

HOUSE BILL 993

F5

2lr1451
CF SB 919

By: **Delegates Ebersole and Solomon**

Introduced and read first time: February 10, 2022

Assigned to: Ways and Means and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2022

CHAPTER _____

1 AN ACT concerning

2 **Child Care Capital Support Revolving Loan Fund – Established**

3 FOR the purpose of establishing the Child Care Capital Support Revolving Loan Fund as
4 a special, nonlapsing fund; requiring interest earnings of the Fund to be credited to
5 the Fund; requiring the ~~State Department of Education~~ Department of Commerce to
6 administer the Fund with support from the State Department of Education;
7 requiring the Department of Commerce to publicize the availability of loans from the
8 Fund; and generally relating to the Child Care Capital Support Revolving Loan
9 Fund.

10 ~~BY repealing and reenacting, without amendments,~~
11 ~~Article – Education~~
12 ~~Section 1–101(a) and (f)~~
13 ~~Annotated Code of Maryland~~
14 ~~(2018 Replacement Volume and 2021 Supplement)~~

15 ~~BY repealing and reenacting, with amendments,~~
16 ~~Article – Education~~
17 ~~Section 9.5–907~~
18 ~~Annotated Code of Maryland~~
19 ~~(2018 Replacement Volume and 2021 Supplement)~~

20 BY adding to
21 Article – Education
22 Section ~~9.5–909~~ 9.5–113.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2021 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – State Finance and Procurement
5 Section 6–226(a)(2)(i)
6 Annotated Code of Maryland
7 (2021 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article – State Finance and Procurement
10 Section 6–226(a)(2)(ii)144. and 145.
11 Annotated Code of Maryland
12 (2021 Replacement Volume)

13 BY adding to
14 Article – State Finance and Procurement
15 Section 6–226(a)(2)(ii)146.
16 Annotated Code of Maryland
17 (2021 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Education**

21 ~~1–101.~~

22 (a) ~~In this article, unless the context requires otherwise, the following words have~~
23 ~~the meanings indicated.~~

24 (f) ~~“Department” means the State Department of Education.~~

25 ~~9.5–907.~~

26 ~~Priority in providing awards under §§ 9.5–902 THROUGH 9.5–906 OF this subtitle~~
27 ~~shall be given to child care providers or programs that published a quality rating level of 2~~
28 ~~in the Maryland EXCELS Program on or before June 30, 2022.~~

29 ~~9.5–909.~~ **9.5–113.1.**

30 (A) (1) **IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS**
31 **INDICATED.**

32 (2) **“FUND” MEANS THE CHILD CARE CAPITAL SUPPORT REVOLVING**
33 **LOAN FUND.**

1 **(3) “RURAL COMMUNITY” HAS THE MEANING STATED IN § 2-207 OF**
2 **THE STATE FINANCE AND PROCUREMENT ARTICLE.**

3 **(B) THERE IS A CHILD CARE CAPITAL SUPPORT REVOLVING LOAN FUND.**

4 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE NO-INTEREST LOANS FOR**
5 **CAPITAL EXPENSES TO CHILD CARE PROVIDERS WHO PARTICIPATE IN THE CHILD**
6 **CARE SCHOLARSHIP PROGRAM UNDER § 9.5-113 OF THIS ~~TITLE~~ SUBTITLE.**

7 **(D) THE DEPARTMENT OF COMMERCE SHALL ADMINISTER THE FUND WITH**
8 **SUPPORT FROM THE DEPARTMENT.**

9 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
10 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE THAT**
11 **SHALL BE AVAILABLE IN PERPETUITY FOR THE PURPOSE OF PROVIDING LOANS IN**
12 **ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.**

13 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
14 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

15 **(F) THE FUND CONSISTS OF:**

16 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

17 **(2) ANY INTEREST EARNINGS OF THE FUND;**

18 **(3) REPAYMENTS OF PRINCIPAL AND INTEREST FROM LOANS MADE**
19 **FROM THE FUND; AND**

20 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
21 **THE BENEFIT OF THE FUND.**

22 **(G) (1) THE FUND MAY BE USED ONLY TO PROVIDE NO-INTEREST LOANS**
23 **TO CHILD CARE PROVIDERS FOR CAPITAL EXPENSES RELATED TO A CHILD CARE**
24 **FACILITY, INCLUDING:**

25 **(I) ACQUISITION;**

26 **(II) EXPANSION;**

27 **(III) RENOVATIONS; AND**

28 **(IV) NEW CONSTRUCTION.**

1 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH, CHILD CARE PROVIDERS SHALL REPAY LOANS FROM THE FUND NOT
3 LATER THAN 5 YEARS AFTER RECEIVING A LOAN FROM THE FUND.

