

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: 2/19/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

23 03 02 11

3. Name of Promulgating Authority

Board of Public Works

4. Name of Regulations Coordinator

Devan B Perry

Telephone Number

410-260-7793

Mailing Address

80 Calvert Street

City State Zip Code
Annapolis MD 21401

Email

devan.perry@maryland.gov

5. Name of Person to Call About this Document

Sheila McDonald

Telephone No.

410.260.7335

Email Address

Sheila.McDonald@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 02/28/2016.

- 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 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

- 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 General Provisions Article, §3-302(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

- 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 January 28, 2016. 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

January 28, 2016

Title 23
BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

23.03.02 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

Notice of Proposed Action

□

The Board of Public Works proposes to Amend Regulation .11 under COMAR 23.03.02. This action was considered at a Board of Public Works Meeting held on January 27, 2016.

Statement of Purpose

The purpose of this action is to specify that window air-conditioning units are eligible expenditures for State funding.

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 Sheila McDonald, Executive Secretary, Board of Public Works, 80 Calvert Street, Annapolis, MD 21401, or call 410-260-7335, or email to Sheila.McDonald@maryland.gov, or fax to 410-974-5240. Comments will be accepted through March 21, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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 additional funds are required to implement the regulation

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:

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Chapter 02 Administration of the Public School Construction Program

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.11 Eligible Expenditures

The following expenditures may be eligible for State funding:

A.– H. (text unchanged)

I. [For FY 2010 through FY 2014, 50 percent of the local share of the extra costs incurred in constructing a new school to meet the requirements of the High Performance Buildings Act of 2008] *Window air-conditioning units, and associated electrical upgrades, installation, and security in schools where more than half of classrooms are not temperature-controlled.*

(1) Notwithstanding any other Regulation, the IAC may not recommend to subtract funding from the maximum state construction allocation for future renovation projects based on funding of air-conditioning units under this Regulation;

(2) An LEA receiving funding for air conditioning units shall annually certify that the units are being maintained on an ongoing basis and are operable.