detail, amplify, or otherwise describe the project the Commission is considering. Instructions on where and how the documents may be obtained will be included in the notice.

(g) *Presiding officer.* A public hearing shall be presided over by the Commission chair, the Executive Director, or any member or designee of the Commission or Executive Director. The presiding officer shall have full authority to control the conduct of the hearing and make a record of the same.

(h) *Transcript.* Whenever a project involving a diversion of water is the subject of a public hearing, and at all other times deemed necessary by the Commission or the Executive Director, a written transcript of the hearing shall be made. A certified copy of the transcript and exhibits shall be available for review during business hours at the Commission's headquarters to anyone wishing to examine them. Persons wishing to obtain a copy of the transcript of any hearing shall make arrangements to obtain it directly from the recording stenographer at their expense.

(i) *Joint hearings.* The Commission may conduct any public hearings in concert with any other agency of a member jurisdiction.

18. Revise § 808.2 to read as follows:

§ 808.2 Administrative appeals.

(a) A project sponsor or other person aggrieved by a final action or decision of the Executive Director shall file a written appeal with the Commission within 30 days of the receipt of actual notice by the project sponsor or within 30 days of publication of the action in the *Federal Register*. Appeals shall be filed on a form and in a manner prescribed by the Commission and the petitioner shall have 20 days from the date of filing to amend the appeal. The following is a non-exclusive list of actions by the Executive Director that are subject to an appeal to the Commission:

- (1) A determination that a project requires review and approval under § 806.5;
- (2) An approval or denial of an application for transfer under § 806.6;
- (3) An approval of a Notice of Intent under a general permit under § 806.17;
- (4) An approval of a minor modification under § 806.18;
- (5) A determination regarding an approval by rule under § 806.22(e) or (f);
- (6) A determination regarding an emergency certificate under § 806.34;
- (7) Enforcement orders issued under § 808.14;
- (8) A finding regarding a civil penalty under § 808.15(c);
- (9) A determination of grandfathered quantity under § 806.44;
- (10) A decision to modify, suspend or revoke a previously granted approval; and
- (11) A records access determination made pursuant to Commission policy.

(b) The appeal shall identify the specific action or decision being appealed, the date of the action or decision, the interest of the person requesting the hearing in the subject matter of the appeal, and a statement setting forth the basis for objecting to or seeking review of the action or decision.

(c) Any request not filed on or before the applicable deadline established in paragraph (a) of this section hereof will be deemed untimely and such request for a hearing shall be considered denied unless the Commission, upon written request and for good

cause shown, grants leave to make such filing nunc pro tunc; the standard applicable to what constitutes good cause shown being the standard applicable in analogous cases under Federal law. Receipt of requests for hearings pursuant to this section, whether timely filed or not, shall be submitted by the Executive Director to the commissioners for their information.

(d) Petitioners shall be limited to a single filing that shall set forth all matters and arguments in support thereof, including any ancillary motions or requests for relief. Issues not raised in this single filing shall be considered waived for purposes of the instant proceeding. Where the petitioner is appealing a final determination on a project application and is not the project sponsor, the petitioner shall serve a copy of the appeal upon the project sponsor within five days of its filing.

(e) The Commission will determine the manner in which it will hear the appeal. If a hearing is granted, the Commission shall serve notice thereof upon the petitioner and project sponsor and shall publish such notice in the *Federal Register*. The hearing shall not be held less than 20 days after publication of such notice. Hearings may be conducted by one or more members of the Commission, or by such other hearing officer as the Commission may designate.

(1) The petitioner may also request a stay of the action or decision giving rise to the appeal pending final disposition of the appeal, which stay may be granted or denied by the Executive Director after consultation with the Commission chair and the member from the affected member State. The decision of the Executive Director on the request for stay shall not be appealable to the Commission under this section and shall remain in full force and effect until the Commission acts on the appeal.

(2) In addition to the contents of the request itself, the Executive Director, in granting or denying the request for stay, will consider the following factors:

(i) Irreparable harm to the petitioner.

(ii) The likelihood that the petitioner will prevail.

(f) The Commission shall grant the hearing request pursuant to this section if it determines that an adequate record with regard to the action or decision is not available, or that the Commission has found that an administrative review is necessary or desirable. If the Commission denies any request for a hearing, the party seeking such hearing shall be limited to such remedies as may be provided by the compact or other applicable law or court rule. If a hearing is granted, the Commission shall refer the matter for hearing to be held in accordance with § 808.3, and appoint a hearing officer.