4 (II) THE DEPARTMENT OF COMMERCE MAY ESTABLISH A
5 FINANCIAL HARDSHIP EXEMPTION TO ALLOW A CHILD CARE PROVIDER ADDITIONAL
6 TIME TO REPAY A LOAN FROM THE FUND.

7 (III) IF A HARDSHIP EXEMPTION IS NOT GRANTED, THE
8 DEPARTMENT OF COMMERCE SHALL APPLY ITS NORMAL POLICY REGARDING
9 ASSISTING CHILD CARE PROVIDERS WITH PAST DUE LOAN PAYMENTS.

10 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
11 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

12 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
13 THE FUND.

14 (I) (1) THE DEPARTMENT OF COMMERCE, IN CONSULTATION WITH THE
15 DEPARTMENT, SHALL ESTABLISH APPLICATION PROCEDURES AND ELIGIBILITY
16 CRITERIA FOR LOANS FROM THE FUND, INCLUDING:

17 ~~(1) REQUIRING~~ IN ADDITION TO THE REQUIREMENT THAT A CHILD
18 CARE PROVIDER TO BE A PARTICIPANT IN THE CHILD CARE SCHOLARSHIP
19 PROGRAM UNDER § 9.5-113 OF THIS TITLE, AND SUBTITLE.

20 (2) ~~GIVING PRIORITY TO CHILD CARE PROVIDERS THAT~~ THE
21 DEPARTMENT SHALL PRIORITIZE APPLICANT CRITERIA IN THE FOLLOWING ORDER
22 WHEN PROVIDING FUNDING FROM THE FUND:

23 (I) ~~ARE~~ CHILD CARE PROVIDERS THAT ARE LOCATED IN:

24 1. ~~RURAL COMMUNITIES;~~

25 ~~2.~~ UNDERSERVED COMMUNITIES; OR

26 ~~3.~~ 2. AREAS DESIGNATED BY THE DEPARTMENT AS CHILD
27 CARE DESERTS OR AS AREAS LACKING CHILD CARE SLOTS;

28 (II) CHILD CARE PROVIDERS THAT ARE LOCATED IN RURAL
29 COMMUNITIES;

30 (III) ~~SERVE~~ CHILD CARE PROVIDERS THAT SERVE PRIMARILY
31 LOW-INCOME POPULATIONS IN AREAS OF HIGH POVERTY;

1 ~~(III)~~ (IV) ~~SERVE~~ CHILD CARE PROVIDERS THAT SERVE
 2 CHILDREN WITH SPECIAL NEEDS; ~~OR~~ AND

3 ~~(IV)~~ (V) ~~SERVE~~ CHILD CARE PROVIDERS THAT SERVE
 4 CHILDREN AGES 2 AND YOUNGER.

5 (J) THE DEPARTMENT OF COMMERCE SHALL WORK WITH THE
 6 DEPARTMENT TO PUBLICIZE THE AVAILABILITY OF LOANS FROM THE FUND AND
 7 PROVIDE SUPPORT TO CHILD CARE PROVIDERS IN APPLYING FOR LOANS FROM THE
 8 FUND.

9 (K) (1) FOR FISCAL YEAR 2023, THE GOVERNOR SHALL INCLUDE IN THE
 10 ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND OF \$15,000,000.

11 (2) FOR FISCAL YEAR 2024, THE GOVERNOR SHALL INCLUDE IN THE
 12 ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND OF \$10,000,000.

13 (3) FOR FISCAL YEAR 2025, THE GOVERNOR SHALL INCLUDE IN THE
 14 ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND OF \$5,000,000.

15 **Article – State Finance and Procurement**

16 6–226.

17 (a) (2) (i) Notwithstanding any other provision of law, and unless
 18 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 19 terms of a gift or settlement agreement, net interest on all State money allocated by the
 20 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 21 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 22 Fund of the State.

23 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 24 to the following funds:

25 144. the Health Equity Resource Community Reserve Fund;

26 [and]

27 145. the Access to Counsel in Evictions Special Fund; AND

28 **146. THE CHILD CARE CAPITAL SUPPORT REVOLVING**
 29 **LOAN FUND.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 31 1, 2022.