Vetoed Bills

and

Messages

from the

Governor of Maryland

A total of 74 bills were vetoed by the Governor following the 2020 Regular Session of the General Assembly. Of these vetoed bills, 15 originated in the Senate and 59 of them originated in the House of Delegates. Pursuant to the provisions of Article II, Section 17 of the Maryland Constitution, these bills will be returned to the General Assembly immediately after the Legislature has organized at the next Regular or Special Session to be reconsidered in order to determine whether the veto is sustained or overridden.

2020 Session

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May 7, 2020

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

Dear Speaker Jones and President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 125 and Senate Bill 148 – Board of Public Works – Land Acquisition – Requirements.

For more than 150 years, the Maryland Constitution has authorized a three member Board of Public Works to "hear and determine" matters regarding public works of the State, as well as to "exercise a diligent and faithful supervision" of all public works in which the State has an interest. The Board has held the public's long–standing trust to act in the best interest of our great State while safeguarding its fiscal integrity.

This legislation would undermine the Board's constitutional authority to obtain real property by further complicating the land acquisition process with burdensome and unnecessary layers of bureaucratic red tape. Extending the land acquisition process could dissuade potential sellers and hurt the State's ability to compete, neither of which is in Maryland's best interest.

While posing as "good government" legislation, House Bill 125/Senate Bill 148 is nothing more than an unmitigated power grab against the current Board that erodes the constitutional authority of all future Boards, regardless of political makeup. This legislation will generate unintended, costly, and negative consequences for our State.

For these reasons, I have vetoed House Bill 125 and Senate Bill 148.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 148

AN ACT concerning

Board of Public Works – Land Acquisition – Requirements

FOR the purpose of prohibiting the Board of Public Works from approving the acquisition of certain real property except under certain circumstances; prohibiting the Board, under certain circumstances, from approving the acquisition of certain real property from the federal government until the Board provides certain notice and, on a certain request made within a certain period of time, a certain study ~~has been completed~~; providing that certain requirements related to the acquisition of real property do not apply to certain property; making a conforming change; and generally relating to the authority of the Board of Public Works regarding land acquisition.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 10–305
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – State Finance and Procurement

10–305.

(a) Subject to **[**subsection**]** **SUBSECTIONS** (b) **AND (C)** of this section, any real or personal property of the State or a unit of the State government may be sold, leased, transferred, exchanged, granted, or otherwise disposed of:

(1) to any person, to the United States or any of its units, or to any unit of the State government, for a consideration the Board decides is adequate; or

(2) to any county or municipal corporation in the State subject to any conditions the Board imposes.

(b) (1) (i) Except as provided under subparagraph (ii) of this paragraph, this subsection applies to the sale, transfer, grant, or exchange of:

1. real property identified under § 5–310(c)(1) of this article; and

2. State–owned real or personal property, funded in accordance with an appropriation act of the General Assembly, that has an appraised value over $100,000.

(ii) This subsection does not apply to the following dispositions of property identified in subparagraph (i) of this paragraph:

1. leasing the property; or

2. the sale, transfer, grant, or exchange of a corrective or access easement on the property.

(2) The Board may not approve the sale, transfer, exchange, or grant of property until:

(i) the Department of General Services or the Department of Natural Resources under Title 1, Subtitle 1 of the Natural Resources Article has submitted to the Board two independent appraisals of the property that:

1. with regard to real property, consider the value of any restrictive covenant that may be placed on the property; and

2. may not be publicly disclosed if the property is to be sold at auction;

(ii) the following information has been submitted, by electronic mail or facsimile and by certified mail, to the Senate Budget and Taxation Committee, the House Appropriations Committee, and, for property that meets both criteria of paragraph (1)(i) of this subsection, the Legislative Policy Committee:

1. a description of the property; and

2. if applicable, any justification for not selling, transferring, exchanging, or granting the property in a manner that generates the highest return for the State;

(iii) 45 days have elapsed since:

1. the information required by item (ii) of this paragraph was received by the appropriate committees; and

2. the Board declared the property surplus; and

(iv) except for property sold under paragraph (4) of this subsection, for property that meets both criteria under paragraph (1)(i) of this subsection and for which the Board intends to approve a fee simple sale, transfer, exchange, or grant, the General Assembly has approved the proposed disposition as provided under paragraph (3) of this subsection.

(3) (i) Within 45 days after receiving the information submitted under paragraph (2) of this subsection, the Legislative Policy Committee shall:

1. review the information and the public record created by the Department of Planning for the property; and

2. A. approve the proposed disposition of the surplus property and refer the property back to the Board for final disposition; or

B. refer the proposed disposition of the property to the full General Assembly and notify the Board of the referral.

(ii) If the Legislative Policy Committee fails to take any action under subparagraph (i)2 of this paragraph within the specified time period, the proposed disposition shall be deemed approved by the Committee.

(iii) 1. If the proposed disposition of the surplus property is referred by the Legislative Policy Committee to the full General Assembly, the proposed disposition may not be approved by the Board unless it is approved by the passage of legislation during the next legislative session of the General Assembly.

2. In any legislation passed in accordance with subsubparagraph 1 of this subparagraph, the General Assembly may approve the proposed disposition with or without conditions.

(4) If the Board has declared the property surplus, the Board shall sell the property to the federal government, a local government, or a unit of federal or local government for $1.00, if:

(i) the government or unit has indicated its interest in acquiring the land; and

(ii) a restrictive covenant is placed on the deed of transfer, in accordance with § 5–906(e)(7) and (8) of the Natural Resources Article, that requires the property to be maintained in a use that is consistent with its use at the time of transfer.

(5) Any revenues derived from the sale, transfer, exchange, or grant of property identified under paragraph (1)(i)1 of this subsection shall be deposited in the Advance Option and Purchase Fund under § 5–904(b) of the Natural Resources Article.

(C) (1) THIS SUBSECTION DOES NOT APPLY TO:

(I) PROPERTY THAT WILL BE ACQUIRED WITH PROGRAM OPEN SPACE FUNDS UNDER TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;

(II) PROPERTY THAT WILL BE ACQUIRED WITH RURAL LEGACY PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;

(III) PROPERTY THAT WILL BE ACQUIRED WITH LOCAL LAND PRESERVATION PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9B OF THE NATURAL RESOURCES ARTICLE;

(IV) PROPERTY THAT WILL BE ACQUIRED WITH COMMUNITY PARKS AND PLAYGROUNDS PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9C OF THE NATURAL RESOURCES ARTICLE;

(V) PROPERTY THAT WILL BE ACQUIRED WITH FUNDS FROM THE HERITAGE CONSERVATION FUND UNDER TITLE 5, SUBTITLE 15 OF THE NATURAL RESOURCES ARTICLE;

(VI) PROPERTY THAT WILL BE ACQUIRED WITH FUNDS FROM THE FOREST AND PARK RESERVE FUND ESTABLISHED UNDER § 5–212 OF THE NATURAL RESOURCES ARTICLE;

(VII) PROPERTY THAT WILL BE ACQUIRED WITH FEDERAL GRANT FUNDS MADE AVAILABLE TO THE DEPARTMENT OF NATURAL RESOURCES FOR OPEN SPACE, RECREATION, OR CONSERVATION PURPOSES;

(VIII) PROPERTY THAT WILL BE ACQUIRED BY THE MARYLAND ENVIRONMENTAL TRUST;

~~(VI)~~ **(IX) A MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION EASEMENT ACQUIRED UNDER § 2–504 OF THE AGRICULTURE ARTICLE;**

~~(VII)~~ **(X) FEDERALLY OWNED MILITARY PROPERTY;**

~~(VIII) PROPERTY AT BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT; OR~~

~~(IX) PROPERTY AT THE PORT OF BALTIMORE.~~

(XI) PROPERTY THAT WILL BE ACQUIRED BY THE MARYLAND AVIATION ADMINISTRATION; OR

(XII) PROPERTY THAT WILL BE ACQUIRED BY THE MARYLAND PORT ADMINISTRATION.

(2) THE BOARD MAY NOT APPROVE THE ACQUISITION OF REAL PROPERTY WITH AN APPRAISED VALUE OF AT LEAST $500,000 UNLESS THE BOARD HAS PROVIDED TO THE LEGISLATIVE POLICY COMMITTEE:

(I) A JUSTIFICATION FOR THE PLANNED ACQUISITION; AND

(II) ON REQUEST OF THE COCHAIRS OF THE LEGISLATIVE POLICY COMMITTEE MADE WITHIN 14 DAYS AFTER RECEIVING THE JUSTIFICATION UNDER ITEM (I) OF THIS PARAGRAPH:

~~(II)~~ 1. A COST–BENEFIT ANALYSIS OF THE PLANNED ACQUISITION; AND

~~(III)~~ 2. AT LEAST 45 DAYS ~~FOR THE LEGISLATIVE POLICY COMMITTEE~~ TO REVIEW THE INFORMATION PROVIDED UNDER ~~ITEMS (I) AND (II) OF~~ THIS PARAGRAPH AND COMMENT ON THE PLANNED ACQUISITION BEFORE THE ACQUISITION IS APPROVED.

(3) IF THE ACQUISITION OF REAL PROPERTY WITH AN APPRAISED VALUE OF AT LEAST $500,000 FROM THE FEDERAL GOVERNMENT WOULD REQUIRE THE STATE TO PROVIDE ONGOING MAINTENANCE OF THE PROPERTY, THE BOARD MAY NOT APPROVE THE ACQUISITION UNTIL THE BOARD HAS PROVIDED TO THE LEGISLATIVE POLICY COMMITTEE:

(I) NOTICE THAT THE ACQUISITION WOULD REQUIRE THE STATE TO PROVIDE ONGOING MAINTENANCE OF THE PROPERTY; AND

(II) ON REQUEST OF THE COCHAIRS OF THE LEGISLATIVE POLICY COMMITTEE WITHIN 14 DAYS AFTER RECEIVING THE NOTICE PROVIDED UNDER ITEM (I) OF THIS PARAGRAPH, A STUDY ~~HAS BEEN COMPLETED~~ REGARDING THE ONGOING FISCAL IMPACT THE ACQUISITION WOULD HAVE ON THE STATE, INCLUDING ANY ENVIRONMENTAL MITIGATION THAT MAY BE REQUIRED.

[(c)**] (D)** Except as otherwise provided in this section:

(1) if any real or personal property disposed of under this section is not under the jurisdiction or control of any particular unit of the State government, the deed, lease, or other evidence of conveyance of the real or personal property shall be executed by the Board; and

(2) if any real or personal property disposed of under this section is under the jurisdiction or control of a unit of the State government, the deed, lease, or other evidence of conveyance of the real or personal property shall be executed by the highest official of the unit and by the Board.

[(d)**] (E)** (1) Whenever any unit of the State government leases any State–owned property under its jurisdiction and control to any State employee, agent, or servant, or to any other individual in State service, for the purpose of permitting the individual to maintain a residence on or in the property, the lease shall be:

(i) executed by the unit; and

(ii) approved by the Secretary of General Services.

(2) The lease is not valid unless the Secretary of General Services approves it.

(3) Whenever any unit of the State government leases any State–owned property under its jurisdiction and control to any lessee, the lease shall include a provision which prohibits the lessee from assigning or subleasing that property without the prior approval of the Board of Public Works.

(4) Whenever the State Highway Administration leases any State–owned property under its jurisdiction and control to any person, the Administrator of the State Highway Administration may execute the lease if:

(i) the lease is entered into on a 30–day renewable basis; and

(ii) the duration of the tenancy does not exceed 1 year.

(5) At least twice each year, the Administrator of the State Highway Administration shall submit a report of the leases executed under the authority granted in paragraph (4) of this subsection to the Board of Public Works.

[(e)**] (F)** (1) On the sale, lease, transfer, exchange, or other disposition of any real or personal property owned or controlled by the State Retirement and Pension System or the State of Maryland for the use of the Board of Trustees of the State Retirement and Pension System, any conveyancing document shall be executed in the manner provided in Division II of the State Personnel and Pensions Article.

(2) Any sale, lease, transfer, exchange or other disposition of any real or personal property owned or controlled by the State Retirement and Pension System or the State of Maryland for the use of the Board of Trustees of the State Retirement and Pension System by a conveyancing document executed by or for the Board of Trustees of the State Retirement and Pension System before October 1, 1994 in the manner provided under former Article 73B is ratified and confirmed.

[(f)**] (G)** All conveyances under this section shall be made in the name of the State of Maryland, acting through the executing authority provided for in this section.

[(g)**] (H)** This section does not apply to any lease or other temporary transfer, grant, or disposition of State real or personal property in connection with a procurement made subject to § 11–202(3) of this article.

[(h)**] (I)** The Department of Budget and Management and Department of General Services, with the approval of the Board, shall adopt regulations in accordance

with Title 10, Subtitle 1 of the State Government Article to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 184

AN ACT concerning

University of Maryland, Baltimore – Study on the Health Effects of Air Traffic Noise

FOR the purpose of requiring the University of Maryland, Baltimore to study the health effects of air traffic noise on communities near the Baltimore/Washington International Thurgood Marshall Airport since the implementation of the Next Generation Air Transportation System; requiring the study to evaluate certain health outcomes, costs, and cost savings; requiring the Maryland Aviation Administration to provide certain data to the University of Maryland, Baltimore; authorizing the University of Maryland, Baltimore to use certain medical claims data to complete the study; requiring the Governor to include in a certain budget bill an appropriation for the purpose of carrying out the study; requiring the University of Maryland, Baltimore to submit a certain report to the Governor, the county executives and county councils of certain counties, and the General Assembly on or before a certain date; and generally relating to a study on the health effects of air traffic noise.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The University of Maryland, Baltimore shall study the health effects of air traffic noise on communities near the Baltimore/Washington International Thurgood Marshall (BWI) Airport since the implementation of the Next Generation Air Transportation System (NextGen).

(b) The study required under subsection (a) of this section shall evaluate:

(1) health outcomes in communities near BWI Airport before and after the implementation of NextGen, including cardiovascular diseases, generalized anxiety disorder, and other conditions that are reasonably related to air traffic noise;

(2) costs associated with the health outcomes identified under item (1) of this subsection; and

(3) cost savings generated due to the implementation of NextGen.

(c) The Maryland Aviation Administration shall provide any available data requested by the University of Maryland, Baltimore for the completion of the study.

(d) The University of Maryland, Baltimore may use medical claims data to complete the study.

(e) The Governor shall include in the fiscal year 2022 budget bill an appropriation of at least ~~$130,000~~ *$100,000* for the purpose of carrying out the study required under subsection (a) of this section.

(f) On or before September 1, 2022, the University of Maryland, Baltimore shall submit a report to the Governor, the ~~County Executive and County Council of Baltimore County, the County Executive and County Council of Howard County, the County Executive and County Council of Montgomery County, the County Executive and County Council of Prince George's County~~ *County Executives and County Councils of Anne Arundel County, Baltimore County, Howard County, Montgomery County, and Prince George's County,* and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the results of the study.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

Last year, 348 people were murdered in the streets of Baltimore City, making 2019 the second deadliest year on record, and the fifth consecutive year with more than 300 murders in our state's largest city. Since before the start of the legislative session, I made it very clear that my highest priority was to hold violent criminals accountable and stop the shootings and the murders in Baltimore City. "If you do not consider any other legislation,

and if you accomplish nothing else in the next 61 days, pass the Violent Firearm Offenders Act of 2020 … pass the Witness Intimidation Prevention Act … and the Judicial Transparency Act," I said in my State of the State address.

I expressed my strong willingness to consider other proposals, including some of those passed by the legislature, if they were included as part of a comprehensive crime package which included my proposals. Each of my proposals had the support of an overwhelming majority of Marylanders — and support for the proposals was strongest of all in Baltimore City, the community most directly impacted by the violence.