(g) If a hearing is not granted, the Commission may set a briefing schedule and decide the appeal based on the record before it. The Commission may, in its discretion, schedule and hear oral argument on an appeal.

(h)(1) A request for intervention may be filed with the Commission by persons other than the petitioner within 20 days of the publication of a notice of the granting of such hearing in the *Federal Register*. The request for intervention shall state the interest of the person filing such notice, and the specific grounds of objection to the action or decision or other grounds for appearance. The hearing officer(s) shall determine whether the person requesting intervention has standing in the matter that would justify their admission as an intervener to the proceedings in accordance with Federal case law.

(2) Interveners shall have the right to be represented by counsel, to present evidence and to examine and cross-examine witnesses.

(i) Where a request for an appeal is made, the 90-day appeal period set forth in section 3.10 (6) and Federal reservation (o) of the compact shall not commence until the Commission has either denied the request for or taken final action on an administrative appeal.

19. Revise § 808.11 to read as follows:

§ 808.11 Duty to comply.

It shall be the duty of any person to comply with any provision of the compact, or the Commission's rules, regulations, orders, approvals, docket conditions, staff directives or any other requirement of the Commission.

20. Revise § 808.14 to read as follows:

§ 808.14 Orders.

(a) Whether or not an NOV has been issued, the Executive Director may issue an order directing an alleged violator to cease and desist any action or activity to the extent such action or activity constitutes an alleged violation, or may issue any other order related to the prevention of further violations, or the abatement or remediation of harm caused by the action or activity.

(b) If the project sponsor fails to comply with any term or condition of a docket or other approval, the commissioners or Executive Director may issue an order suspending, modifying or revoking approval of the docket. The commissioners may also, in their discretion, suspend, modify or revoke a docket approval if the project sponsor fails to obtain or maintain other federal, state or local approvals.

(c) The commissioners or Executive Director may issue such other orders as may be necessary to enforce any provision of the compact, the Commission's rules or regulations, orders, approvals, docket conditions, or any other requirements of the Commission.

(d) It shall be the duty of any person to proceed diligently to comply with any order issued pursuant to this section.

(e) The Commission or Executive Director may enter into a Consent Order and Agreement with an alleged violator to resolve non-compliant operations and enforcement proceedings in conjunction with or separately from settlement agreements under § 808.18.

21. Revise § 808.15 to read as follows:

§ 808.15 Show cause proceeding.

(a) The Executive Director may issue an order requiring an alleged violator to show cause why a penalty should not be assessed in accordance with the provisions of this chapter and section 15.17 of the compact. The order to the alleged violator shall:

(1) Specify the nature and duration of violation(s) that is alleged to have occurred.

(2) Set forth the date by which the alleged violator must provide a written response to the order.

(3) Identify the civil penalty recommended by Commission staff.

(b) The written response by the project sponsor should include the following:

(1) A statement whether the project sponsor contests that the violations outlined in the Order occurred;

(2) If the project sponsor contests the violations, then a statement of the relevant facts and/or law providing the basis for the project sponsor's position;

(3) Any mitigating factors or explanation regarding the violations outlined in the Order; and

(4) A statement explaining what the appropriate civil penalty, if any, should be utilizing the factors at § 808.16.

(c) Based on the information presented and any relevant policies, guidelines or law, the Executive Director shall make a written finding affirming or modifying the civil penalty recommended by Commission staff.

22. Amend § 808.16 by revising paragraphs (a) introductory text and (a)(7), adding paragraph (a)(8), and revising paragraph (b) to read as follows:

§ 808.16 Civil penalty criteria.

(a) In determining the amount of any civil penalty or any settlement of a violation, the Commission and Executive Director shall consider:

* * * * *

(7) The length of time over which the violation occurred and the amount of water used, diverted or withdrawn during that time period.

(8) The punitive effect of a civil penalty.

(b) The Commission and/or Executive Director retains the right to waive any penalty or reduce the amount of the penalty recommended by the Commission staff under § 808.15(a)(3) should it be determined, after consideration of the factors in paragraph (a) of this section, that extenuating circumstances justify such action.

23. Revise § 808.17 to read as follows:

§ 808.17 Enforcement of penalties, abatement or remedial orders.

Any penalty imposed or abatement or remedial action ordered by the Commission or the Executive Director shall be paid or completed within such time period as shall be specified in the civil penalty assessment or order. The Executive Director and Commission counsel are authorized to take such additional action as may be necessary to assure compliance with this subpart. If a proceeding before a court becomes necessary, the penalty amount determined in accordance with this part shall constitute the penalty amount recommended by the Commission to be fixed by the court pursuant to section 15.17 of the compact.

