



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Kathryn H. Selle, AELR Committee Counsel
John J. Joyce, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel

Date: February 21, 2020

Re: **Synopses of Regulations received from 2/3/2020 through 2/20/2020**

Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/cr

cc: Jake Weissmann
Alexandra M. Hughes

State Police, Department of

Emergency Regulation

DLS Control No. 20-007

Department of State Police:

Fire Prevention Commission:

Fire Prevention Code: COMAR 29.06.01.09

According to the department, the purpose of this action is to correct an oversight in the Fire Prevention Code to allow the enforcement of Sections 11.2 and 11.3 of NFPA 495 Explosive Materials Code (2013 edition), a national standard adopted by reference under the Fire Prevention Code. These sections deal with ground vibration and air overpressure requirements related to blasting operations. Similar requirements were previously enforced under regulations 29.06.01.10A and 29.06.01.10B which were deleted from the Fire Prevention Code effective October 7, 2019, in an effort to conform to nationally recognized industry standards.

Proposed Regulation

DLS Control No. 20-009

Department of State Police:

Fire Prevention Commission:

Fire Prevention Code: COMAR 29.06.01.

According to the department, the purpose of this action is to correct an oversight in the Fire Prevention Code to allow the enforcement of Sections 11.2 and 11.3 of NFPA 495 Explosive Materials Code (2013 edition), a national standard adopted by reference under the Fire Prevention Code. These sections deal with ground vibration and air overpressure requirements related to blasting operations. Similar requirements were previously enforced under regulations 29.06.01.10A and 29.06.01.10B which were deleted from the Fire Prevention Code effective October 7, 2019, in an effort to conform to nationally recognized industry standards.

Criminal Sentencing Policy, Commission on

Proposed Regulations

DLS Control No. 20-010

Independent Agencies:

Commission on Criminal Sentencing Policy:

General Regulations: COMAR 14.22.01.02

General Regulations: COMAR 14.22.01.08

General Regulations: COMAR 14.22.01.10

Criminal Offenses and Seriousness Categories: COMAR 14.22.02.01

Criminal Offenses and Seriousness Categories: COMAR 14.22.02.02

According to the commission, the purpose of this action is to indicate modifications to the definition of adjudication in Regulation .02, the classification of conspiracy to commit a lawful act by unlawful means in Regulation .08, and the calculation of the prior adult criminal record in Regulation .10 under COMAR 14.22.01 General Regulations. These modifications clarify the instructions for scoring the prior adult criminal record component of the offender score, to indicate that certain military adjudications shall not be included. These modifications also classify conspiracy to commit a lawful act by unlawful means, to indicate that the seriousness category shall be the same seriousness category as most serious unlawful means. Additionally, the purpose of this action is to indicate modifications to the offense headings and the table of seriousness categories (guidelines offense table) in Regulations .01 and .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories. The proposed revisions reflect the classification of a previously unclassified offense, the addition of several common offenses with penalties of one year or less, and minor edits to the table.

Higher Education Commission, Maryland

Proposed Regulation

DLS Control No. 20-006

Maryland Higher Education Commission:

Academic Regulations:

Academic Programs – Degree-Granting Institutions: COMAR 13B.02.03.24

According to the commission, the purpose of this action is to align requirements for awarding the Associate of Arts in Teaching degree with a Maryland State Department of Education policy change to educator certificate requirements.

Education, State Board of

Proposed Regulation

DLS Control No. 20-008

State Board of Education:

Students:

General Regulations: COMAR 13A.08.01.03

According to the board, the purpose of this action is to define, update, and clarify the requirements for lawful absence to include the legislative mandates of 2017 regarding lawful absences of pregnant and parenting teens.

Proposed Regulations

DLS Control No. 20-011

State Board of Education:

Specific Subjects:

Environmental Education: COMAR 13A.04.17.01 and .02

According to the board, the purpose of this action is to bring clarity to the environmental education regulations.

Procurement Regulations, State

Proposed Regulations

DLS Control No. 20-005

State Procurement Regulations:

General Provisions:

Terminology: COMAR 21.01.02.

Applicability: COMAR 21.01.03.

State Procurement Organization: **Board of Public Works:** COMAR 21.02.01.

Department of Budget and Management: COMAR 21.02.03.

Department of General Services: COMAR 21.02.05.

Procurement Advisory Council – Open Meetings: COMAR 21.02.08.

Procurement Methods and Project Delivery Methods: **General Provisions:**
COMAR 21.05.01.

Procurement by Competitive Sealed Bidding: COMAR 21.05.02.

Procurement by Competitive Sealed Proposals: COMAR 21.05.03.

Intergovernmental Cooperative Purchasing: COMAR 21.05.09.

Procurement of Human, Social, Cultural, and Educational Services:
COMAR 21.05.12.

Contract Terms and Conditions: **Mandatory Contract Provisions – All Contracts
(except as provided under COMAR 21.05.07, 21.07.02, and 21.07.03):**

COMAR 21.07.01.

Mandatory Construction Contract Clauses: COMAR 21.07.02.

Mandatory Terms and Conditions for Purchase Orders Over \$25,000:
COMAR 21.07.03.

Administrative and Civil Remedies: **Protests:** COMAR 21.10.02.

Socioeconomics Policies: **Small Business Procurements:** COMAR 21.11.01.

Minority Business Enterprise Policies: COMAR 21.11.03.

**Procurement from Maryland Correctional Enterprises, Blind Industries and
Services of Maryland, and Certified Sheltered Workshops:** COMAR 21.11.05.

Veteran-Owned Small Business Enterprises: COMAR 21.11.13.

Procurement Reporting Requirements: **Reporting Requirements:** COMAR 21.13.01.

According to the department, the purpose of this action is to update the Code of Maryland Regulations for State Procurement (Title 21). Revisions include: updates to reflect changes in

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State Finance & Procurement Article, and corrections to outdated or invalid terminology, references, or typographical errors.