While the Senate approved the package by a wide margin, the House failed to act upon it, and thus failed to meaningfully address violent crime. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, for the above reasons I have vetoed:

Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together Program)
House Bill 4/Senate Bill 208 – Public Safety – Rifles and Shotguns – Sales, Rentals, and Transfers
Senate Bill 314 – Juveniles Charged as Adults – Confidentiality of Records
House Bill 1336 – Criminal Procedure – Partial Expungement, Maryland Judiciary Case Search, and Expungement of Misdemeanor Conviction
House Bill 83 – Criminal Procedure – Charge of Possession of Marijuana – Removal From Case Search
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 208

AN ACT concerning

Public Safety – Rifles and Shotguns – ~~Secondary Transactions~~ Sales, Rentals, and Transfers

FOR the purpose of providing that a person who is not a certain licensee may not complete the sale, rental, or transfer of a certain rifle or shotgun in a certain role, except under certain circumstances; requiring, before a certain sale, rental, or transfer is conducted, the seller, lessor, or transferor and purchaser, lessee, or transferee to ~~meet jointly with a certain licensee and~~ request that ~~the~~ a certain licensee facilitate the sale, rental, or transfer; requiring a certain licensee to take certain actions when facilitating a certain sale, rental, or transfer; authorizing a seller, lessor, or

transferor to deliver a rifle or shotgun to a licensee in a certain manner; prohibiting a certain licensee and transferor from completing a certain sale, rental, or transfer if a certain background check has a certain result; authorizing a certain seller, lessor, or transferor to remove a certain rifle or shotgun from certain premises if a certain background check has a certain result; authorizing a certain licensee to charge a reasonable fee~~, not exceeding a certain amount,~~ for facilitating a certain sale, rental, or transfer; establishing certain penalties for violating this Act and for providing false information while conducting a sale, rental, or transfer under this Act; providing for certain civil immunity for a licensee under certain circumstances; providing that a certain licensee or other person may not sell, rent, transfer, or loan a rifle or shotgun to a certain person under certain circumstances; establishing a certain penalty; excluding certain transfers from the scope of this Act; establishing that a certain provision of law supersedes certain local provisions; establishing the intent of the General Assembly that a certain term be construed in a certain manner; defining certain terms; and generally relating to rifles and shotguns.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–201
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Public Safety
Section 5–204.1 and 5–207
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Public Safety

5–201.

(a) In this subtitle the following words have the meanings indicated.

(B) "DEALER'S LICENSE" MEANS A FEDERAL FIREARMS LICENSE.

(C) "IMMEDIATE FAMILY MEMBER" MEANS A SPOUSE, A PARENT, A STEPPARENT, A GRANDPARENT, A STEPGRANDPARENT, AN AUNT, AN UNCLE, A SIBLING, A STEPSIBLING, A CHILD, A STEPCHILD, A GRANDCHILD, A STEPGRANDCHILD, A NIECE, OR A NEPHEW, AS RELATED BY BLOOD OR MARRIAGE.

(D) "LICENSEE" MEANS A PERSON WHO HOLDS A DEALER'S LICENSE.

(E) "NICS INDEX" HAS THE MEANING STATED IN § 5–133.2 OF THIS TITLE.

[(b)**] (F)** "Rifle" has the meaning stated in § 4–201 of the Criminal Law Article.

[(c)**] (G)** "Short–barreled rifle" has the meaning stated in § 4–201 of the Criminal Law Article.

[(d)**] (H)** "Short–barreled shotgun" has the meaning stated in § 4–201 of the Criminal Law Article.

[(e)**] (I)** "Shotgun" has the meaning stated in § 4–201 of the Criminal Law Article.

~~**(J) "SPORT SHOOTING RANGE" HAS THE MEANING STATED IN § 5–403.1 OF THE COURTS ARTICLE.**~~

~~**(K) "TRANSFER" MEANS A SALE, A RENTAL, A FURNISHING, A GIFT, A LOAN, OR ANY OTHER DELIVERY, WITH OR WITHOUT CONSIDERATION.**~~

~~**(L) "TRANSFEREE" MEANS A PERSON WHO RECEIVES OR INTENDS TO RECEIVE A FIREARM IN A TRANSFER.**~~

~~**(M) "TRANSFEROR" MEANS A PERSON WHO DELIVERS OR INTENDS TO DELIVER A FIREARM IN A TRANSFER.**~~

5–204.1.

(A) THIS SECTION DOES NOT APPLY TO ~~A TRANSFER:~~:

(1) A SALE, RENTAL, OR TRANSFER:

~~(1)~~ (I) INVOLVING A LICENSEE OR A FEDERALLY LICENSED GUN MANUFACTURER, DEALER, OR IMPORTER;

~~(2)~~ (II) BETWEEN IMMEDIATE FAMILY MEMBERS;

~~(3)~~ (III) INVOLVING LAW ENFORCEMENT PERSONNEL OF ANY UNIT OF THE FEDERAL GOVERNMENT, A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, A MEMBER OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL OF THE STATE OR ANY LOCAL AGENCY IN THE STATE, WHILE ACTING IN THE SCOPE OF OFFICIAL DUTY;

~~(4)~~ (IV) OF A CURIO OR RELIC FIREARM BETWEEN COLLECTORS WHO EACH HAVE IN THEIR POSSESSION A VALID COLLECTOR OF CURIOS AND RELICS

LICENSE, AS THE TERMS ARE DEFINED IN FEDERAL LAW OR DETERMINATIONS PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES;

~~**(5) THAT IS TEMPORARY AND NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY HARM IF THE TRANSFER LASTS ONLY AS LONG AS NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY HARM;**~~

~~**(6) THAT OCCURS BY OPERATION OF LAW ON THE DEATH OF A PERSON FOR WHOM THE TRANSFEREE IS AN EXECUTOR, AN ADMINISTRATOR, A TRUSTEE, OR A PERSONAL REPRESENTATIVE OF AN ESTATE OR A TRUST CREATED IN A WILL;**~~

~~**(7)**~~ **(V) OF AN UNSERVICEABLE RIFLE OR SHOTGUN SOLD, RENTED, OR TRANSFERRED AS A CURIO OR MUSEUM PIECE;** ~~**OR**~~

~~**(8)**~~ **(VI) OF A RIFLE OR SHOTGUN MODIFIED TO RENDER IT PERMANENTLY INOPERATIVE; OR**

(VII) IN WHICH THE PURCHASER, LESSEE, OR TRANSFEREE:

1. HAS A DEMONSTRABLE RELIGIOUS BELIEF AGAINST TAKING A PORTRAIT PHOTOGRAPH; AND

2. DOES NOT POSSESS A LICENSE OR AN IDENTIFICATION CARD OF ANY KIND WITH PHOTOGRAPHIC IDENTIFICATION; OR

~~**(9) THAT IS TEMPORARY, OCCURS UNDER CIRCUMSTANCES IN WHICH THE TRANSFEROR HAS NO REASON TO BELIEVE THAT THE TRANSFEREE INTENDS TO USE THE RIFLE OR SHOTGUN IN THE COMMISSION OF A CRIME OR TO ALLOW ANOTHER PERSON TO USE THE RIFLE OR SHOTGUN, AND TAKES PLACE EXCLUSIVELY:**~~

~~**(I) AT AN ESTABLISHED SPORT SHOOTING RANGE OR GUN CLUB OPERATED IN ACCORDANCE WITH THE LOCAL LAW OF THE JURISDICTION IN WHICH THE RANGE OR CLUB IS LOCATED;**~~

~~**(II) DURING A LAWFULLY ORGANIZED COMPETITION INVOLVING THE USE OF A RIFLE OR SHOTGUN;**~~

~~**(III) DURING A PERFORMANCE OR A PRACTICE FOR A PERFORMANCE BY AN ORGANIZED GROUP THAT USES RIFLES OR SHOTGUNS AS PART OF THE PERFORMANCE;**~~

~~**(IV) WHILE THE TRANSFEREE IS HUNTING OR TRAPPING IF THE HUNTING OR TRAPPING IS LEGAL IN ALL PLACES AND AT ALL TIMES WHEN THE**~~

~~**HUNTING OR TRAPPING IS CONDUCTED AND THE TRANSFEREE HOLDS ANY LICENSE OR PERMIT REQUIRED FOR THE HUNTING OR TRAPPING; OR**~~

~~**(V) IN THE ACTUAL PRESENCE OF THE TRANSFEROR.**~~

(2) A TRANSFER THAT OCCURS BY OPERATION OF LAW ON THE DEATH OF A PERSON FOR WHOM THE TRANSFEREE IS AN EXECUTOR, AN ADMINISTRATOR, A TRUSTEE, OR A PERSONAL REPRESENTATIVE OF AN ESTATE OR A TRUST CREATED IN A WILL.

(B) A PERSON WHO IS NOT A LICENSEE MAY NOT COMPLETE ~~THE~~ A SALE, RENTAL, OR TRANSFER OF A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM, AS A PURCHASER, LESSEE, OR TRANSFEREE OR SELLER, LESSOR, OR TRANSFEROR, UNLESS THE PERSON IS IN COMPLIANCE WITH THIS SECTION.

(C) (1) BEFORE A SALE, RENTAL, OR TRANSFER IS CONDUCTED, THE SELLER, LESSOR, OR TRANSFEROR AND PURCHASER, LESSEE, OR TRANSFEREE SHALL ~~MEET JOINTLY WITH A LICENSEE AND~~ BOTH REQUEST THAT ~~THE~~ A LICENSEE FACILITATE THE SALE, RENTAL, OR TRANSFER.

(2) (I) A LICENSEE WHO AGREES TO FACILITATE A SALE, RENTAL, OR TRANSFER UNDER THIS SECTION SHALL PROCESS THE SALE, RENTAL, OR TRANSFER AS THOUGH TRANSFERRING THE RIFLE OR SHOTGUN FROM THE LICENSEE'S OWN INVENTORY TO THE PURCHASER, LESSEE, OR TRANSFEREE.

(II) THE LICENSEE SHALL CONDUCT A BACKGROUND CHECK ON THE PURCHASER, LESSEE, OR TRANSFEREE THROUGH THE NICS INDEX AND COMPLY WITH ALL FEDERAL AND STATE LAW THAT WOULD APPLY TO THE SALE, RENTAL, OR TRANSFER, INCLUDING ALL INVENTORY AND RECORD–KEEPING REQUIREMENTS.

(3) THE SELLER, LESSOR, OR TRANSFEROR MAY:

(I) DELIVER THE RIFLE OR SHOTGUN TO A LICENSEE; OR

(II) WITHOUT APPEARING IN PERSON BEFORE THE LICENSEE, ALLOW ANOTHER PERSON TO DELIVER THE RIFLE OR SHOTGUN TO THE LICENSEE.

(D) (1) THE LICENSEE OR THE SELLER, LESSOR, OR TRANSFEROR MAY NOT COMPLETE THE SALE, RENTAL, OR TRANSFER TO THE PURCHASER, LESSEE, OR TRANSFEREE IF THE RESULTS OF THE BACKGROUND CHECK INDICATE THAT THE PURCHASER, LESSEE, OR TRANSFEREE MAY NOT POSSESS THE RIFLE OR SHOTGUN.

(2) ~~IF~~ UNLESS THE SELLER, LESSOR, OR TRANSFEROR DELIVERED THE RIFLE OR SHOTGUN IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS SECTION OR OTHERWISE LEFT THE RIFLE OR SHOTGUN IN THE EXCLUSIVE POSSESSION OF THE LICENSEE, IF THE RESULTS OF THE BACKGROUND CHECK INDICATE THAT THE PURCHASER, LESSEE, OR TRANSFEREE MAY NOT POSSESS THE RIFLE OR SHOTGUN, THE SELLER, LESSOR, OR TRANSFEROR MAY REMOVE THE RIFLE OR SHOTGUN FROM THE PREMISES OF THE LICENSEE OR A GUN SHOW.

(E) A LICENSEE MAY CHARGE A REASONABLE FEE FOR FACILITATING A SALE, RENTAL, OR TRANSFER UNDER THIS SECTION.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~5 YEARS~~ 6 MONTHS OR A FINE NOT EXCEEDING $10,000 OR BOTH.

(2) A PERSON WHO PROVIDES FALSE INFORMATION WHILE CONDUCTING A TRANSACTION UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING $5,000 OR BOTH.

(G) A LICENSEE WHO PROCESSES A SALE, RENTAL, OR TRANSFER UNDER THIS SECTION MAY NOT BE HELD CIVILLY LIABLE FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM THE MALFUNCTIONING OF A RIFLE OR SHOTGUN IF THE LICENSEE DID NOT MODIFY OR ALTER THE RIFLE OR SHOTGUN.

5–207.

(A) THIS SECTION SUPERSEDES ANY RESTRICTION THAT A LOCAL JURISDICTION IN THE STATE IMPOSES ON THE TRANSFER BY A PRIVATE PARTY OF A RIFLE OR SHOTGUN, AND THE STATE PREEMPTS THE RIGHT OF ANY LOCAL JURISDICTION TO REGULATE THE TRANSFER OF A RIFLE OR SHOTGUN.

(B) IN THIS SECTION, "LOAN" INCLUDES A TEMPORARY GRATUITOUS EXCHANGE OF A RIFLE OR SHOTGUN.

(C) A LICENSEE OR ANY OTHER PERSON MAY NOT SELL, RENT, TRANSFER, OR LOAN A RIFLE OR SHOTGUN TO A PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT WHO THE LICENSEE OR OTHER PERSON KNOWS OR HAS REASONABLE CAUSE TO BELIEVE:

(1) HAS BEEN CONVICTED OF A DISQUALIFYING CRIME, AS DEFINED IN § 5–101 OF THIS TITLE;

(2) HAS BEEN CONVICTED OF A VIOLATION CLASSIFIED AS A COMMON LAW CRIME AND RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2 YEARS;

(3) IS A FUGITIVE FROM JUSTICE;

(4) IS A HABITUAL DRUNKARD AS DEFINED IN § 5–101 OF THIS TITLE;

(5) IS ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE OR IS A HABITUAL USER AS DEFINED IN § 5–101 OF THIS TITLE;

(6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10–101(I)(2) OF THE HEALTH – GENERAL ARTICLE, AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PURCHASER, LESSEE, TRANSFEREE, RECIPIENT, OR ANOTHER, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3–106 OF THE CRIMINAL PROCEDURE ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3–110 OF THE CRIMINAL PROCEDURE ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(9) HAS BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(10) HAS BEEN INVOLUNTARILY COMMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(11) IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13–201(C) OR § 13–705 OF THE ESTATES AND TRUSTS ARTICLE, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(12) IS A RESPONDENT AGAINST WHOM:

(I) A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4–506 OF THE FAMILY LAW ARTICLE; OR

(II) AN ORDER FOR PROTECTION, AS DEFINED IN § 4–508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR NATIVE AMERICAN TRIBE AND IS IN EFFECT;

(13) IF UNDER THE AGE OF 30 YEARS AT THE TIME OF THE TRANSACTION, HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR AN ACT THAT WOULD BE A DISQUALIFYING CRIME IF COMMITTED BY AN ADULT;

(14) IS VISIBLY UNDER THE INFLUENCE OF ALCOHOL OR DRUGS;

(15) IS A PARTICIPANT IN A STRAW PURCHASE; OR

(16) INTENDS TO USE THE RIFLE OR SHOTGUN TO:

(I) COMMIT A CRIME; OR

(II) CAUSE HARM TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR ANOTHER PERSON.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING $10,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That ~~this Act shall take effect October 1, 2020~~ it is the intent of the General Assembly that the term "transfer" in §§ 5–204.1 and 5–207 of the Public Safety Article, as enacted by Section 1 of this Act:

(1) be interpreted in a manner that is consistent with the ruling of the Court of Appeals in Chow v. State, 393 Md. 388 (2006); and

(2) does not include the temporary gratuitous exchange of a rifle or shotgun.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020
The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, Maryland 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 226 – *Prohibition on Outdoor Advertising Signs Along Expressways – Modifications*.

For two months, my Administration has been singularly focused on battling the most serious public health crisis to hit our great State in over a century. While we have made significant progress in stemming the tide of this deadly COVID–19 virus, we undoubtedly have a long, tough road ahead in getting our economy back to where it was prior to this crisis. Earlier last month, after Comptroller Peter Franchot announced that the State will experience a $2.8 billion shortfall when we begin to recover from this crisis, I immediately implemented a number of significant fiscal measures. I directed all state agencies to implement immediate budget and hiring freezes, and further directed the Department of Budget and Management to develop significant state agencies budget reduction targets for FY 2021.

While it is certain that the Maryland Department of Transportation's (MDOT) budget will be out of balance in both FY 2020 and FY 2021, the only current unknown is the magnitude of MDOT's revenue and budget shortfalls. This legislation would risk the loss of a significant amount of federal funds to the State, which are a critical piece of MDOT's overall funding.

For these reasons, I have vetoed Senate Bill 226.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 226

AN ACT concerning

Highways – Prohibition on Outdoor Signs Along Expressways – ~~Exception~~ Modification

FOR the purpose of ~~establishing that~~ modifying a certain ~~exception to the~~ prohibition against ~~placing~~ the erection or maintenance of outdoor signs along or near expressways ~~for signs that are placed in accordance with certain local zoning laws and ordinances applies to off–premises signs~~; making certain ~~conforming and~~ stylistic changes; ~~clarifying certain language;~~ and generally relating to ~~exceptions to the prohibition against placing certain~~ the placement of outdoor signs along expressways.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–701(a), (d), and (e)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–741~~, 8–742,~~ and 8–744
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – Transportation

8–701.