24. Revise § 808.18 to read as follows:

§ 808.18 Settlement by agreement.

(a) An alleged violator may offer to settle an enforcement action by agreement. The Executive Director may enter into settlement agreements to resolve an enforcement action. The Commission may, by Resolution, require certain types of enforcement actions or settlements to be submitted to the Commission for action or approval.

(b) In the event the violator fails to carry out any of the terms of the settlement agreement, the Commission or Executive Director may reinstitute a civil penalty action and any other applicable enforcement action against the alleged violator.

Dated: June 21, 2017.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-15-20]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June 16, 2017, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on June 16, 2017, in Entriken, Pennsylvania, the Commission took the following actions: 1) approved or tabled the applications of certain water resources projects; and 2) took additional actions, as set forth in the Supplementary Information below.

DATES: June 16, 2017.

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; 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) election of the member from the Federal Government as Chair of the Commission and the member from the State of New York as the Vice Chair of the Commission for the period of July 1, 2017, to June 30, 2018; 2) adoption of FY2018 Regulatory Program Fee Schedule, effective July 1, 2017; 3) adoption of a preliminary FY2019 budget for the period July 1, 2018, to June 30, 2019; 4) authorization to execute a treasury management services agreement with First National Bank; 5) approval/ratification of a grant agreement, two contracts and a bank loan payoff; 6) approval of a rulemaking action to clarify application requirements and standards for review of projects, amend the rules dealing with the mitigation of consumptive uses, add a subpart to provide for registration of grandfathered projects and revise requirements dealing with hearings and enforcement actions; 7) denied a request for waiver from EOG Resources Inc.; 8) tabled a request for waiver from Middletown Borough; 9) approval to extend the term of an emergency certificate with Susquehanna Nuclear, LLC until terminated by the Executive Director; 10) adoption of the FY2018-2019 Water Resources Program; 11) adoption of amendments to the *Comprehensive Plan for the Water Resources of the Susquehanna River Basin*; and 12) a report on delegated settlements with the following project sponsors, pursuant to SRBC Resolution 2014-15: Albany International Corp., in the amount of \$8,500; and Tanglewood Manor, Inc., in the amount of \$2,500.

Project Applications Approved:

The Commission approved the following project applications:

Project Sponsor and Facility: Town of Big Flats, Chemung County, N.Y. Groundwater withdrawal of up to 0.778 mgd (30-day average) from Well 1-1.

Project Sponsor and Facility: Michael and Sandra Buhler (Bennett Branch Sinnemahoning Creek), Huston Township, Clearfield County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130603).

Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Mehoopany Township, Wyoming County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130303).

Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Wysox Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130304).

Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek), Rush Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.715 mgd (peak day).

Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, Pa. Groundwater withdrawal of up to 0.028 mgd (30-day average) from existing Well 4.

Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, Pa. Groundwater withdrawal of up to 0.042 mgd (30-day average) from existing Well 5.

Project Sponsor and Facility: Ephrata Area Joint Authority, Ephrata Borough, Lancaster County, Pa. Modification to request a combined withdrawal limit for Well 1, Cocalico Creek, and Mountain Home Springs of 2.310 mgd (30-day average) (Docket No. 20110902).

Project Sponsor and Facility: Equipment Transport, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20130613).

Project Sponsor and Facility: Kraft Heinz Foods Company, Town of Campbell, Steuben County, N.Y. Renewal of groundwater withdrawal of up to 0.299 mgd (30-day average) from Well 3 (Docket No. 19860203).

Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, Pa. Modification to request a reduction of the maximum instantaneous rate for Well 3 from the previously approved rate of 1,403 gpm to 778 gpm and revise the passby to be consistent with current Commission policy (Docket No. 20070607). The previously approved withdrawal rate of 1.020 mgd (30-day average) will remain unchanged.

Project Sponsor: P.H. Glatfelter Company. Project Facility: Paper/Pulp Mill and Cogen Operations (Codorus Creek), Spring Grove Borough, York County, Pa. Renewal of surface water withdrawal of up to 16.000 mgd (peak day) (Docket No. 19860602).

Project Sponsor: P.H. Glatfelter Company. Project Facility: Paper/Pulp Mill and Cogen Operations, Spring Grove Borough, York County, Pa. Renewal of consumptive water use of up to 0.900 mgd (peak day) (Docket No. 19860602).

