

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/22/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

23 03 02 29

3. Name of Promulgating Authority

Board of Public Works

4. Name of Regulations Coordinator Telephone Number
Melissa D Hodges 410.260.7784

Mailing Address

Board of Public Works, 80 Calvert Street, Room 117

City State Zip Code
Annapolis MD 21401

Email
missy.hodges@maryland.gov

5. Name of Person to Call About this Document Telephone No.
David Lever 410-767-0610

Email Address
dlever@msde.state.md.us

6. Check applicable items:
 New Regulations

X- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 07/07/2014.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes **X-** No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

X- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

X- Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Elliott Schoen, Assistant Attorney General, (telephone #410-576-6465) on 07/16/2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Sheila McDonald

Title

Executive Secretary

Telephone No.

410-260-7335

Date

07/16/2014

BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

23.03.02 Administration of the Public School Construction Program

Authority: Education Article, Section 5-301, Annotated Code of Maryland

Notice of Proposed Action

□

The Board of Public Works proposes to Amend Regulation .29 under COMAR 23.03.02 Administration of the Public School Construction Program.

This action was considered at a public meeting held on July 2, 2014, notice of which was published pursuant to State Government Article, Section 10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require that all school construction projects that include constructing, replacing, or upgrading the electrical system be designed and constructed to be fully-powered in the event of an emergency.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

Revenues are not affected.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:		
Local Government	(E+)	Varies
	Benefit (+)	Magnitude
	Cost (-)	
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. Cost impacts will depend on the type of technology selected to meet the requirement.

Economic Impact on Small Businesses

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

The potential economic impact on small businesses cannot be anticipated, since it will depend on which schools will be proposed in local and State capital budgets that must meet the requirement to be fully powered, and on the type of technology chosen to meet the requirement.

Impact on Individuals with Disabilities

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

The potential economic impact on individuals with disabilities cannot be anticipated, since it will depend on the nature of the emergency event and sheltering determinations made by local and State officials.

Opportunity for Public Comment

Comments may be sent to David Lever, Executive Director, Public School Construction Program, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0610, or email to dlever@msde.state.md.us, or fax to 410-333-6522. Comments will be accepted through 09/22/2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No State funds are needed to implement the regulation. The cost of the capital improvement required to implement the requirement is included in the State project allocations. Local funds will be required for costs not covered by the State.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

Title 23 BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

Chapter 02 Administration of the Public School Construction Program

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

.29 Emergency Power Generation.

A. Definitions:

(1) *“Replacement of the electrical system” means a complete new electrical system is installed in an existing or new facility, including when major components of the pre-existing electrical system are either removed or abandoned in place.*

(2) *“Upgrade of the electrical system” means an existing electrical system of a facility or a major portion of a facility is improved through either:*

(a) The replacement or upgrade of existing components, or

(b) Other improvements that alter the performance characteristics of the electrical system.

(3) *“Public shelter” means temporary operations that meet the base humanitarian needs of the whole community before, during, or after an emergency event.*

(4) *“Fully power” means the capability to provide electrical power to the fixtures, services, appliances, and/or outlets within a specified facility or portion of a facility.*

[A.] *B. This section applies to all school construction projects that include new construction, replacement, or upgrade of [replacing or upgrading] the electrical system.*

[B.] *C. Local officials shall consult with the Maryland Emergency Management Agency (MEMA) to determine those areas of the facility that are necessary for public safety when circumstances require use of the facility as a public shelter [which areas of the school facility may be designated for public shelter use] during or after a federal, State, or local declared emergency.*

[C.] *D. The LEA shall ensure that the areas determined by MEMA are [designated public shelter area is] designed and constructed to be fully powered in the event of an emergency through installation of:*

(1) *A permanent, onsite [An] emergency power source; [generator;] or*

(2) *Other means to accept temporary emergency [electrical] power source [generation].*