(a) In this subtitle the following words have the meanings indicated.

(d) "On premise outdoor sign" means any outdoor sign that, regardless of content, is designed, intended, or used to advertise or inform the traveling public of:

(1) The sale or lease of the property on which it is located;

(2) The sale or lease of a product grown, produced, or manufactured on the property on which it is located;

(3) The sale or lease of a service performed on the property on which it is located; or

(4) The name of the owner, agent, assignee, or lessee of the property on which it is located.

(e) "Outdoor sign" means any outdoor sign, display, light, structure, figure, painting, drawing, message, plaque, placard, poster, billboard, device, or other thing that is designed, intended, or used to advertise or inform the traveling public.

8–741.

~~[~~A~~]~~ **~~EXCEPT AS PROVIDED IN § 8–742 OF THIS SUBTITLE, A~~** person **THAT OWNS PROPERTY** may not use **[**his**]** **THE** property or allow **[**his**]** **THE** property to be used by any other person for the erection or maintenance of any outdoor sign along or near any expressway, unless the sign is **LOCATED IN AN URBAN AREA AND**:

(1) ~~In an urban area; and~~

(I) IS 660 FEET OR LESS FROM THE NEAREST EDGE OF THE RIGHT–OF–WAY OF THE EXPRESSWAY;

(II) IS LOCATED IN A COMMERCIAL OR INDUSTRIAL ZONE THAT IS WITHIN A LOCALLY DESIGNATED GEOGRAPHIC AREA OF SIGNAGE CONTROL THAT HAS BEEN ADOPTED AS PART OF COMPREHENSIVE REZONING REGARDING SIGNAGE; AND

(III) HAS RECEIVED A PERMIT FROM THE ADMINISTRATION IN ACCORDANCE WITH § 8–744 OF THIS SUBTITLE; OR

(2) More than 660 feet from the nearest edge of the right–of–way of the expressway.

~~8–742.~~

~~This part does not prohibit the erection or maintenance of:~~

~~(1) Any [on premise] outdoor sign that complies with § 8–744 of this subtitle;~~

~~(2) Any outdoor sign used to identify a church or a historical monument or location, if the sign is erected in accordance with the rules and regulations of the Administration; or~~

~~(3) Any outdoor sign along a highway that is not an expressway, even if the highway runs parallel or partially parallel to an expressway, if the sign faces that highway.~~

8–744.

(a) ~~[~~On premise outdoor~~]~~ **~~OUTDOOR~~** signs are permitted along expressways in accordance with the local zoning laws or ordinances that are in effect in the political

subdivision through which the expressway passes, if these local zoning laws or ordinances embrace and regulate outdoor advertising.

(b) For any area in which local zoning laws or ordinances are not in effect or for which the local zoning laws or ordinances do not embrace outdoor advertising:

(1) The Administration may adopt rules and regulations governing on premise signs along expressways; and

(2) If local zoning laws or ordinances embracing outdoor advertising later are adopted, the local zoning prevails.

(c) (1) A person may not erect or maintain any **[**on premise**]** outdoor sign along or near any expressway unless the person has a permit issued by the Administration for that sign.

(2) There is no fee or bond requirement for a permit issued under this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 261– *St. Mary's County – Public Facilities Bond.*

This bill authorizes the St. Mary's County Commissioners to issue up to $33.0 million in general obligation bonds for the acquisition, construction, improvement, or renovation of public buildings, facilities, and public works projects.

House Bill 97, which was passed by the General Assembly and will become law without my signature, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 261.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 261

AN ACT concerning

St. Mary's County – Public Facilities Bond

FOR the purpose of authorizing and empowering the County Commissioners of St. Mary's County, from time to time, to borrow not more than $33,000,000 in order to finance the construction, improvement, or development of certain public facilities in St. Mary's County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of St. Mary's County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as highways, roads, bridges and storm drains, public school buildings and facilities, boating facilities, shore erosion and other marine property, landfills, and recycling facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, capital improvements to the Wicomico Shores Taxing District, County athletic facilities, the community college, community swimming pools, public safety, health, and social services, libraries, commuter air service facilities, refuse disposal buildings and facilities, and parks and recreation buildings and facilities, together with the costs of

acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, $33,000,000, and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be in the best interests of St. Mary's County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of St. Mary's County or such other official of St. Mary's County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment,

additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied under this Act may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of St. Mary's County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, Maryland 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 300 – *Pesticides – Use of Chlorpyrifos – Prohibition.*

Senate Bill 300 prohibits a person from using chlorpyrifos, including insecticides that contain chlorpyrifos and seeds that have been treated with chlorpyrifos, effective December 31, 2020, with exemptions allowing some uses until June 30, 2021, and allowing certain other specifically authorized uses until December 31, 2021.

Following discussions earlier this year with agricultural leaders, farmers, and legislators, the Maryland Department of Agriculture (MDA) crafted reasonable and responsible regulations to phase out all use of chlorpyrifos by 2021. This regulatory action is in the best interest of the agriculture industry and the environment, and will protect the independence and integrity of MDA's robust science–based regulatory authority and framework. The emergency regulations became effective on March 27 and published in the Maryland Register on April 24. Because of this regulatory action which has already occurred, Senate Bill 300 has been rendered moot.

For these reasons, I have vetoed Senate Bill 300.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 300

AN ACT concerning

Pesticides – Use of Chlorpyrifos – Prohibition

FOR the purpose of prohibiting the ~~use~~ aerial application of chlorpyrifos ~~in the State;~~ on or after a certain date; prohibiting the use of chlorpyrifos in the State on or after a certain date subject to certain exceptions; establishing the Pesticide Transition Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department of Agriculture to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Governor to include in the annual budget bill a certain appropriation to the Fund beginning in a certain fiscal year; defining a certain term; requiring the Department ~~of Agriculture~~ to provide to farmers, certified crop advisors, and pesticide applicators certain education and assistance under certain circumstances; establishing the Pesticide Transition Task Force; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to work with the Department and the University of Maryland Extension on certain matters, monitor and share certain information, work with certain states and companies on certain matters, study and make recommendations regarding certain matters, and hold certain public meetings for certain purposes; requiring the Task Force to make certain reports to the Secretary of Agriculture and certain committees of the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the use of chlorpyrifos.

BY adding to
Article – Agriculture
Section 5–210.6 and 5–210.7
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

Preamble

WHEREAS, In 2007, a petition was filed with the U.S. Environmental Protection Agency (EPA) requesting that the food tolerances for chlorpyrifos be revoked and all chlorpyrifos pesticide product registrations be canceled; and

WHEREAS, The petition argued that continuation of the registrations and tolerances exposed the public to unsafe levels of chlorpyrifos; and

WHEREAS, In November 2015, the EPA responded to the petition by proposing to revoke all food tolerances for chlorpyrifos, stating that "at this time, the agency is unable to conclude that the risk from aggregate exposure from the use of chlorpyrifos meets the safety standard of section 408(b)(2) of the Federal Food, Drug, and Cosmetic Act"; and

WHEREAS, In March 2017, a new administration reversed course, withdrawing the 2015 proposal and denying the 2007 petition; and

WHEREAS, In the absence of federal action, the states of California, Hawaii, and New York have already taken steps to prohibit the use of chlorpyrifos; now, therefore,

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

Article – Agriculture

5–210.6.

~~**A PERSON MAY NOT USE CHLORPYRIFOS IN THE STATE, INCLUDING:**~~

~~**(1) INSECTICIDES THAT CONTAIN CHLORPYRIFOS; AND**~~

~~**(2) SEEDS THAT HAVE BEEN TREATED WITH CHLORPYRIFOS.**~~

(A) ON OR AFTER OCTOBER 1, 2020, A PERSON MAY NOT CONDUCT AN AERIAL APPLICATION OF CHLORPYRIFOS.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON OR AFTER DECEMBER 31, 2020, A PERSON MAY NOT USE IN THE STATE:

(1) AN INSECTICIDE THAT CONTAINS CHLORPYRIFOS; OR

(2) SEEDS THAT HAVE BEEN TREATED WITH CHLORPYRIFOS.

(C) (1) ON OR BEFORE JUNE 30, 2021, A PERSON MAY USE:

(I) AN INSECTICIDE THAT CONTAINS CHLORPYRIFOS TO TREAT THE TRUNKS AND LOWER LIMBS OF FRUIT TREES; AND

(II) SNAP BEAN SEEDS THAT HAVE BEEN TREATED WITH CHLORPYRIFOS.

(2) (I) FROM JULY 1, 2021, THROUGH DECEMBER 31, 2021, INCLUSIVE, ON WRITTEN APPLICATION, IF THE DEPARTMENT CONCLUDES THAT NO EFFECTIVE ALTERNATIVE EXISTS, THE DEPARTMENT MAY AUTHORIZE A PERSON TO USE:

1. AN INSECTICIDE THAT CONTAINS CHLORPYRIFOS TO TREAT THE TRUNKS AND LOWER LIMBS OF FRUIT TREES; OR

2. SNAP BEAN SEEDS THAT HAVE BEEN TREATED WITH CHLORPYRIFOS.

(II) AN AUTHORIZATION GRANTED UNDER THIS SUBSECTION MAY NOT EXTEND BEYOND DECEMBER 31, 2021.

5–210.7.

(A) IN THIS SECTION, "FUND" MEANS THE PESTICIDE TRANSITION FUND.

(B) THERE IS A PESTICIDE TRANSITION FUND.

(C) THE PURPOSE OF THE FUND IS TO SUPPORT MARYLAND FARMERS IN THE TRANSITION AWAY FROM THE USE OF CHLORPYRIFOS, AS REQUIRED BY § 5–210.6 OF THIS SUBTITLE.

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(F) THE FUND CONSISTS OF:

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

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY TO:

(1) SUPPORT THE WORK OF THE PESTICIDE TRANSITION TASK FORCE, INCLUDING RESEARCH ON INTEGRATED PEST MANAGEMENT CONDUCTED BY THE UNIVERSITY OF MARYLAND AND THE UNIVERSITY OF MARYLAND EXTENSION TO INFORM THE DELIBERATIONS OF THE TASK FORCE; AND

(2) IMPLEMENT THE STATE'S PLAN TO TRANSITION AWAY FROM THE USE OF CHLORPYRIFOS, INCLUDING TO PROVIDE TECHNICAL ASSISTANCE TO FARMERS.

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

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND IN AN AMOUNT SUFFICIENT TO SUPPORT THE DEPARTMENT'S ACTIVITIES UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Agriculture shall, with existing budgeted resources, provide to farmers, certified crop advisors, and pesticide applicators education and assistance relating to integrated pest management, including information on safer alternatives to chlorpyrifos.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Pesticide Transition Task Force.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Agriculture, or the Secretary's designee; and

(4) the following members, appointed by the Secretary of Agriculture:

(i) two representatives of the Maryland Farm Bureau;

(ii) one representative of the Maryland Grain Producers Association;

(iii) two representatives of the Maryland Pesticide Education Network;

(iv) one scientist with expertise in pesticides from Earthjustice;

(v) two public health professionals with expertise in the health effects of chlorpyrifos;

(vi) one representative of the Chesapeake Bay Foundation;

(vii) one representative of the University of Maryland Extension with expertise in integrated pest management; and

(viii) one Certified Crop Advisor with expertise in integrated pest management.

(c) The Secretary of Agriculture shall designate the chair of the Task Force.

(d) The Department of Agriculture shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) work with the Department of Agriculture and the University of Maryland Extension to:

(i) identify alternatives to chlorpyrifos;

(ii) educate farmers about alternatives to chlorpyrifos; and

(iii) provide technical assistance to farmers transitioning away from the use of chlorpyrifos;

(2) monitor and share information from the California Chlorpyrifos Alternatives Workgroup;

(3) work with neighboring states to encourage them to end the use of chlorpyrifos;

(4) work with companies currently contracting with farmers in Maryland to grow vegetables to encourage the companies to end the use of chlorpyrifos and maintain contracted acres in the State;

(5) in conjunction with Corteva and other manufacturers of chlorpyrifos, study and make recommendations regarding the establishment of a manufacturer–funded buy–back program for pesticides containing chlorpyrifos;

(6) study and make recommendations regarding the establishment of a well monitoring program for drinking water sources located on or near farms; and

(7) host at least two public meetings per year to solicit public input and engage in strategic planning concerning the goals of the Task Force and the development of recommendations in accordance with this subsection.

(g) (1) On or before December 30, 2021, the Task Force shall report its interim findings and recommendations to the Secretary of Agriculture and, in accordance with § 2–1257 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee.

(2) On or before December 30, 2023, the Task Force shall report its final findings and recommendations to the Secretary of Agriculture and, in accordance with § 2–1257 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2020. It shall remain effective for a period of 4 years and 1 month and, at the end of June 30, 2024, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

Last year, 348 people were murdered in the streets of Baltimore City, making 2019 the second deadliest year on record, and the fifth consecutive year with more than 300 murders in our state's largest city. Since before the start of the legislative session, I made it very clear that my highest priority was to hold violent criminals accountable and stop the shootings and the murders in Baltimore City. "If you do not consider any other legislation, and if you accomplish nothing else in the next 61 days, pass the Violent Firearm Offenders Act of 2020 … pass the Witness Intimidation Prevention Act … and the Judicial Transparency Act," I said in my State of the State address.

I expressed my strong willingness to consider other proposals, including some of those passed by the legislature, if they were included as part of a comprehensive crime package which included my proposals. Each of my proposals had the support of an overwhelming majority of Marylanders — and support for the proposals was strongest of all in Baltimore City, the community most directly impacted by the violence.

While the Senate approved the package by a wide margin, the House failed to act upon it, and thus failed to meaningfully address violent crime. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, for the above reasons I have vetoed:

Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together Program)
House Bill 4/Senate Bill 208 – Public Safety – Rifles and Shotguns – Sales, Rentals, and Transfers
Senate Bill 314 – Juveniles Charged as Adults – Confidentiality of Records
House Bill 1336 – Criminal Procedure – Partial Expungement, Maryland Judiciary Case Search, and Expungement of Misdemeanor Conviction
House Bill 83 – Criminal Procedure – Charge of Possession of Marijuana – Removal From Case Search
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 314

AN ACT concerning

Juveniles Charged as Adults – Confidentiality of Records

FOR the purpose of establishing that~~, pending a determination by a court exercising criminal jurisdiction in a case involving a child whether to transfer its jurisdiction to the juvenile court,~~ certain provisions of law relating to confidentiality of juvenile records apply to all police records and court records concerning ~~the~~ a child excluded from the jurisdiction of the juvenile court under a certain provision of law from the time of the child's arrest until a certain event occurs; establishing that, if a case is transferred to the juvenile court, certain provisions of law relating to confidentiality of juvenile records continue to apply to certain records and a certain criminal charge is subject to expungement under a certain provision of law; establishing certain exceptions to certain provisions of law relating to confidentiality of juvenile police records; and generally relating to juveniles charged as adults and juvenile records.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(b)(1)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 4–202(b) and (h)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Criminal Procedure
Section 4–202(i)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 4–202(i) and (j)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Courts and Judicial Proceedings

3–8A–27.

(a) (1) A police record concerning a child is confidential and shall be maintained separate from those of adults. Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided in § 7–303 of the Education Article.