Project Sponsor and Facility: Rausch Creek Land, L.P., Porter Township, Schuylkill County, Pa. Renewal of groundwater withdrawal of up to 0.100 mgd (30-day average) from Pit #21 (Docket No. 20120612).

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Towanda Creek), Franklin Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20130311).

Project Sponsor and Facility: Spring Township Water Authority, Spring Township, Centre County, Pa. Groundwater withdrawal of up to 0.499 mgd (30-day average) from Cerro Well.

Project Sponsor and Facility: Warren Marcellus LLC (Susquehanna River), Washington Township, Wyoming County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130305).

Project Applications Tabled:

The Commission tabled action on the following project applications:

Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, Pa. Minor modification to add new sources (Wells PW-1 and PW-6) to existing consumptive use approval (Docket No. 20060604). The previously approved consumptive use quantity of 0.360 mgd (peak day) will remain unchanged.

Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, Pa. Application for groundwater withdrawal of up to 0.145 mgd (30-day average) from Well PW-1.

Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, Pa. Application for groundwater withdrawal of up to 0.298 mgd (30-day average) from Well PW-6.

Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1.

Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.480 mgd (30-day average) from Well 2.

Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.470 mgd (30-day average) from Well 3.

Project Applications Approved Involving a Diversion:

Project Sponsor and Facility: City of DuBois, Union Township, Clearfield County, Pa. Modification to the diversion from Anderson Creek Reservoir by expansion of the existing service area as a result of interconnection and bulk water supply to Falls Creek Borough Municipal Authority (Docket No. 20060304).

Project Sponsor: Seneca Resources Corporation. Project Facility: Impoundment 1, receiving groundwater from Seneca Resources Corporation Wells 5H and 6H and Clermont Wells 1, 2, North 2, 3, and 4, Norwich and Sergeant Townships, McKean County, Pa. Modification to add four additional sources (Clermont North Well 1, Clermont North Well 3, Clermont South Well 7, and Clermont South Well 10) and increase the into-basin diversion from the Ohio River Basin by an additional 1.044 mgd (peak day), for a total of up to 3.021 mgd (peak day) (Docket No. 20141216).

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

Dated: June 27, 2017.

STEPHANIE L. RICHARDSON
Secretary to the Commission
[17-15-19]

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 August 3, 2017, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on a request for waiver of 18 CFR § 806.6(a)(5) and (b) by Middletown Borough, as well as a proposed guidance for alternatives analysis. Such projects, request and proposal are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 7, 2017, 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, request and proposal. The deadline for the submission of written comments is August 14, 2017.

DATES: The public hearing will convene on August 3, 2017, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is August 14, 2017.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

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 Application and Approval Viewer at <http://mdw.srbc.net/waav>. 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 a request for waiver of 18 CFR § 806.6(a)(5) and (b) by Middletown Borough, tabled at the Commission's business meeting held June 16, 2017, as well as a proposed guidance for alternatives analysis, as posted on the SRBC Public Participation Center webpage at www.srbc.net/pubinfo/publicparticipation.htm. The public hearing will also cover the following projects:

Projects Scheduled for Action:

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Springville Township, Susquehanna County, Pa. Application for renewal with modification of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20130904).

Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Chemung River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130905).

Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Sugar Creek), Burlington Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20130906).

Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Terry Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20130907).

Project Sponsor and Facility: Chief Oil & Gas LLC (Towanda Creek), Leroy Township, Bradford County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).

Project Sponsor and Facility: Downs Racing, L.P. d/b/a Mohegan Sun Pocono, Plains Township, Luzerne County, Pa. Application for consumptive use of up to 0.350 mgd (peak day).

Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 6 (Docket No. 19861103).

Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 7.

Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough and Mount Joy Township, Lancaster County, Pa. Modification to correct total system limit to remove inclusion of water discharged to the Conewago watershed to offset passby and transfer of water from Conewago Creek to Back Run (Docket No. 20160903).

Project Sponsor and Facility: Houtzdale Municipal Authority, Gulich Township, Clearfield County, Pa. Application for groundwater withdrawal of up to 1.008 mgd (30-day average) from Well 14R.

Project Sponsor and Facility: Moxie Freedom LLC, Salem Township, Luzerne County, Pa. Modification to increase consumptive use by an additional 0.408 mgd (peak day), for a total consumptive use of up to 0.500 mgd (peak day) (Docket No. 20150907).

Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20130913).

Project Sponsor and Facility: Susquehanna Nuclear, LLC, Salem Township, Luzerne County, Pa. Modification to increase consumptive use by an additional 5.000 mgd (peak day), for a total consumptive use of up to 53.000 mgd (peak day) (Docket No. 19950301).

SPECIAL DOCUMENTS

Project Sponsor and Facility: Susquehanna Nuclear, LLC (Susquehanna River), Salem Township, Luzerne County, Pa. Modification to increase surface water withdrawal by an additional 10.000 mgd (peak day), for a total surface water withdrawal increase of up to 76.000 mgd (peak day) (Docket No. 19950301).

Project Sponsor and Facility: SWEPI LP (Elk Run), Sullivan Township, Tioga County, Pa. Application for surface water withdrawal of up to 0.646 mgd (peak day).

Project Sponsor and Facility: SWN Production Company, LLC (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20130911).

Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Sugarloaf Township, Columbia County, Pa. Application for modification to add consumptive use of up to 0.200 mgd (peak day) to existing docket approval (Docket No. 20160913).

Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Sugarloaf Township, Columbia County, Pa. Application for modification to change authorized use of source to existing docket approval (Docket No. 20160913).

Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1.

Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.480 mgd (30-day average) from Well 2.

Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.470 mgd (30-day average) from Well 3.

Opportunity to Appear and Comment:

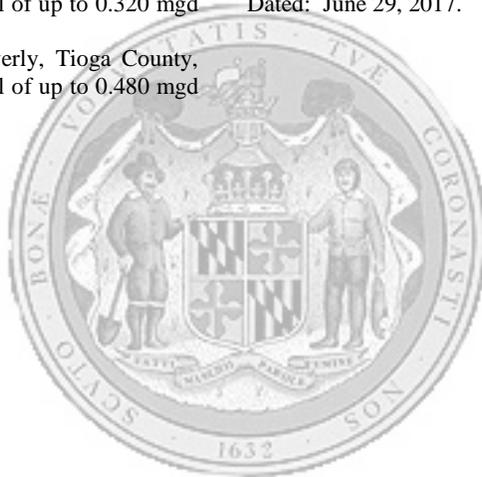
Interested parties may appear at the hearing to offer comments to the Commission on any project, request or proposal listed above. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Guidelines for the public hearing 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 guidelines at the hearing. Written comments on any project, request or proposal 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 August 14, 2017, to be considered.

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

Dated: June 29, 2017.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-15-17]



DEPARTMENT OF STATE POLICE

HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under the Public Safety Article, §5-405, Annotated Code of Maryland and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after **July 21, 2017**. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Marlene Jenkins, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Pikesville, Maryland 21208.

Manufacturer	Model Name	Model Number	Caliber	Additional Explanation
Amadeo Rossi SA & CIA (Firearms International Corp)	HG M66 B4		.32 S&W	
Canik (Century Arms Inc.)	TP9SFX	HG3774G-N	9MM	
Charles Daly(Chiappa)	(P) AK-9		9mm Luger	
Chiappa Firearms	Rhino	200 D	357 Magnum	Caliber Addition
Charter Arms/Charco Inc.	Lavender Lady	52340	.22 LR, 22 Magnum	Caliber Addition
CK Arms	2011 Frame		Multi	Frame Only
Colt/Colt Mfg.	Combat Commander SXE	0412	.45 ACP	Model Addition
Colt/Colt Mfg.	Government Model Competition Series	01083CCS 0193CCS	.38 Super +P	Model/Caliber Addition
CZ U.S.A.	Shadow 2		9 X 19mm	
Dan Wesson	Valor	01928	10mm	Caliber Addition
E.A.A./Tanfoglio	Stock II	600605	9mm	
Heckler & Koch	VP9SK		9mm	
Iver Johnson	Eagle		.45 ACP	
Kimber	Camp Guard 10	#3000233	10mm	
Kimber	Super Jagare		10mm	
Les Baer Custom	1911 Boss .45	LBP429/BOSS	.45 ACP	Model Addition
Mason Dixon Arms	HBAR Pistol		5.56 X 45mm (223 Remington)	
Mason Dixon Arms	HBAR Receiver		Multi	
Metro Arms	MAC 1911 Classic	M19CL45B	.45 ACP	Model Addition
Phoenix Trinity	1911/2011 Frame		Multi	Frame Only
Remington Arms	870	TAC-14	12 Gauge	
Remington Arms	RP 9	96466, 96476	9mm	
Salient Arms International	BLU		9mm	
Salient Arms International	RED		9mm, .45 ACP	
Sig Sauer	P-229 Legion		9mm, .357 Sig, .40 S&W	
Sig Sauer	P-320 X Five		9mm, .40 S&W, .45 ACP, .357 Sig	
Springfield Armory	XD-E		9mm	
Star Firearms (Interarms)	Model S		.380 ACP	
Sturm Ruger	22/45 Mark IV Tactical	40149	.22 LR	
Wilson Combat	Classic	N/A	.45 ACP, 10mm, .38 Super, 9mm	
Wilson Combat	Hunter	N/A	10mm, .480 Rowland	

[17-15-24]

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.