(2) This subsection does not prohibit:

(i) Access to and confidential use of the record by the Department of Juvenile Services or in the investigation and prosecution of the child by any law enforcement agency;

(ii) Access to and confidential use of the record by the Baltimore City Mayor's Office on Criminal Justice if the Baltimore City Mayor's Office on Criminal Justice is providing programs and services to a child who is the subject of the record, for a purpose relevant to the provisions of the programs and services and the development of a comprehensive treatment plan;

(iii) A law enforcement agency of the State or of a political subdivision of the State, the Department of Juvenile Services, or the criminal justice information system from including in the law enforcement computer information system information about **[**an**]:**

1. AN outstanding juvenile court ordered writ of attachment **OR AN OUTSTANDING CRIMINAL COURT ORDERED WRIT OF ATTACHMENT**, for the sole purpose of apprehending a child named in the writ;

2. AN OUTSTANDING CRIMINAL COURT ISSUED WARRANT, FOR THE SOLE PURPOSE OF APPREHENDING A CHILD NAMED IN THE WARRANT; OR

3. A MISSING CHILD AS DEFINED IN § 9–401 OF THE FAMILY LAW ARTICLE; or

(iv) A law enforcement agency of the State or of a political subdivision of the State**, WHEN NECESSARY AND FOR THE SOLE PURPOSES OF FACILITATING APPREHENSION OF A CHILD AND ENSURING PUBLIC SAFETY,** from releasing to the public photographs and identifying information of a child who **[**has**]:**

1. HAS escaped from **[**a**]:**

A. A detention center for juveniles**[**or a**];**

B. A secure residential facility for juveniles**[**, for the purposes of facilitating apprehension of the child and ensuring public safety**]; OR**

C. A CORRECTIONAL UNIT AS DEFINED IN § 2–401 OF THE CORRECTIONAL SERVICES ARTICLE; ~~OR~~

2. IS A MISSING CHILD AS DEFINED IN § 9–401 OF THE FAMILY LAW ARTICLE; OR

3. THE COURT DOES NOT HAVE JURISDICTION OVER PURSUANT TO § 3–8A–03(D)(1), (4), OR (5) OF THIS SUBTITLE AND WHO IS SUBJECT TO:

A. ARREST; OR

B. AN ARREST WARRANT ISSUED BY A CRIMINAL COURT.

(3) The Baltimore City Mayor's Office on Criminal Justice shall be liable for the unauthorized release of a police record it accesses under this subsection.

(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in §§ 7–303 and 22–309 of the Education Article.

Article – Criminal Procedure

4–202.

(b) Except as provided in subsection (c) of this section, a court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court before trial or before a plea is entered under Maryland Rule 4–242 if:

(1) the accused child was at least 14 but not 18 years of age when the alleged crime was committed;

(2) the alleged crime is excluded from the jurisdiction of the juvenile court under § 3–8A–03(d)(1), (4), or (5) of the Courts Article; and

(3) the court determines by a preponderance of the evidence that a transfer of its jurisdiction is in the interest of the child or society.

(h) (1) Pending a determination under this section to transfer its jurisdiction, the court shall order the child to be held in a secure juvenile facility unless:

(i) the child is released on bail, recognizance, or other conditions of pretrial release;

(ii) there is not available capacity in a secure juvenile facility, as determined by the Department of Juvenile Services; or

(iii) the court finds that detention in a secure juvenile facility would pose a risk of harm to the child or others.

(2) If the court makes a finding under paragraph (1)(iii) of this subsection that detention in a secure juvenile facility would pose a risk of harm to the child or others, the court shall state the reasons for the finding on the record.

(I) (1) ~~**PENDING A TRANSFER DETERMINATION UNDER THIS SECTION, THE**~~ **THE PROVISIONS OF § 3–8A–27 OF THE COURTS ARTICLE RELATING TO CONFIDENTIALITY OF RECORDS APPLY TO ALL POLICE RECORDS AND COURT RECORDS CONCERNING THE CHILD EXCLUDED FROM THE JURISDICTION OF THE JUVENILE COURT UNDER § 3–8A–03(D)(1), (4), OR (5) OF THE COURTS ARTICLE FROM THE TIME OF THE CHILD'S ARREST UNTIL:**

(I) THE TIME FOR FILING OF A MOTION TO TRANSFER TO JUVENILE COURT UNDER THE MARYLAND RULES HAS EXPIRED AND NO SUCH MOTION HAS BEEN FILED; OR

(II) A MOTION TO TRANSFER TO JUVENILE COURT HAS BEEN DENIED.

(2) IF A CASE IS TRANSFERRED TO THE JUVENILE COURT UNDER THIS SECTION:

(I) THE PROVISIONS OF § 3–8A–27 OF THE COURTS ARTICLE RELATING TO CONFIDENTIALITY OF RECORDS CONTINUE TO APPLY TO ALL POLICE AND COURT RECORDS CONCERNING THE CHILD; AND

(II) THE CRIMINAL CHARGE IS SUBJECT TO EXPUNGEMENT UNDER § 10–106 OF THIS ARTICLE.

[(i)**] (J)** (1) A victim or victim's representative shall be given notice of the transfer hearing as provided under § 11–104 of this article.

(2) (i) A victim or a victim's representative may submit a victim impact statement to the court as provided in § 11–402 of this article.

(ii) This paragraph does not preclude a victim or victim's representative who has not filed a notification request form under § 11–104 of this article from submitting a victim impact statement to the court.

(iii) The court shall consider a victim impact statement in determining whether to transfer jurisdiction under this section.

[(j)**] (K)** (1) Regardless of whether the District Court has jurisdiction over the case, at a bail review or preliminary hearing before the District Court involving a child whose case is eligible for transfer under subsection (b) of this section, the District Court:

(i) may order that a study be made under the provisions of subsection (e) of this section; and

(ii) shall order that the child be held in a secure juvenile facility pending a transfer determination under this section unless:

1. the child is released on bail, recognizance, or other conditions of pretrial release;

2. there is not available capacity at a secure juvenile facility as determined by the Department of Juvenile Services; or

3. the District Court finds that detention in a secure juvenile facility would pose a risk of harm to the child or others.

(2) If the District Court makes a finding under paragraph (1)(ii)3 of this subsection that detention in a secure juvenile facility would pose a risk of harm to the child or others, the District Court shall state the reasons for the finding on the record.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)

Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 398

AN ACT concerning

Maryland Small Business Innovation Research and Technology Transfer Incentive Program

FOR the purpose of establishing the Maryland Small Business Innovation Research and Technology Transfer Incentive Program; requiring the Maryland Technology Development Corporation to administer the Program; establishing the purposes of the Program; establishing qualifications for participation in the Program; authorizing the Program to provide certain awards and investments to certain businesses on a competitive basis, subject to certain limitations; providing for the coordination of certain activities of the Program with comparable county programs; providing that a certain award or investment recipient may be required to return

certain funds under certain circumstances; establishing the Maryland Small Business Innovation Research and Technology Transfer Incentive Matching Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Corporation to administer the Fund; requiring the State Treasurer to hold the Fund, and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; requiring the Corporation to adopt certain regulations; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining certain terms; and generally relating to the Maryland Small Business Innovation Research and Technology Transfer Incentive Program.

BY renumbering
Article – Economic Development
Section 10–496 through 10–499, respectively, and the part "Part XI. Miscellaneous" to be Section 10–495 through 10–498, respectively, and the part "Part XI. Miscellaneous"
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Economic Development
Section 10–499 through 10–499.5 and the part "Part XII. Maryland Small Business Innovation Research and Technology Transfer Incentive Program"
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)121. and 122.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)123.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That Sections(s) 10–496 through 10–499, respectively, and the part "Part XI. Miscellaneous" of Article – Economic Development of the Annotated Code of Maryland be renumbered to be Section(s) 10–495 through 10–498, respectively, and the part "Part XI. Miscellaneous".

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Economic Development

PART XII. MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM.

10–499.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "FUND" MEANS THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE MATCHING FUND.

(C) "PROGRAM" MEANS THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM.

(D) "SMALL BUSINESS INNOVATION RESEARCH GRANT" MEANS A GRANT AWARDED UNDER THE SMALL BUSINESS INNOVATION RESEARCH GRANT PROGRAM BY THE NATIONAL INSTITUTES OF HEALTH, OR A SIMILAR PROGRAM ADMINISTERED BY ANOTHER AGENCY OF THE FEDERAL GOVERNMENT, FOR A BUSINESS TO ENGAGE IN RESEARCH AND DEVELOPMENT THAT HAS A STRONG POTENTIAL FOR COMMERCIALIZATION.

(E) "SMALL BUSINESS TECHNOLOGY TRANSFER GRANT" MEANS A GRANT AWARDED UNDER THE SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAM BY THE NATIONAL INSTITUTES OF HEALTH, OR A SIMILAR PROGRAM ADMINISTERED BY ANOTHER AGENCY OF THE FEDERAL GOVERNMENT, FOR A BUSINESS TO ENGAGE IN RESEARCH AND DEVELOPMENT THAT HAS A STRONG POTENTIAL FOR COMMERCIALIZATION.

10–499.1.

(A) THERE IS A MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM.

(B) THE CORPORATION SHALL ADMINISTER THE PROGRAM.

(C) THE PURPOSE OF THE PROGRAM IS TO FOSTER JOB CREATION AND ECONOMIC DEVELOPMENT IN THE STATE BY:

(1) PROMOTING THE COMMERCIALIZATION OF RESEARCH CONDUCTED BY SMALL BUSINESSES IN THE STATE;

(2) FACILITATING THE TRANSFER OF TECHNOLOGY FROM UNIVERSITIES AND FEDERAL RESEARCH LABORATORIES TO SMALL BUSINESSES; AND

(3) ENCOURAGING SMALL BUSINESSES, INCLUDING ECONOMICALLY DISADVANTAGED SMALL BUSINESSES, TO APPLY FOR SMALL BUSINESS INNOVATION RESEARCH GRANTS AND SMALL BUSINESS TECHNOLOGY TRANSFER GRANTS.

10–499.2.

(A) TO QUALIFY FOR PARTICIPATION IN THE PROGRAM, A SMALL BUSINESS SHALL MEET THE CRITERIA IN THIS SECTION.

(B) THE SMALL BUSINESS SHALL:

(1) MEET THE QUALIFICATIONS OF A QUALIFIED BUSINESS; AND

(2) HAVE RECEIVED A PHASE I OR PHASE II SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, DURING THE 6 MONTHS IMMEDIATELY PRECEDING THE SUBMISSION OF ITS APPLICATION UNDER § 10–499.3 OF THIS PART.

(C) AN AWARD OR INVESTMENT RECIPIENT THAT FAILS TO FULFILL THE ELIGIBILITY AND MAINTENANCE REQUIREMENTS OF THE PROGRAM MAY BE REQUIRED TO RETURN ALL OR PART OF THE AWARD OR INVESTMENT, AS WELL AS ANY ACCRUED INTEREST OR FEES, TO THE PROGRAM.

(D) THE PROGRAM SHALL REQUIRE AN AWARD OR INVESTMENT RECIPIENT TO RETURN TO THE FUND ANY MONEY FROM AN AWARD OR INVESTMENT UNDER THIS PART, AS WELL AS ANY ACCRUED INTEREST OR FEES, IF THE RECIPIENT DOES NOT REMAIN IN THE STATE FOR AT LEAST 2 YEARS AFTER RECEIVING THE AWARD OR INVESTMENT PAYMENT.

10–499.3.

(A) AN APPLICANT SHALL SUBMIT AN APPLICATION FOR A PROGRAM AWARD OR INVESTMENT ON THE FORM THAT THE CORPORATION REQUIRES.

(B) THE PROGRAM SHALL REVIEW THE APPLICATION AND ALL SUPPORTING MATERIALS TO EVALUATE WHETHER THE APPLICANT QUALIFIES FOR AN AWARD OR INVESTMENT FROM THE PROGRAM.

(C) SUBJECT TO THE AVAILABILITY OF MONEY IN THE FUND, THE PROGRAM MAY PROVIDE TO AN ELIGIBLE SMALL BUSINESS AN AWARD OR INVESTMENT TO MATCH IN PART A SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT.

(D) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A SMALL BUSINESS THAT RECEIVES AN AWARD OR INVESTMENT FOR A PHASE I SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, SHALL RECEIVE AN AWARD OR INVESTMENT IN AN AMOUNT THAT IS THE LESSER OF:

(1) 25% OF THE PHASE I SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT; OR

(2) $25,000.

(E) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A SMALL BUSINESS THAT RECEIVES AN AWARD OR INVESTMENT FOR A PHASE II SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, SHALL RECEIVE AN AWARD OR INVESTMENT IN AN AMOUNT THAT IS THE LESSER OF:

(1) 25% OF THE PHASE II SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT; OR

(2) $75,000.

(F) ON THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR, THE BOARD MAY APPROVE AN AWARD OR INVESTMENT IN A SMALL BUSINESS IN EXCESS OF THE LIMITATIONS SPECIFIED UNDER SUBSECTIONS (D) AND (E) OF THIS SECTION

IF THE BOARD DETERMINES THAT THE AWARD IS NECESSARY TO BETTER SERVE THE COMMUNITY AND THE PURPOSES OF THE PROGRAM.

(G) DURING EACH FISCAL YEAR:

(1) THE CORPORATION MAY NOT PROVIDE MORE THAN 20 AWARDS OR INVESTMENTS IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION OR MORE THAN 10 AWARDS OR INVESTMENTS IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION; AND

(2) A SMALL BUSINESS MAY NOT RECEIVE MORE THAN ONE AWARD OR INVESTMENT.

(H) A SMALL BUSINESS MAY NOT RECEIVE MORE THAN THREE AWARDS OR INVESTMENTS UNDER THIS PART.

(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH QUARTER, THE CORPORATION SHALL PROVIDE AWARDS AND INVESTMENTS ON A COMPETITIVE BASIS TO ELIGIBLE SMALL BUSINESSES.

(2) IN PROVIDING AN AWARD OR INVESTMENT UNDER THIS SECTION, THE CORPORATION:

(I) SHALL CONSIDER:

1. THE IMPACT OF THE AWARD OR INVESTMENT ON THE SMALL BUSINESS; AND

2. HOW THE SMALL BUSINESS WILL UTILIZE THE AWARD OR INVESTMENT TOWARD COMMERCIALIZATION OF THE RESEARCH CONDUCTED BY THE SMALL BUSINESS; AND

(II) MAY CONSIDER ANY ADDITIONAL CRITERIA SPECIFIED BY THE CORPORATION IN REGULATION.

(J) THE PROGRAM SHALL COORDINATE WITH COMPARABLE STATE AND COUNTY PROGRAMS TO:

(1) CONDUCT MARKETING AND OUTREACH, INCLUDING CONDUCTING JOINT WORKSHOPS, ONLINE TRAINING OPPORTUNITIES, AND OUTREACH TO ECONOMICALLY DISADVANTAGED SMALL BUSINESSES AND FIRST–TIME SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT APPLICANTS; AND

(2) PROVIDE ASSISTANCE TO ELIGIBLE BUSINESSES UNDER THIS PART.

10–499.4.

(A) THERE IS A MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE MATCHING FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE AWARDS OR INVESTMENTS TO FURTHER STIMULATE INNOVATION AND ENTREPRENEURSHIP AND ATTRACT EARLY–STAGE SMALL BUSINESSES ENGAGED IN RESEARCH AND DEVELOPMENT.

(C) THE CORPORATION SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(E) THE FUND CONSISTS OF:

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

(2) REPAYMENTS AND EARNINGS FROM INVESTMENTS MADE THROUGH THE PROGRAM;

(3) MONEY RECAPTURED FROM BUSINESSES THAT FAIL TO FULFILL THE TERMS AND CONDITIONS OF AN AWARD OR INVESTMENT MADE THROUGH THE PROGRAM;

(4) INTEREST EARNINGS OF THE FUND; AND

(5) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR:

(1) PROVIDING AWARDS OR INVESTMENTS TO ELIGIBLE SMALL BUSINESSES THAT HAVE RECEIVED FINANCIAL ASSISTANCE FROM THE FEDERAL GOVERNMENT UNDER COMPARABLE SMALL BUSINESS INNOVATION RESEARCH OR

SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAMS; AND

(2) ADMINISTRATIVE EXPENSES OF THE PROGRAM, INCLUDING MARKETING, OUTREACH, AND TECHNICAL ASSISTANCE.

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

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

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

10–499.5.

THE CORPORATION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PART.

Article – State Finance and Procurement

6–226.

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

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

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; **[**and**]**

122. the Federal Government Shutdown Employee Assistance Loan Fund**; AND**

123. THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE MATCHING FUND.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.

Governor

Senate Bill 407

AN ACT concerning

Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit

FOR the purpose of establishing the Senior and Vulnerable Adult Asset Recovery Unit in the Office of the Attorney General; establishing the purpose of the Unit; authorizing the Unit to bring civil actions for damages under certain provisions of law against a person who commits certain crimes against vulnerable adults and seniors; providing that a certain conviction is not required for maintenance of an action under a certain provision of this Act; requiring the Governor, beginning in a certain fiscal year, to include a certain amount in the State budget to carry out this Act; requiring the Unit, at the direction of the Attorney General, to use the funds for certain purposes; defining a certain term; and generally relating to the Senior and Vulnerable Adult Asset Recovery Unit.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–204(a)(15)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY adding to
Article – Commercial Law
Section 14–4201 through 14–4204 to be under the new subtitle "Subtitle 42. Senior and Vulnerable Adult Asset Recovery Unit"
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 11–209(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 8–801(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

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

Article – Commercial Law

13–204.

(a) In addition to any other of its powers and duties, the Division has the powers and duties to:

(15) (i) Bring a civil action for damages against a person who violates § 8–801 of the Criminal Law Article on behalf of a victim of the offense or, if the victim is deceased, the victim's estate;

(ii) Recover damages under this item for property loss or damage; and

(iii) If the Division prevails in an action brought under this item, recover the costs of the action for the use of the Office of the Attorney General.

SUBTITLE 42. SENIOR AND VULNERABLE ADULT ASSET RECOVERY UNIT.

14–4201.

IN THIS SUBTITLE, "UNIT" MEANS THE SENIOR AND VULNERABLE ADULT ASSET RECOVERY UNIT.

14–4202.

THERE IS A SENIOR AND VULNERABLE ADULT ASSET RECOVERY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL.

14–4203.

(A) THE PURPOSE OF THE UNIT IS TO PROTECT SENIORS AND VULNERABLE ADULTS FROM FINANCIAL CRIMES UNDER § 8–801 OF THE CRIMINAL LAW ARTICLE.

(B) THE UNIT MAY BRING A CIVIL ACTION UNDER § 13–204(A)(15) OF THIS ARTICLE OR § 11–209(A) OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE FOR DAMAGES AGAINST A PERSON WHO VIOLATES § 8–801 OF THE CRIMINAL LAW ARTICLE.

(C) A CONVICTION FOR AN OFFENSE UNDER § 8–801 OF THE CRIMINAL LAW ARTICLE IS NOT A PREREQUISITE FOR MAINTENANCE OF AN ACTION UNDER SUBSECTION (B) OF THIS SECTION.

14–4204.

(A) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AT LEAST $250,000 TO CARRY OUT THIS SUBTITLE.

(B) AT THE DIRECTION OF THE ATTORNEY GENERAL, THE UNIT SHALL USE THE FUNDS INCLUDED IN THE STATE BUDGET UNDER SUBSECTION (A) OF THIS SECTION TO:

(1) HIRE NEW STAFF FOR THE UNIT; AND

(2) INVESTIGATE AND ASSIST ~~PROSECUTION BY~~ THE UNIT IN BRINGING CIVIL ACTIONS.

Article – Corporations and Associations

11–209.

(a) The Commissioner may:

(1) Bring a civil action for damages against a person that violates § 8–801 of the Criminal Law Article on behalf of a victim of the violation or, if the victim is deceased, the victim's estate;

(2) Recover damages under this subsection for property loss or damage; and

(3) If the Commissioner prevails in an action brought under this subsection, recover the costs of the action for the use of the Office of the Attorney General.

Article – Criminal Law

8–801.

(b) (1) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult's property.

(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation

House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 452

AN ACT concerning

Family Investment Program – Temporary Cash Assistance – Funding

FOR the purpose of requiring the Governor to provide sufficient funds in the budget to ensure that the value of temporary cash assistance, combined with federal food stamps, is equal to at least a certain ~~percentages~~ percentage of the State minimum living level ~~for certain fiscal years~~ beginning in a certain fiscal year; and generally relating to temporary cash assistance.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–316(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2019 Supplement)

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

Article – Human Services

5–316.

(a) (1) Except as provided in paragraph (2) of this subsection, the Governor shall provide sufficient funds in the budget to:

(i) ensure that the value of temporary cash assistance, combined with federal food stamps, is equal to at least**:**

1. FOR FISCAL YEAR 2021, 61% of the State minimum living level; ~~[~~and~~]~~

2. FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, ~~63%~~ 61.25% OF THE STATE MINIMUM LIVING LEVEL; AND

~~**3. FOR FISCAL YEAR 2023, 65% OF THE STATE MINIMUM LIVING LEVEL;**~~

~~**4. FOR FISCAL YEAR 2024, 67% OF THE STATE MINIMUM LIVING LEVEL;**~~

~~**5. FOR FISCAL YEAR 2025, 69% OF THE STATE MINIMUM LIVING LEVEL; AND**~~

~~**6. FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, 71% OF THE STATE MINIMUM LIVING LEVEL; AND**~~

(ii) maintain the FIP at the level of the fiscal year 1997 appropriation.

(2) The funds provided under this subsection may be less than the amount required under paragraph (1) of this subsection if the Governor reports to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the reasons for the reduced funding for temporary cash assistance and food stamps.

(3) This subsection does not limit the flexibility of local departments regarding the provision of services.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 465

AN ACT concerning

~~**Admissions and Amusement Tax – Electronic Bingo and Tip Jars – Distribution to Maryland State Arts Council**~~
Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations

FOR the purpose of extending and altering the Maryland E–Nnovation Initiative Program; requiring the Governor to include in the annual budget bill certain appropriations to the Maryland E–Nnovation Initiative Fund for certain fiscal years; altering certain requirements for certain individuals in certain positions funded by certain endowment proceeds; altering, beginning in a certain fiscal year, the distribution of revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars; making a conforming change; *making certain sections of this Act subject to certain contingencies;* and generally relating to the Maryland E–Nnovation Initiative Program and the distribution of revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 6–604(a), (d), and (f), 6–612(a), and 6–618(b), (d), and (e)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 6–604(e) and 6–614
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

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

Article – Economic Development

6–604.

(a) There is a Maryland E–Nnovation Initiative Fund in the Department.

(d) The Fund consists of:

(1) revenue distributed to the Fund under § 2–202(a)(1) of the Tax – General Article;

(2) money appropriated in the State budget to the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(e) For each of fiscal years 2016 through **[**2021,**]** **2026,** the Governor shall include in the budget bill an appropriation to the Fund in an amount that when combined with the amount estimated to be distributed to the Fund under subsection (d)(1) of this section equals at least ~~[~~$8,500,000~~]~~ ~~**$9,000,000**~~.

(f) The Department may use the Fund to:

(1) finance research endowments at nonprofit institutions of higher education in scientific and technical fields of study; and

(2) pay the related administrative, legal, and actuarial expenses of the Department.

6–612.

(a) The governing body of each nonprofit institution of higher education may create and administer one or more research endowments to receive funding from the Fund.

6–614.

(a) Endowment proceeds shall be expended by a nonprofit institution of higher education to further basic and applied research in scientific and technical fields of study as designated by the Authority that offer promising and significant economic impacts and the opportunity to develop clusters of technological innovation in the State, including:

(1) physical sciences;

(2) life and neuro sciences;

(3) engineering;

(4) mathematical and computational sciences;

(5) regulatory science;

(6) autonomous systems;

(7) aeronautical and space science;

(8) environmental sciences;

(9) behavioral and language science;

(10) health sciences;

(11) agriculture; or

(12) cybersecurity.

(b) Endowment proceeds may be expended by a nonprofit institution of higher education for:

(1) the payment of the base salaries of newly endowed department chairs, new professorship positions, new research scientists, or new research staff positions, including research technicians and support personnel, and to fund affiliated graduate or undergraduate student research fellowships, if the positions or fellowships are engaged in the areas of research identified in subsection (a) of this section; or

(2) the purchase of basic infrastructure, including laboratory and scientific equipment or other essential equipment and materials, related to an area of research identified in subsection (a) of this section.

(c) An individual in a position that is funded by endowment proceeds under subsection (b)(1) of this section shall:

(1) work at least **[**one day each week**]** **20% OF THE YEAR** in support of a federal laboratory or associated federal laboratory research support organization;

(2) hold a joint appointment or secondary position at another nonprofit institution of higher education in the State; or

(3) work at least **[**one day each week**]** **20% OF THE YEAR** in support of entrepreneurial activities with a company engaged in one or more of the research areas identified in subsection (a) of this section.

(d) The Authority shall issue eligibility criteria regarding the expenditure of endowment proceeds to pay the base salaries of personnel, fund student fellowships, and purchase basic infrastructure.

6–618.

(b) A nonprofit institution of higher education seeking a distribution of matching funds from the Fund shall first obtain qualified donations in an amount equal to the amount of matching funds requested for distribution and shall submit a request to the Authority.

(d) The Authority shall review each request for distribution of matching funds from the Fund for compliance with the provisions of this subtitle and Department regulations.

(e) If the Authority approves the request of a nonprofit institution of higher education, the Authority shall distribute matching funds to the applicable research endowment in an amount equal to the amount of qualified donations.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

2–202.

(a) After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) except as provided in subsections (b) and (c) of this section, from the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4–102(e) of this article:

(i) ~~1. for fiscal years 2016 through 2021,~~ **FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER,** the revenue attributable to a tax rate of 20% to the Maryland E–Nnovation Initiative Fund under § 6–604 of the Economic Development Article; and

~~2. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 20% to the General Fund of the State; and~~

(ii) **[**1. for fiscal year 2018, the revenue attributable to a tax rate of 5% as follows:

A. to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article, up to an aggregate amount of $1,000,000 in each fiscal year; and

B. the remainder to the Maryland State Arts Council, as provided in § 4–512 of the Economic Development Article;

2. for fiscal years 2019 through 2021**] FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER**, the revenue attributable to a tax rate of 5% as follows:

[A.**] 1.** to the Maryland State Arts Council, as provided in § 4–512 of the Economic Development Article, $1,000,000 in each fiscal year; ~~and~~

[B.**] 2. TO THE TOWN OF CHESAPEAKE BEACH, $300,000 IN EACH FISCAL YEAR; AND**

3. the remainder to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article; and

[3. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 5% to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article; and**]**

(2) the remaining admissions and amusement tax revenue:

(i) to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

(ii) if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

1. 80% of that revenue to the Authority; and

2. 20% to the county or municipal corporation.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

2–202.

(a) After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) except as provided in subsections (b) and (c) of this section, from the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4–102(e) of this article:

(i) ***[****1. for fiscal years 2016 through 2021,****]* ***FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER,*** *the revenue attributable to a tax rate of 20% to the Maryland E–Nnovation Initiative Fund under § 6–604 of the Economic Development Article; and*

[*2. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 20% to the General Fund of the State; and****]*

(ii) ***[****1. for fiscal year 2018, the revenue attributable to a tax rate of 5% as follows:*

A. to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article, up to an aggregate amount of $1,000,000 in each fiscal year; and

B. the remainder to the Maryland State Arts Council, as provided in § 4–512 of the Economic Development Article;

*2. for fiscal years 2019 through 2021****]*** ***FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER****, the revenue attributable to a tax rate of 5% as follows:*

[*A.****]*** ***1.*** *to the Maryland State Arts Council, as provided in § 4–512 of the Economic Development Article, $1,000,000 in each fiscal year;* ***[****and****]***

[*B.****]*** ***2. TO THE TOWN OF CHESAPEAKE BEACH, $300,000 IN EACH FISCAL YEAR;***

3. TO THE MICHAEL ERIN BUSCH SPORTS FUND ESTABLISHED UNDER § 10–612.2 OF THE ECONOMIC DEVELOPMENT ARTICLE, $500,000 IN EACH FISCAL YEAR; AND

4. *the remainder to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article; and*

[*3. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 5% to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article; and****]***

(2) the remaining admissions and amusement tax revenue:

(i) to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

(ii) if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

1. 80% of that revenue to the Authority; and

2. 20% to the county or municipal corporation.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2020, contingent on the taking effect of Chapter ____ (S.B. 1076/H.B. 1659) of the Acts of the General Assembly of 2020, and if Chapter ____ (S.B. 1076/H.B. 1659) does not become effective, Section 3 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2020, contingent on the failure of Chapter ____ (S.B. 1076/H.B. 1659) of the Acts of the General Assembly of 2020, and if Chapter ____ (S.B. 1076/H.B. 1659) becomes effective, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION ~~2.~~ *6.* AND BE IT FURTHER ENACTED, That*, except as provided in Sections 4 and 5 of this Act,* this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson

President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting

Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
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House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 493

AN ACT concerning

Small Business Development Center Network Fund – Minimum Appropriation

FOR the purpose of altering the required minimum appropriation for the Small Business Development Center Network Fund; and generally relating to the Small Business Development Center Network Fund.

BY repealing and reenacting, with amendments,
Article – Education
Section 13–104
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Education

13–104.

(a) In this section, "Fund" means the Small Business Development Center Network Fund.

(b) There is a Small Business Development Center Network Fund.

(c) The purpose of the Fund is to provide matching funds for federal grant funds and to support the operations of the Small Business Development Center Network in the University of Maryland, College Park Campus.

(d) The Fund is a special, continuous, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(e) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The proceeds of the Fund shall be invested and reinvested.

(g) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(h) The Fund consists of:

(1) Any money appropriated to the Fund;

(2) Any federal grant funds; and

(3) Any other money from any other source accepted for the benefit of the Fund.

(i) Money in the Fund may only be expended to support the operations of the Small Business Development Center Network.

(j) For the fiscal year beginning July 1, **[**2013**]** **2021**, and each fiscal year thereafter, the Governor shall include in the annual budget bill a General Fund appropriation of at least **[**$950,000**]** ~~**$1,500,000**~~ ~~***$1,050,000***~~ ***$1,150,000*** to the Fund.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

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House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports

Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 524

AN ACT concerning

Building Lifelong Library Learners Act

FOR the purpose of prohibiting a public library from charging a ~~minor an overdue~~ fine for overdue library materials ~~or fee for an overdue library book~~ on a minor's library materials; prohibiting a public library from charging ~~a minor~~ a ~~replacement fine or~~ fee until a certain date; requiring a public library to cancel or return a certain ~~replacement fine or~~ fee if a book is returned; prohibiting a public library from collecting any outstanding ~~fine or fee~~ fees incurred by a minor for ~~an overdue book on or before certain dates;~~ overdue library materials after a certain date; requiring certain library boards to adopt certain regulations; altering the calculation of certain funding for the State Library Research Center and each county public library system for certain fiscal years; requiring the Governor to include a certain amount in the annual operating or capital budget submission for county capital projects; defining ~~a certain term~~ certain terms; providing for the application of this Act; and generally relating to public libraries in the State.

BY adding to
Article – Education
Section ~~23–110~~ 23–409
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section ~~23–505(d),~~ 23–205(d), 23–503(b), and 23–509(e)(5)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Education

~~**23–110.**~~ **23–409.**

~~**(A) IN THIS SECTION, "OVERDUE FINE OR FEE FOR AN OVERDUE LIBRARY BOOK" INCLUDES**~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FEE" MEANS AN AMOUNT CHARGED BY A PUBLIC LIBRARY TO AN INDIVIDUAL FOR THE REPLACEMENT OF LIBRARY MATERIALS THAT HAVE NOT BEEN RETURNED.

(3) "FINE FOR OVERDUE LIBRARY MATERIALS" INCLUDES ANY FINE ~~OR FEE~~ CHARGED BY A PUBLIC LIBRARY TO AN INDIVIDUAL FOR NOT RETURNING ~~A~~ LIBRARY ~~BOOK~~ MATERIALS BY THE DUE DATE.

(4) "SPECIAL COLLECTIONS" INCLUDES ITEMS SUCH AS CAKE PANS, TOOLS, AND FRAME ART.

(B) THIS SECTION DOES NOT APPLY TO SPECIAL COLLECTIONS.

~~(B)~~ (C) (1) A PUBLIC LIBRARY MAY NOT CHARGE A ~~MINOR AN OVERDUE~~ FINE FOR OVERDUE LIBRARY MATERIALS ~~OR FEE FOR AN OVERDUE LIBRARY BOOK~~ ON A MINOR'S LIBRARY MATERIALS.

(2) (I) A PUBLIC LIBRARY MAY NOT CHARGE ~~A MINOR~~ A ~~REPLACEMENT FINE OR~~ FEE FOR ~~AN~~ A MINOR'S OVERDUE LIBRARY ~~BOOK~~ MATERIALS UNTIL ~~THREE~~ ~~MONTHS~~ 21 DAYS AFTER THE DATE ON WHICH THE LIBRARY ~~BOOK WAS~~ MATERIALS WERE DUE.

(II) IF ~~AN~~ A MINOR'S OVERDUE LIBRARY ~~BOOK IS~~ MATERIALS ARE RETURNED AFTER A PUBLIC LIBRARY HAS CHARGED ~~A MINOR~~ A ~~REPLACEMENT FINE OR~~ FEE, THE PUBLIC LIBRARY SHALL CANCEL THE ~~FINE OR FEE OR RETURN THE FINE OR FEE AMOUNT TO THE MINOR~~ FEE.

~~(C)~~ (D) A PUBLIC LIBRARY MAY NOT ATTEMPT TO COLLECT ANY OUTSTANDING ~~FINE OR FEE FOR AN~~ FEES FOR OVERDUE LIBRARY ~~BOOK~~ MATERIALS THAT ~~WAS~~ ARE INCURRED BY A MINOR ~~ON OR BEFORE JUNE 30, 2020~~ AFTER JUNE 30, 2021.