OFFICE OF THE ATTORNEY GENERAL

Subject: Public Meeting
Date and Time: August 9, 2017, 11 a.m. — 1 p.m.
Place: 200 St. Paul Pl., Baltimore, MD
Add'l. Info: Annual Meeting, Please RSVP
Contact: Janice Clark (410) 576-7033
 [17-15-22]

MARYLAND DEPARTMENT OF TRANSPORTATION AVIATION ADMINISTRATION

Subject: Public Meeting
Date and Time: August 16, 2017, 6 p.m.;
 Additional Date: Wednesday, November 15, 2017, 6 p.m.
Place: 991 Corporate Blvd., Assembly Rm., Linthicum, MD
Add'l. Info: Senate Bill 276 established the Citizens Committee for the Enhancement of Communities Surrounding Baltimore/Washington International Thurgood Marshall (BWI) Airport. The intent of this legislation is to provide benefit to those citizens living in the communities impacted by the daily operations of BWI Airport, by allowing them the opportunity to apply for grants for transportation related projects. Typical projects include speed humps, streetscapes, bus shelters, and sidewalk repairs. These communities must be located within the most recently certified Airport Noise Zone or within 2 miles of the outermost noise contour. The Community Enhancement Committee (Committee) reviews and evaluates the grant applications from eligible communities to ensure that all grant requirements are met. The Maryland Department of Transportation Maryland Aviation Administration (MDOT MAA) and MDOT Legal Office represent the Department on the Committee. Representatives from the Maryland Department of Transportation State Highway Administration (MDOT SHA) and Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) also provide comments and recommendations on projects associated with their agencies, as well as local government, before the recommendations are then forwarded to the MDOT Secretary for approval.

The program funding comes from the Maryland Transportation Trust Fund and is budgeted through The Secretary's Office. The yearly funding formula is equal to \$1 for every aircraft take-off and landing at BWI Airport for the most recently available calendar year. The program is divided into four grant cycles with application deadlines the first of August, November, February, and May.

Transportation Community
 Enhancement Grant (CEG) Committee
 Remaining 2017 Meeting Dates:

- Wednesday, August 16
- Wednesday, November 15

Meetings begin at 6 p.m. in the Assembly Room at 991 Corporate Boulevard in Linthicum, Maryland unless otherwise noted. For additional information regarding CEG Committee meetings, please contact Kim Davidson at 410-859-7456.

Contact: Kim Davidson (410) 859-7456
 [17-15-08]

STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

Subject: Public Meeting
Date and Time: August 3, 2017, 1 — 3 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Advisory Committee (SEMSAC) meets regularly on the 1st Thursday of each month.
Contact: Leandrea Gilliam (410) 706-4449
 [17-15-06]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: August 8, 2017, 9 — 11 a.m.; part of the meeting may include a closed session
Place: 653 W. Pratt Street, Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.
Contact: Leandrea Gilliam (410) 706-4449
 [17-15-05]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting
Date and Time: August 15, 2017, 10 a.m. — 1 p.m.
Place: Miller Senate Office Bldg., 11 Bladen St., Senate Finance Committee Hearing Rm., Annapolis, MD
Add'l. Info: Pursuant to S.B. 380, as enacted in the 2017 legislative session, the Maryland Insurance Administration will be holding a public meeting to assess the need in the State for short-term medical insurance to be sold by nonadmitted carriers. The purpose of this hearing is to gather information from interested parties to allow the MIA to identify circumstances in which individuals are in need of short-term medical insurance; to assess the availability of short-term medical insurance offered by admitted insurers; to determine whether short-term medical policies are being sold online and, if so, whether they are being procured through licensed Maryland insurance producers; to compare the coverages under and premiums for short-term medical policies offered by admitted insurers and the underwriting practices of those insurers with the coverages under and premiums for short-term medical insurance policies offered by nonadmitted insurers as a surplus line and the underwriting practices of those insurers; and to assess the impact on the admitted health insurance market and consumers of authorizing nonadmitted insurers to offer short-term medical insurance as a surplus line to individuals who are unable to obtain health coverage under the Affordable Care Act or who drop coverage obtained under the Affordable Care Act. After testimony has been gathered, the Administration will submit a report on its findings and recommendations from the study.
 The Administration is soliciting information prior to the meeting from interested parties. Individuals or organizations who wish to submit written testimony should submit it to shorttermmedicalstudy.mia@maryland.gov. Additional information can be found on the Administration's website at insurance.maryland.gov under the Short-Term Medical Study quick link. Any questions or concerns can be directed to Bob

Morrow, Associate Commissioner Life and Health, at bob.morrow@maryland.gov or 410-468-2212.

Contact: Bob Morrow (410) 468-2212
[17-15-15]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Hearing

Date and Time: August 28, 2017, 1 — 4 p.m.

Place: Maryland Insurance Administration, 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD

Add'l. Info: The Maryland Insurance Administration will conduct a public hearing on specific rate increase requests being made by certain long-term care insurance carriers operating in Maryland. The hearing will focus on several rate increase requests before the Maryland Insurance Administration. In the individual long-term care market, these include requests from the Maryland Life and Health Insurance Guaranty Corporation on behalf of Penn Treaty Network America Insurance Company, Metropolitan Life Insurance Company, MedAmerica Insurance Company, CMFG Life Insurance Company, and Continental Casualty Company. In the group long-term care market, these include requests from Metropolitan Life Insurance Company and MedAmerica Insurance Company. The purpose of the hearing is for insurance company officials to explain their reasons for the rate increases. Commissioner Redmer will also listen to comments from stakeholders at the hearing. Prior to the hearing, copies of each company's actuarial memorandum will be posted to the Maryland Insurance Administration's website.

If you plan to attend, please RSVP to Nancy Muehlberger. Written comments and RSVPs should be sent to Nancy Muehlberger by August 21, 2017, either by email to longtermcare.mia@maryland.gov or by mail to 200 St. Paul Place, Suite 2700, Baltimore, MD 21202 or by fax to 410-468-2038.

Any questions regarding this matter should be directed to Nancy Muehlberger, Actuarial Analyst, by August 21, 2017, by email to Nancy.Muehlberger@maryland.gov. More information on the hearing can be found at <http://insurance.maryland.gov/Consumer/Pages/Long-Term-Care-Hearing-August-28-2017.aspx>.

Contact: Adam Zimmerman (410) 468-2048

[17-15-10]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application

Add'l. Info: Add'l Info: On June 28, 2017, the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:

Suburban Hospital — Matter No. 17-15-2400—Establish a liver transplant program at the hospital.

The MHCC shall review the application under Health-General Article, §19-101 et seq., and COMAR 10.24.01.

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

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215

Contact: Ruby Potter (410) 764-3276

[17-15-12]

COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS

Subject: Public Meeting

Date and Time: August 8, 2017, 10:30 a.m. — 12 p.m.

Place: 500 N. Calvert St., Baltimore, MD

Contact: Patti Schott (410) 230-6165

[17-15-02]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: July 26, 2017, 9 a.m. — 1 p.m.

Place: MDE, 1800 Washington Blvd., Baltimore, MD

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

Contact: Elaine Nolen (410) 537-4466

[17-15-04]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: August 10, 2017, 9:30 — 11:30 a.m.

Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in a closed session.

Contact: Amy Lackington (410) 864-5300

[17-15-07]

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| Control of Ionizing Radiation Supplement 28 ONLY                   | \$18        | \$0   | _____    | _____ |
| Forest Conservation Law                                            | \$15        | \$5   | _____    | _____ |
| Forest Conservation Technical Manual 3 <sup>rd</sup> Edition, 1997 | \$20        | \$8   | _____    | _____ |
| Preventive Maintenance Handbook (PM Handbook) (blue cover)         | \$15        | \$5   | _____    | _____ |
| Vehicle Inspection Handbook (Feb 2012)                             | \$48        | \$9   | _____    | _____ |
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| After June 30 <sup>th</sup>      | After December 31 <sup>st</sup> |
| After September 30 <sup>th</sup> |                                 |
| After December 31 <sup>st</sup>  |                                 |