(E) EACH BOARD OF LIBRARY TRUSTEES SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

23–205.

(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For each of fiscal years 2010 through 2016……$1.67 per State resident;

(ii) For fiscal year 2017……$1.69 per State resident;

(iii) For fiscal year 2018……$1.73 per State resident;

(iv) For fiscal year 2019……$1.77 per State resident;

(v) For fiscal year 2020……$1.81 per State resident; **[**and**]**

(vi) For fiscal year 2021 **[**and each fiscal year thereafter**]**……$1.85 per State resident**;**

(VII) FOR FISCAL YEAR 2022……$1.89 PER STATE RESIDENT;

(VIII) FOR FISCAL YEAR 2023…..$1.93 PER STATE RESIDENT; AND

~~**(IX) FOR FISCAL YEAR 2024……$1.97 PER STATE RESIDENT;**~~

~~**(X) FOR FISCAL YEAR 2025…..$2.01 PER STATE RESIDENT; AND**~~

~~**(XI) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER……$2.05 PER STATE RESIDENT.**~~

(IX) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER……..……..$1.97 PER STATE RESIDENT.

23–503.

(b) (1) Each county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

(i) For each of fiscal years 2011 through 2015 – $14.00;

(ii) For fiscal year 2016 – $14.27;

(iii) For fiscal year 2017 – $14.54;

(iv) For fiscal year 2018 – $15.00;

(v) For fiscal year 2019 – $15.50;

(vi) For fiscal year 2020 – $16.00;

(vii) For fiscal year 2021 – $16.43; and

(viii) For fiscal year 2022 and each fiscal year thereafter – **[**$16.70**]** **$17.10**.

(2) (i) The State shall share in this amount.

(ii) Any county may provide an amount greater than its share under the cooperative program, but the State may not share in the excess.

23–509.

(e) (5) **(I)** For **EACH OF** fiscal **[**year 2008 and each fiscal year thereafter,**]** **YEARS 2008 THROUGH 2021,** the Governor shall include in the annual operating or capital budget submission $5,000,000 for county library capital projects.

(II) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL OPERATING OR CAPITAL BUDGET SUBMISSION $7,500,000 FOR COUNTY LIBRARY CAPITAL PROJECTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House

Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

In accordance with Article II Section 17 of the Maryland Constitution, I have vetoed Senate Bill 669/House Bill 1095 – *Public Health – Prescription Drug Affordability Board Fund,* House Bill 732 – *Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax,* and House Bill 932 – *21st–Century Economy Fairness Act.*

These misguided bills would raise taxes and fees on Marylanders at a time when many are already out of work and financially struggling. With our state in the midst of a global pandemic and economic crash, and just beginning on our road to recovery, it would be unconscionable to raise taxes and fees now. To do so would further add to the very heavy burden that our citizens are already facing.

For all of these reasons, I am vetoing Senate Bill 669, House Bill 1095, House Bill 732, and House Bill 932.

Sincerely,

Lawrence J. Hogan Jr.
Governor

Senate Bill 669

AN ACT concerning

Public Health – Prescription Drug Affordability Board and Fund

FOR the purpose of repealing certain provisions of law requiring the Prescription Drug Affordability Board to determine a certain funding source on or before a certain date, consider using certain methods in making a certain determination, and report to certain committees of the General Assembly on a certain recommendation; requiring the Board to assess and collect a certain fee from certain persons in a certain manner; requiring the Board to calculate a certain fee in a certain manner; requiring certain entities to pay a certain fee on or before a certain date each year; requiring the Board to allow certain persons to make certain payments; providing that certain fees may be subject to a certain interest penalty; prohibiting a certain amount of fees collected within a certain period of time from exceeding a certain amount; requiring the Board to pay certain fees into the Prescription Drug Affordability Fund; establishing the Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the

Board to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; requiring any interest earnings of the Fund to be credited to the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Fund to be subject to a certain audit; adding special funds to the types of funds that are required to be used to establish the Board; requiring the Board to repay certain funds from the Fund to the Maryland Health Care Commission under certain circumstances and over a certain period of time; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; providing for the construction of certain provisions of this Act; defining a certain term; making conforming changes; and generally relating to the Prescription Drug Affordability Board and Fund.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–132(a) and (c)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–2C–11
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–6C–01(a) and (v)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–1601(a) and (m)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)121. and 122.

Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)123.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – Health – General

19–132.

(a) In this Part III of this subtitle the following words have the meanings indicated.

(c) "Carrier" means:

(1) An insurer or nonprofit health service plan that holds a certificate of authority and provides health insurance policies or contracts in the State in accordance with the Insurance Article; or

(2) A health maintenance organization that holds a certificate of authority in the State.

21–2C–11.

[(a) On or before December 31, 2020, the Board shall determine a funding source for the Board.

(b) In determining a funding source, the Board shall consider:

(1) Assessing and collecting a fee on manufacturers, pharmacy benefits managers, health insurance carriers, wholesale distributors, or other entities;

(2) Using rebates the State or local government receives from manufacturers; and

(3) Any other method it determines appropriate for funding the Board.

(c) On or before December 31, 2020, in accordance with § 2–1257 of the State Government Article, the Board shall report back to the Senate Finance Committee and the House Health and Government Operations Committee with a recommendation on legislation necessary to establish a funding source for the Board.**]**

(A) IN THIS SECTION, "FUND" MEANS THE PRESCRIPTION DRUG AFFORDABILITY FUND.

(B) (1) THE BOARD SHALL ASSESS AND COLLECT AN ANNUAL FEE ON:

(I) MANUFACTURERS THAT SELL OR OFFER FOR SALE PRESCRIPTION DRUG PRODUCTS TO PERSONS IN THE STATE;

(II) PHARMACY BENEFITS MANAGERS, AS DEFINED IN § 15–1601 OF THE INSURANCE ARTICLE;

(III) CARRIERS, AS DEFINED IN § 19–132 OF THIS ARTICLE; AND

(IV) WHOLESALE DISTRIBUTORS, AS DEFINED IN § 12–6C–01 OF THE HEALTH OCCUPATIONS ARTICLE; AND, THAT SELL OR OFFER FOR SALE PRESCRIPTION DRUG PRODUCTS TO PERSONS IN THE STATE.

~~(V) ANY OTHER ENTITY IDENTIFIED IN REGULATIONS ADOPTED BY THE BOARD.~~

(2) THE BOARD SHALL:

(I) ASSESS AND COLLECT THE ANNUAL FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ACCORDANCE WITH CRITERIA ESTABLISHED IN REGULATIONS ADOPTED BY THE BOARD; AND

(II) CALCULATE THE ANNUAL FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A FAIR AND EQUITABLE MANNER.

(3) (I) ON OR BEFORE OCTOBER 1 EACH YEAR, EACH ENTITY ASSESSED A FEE UNDER THIS SUBSECTION SHALL PAY THE FEE ASSESSED BY THE BOARD.

(II) THE BOARD SHALL ALLOW ENTITIES TO MAKE PARTIAL PAYMENTS WHEN PAYING THE FEE ASSESSED UNDER THIS SUBSECTION.

(III) ANY FEE NOT PAID WITHIN 30 DAYS AFTER THE PAYMENT DUE DATE MAY BE SUBJECT TO AN INTEREST PENALTY TO BE DETERMINED AND COLLECTED BY THE BOARD.

(4) THE TOTAL AMOUNT OF FEES THAT THE BOARD COLLECTS IN EACH CALENDAR YEAR UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED $2,000,000.

(5) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION INTO THE FUND.

(C) (1) THERE IS A PRESCRIPTION DRUG AFFORDABILITY FUND.

(2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE BOARD AND TO CARRY OUT THE PURPOSE OF THIS SUBTITLE.

(3) THE BOARD SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS OF:

(I) REVENUE DISTRIBUTED TO THE FUND UNDER SUBSECTION (B) OF THIS SECTION;

(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(III) INTEREST EARNINGS; AND

(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(6) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE BOARD AND FOR THE PURPOSES AUTHORIZED UNDER THIS SUBTITLE, INCLUDING ADMINISTRATIVE EXPENSES AND ANY COSTS EXPENDED BY ANY STATE AGENCY TO IMPLEMENT THIS SUBTITLE.

(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(9) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED FOR UNDER § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

(10) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND FROM RECEIVING FUNDS FROM ANY OTHER SOURCE.

(d) **(1)** The Board shall be established using **SPECIAL OR** general funds, which shall be repaid to the State with the funds from the **[**funding source determined by the Board under subsection (a) of this section**]** **FUND**.

(2) IF THE BOARD RECEIVES FUNDING FROM THE MARYLAND HEALTH CARE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL REPAY THE FUNDS TO THE COMMISSION FROM THE FUND OVER A 3–YEAR PERIOD BEGINNING JUNE 1, 2021.

Article – Health Occupations

12–6C–01.

(a) In this subtitle the following words have the meanings indicated.

(v) (1) "Wholesale distributor" means a person that is engaged in the wholesale distribution of prescription drugs or prescription devices.

(2) "Wholesale distributor" includes:

(i) A manufacturer;

(ii) A repackager;

(iii) An own–label distributor;

(iv) A private–label distributor;

(v) A jobber;

(vi) A broker;

(vii) A warehouse, including a manufacturer's or distributor's warehouse;

(viii) A manufacturer's exclusive distributor or an authorized distributor of record;

(ix) A drug wholesaler or distributor;

(x) An independent wholesale drug trader;

(xi) A third party logistics provider;

(xii) A pharmacy that conducts wholesale distribution, if the wholesale distribution business accounts for more than 5% of the pharmacy's annual sales; and

(xiii) A pharmacy warehouse that conducts wholesale distribution.

Article – Insurance

15–1601.

(a) In this subtitle the following words have the meanings indicated.

(m) "Pharmacy benefits manager" means a person that performs pharmacy benefits management services.

Article – State Finance and Procurement

6–226.

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

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

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; **[**and**]**

122. the Federal Government Shutdown Employee Assistance Loan Fund**; AND**

123. THE PRESCRIPTION DRUG AFFORDABILITY FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding

House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 684

AN ACT concerning

Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)

FOR the purpose of requiring the Commissioner of the Division of Correction to ~~provide~~ operate a certain prerelease facility for female inmates; requiring that a certain prerelease facility be located in ~~Baltimore City~~ a certain zip code; authorizing inmates assigned to a certain prerelease facility to have access to the community for certain purposes; requiring the Department of Public Safety and Correctional Services to complete certain phases of a certain project on or before certain dates; requiring the Commissioner to provide certain prerelease services for certain female inmates; establishing the content for certain services provided by the Commissioner; requiring the Department to provide certain updates to certain committees on or before certain dates; defining certain terms; making stylistic changes; and generally relating to prerelease services for female inmates.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–301 and 3–303
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

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

Article – Correctional Services

3–301.

(A) [The**]** **SUBJECT TO SUBSECTION ~~(C)~~ (D) OF THIS SECTION, THE** Commissioner **[**may**]** **SHALL** operate a **COMPREHENSIVE REHABILITATIVE** prerelease unit for women **THAT:**

(1) IS A SEPARATE STRUCTURE IN WHICH THE SERVICES SPECIFIED IN § 3–303(B) OF THIS SUBTITLE ARE PROVIDED;

(2) HAS SECURITY FEATURES FOR FEMALE INMATES WHO:

(I) PRESENT THE LEAST RISK OF VIOLENCE;

(II) PRESENT THE LEAST RISK OF ESCAPE; AND

(III) HAVE A RECORD OF SATISFACTORY INSTITUTIONAL BEHAVIOR; AND

(3) MATCHES SECURITY LEVEL ON A VALIDATED GENDER–RESPONSIVE RISK MEASURE.

(B) ~~THE PRERELEASE UNIT FOR WOMEN SHALL BE LOCATED IN BALTIMORE CITY~~ (1) IN DETERMINING WHERE TO PLACE A PRERELEASE UNIT FOR WOMEN, THE COMMISSIONER SHALL DETERMINE INTO WHICH AREA, DEFINED BY ZIP CODES, THE LARGEST PERCENTAGE OF INMATES WILL LIKELY BE RELEASED.

(2) A PRERELEASE UNIT FOR WOMEN SHALL BE LOCATED IN OR ADJACENT TO THE ZIP CODES IDENTIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

(C) AN INMATE ASSIGNED TO A PRERELEASE UNIT FOR WOMEN MAY HAVE ACCESS TO THE COMMUNITY FOR ANY PURPOSE DESCRIBED IN § 3–305(A) OF THIS SUBTITLE.

~~(C)~~ (D) THE DEPARTMENT SHALL:

(1) IDENTIFY A LOCATION, ACQUIRE PROPERTY, AND DESIGN A SITE PLAN FOR THE PRERELEASE UNIT FOR WOMEN ON OR BEFORE JUNE 1, 2021;

(2) BEGIN CONSTRUCTION OR RENOVATION OF THE FACILITY ON OR BEFORE SEPTEMBER 1, 2021; AND

(3) BEGIN OPERATING AND PROVIDING SERVICES IN THE FACILITY ON OR BEFORE JUNE 1, 2023.

3–303.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "EVIDENCE–BASED PROGRAMS AND PRACTICES" HAS THE MEANING STATED IN § 6–119 OF THIS ARTICLE.

(3) "INNOVATIVE PROGRAMS AND PRACTICES" HAS THE MEANING STATED IN § 6–119 OF THIS ARTICLE.

[(a)**] (B)** The Commissioner shall~~:~~

~~(1) [develop comprehensive rehabilitative prerelease services] PROVIDE A COMPREHENSIVE REHABILITATIVE PRERELEASE FACILITY FOR ELIGIBLE FEMALE INMATES THAT MATCHES SECURITY LEVEL ON A VALIDATED GENDER–RESPONSIVE RISK MEASURE; and~~

~~(2)~~ make **[**these**]** **EVIDENCE–BASED AND GENDER–RESPONSIVE** services available to **FEMALE** inmates **[**of a**]** **AT THE** prerelease ~~[~~unit for women~~]~~ ~~FACILITY~~ **REQUIRED UNDER § 3–301 OF THIS SUBTITLE**.

[(b)**]** **(C)** The comprehensive rehabilitative prerelease services shall **UTILIZE EVIDENCE–BASED PROGRAMS AND PRACTICES AND INNOVATIVE PROGRAMS AND PRACTICES TO**:

(1) assist **FEMALE** inmates in improving their education, upgrading vocational skills, and obtaining suitable employment **THROUGH CLASSES TO EARN INDUSTRY CERTIFICATION OR COMMUNITY COLLEGE CREDITS, WORKFORCE TRAINING, AND JOB PLACEMENT**;

(2) provide **FEMALE** inmates with the opportunity to strengthen family and community relationships through extended family leave**, PARENTING WORKSHOPS, AND FAMILY REUNIFICATION ASSISTANCE**~~, AND TRANSPORTATION FOR CHILDREN AND FAMILY MEMBERS TO VISIT FEMALE INMATES BEFORE RELEASE~~;

(3) **[**assist inmates in improving their physical and mental health and reducing any tendency to abuse alcohol or drugs**]** **PROVIDE INTEGRATIVE AND GENDER–RESPONSIVE SERVICES, INCLUDING MEDICAL TREATMENT, TRAUMA–INFORMED COUNSELING, MENTAL HEALTH TREATMENT, AND SUBSTANCE USE DISORDER TREATMENT TO ADDRESS OVERALL HEALTH AND TRAUMA NEEDS AND HELP FEMALE INMATES ACHIEVE STABLE AND PRODUCTIVE ROLES IN SOCIETY**; and

[(4) provide appropriate counseling, instruction, supervision, and medical and psychological treatment as necessary to help inmates achieve stable and productive roles in society.**]**

(4) DEVELOP INDIVIDUALIZED AND COMPREHENSIVE REENTRY PLANS INVOLVING COMMUNITY PROVIDER PARTNERSHIPS FOR FEMALE INMATES TO REDUCE BARRIERS TO OBTAINING HOUSING, JOBS, EDUCATION, HEALTH CARE, CHILDCARE AND CHILD WELFARE, TRANSPORTATION, LEGAL ADVOCACY, CASE MANAGEMENT, AND OTHER NEEDS.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2021, and December 31, 2022, the Department of Public Safety and Correctional Services shall provide updates on the progress of construction of the Prerelease Unit for Women to

the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1257 of the State Government Article.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

Last year, 348 people were murdered in the streets of Baltimore City, making 2019 the second deadliest year on record, and the fifth consecutive year with more than 300 murders in our state's largest city. Since before the start of the legislative session, I made it very clear that my highest priority was to hold violent criminals accountable and stop the shootings and the murders in Baltimore City. "If you do not consider any other legislation, and if you accomplish nothing else in the next 61 days, pass the Violent Firearm Offenders Act of 2020 … pass the Witness Intimidation Prevention Act … and the Judicial Transparency Act," I said in my State of the State address.

I expressed my strong willingness to consider other proposals, including some of those passed by the legislature, if they were included as part of a comprehensive crime package which included my proposals. Each of my proposals had the support of an overwhelming majority of Marylanders — and support for the proposals was strongest of all in Baltimore City, the community most directly impacted by the violence.

While the Senate approved the package by a wide margin, the House failed to act upon it, and thus failed to meaningfully address violent crime. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, for the above reasons I have vetoed:

Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together Program)

House Bill 4/Senate Bill 208 – Public Safety – Rifles and Shotguns – Sales, Rentals, and Transfers
Senate Bill 314 – Juveniles Charged as Adults – Confidentiality of Records
House Bill 1336 – Criminal Procedure – Partial Expungement, Maryland Judiciary Case Search, and Expungement of Misdemeanor Conviction
House Bill 83 – Criminal Procedure – Charge of Possession of Marijuana – Removal From Case Search
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 708

AN ACT concerning

Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

FOR the purpose of ~~requiring the Governor to include a certain appropriation to the Maryland Violence Intervention and Prevention Program Fund in the annual budget bill;~~ altering the required uses for certain funds appropriated for Safe Streets Initiatives in Baltimore City; altering the maximum amount of a grant for a certain Safe Streets Initiative; requiring ~~that the~~ the Governor to include a certain appropriation ~~be~~ composed of certain types of funds to the Maryland Violence Intervention and Prevention Program Fund in the annual budget bill; altering the amount of the Fund that may be used for certain evaluations; authorizing the Fund to be used for certain administrative costs; altering certain duties of the Maryland Violence Intervention and Prevention Advisory Council; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to provide a certain notice regarding grant application availability; altering the minimum grant application requirements; requiring the Executive Director to forward all applications for grant awards to the Council for review and comment within a certain time period; altering the preferences for the award of funds; requiring the Executive Director, in consultation with the Council, to order a certain evaluation of certain grantee programs and retain a sufficient number of evaluators to maintain compliance with the evaluation requirement; providing for certain evaluation requirements; defining a certain term; making conforming and technical changes; and generally relating to the Maryland Violence Intervention and Prevention Program Fund and Advisory Council.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 4–801 and 4–901 through 4–905

Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Public Safety
Section 4–907
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Public Safety

4–801.

(a) In this section, "Safe Streets Initiative" means a violence prevention or intervention program operated by a community–based organization in a neighborhood that is disproportionately affected by violent crime.

(b) (1) Each year the Governor shall appropriate $3,600,000 in the annual State budget for Baltimore City to be used only to**:**

(I) provide grants to community–based organizations to operate Safe Streets Initiatives in Baltimore City**; AND**

(II) COVER EXPENSES INCURRED BY BALTIMORE CITY THAT ARE ATTRIBUTABLE TO THE SAFE STREETS INITIATIVE, INCLUDING PERSONNEL HIRED BY BALTIMORE CITY AND ASSIGNED TO A SAFE STREETS INITIATIVE.

(2) The funds appropriated under paragraph (1) of this subsection shall be used solely to supplement, and not supplant, funds otherwise available for Safe Streets Initiatives in Baltimore City.

(c) A grant made with funds appropriated under subsection (b)(1) of this section may not:

(1) require a matching fund;

(2) exceed **[**$300,000**]** **$600,000** per Safe Streets Initiative; or

(3) supplant grant funding otherwise available for Safe Streets Initiatives.

(d) On or before December 31 each year, the Mayor of Baltimore City shall report to the Senate Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2–1257 of the State Government Article, on:

(1) the effectiveness of Safe Streets Initiatives in Baltimore City;

(2) the status of all Safe Streets Initiatives in Baltimore City, including a summary of grants awarded with the following information about each grant:

(i) the name of the awardee;

(ii) the amount of the grant; and

(iii) a summary of the program for which the grant was awarded; and

(3) any other information considered necessary by the Mayor of Baltimore City.

4–901.

(a) In this subtitle the following words have the meanings indicated.

(b) "Council" means the Maryland Violence Intervention and Prevention Advisory Council established under § 4–903 of this subtitle.

(c) "Evidence–based health program" means a program or an initiative that:

(1) is developed and evaluated through scientific research and data collection;

(2) uses public health principles that demonstrate measurable positive outcomes in preventing gun violence; and

(3) is implemented by a nonprofit organization or public agency.

(d) "Evidence–informed health program" means a program, an approach, or an initiative that is:

(1) based on public health principles;

(2) capable of being studied and evaluated through research and data collection;

(3) for the purpose of reducing gun violence;

(4) directed to influence factors determined to affect gun violence; and

(5) implemented by a nonprofit organization or public agency.

(e) "Executive Director" means the Executive Director of the Governor's Office of Crime Control and Prevention.

(f) "Fund" means the Maryland Violence Intervention and Prevention Program Fund.

(g) **"HOSPITAL–BASED VIOLENCE INTERVENTION PROGRAM" MEANS A VIOLENCE INTERVENTION PROGRAM THAT:**

(1) IS OPERATED BY:

(I) A HOSPITAL; OR

(II) AN INDIVIDUAL OR ENTITY IN COLLABORATION WITH A HOSPITAL; AND

(2) PROVIDES INTENSIVE COUNSELING, CASE MANAGEMENT, AND SOCIAL SERVICES TO INDIVIDUALS WHO ARE RECOVERING FROM INJURIES RESULTING FROM VIOLENCE.

(H) "Local government" means a county or municipality.

4–902.

(a) There is a Maryland Violence Intervention and Prevention Program Fund.

(b) The purpose of the Fund is to:

(1) support effective violence reduction strategies by providing competitive grants to local governments and nonprofit organizations to fund evidence–based health programs or evidence–informed health programs; and

(2) evaluate the efficacy of evidence–based health programs or evidence–informed health programs funded through the Fund.

(c) The Executive Director shall administer the Fund in consultation with the Council.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately and the Comptroller, in conjunction with the Executive Director, shall account for the Fund.

(e) (1) The Fund consists of:

(i) money appropriated in the State budget to the Fund;

(ii) investment earnings of the Fund; and

(iii) money from any other source accepted for the benefit of the Fund.

(2) **(I) [**The**]** **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** Governor ~~[~~may annually appropriate up to~~]~~ ~~SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF~~ $10,000,000 to the Fund.

(II) THE ~~APPROPRIATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE~~ **GOVERNOR SHALL ANNUALLY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION COMPOSED OF AT LEAST** ~~$5,000,000~~ **$3,000,000 IN GENERAL FUNDS TO THE FUND.**

(f) (1) The Fund shall be used in the following manner:

(i) to support effective violence reduction strategies by providing competitive grants to local governments and nonprofit organizations to fund evidence–based health programs or evidence–informed health programs; **[**and**]**

(ii) in an amount **NOT LESS THAN 5% BUT** not greater than **[**5%**]** **10%** of the Fund, for the evaluation of the efficacy of evidence–based health programs or evidence–informed health programs awarded grants through the Fund**; AND**

(III) IN AN AMOUNT NOT GREATER THAN 4% OF THE FUND, FOR THE FOLLOWING ADMINISTRATIVE COSTS:

1. OVERSIGHT OF THE FUND;

2. PUBLIC OUTREACH AND EDUCATION ABOUT THE FUND; AND

3. TECHNICAL ASSISTANCE AND BEST PRACTICE EDUCATION FOR GRANTEES.

(2) The Fund may not be used to:

(i) supplant funding that would otherwise be available for violence intervention or prevention programs; or

(ii) fund suppression activities by law enforcement.

(g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(h) Expenditures from the Fund may be made only in accordance with the State budget.

(i) The accounts and transactions of the Fund shall be subject to audit by the Legislative Auditor as provided in § 2–1220 of the State Government Article.

4–903.

(a) There is a Maryland Violence Intervention and Prevention Advisory Council in the Governor's Office of Crime Control and Prevention.

(b) The Council consists of the following members:

(1) the Executive Director;

(2) one member of the Senate of Maryland, appointed by the President of the Senate;

(3) one member of the House of Delegates, appointed by the Speaker of the House;

(4) one individual from a higher education institution who studies public health, appointed by the Executive Director;

(5) one individual who has been affected by gun violence, appointed by the Executive Director; and

(6) subject to subsection (c) of this section, eight individuals appointed as follows:

(i) four individuals from community–based or hospital–based **[**organizations**]** **VIOLENCE INTERVENTION PROGRAMS** that use evidence–based health programs or evidence–informed health programs, two appointed by the President of the Senate and two appointed by the Speaker of the House;

(ii) two individuals from local police departments or the Department of State Police, one appointed by the President of the Senate and one appointed by the Speaker of the House; and

(iii) two individuals from local health departments that are implementing violence prevention strategies, one appointed by the President of the Senate and one appointed by the Speaker of the House.

(c) In making appointments under subsection (b)(6) of this section, the President of the Senate and the Speaker of the House shall ensure the inclusion of members from multiple cities and counties affected by violence.

(d) **[**(1)**]** The Council shall:

[(i)**] (1)** advise the Executive Director on**:**

(I) the allocation of funds for the evaluation of the efficacy of evidence–based health programs or evidence–informed health programs **[**that receive funding in accordance with paragraph (2) of this subsection**] IN ACCORDANCE WITH § 4–907 OF THIS SUBTITLE; AND**

(II) THE DISTRIBUTION OF FUNDING AWARDS;

[(ii)**] (2)** provide input to the Executive Director on the administration of the Fund;

[(iii)**] (3)** assist the Executive Director in establishing procedures for local governments and nonprofit organizations to apply for funding;

[(iv)**] (4)** assist the Executive Director in establishing procedures for the distribution of funding;

[(v)**] (5)** create guidelines for funding eligibility;

[(vi)**] (6)** review and publish reports regarding the **[**success and failure**] EFFICACY** of nonsuppression–based violence intervention and prevention programs;

[(vii)**] (7)** advise the Governor and the Executive Director on the implementation of gun violence prevention programs in the State; **[**and**]**

(8) ADVISE THE EXECUTIVE DIRECTOR ON PUBLIC OUTREACH AND COMMUNICATIONS REGARDING THE FUND; AND

[(viii)**] (9)** be governed by a majority vote.

[(2) An evaluation of the efficacy of evidence–based health programs or evidence–informed health programs that receive funding under paragraph (1)(i) of this subsection shall be undertaken by an independent, third–party researcher selected by the Council.

(3) The results of the evaluation under paragraph (2) of this subsection shall be posted to the Governor's Office of Crime Control and Prevention's website.**]**

(e) A member of the Council:

(1) may not receive compensation as a member of the Council; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

4–904.

(a) The Executive Director shall**[**,**]:**

(1) in accordance with subsection (b) of this section and in consultation with the Council, establish procedures for local governments and nonprofit organizations to use in applying for money from the Fund**; AND**

(2) AT LEAST 60 DAYS BEFORE THE APPLICATION BECOMES AVAILABLE TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS, POST A NOTICE OF THE APPLICATION'S AVAILABILITY ON A PUBLICLY ACCESSIBLE WEBSITE.

(b) An application shall require a local government or nonprofit organization to provide, at a minimum:

(1) clearly defined and measureable objectives;

(2) evidence that the proposed evidence–based health programs or evidence–informed health programs would likely reduce gun violence; **[**and**]**

(3) a description of how the local government or nonprofit organization proposes to use the funding to reduce rates of gun violence by:

(i) establishing or enhancing evidence–based health programs or evidence–informed health programs; and

(ii) enhancing coordination of existing violence intervention and prevention programs, if any, to minimize duplication of services**; AND**

(4) A PLAN FOR THE COLLECTION OF RELEVANT DATA.

4–905.

(a) The Executive Director shall**[**,**]:**

(1) in accordance with subsection (b) of this section and in consultation with the Council, establish procedures for the distribution of money from the Fund**; AND**

(2) FORWARD ALL APPLICATIONS TO THE COUNCIL FOR REVIEW AND COMMENT AT LEAST 30 DAYS BEFORE DECISIONS REGARDING THE DISTRIBUTION OF FUNDING AWARDS.

(b) (1) Funding awards shall be made to local governments and nonprofit organizations for a minimum duration of 3 consecutive fiscal years.

(2) Preference shall be given to local governments or nonprofit organizations:

(i) that **[**are**]** **SERVE AN AREA** disproportionately affected by violence, as determined by the Council; **[**and**]**

(ii) whose grant proposals demonstrate the greatest likelihood of reducing gun violence in their communities**; AND**

(III) THAT SERVE A POPULATION IDENTIFIED AS HAVING THE HIGHEST RISK OF PERPETRATING OR BEING VICTIMIZED BY VIOLENCE IN THE NEAR FUTURE.

(c) Funding awards shall be commensurate with:

(1) the levels of gun violence in the jurisdiction served by the local government or nonprofit organization; and

(2) the strength of the local government or nonprofit organization's application.

4–907.

(A) THE EXECUTIVE DIRECTOR SHALL, IN CONSULTATION WITH THE COUNCIL:

(1) ORDER AN ONGOING EVALUATION OF THE EFFICACY OF EACH EVIDENCE–BASED HEALTH PROGRAM OR EVIDENCE–INFORMED HEALTH PROGRAM THAT RECEIVES FUNDING UNDER THIS SUBTITLE; AND

(2) RETAIN A SUFFICIENT NUMBER OF INDEPENDENT, THIRD–PARTY EVALUATORS TO MAINTAIN COMPLIANCE WITH THIS SECTION.

(B) EVALUATIONS REQUIRED UNDER THIS SECTION SHALL BE:

(1) GROUPED BY SIMILAR PROGRAM MODELS, AS DETERMINED BY THE COUNCIL;

(2) CONDUCTED BY INDEPENDENT, THIRD–PARTY EVALUATORS; AND

(3) ONGOING FOR THE 3–YEAR GRANT PERIOD.

(C) AN EVALUATION OF AN EVIDENCE–BASED HEALTH PROGRAM OR EVIDENCE–INFORMED HEALTH PROGRAM THAT RECEIVES FUNDING UNDER THIS SUBTITLE MAY BE CONDUCTED ONLY BY AN EVALUATOR WITH SPECIALIZED EXPERTISE IN THE SPECIFIC MODEL THAT THE EVALUATOR IS ASSIGNED TO EVALUATE.

(D) THE RESULTS OF AN EVALUATION ORDERED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE POSTED TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION'S WEBSITE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 796

AN ACT concerning

Developmental Disabilities Administration – Program Changes and Required Reports

FOR the purpose of requiring the Maryland Department of Health to ensure that providers of and individuals who receive certain services are not negatively impacted when using a certain software system or function; requiring that an individual receiving certain services who receives a certain notice have a certain time period to appeal a certain eligibility determination; requiring certain services to continue uninterrupted under certain circumstances until the outcome of a certain appeal is complete; requiring the Department to ensure that certain providers are notified of a certain eligibility determination; ~~prohibiting the Department from implementing certain changes to Developmental Disabilities Administration programs and billing system requirements before a certain date;~~ requiring the Department to ensure that providers are able to exchange electronic data with the Department through an application program interface with the Department's Long Term Services and Supports software system; requiring the Department to meet certain requirements at least a certain number of days before requiring providers to use a certain software system for certain individuals; requiring the Department to develop and distribute certain materials to certain users and individuals; requiring the Department to ensure that certain numbers are approved and entered into a certain software system, that certain individuals have a certain plan in a certain software system,

that individuals have certain authorization, that certain rates are finalized and certain analyses are completed, and that certain errors are corrected in a certain manner; requiring the Department to delay the implementation of certain changes to a certain electronic visit verification function until a certain date; requiring the Department, on or before a certain date, to ensure that certain devices are distributed, that a certain plan has been developed, that certain providers receive a certain guide, and that a certain pilot program is completed; requiring the Department to conduct a certain pilot program for at least a certain period of time; requiring the Department to include certain participation and allow each provider to make a certain selection in conducting a certain pilot program; requiring the Department to ensure that an individual's choice of provider or service is not restricted by the Developmental Disabilities Administration as the result of certain actions; requiring the Department to submit certain reports to the General Assembly on or before a certain date; and generally relating to developmental disabilities services.