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| <b>Title 02</b>                            | Office of the Attorney General                                   | \$22               | \$13                      | _____         | _____ |
| <b>Title 03</b>                            | Comptroller of the Treasury                                      | \$30               | \$20                      | _____         | _____ |
| <b>Title 04</b>                            | General Services                                                 | \$16               | \$10                      | _____         | _____ |
| <b>Title 05</b>                            | Housing and Community Development                                | \$78               | \$50                      | _____         | _____ |
| <b>Title 07</b>                            | Human Services                                                   | \$80               | \$53                      | _____         | _____ |
| <b>Title 08</b>                            | Natural Resources                                                | \$78               | \$51                      | _____         | _____ |
| <b>Title 09</b>                            | Labor, Licensing and Regulation                                  | \$89               | \$60                      | _____         | _____ |
| <b>Title 10</b>                            | Maryland Department of Health (All parts) **                     | \$272              | \$180                     | _____         | _____ |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      | _____         | _____ |
| <b>Title 10</b>                            | Part 2 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 3 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 4 **                                                        | \$50               | \$35                      | _____         | _____ |
| <b>Title 10</b>                            | Part 5 **                                                        | \$69               | \$50                      | _____         | _____ |
| <b>Title 11</b>                            | Transportation (All parts) **                                    | \$106              | \$75                      | _____         | _____ |
| <b>Title 11</b>                            | Part 1 (Transportation) **                                       | \$42               | \$25                      | _____         | _____ |
| <b>Title 11</b>                            | Part 2 (MVA)**                                                   | \$74               | \$50                      | _____         | _____ |
| <b>Title 12</b>                            | Public Safety and Correctional Services                          | \$67               | \$43                      | _____         | _____ |
| <b>Title 13A</b>                           | Board of Education                                               | \$63               | \$42                      | _____         | _____ |
| <b>Title 13B</b>                           | Higher Education Commission                                      | \$25               | \$15                      | _____         | _____ |
| <b>Title 14</b>                            | Independent Agencies                                             | \$80               | \$53                      | _____         | _____ |
| <b>Title 15</b>                            | Agriculture                                                      | \$48               | \$30                      | _____         | _____ |
| <b>Title 16</b>                            | Juvenile Service                                                 | \$23               | \$15                      | _____         | _____ |
| <b>Title 17</b>                            | Budget and Management                                            | \$28               | \$16                      | _____         | _____ |
| <b>Title 18</b>                            | Assessments and Taxation                                         | \$20               | \$12                      | _____         | _____ |
| <b>Title 19A</b>                           | State Ethics Commission                                          | \$24               | \$14                      | _____         | _____ |
| <b>Title 20</b>                            | Public Service Commission                                        | \$49               | \$32                      | _____         | _____ |
| <b>Title 21</b>                            | State Procurement Regulations                                    | \$48               | \$30                      | _____         | _____ |
| <b>Title 22</b>                            | State Retirement and Pension System                              | \$22               | \$13                      | _____         | _____ |
| <b>Title 23</b>                            | Board of Public Works                                            | \$18               | \$11                      | _____         | _____ |
| <b>Title 24</b>                            | Commerce                                                         | \$34               | \$20                      | _____         | _____ |
| <b>Title 25</b>                            | State Treasurer                                                  | \$16               | \$9                       | _____         | _____ |
| <b>Title 26</b>                            | Environment (All parts) **                                       | \$189              | \$125                     | _____         | _____ |
| <b>Title 26</b>                            | Part 1 **                                                        | \$54               | \$35                      | _____         | _____ |
| <b>Title 26</b>                            | Part 2 **                                                        | \$83               | \$52                      | _____         | _____ |
| <b>Title 26</b>                            | Part 3 **                                                        | \$57               | \$38                      | _____         | _____ |
| <b>Title 26</b>                            | Part 4 **                                                        | \$37               | \$24                      | _____         | _____ |
| <b>Title 27</b>                            | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$18               | \$10                      | _____         | _____ |
| <b>Title 28</b>                            | Office of Administrative Hearings                                | \$16               | \$9                       | _____         | _____ |
| <b>Title 29</b>                            | State Police                                                     | \$30               | \$18                      | _____         | _____ |
| <b>Title 30</b>                            | MD Institute for Emergency Medical Services Systems              | \$25               | \$17                      | _____         | _____ |
| <b>Title 31</b>                            | Maryland Insurance Administration                                | \$68               | \$45                      | _____         | _____ |
| <b>Title 32</b>                            | Aging                                                            | \$25               | \$15                      | _____         | _____ |
| <b>Title 33</b>                            | State Board of Elections                                         | \$42               | \$25                      | _____         | _____ |
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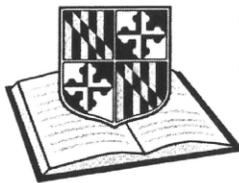
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