BY adding to
Article – Health – General
Section 7–309
Annotated Code of Maryland
(2019 Replacement Volume)

Preamble

WHEREAS, Over 24,000 Marylanders who rely on Developmental Disabilities Administration (DDA) services, and over 4,000 people with intellectual and developmental disabilities on the DDA Waiting List, and their families, need a strong, stable system of supports and services; and

WHEREAS, There are over 1,000 people with intellectual and developmental disabilities who currently self–direct their supports, and rely on the DDA for funding, policies, and procedures to use support; and

WHEREAS, There are over 200 community–based provider agencies, employing thousands of direct support professionals working in the State, that rely on the DDA for funding, policies, and procedures to provide quality supports; and

WHEREAS, There are hundreds of family members of people with intellectual and developmental disabilities who depend on reliable DDA services and supports for their family members in order to continue to work in Maryland; and

WHEREAS, The DDA has a budget of over $1.3 billion, representing a significant investment of federal and State resources; and

WHEREAS, The DDA is engaging in complete systems change involving all aspects of the provision of supports and services to over 24,000 Marylanders with intellectual and developmental disabilities and their families; and

WHEREAS, The total systems change effort will affect all parts of community supports, and has created system instability that will jeopardize community supports and services if allowed to continue in the current manner and pace to meet the Department's implementation goal of July 1, 2020; now, therefore,

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

Article – Health – General

7–309.

(A) THE DEPARTMENT SHALL ENSURE THAT PROVIDERS OF AND INDIVIDUALS WHO RECEIVE ADMINISTRATION SERVICES ARE NOT ADVERSELY IMPACTED WHEN USING THE LONG TERM SERVICES AND SUPPORTS SOFTWARE SYSTEM OR THE ELECTRONIC VISIT VERIFICATION FUNCTION.

(B) (1) AN INDIVIDUAL RECEIVING ADMINISTRATION SERVICES WHO RECEIVES NOTICE FROM THE DEPARTMENT THAT THE INDIVIDUAL HAS LOST ELIGIBILITY TO RECEIVE MARYLAND MEDICAL ASSISTANCE PROGRAM SERVICES SHALL HAVE ~~30~~ 90 DAYS AFTER THE DATE ON WHICH THE NOTIFICATION LETTER WAS MAILED TO APPEAL THE DETERMINATION.

(2) IF AN INDIVIDUAL APPEALS A LOSS OF ELIGIBILITY WITHIN THE TIME PERIOD REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ADMINISTRATION SERVICES FOR THE INDIVIDUAL SHALL CONTINUE UNINTERRUPTED UNTIL THE OUTCOME OF THE APPEAL IS COMPLETE.

(3) THE DEPARTMENT SHALL ENSURE THAT PROVIDERS OF ADMINISTRATION SERVICES TO AN INDIVIDUAL AFFECTED BY A LOSS OF ELIGIBILITY ARE NOTIFIED OF THE INDIVIDUAL'S LOSS OF ELIGIBILITY WHEN NOTICE IS SENT TO THE INDIVIDUAL.

(4) THE DEPARTMENT SHALL ENSURE THAT PROVIDERS, INCLUDING COORDINATORS OF COMMUNITY SERVICES, HAVE THE ABILITY TO AUTOMATICALLY EXCHANGE ELECTRONIC DATA WITH THE DEPARTMENT THROUGH AN APPLICATION PROGRAM INTERFACE WITH THE DEPARTMENT'S LONG TERM SERVICES AND SUPPORTS SOFTWARE SYSTEM.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) ~~(1)~~ The Maryland Department of Health ~~may not, before July 1, 2021, implement:~~

~~(i) the transition to waiver service definitions planned to take effect in fiscal 2021 under the current waiver application, as approved by the Centers for Medicare and Medicaid Services, or in any subsequent waiver application made by the Department;~~

~~(ii) new billing system requirements; or~~

~~(iii) a transition to the Long Term Services and Supports software system.~~

~~(b)~~ shall meet the requirements established under subsection (b) of this section at least 90 days before requiring providers to use the Long Term Services and Supports software system for all individuals they serve.

(b) (1) The Department shall develop and distribute:

(i) to Long Term Services and Supports software system users related to Developmental Disabilities Administration services, a Long Term Services and Supports software system operations manual for Administration services;

(ii) to providers and individuals served by providers, written policies and procedures for all developmental disability waiver services;

(iii) to individuals supported by provider services, a comprehensive guide that describes the services available through the Developmental Disabilities Administration, including services available under family supports, community supports, and community pathways waivers, with the relevant funding parameters, definitions, and examples; and

(iv) to individuals determined to be eligible for Developmental Disabilities Administration services:

1. a list of providers authorized to provide services under each waiver, with contact information for each provider;

2. detailed information on self–directed services options; and

3. detailed information regarding:

A. how individuals can access specific services;

B. the eligibility requirements and process for determining eligibility for services; and

C. the anticipated time between the initial determination of an individual's eligibility and the individual's access to Administration services.

(2) The Department shall ensure that:

(i) all base and site ePREP numbers are approved by all parties and entered into the Long Term Services and Supports software system;

(ii) individuals receiving Developmental Disabilities Administration services have a current, approved person–centered plan in the Long Term Services and Supports software system;

(iii) individuals receiving Developmental Disabilities Administration services have an accurate and current service authorization signed by the service provider and approved by the Developmental Disabilities Administration;

(iv) rates for a provider are finalized and a provider impact analysis is completed for each provider;

(v) all known Long Term Services and Supports software system functionality errors are corrected systematically.

(3) The Department shall conduct an analysis of coordinator of community service job responsibilities to identify coordinator of community services capacity needed to implement the Long Term Services and Supports software system.

(c) The Maryland Department of Health shall delay implementation of changes to the Electronic Visit Verification function until ~~January 1, 2021~~ December 1, 2020, in accordance with the extension requested by the Department and approved by the Centers for Medicare and Medicaid Services.

(d) On or before October 31, 2020, the Department shall ensure:

(1) all one–time password devices are distributed as necessary to implement electronic visit verification;

(2) a plan has been developed for timely distribution of replacement one–time password devices; and

(3) all providers of personal supports receive an operations guide for the implementation of electronic visit verification that includes procedures:

(i) for documentation of services;

(ii) for billing;

(iii) for obtaining replacement one–time password devices; and

(iv) to follow when electronic visit verification systems are not operational.

~~(e)~~ (e) (1) The Department shall conduct a pilot program of the Long Term Services and Supports software system for at least 6 months.

(2) In conducting the pilot program, the Department shall:

(i) include the participation of each Developmental Disabilities Administration licensed provider and certified provider; and

(ii) allow each provider to select the number of individuals supported by the provider that the provider wishes to be included in the pilot program.

(f) The Department shall ensure that an individual's choice of provider or service is not restricted by the Developmental Disabilities Administration as a result of implementation of the Long Term Services and Supports software system pilot program, or any phase–in of waiver service definitions, billing processes, or operational changes.

(g) On or before December 1, 2020, the Maryland Department of Health shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the status of the pilot program ~~to transition Developmental Disabilities Administration services to the Long Term Services and Supports software system~~ required under subsection (e) of this section, including:

(1) the status of all functions of the software system that are used to provide supports for people using Administration services, including:

(i) the coordination of community services function;

(ii) the person–centered plan function;

(iii) the attendance and billing function;

(iv) the documentation function; ~~and~~

(v) the fiscal reconciliation report function; and

(vi) the ability of providers to automatically exchange electronic data with the Department through an application program interface with the software system; and

(2) the average amount of time required to process and complete payments for services rendered.

~~(d)~~ (h) On or before December 1, 2020, the Department shall submit a report to the General Assembly, in accordance with § 2–1257 of the State Government Article, that includes:

(1) the time, deadlines, and resources required for a provider, including a direct support professional, to complete the training and obtain equipment required to use the Long Term Services and Supports software system and to complete responsibilities for billing and documentation;

(2) actions taken by the Developmental Disabilities Administration to:

(i) ensure the transition to the Long Term Services and Supports software system does not limit a person's full use, in a timely manner, of services authorized through the person–centered plan; and

(ii) remove any barriers that may be presented by the Administration's monthly or more frequent service authorization requirements;

(3) actions taken by the Developmental Disabilities Administration to ensure that:

(i) supports for individuals with intellectual and developmental disabilities are not disrupted by a transition to the Long Term Services and Supports software system;

(ii) providers and vendors receive timely payment for approved services rendered; and

(iii) a plan is in place to ensure continuity of services and payment for services rendered in the event of system functionality issues, errors, or delays caused by the Administration or coordinators of community services;

(4) actions taken by the Developmental Disabilities Administration to ensure the system allows for flexibility in service start dates, including services started on a day other than the first of the month, and to ensure the ability of providers to bill for approved services rendered, regardless of start date;

(5) actions taken by the Maryland Department of Health to ensure that all licensed providers have base and site electronic provider revalidation and enrollment portal numbers with accurate service addresses;

(6) a description of the reporting and audit standards that will be required of providers, and the associated report templates;

(7) written policies, procedures, and guidelines for the transition to, and implementation of, the Long Term Services and Supports software system and all facets of service system change, including the transition to the use of the Electronic Visit Verification system;

(8) a comprehensive guide for individuals and the families of individuals that use Developmental Disabilities Administration supports that describes the services that are available through the Administration including:

(i) services available under each of the Family Supports, Community Supports, and Community Pathways waivers with funding parameters, definitions, and examples;

(ii) a list of providers who are licensed or certified to provide services in each waiver with contact information and detailed information on self–directed services options; and

(iii) information detailing:

1. how individuals may access needed services;

2. the eligibility requirements and the process for determining eligibility for services; and

3. the timelines from initial determination of eligibility to the access of Administration services;

(9) the status of delays on person–centered plan approvals or service authorizations and actions needed to eliminate the backlog of delayed plans;

(10) an impact analysis of the effect of a new rate system, service definitions, and eligibility guidelines for individuals who access Developmental Disabilities Administration services;

(11) an analysis of the impact of the implementation of new rates by individual provider and by service;

(12) how the Developmental Disabilities Administration will ensure that providers have sufficient working capital to transition successfully from a prospective payment system to a fee–for–service system; and

(13) the funding needed to enable community providers to successfully transition to:

(i) the Long Term Services and Support software system; and

(ii) any new rate and billing systems.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
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Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
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Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
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House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
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House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 845

AN ACT concerning

Higher Education – Maryland Corps Program Fund – Alterations

FOR the purpose of expanding the purpose and authorized uses of the Maryland Corps Program Fund to include covering expenses incurred to study certain matters and providing funding to match certain gifts or grants; requiring, in a certain fiscal year and each fiscal year thereafter, funds for the Maryland Corps Program to be as provided in the State budget for the Board of Directors of the Program to cover certain additional expenses; requiring, for a certain fiscal year and each fiscal year thereafter, the Governor to include in the annual budget bill a certain appropriation to the Fund; and generally relating to the Maryland Corps Program Fund.

BY repealing and reenacting, with amendments,
Article – Education
Section 24–1108 and 24–1109
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

Preamble

WHEREAS, America's Service Commissions recently presented Governor Hogan with its 2019 State Service Leadership Award, stating, "Governor Hogan has been a champion of national and community service as a cost effective solution to solving state needs. His administration's support of the Maryland Governor's Office on Service and Volunteerism (GOSV) and promotion of AmeriCorps and Senior Corps programs across the state has enabled Maryland to continue its long history of leading in service"; and

WHEREAS, In 2016, Governor Hogan signed legislation creating the Maryland Corps, a pilot program to give young adults in Maryland the chance to spend a year in community service before college; and

WHEREAS, In 2018, when announcing Maryland as a top 10 AmeriState and Baltimore as a top 10 AmeriCity, Governor Hogan said, "Our administration is proud of this outstanding achievement for Baltimore City and Maryland. AmeriCorps members devote their time, energy, and expertise to serving our communities and addressing the important issues that affect our state, and today's announcement further illustrates the commitment of our citizens to changing Maryland for the better and making a difference in the world"; and

WHEREAS, The fiscal year 2017 operating budget included $150,000 for the Maryland Corps Program, but Governor Hogan did not release the funds; now, therefore,

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

Article – Education

24–1108.

(a) There is a Maryland Corps Program Fund.

(b) The purpose of the Fund is to:

(1) Provide stipends to corps participants;

(2) Provide scholarships to corps participants who have completed the Program to be used at institutions of higher education in the State toward vocational certificates, associate's degrees, and bachelor's degrees;

(3) Cover expenses incurred by the Board, including expenses incurred during the development, issuance, awarding, and funding of the RFP; **[**and**]**

(4) Cover expenses incurred by the operator selected under § 24–1105 of this subtitle, as determined by the Board to be relevant to the successful operation of the Program**;**

(5) COVER EXPENSES INCURRED TO STUDY THE POTENTIAL USE OF THE PROGRAM AS A WORKFORCE DEVELOPMENT TOOL IN THE STATE;

(6) COVER EXPENSES INCURRED TO STUDY HOW ALUMNI OF THE PROGRAM COULD BE BETTER POSITIONED TO MEET THE CURRENT AND FUTURE NEEDS OF EMPLOYERS IN THE STATE; AND

(7) PROVIDE FUNDING FOR THE PROGRAM TO MATCH GIFTS OR GRANTS RECEIVED BY THE BOARD FOR THE FUND.

(c) The Board shall administer the Fund.

(d) The Fund is a continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(e) (1) The State Treasurer shall hold the Fund separately and shall invest the money in the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the Fund.

(f) The Comptroller shall account for the Fund.

(g) The Board:

(1) May accept any gift or grant from any person for the Fund;

(2) Shall use any gift or grant that it receives for the reasons stated under subsection (b) of this section; and

(3) Shall deposit any gift or grant that it receives for the Fund with the State Treasurer.

(h) The Fund consists of:

(1) Money appropriated under § 24–1109 of this subtitle;

(2) Gifts or grants received by the Board for the Fund;

(3) Investment earnings of the Fund; and

(4) Any other money from any other source accepted for the benefit of the Fund.

(i) The Fund may be used only for:

(1) Providing stipends to corps participants;

(2) Providing scholarships to corps participants who have completed the Program to be used at institutions of higher education in the State toward vocational certificates, associate's degrees, and bachelor's degrees;

(3) Covering expenses incurred by the Board, including expenses incurred during the development, issuance, awarding, and funding of the RFP; **[**and**]**

(4) Covering expenses incurred by the operator selected under § 24–1105 of this subtitle, as determined by the Board to be relevant to the successful operation of the Program**;**

(5) COVERING EXPENSES INCURRED TO STUDY THE POTENTIAL USE OF THE PROGRAM AS A WORKFORCE DEVELOPMENT TOOL IN THE STATE;

(6) COVERING EXPENSES INCURRED TO STUDY HOW ALUMNI OF THE PROGRAM COULD BE BETTER POSITIONED TO MEET THE CURRENT AND FUTURE NEEDS OF EMPLOYERS IN THE STATE; AND

(7) PROVIDING FUNDING FOR THE PROGRAM TO MATCH GIFTS OR GRANTS RECEIVED BY THE BOARD FOR THE FUND.

(j) Any unspent portion of the Fund may not be transferred or revert to the General Fund of the State but shall remain in the Fund to be used for the purposes specified in this subtitle.

(k) (1) Beginning with fiscal year 2018, at the end of the fiscal year, the Board shall prepare an annual report of the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(2) The Board shall submit a copy of the report to the General Assembly in accordance with § 2–1257 of the State Government Article.

(l) The Fund may be subject to an audit by the Legislative Auditor.

24–1109.

(a) For fiscal year 2018, funds for the Program shall be as provided in the State budget for the Board to develop, issue, and award the RFP described under § 24–1105 of this subtitle.

(b) For fiscal year 2019, funds for the Program shall be as provided in the State budget for the Board to disburse stipends to corps participants and to cover any administrative or other costs incurred by the Board or operator selected under § 24–1105 of this subtitle to operationalize the Program.

(c) For fiscal year 2020 and each fiscal year thereafter, funds for the Program shall be as provided in the State budget for the Board to:

(1) Provide stipends to corps participants;

(2) Provide scholarships to corps participants who have completed the Program to be used at institutions of higher education in the State toward vocational certificates, associate's degrees, and bachelor's degrees;

(3) Cover expenses incurred by the Board, including expenses incurred during the development, issuance, awarding, and funding of the RFP; and

(4) Cover expenses incurred by the operator selected under § 24–1105 of this subtitle, as determined by the Board to be relevant to the successful operation of the Program.

(D) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, FUNDS FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET FOR THE ACTIVITIES SPECIFIED IN SUBSECTION (C) OF THIS SECTION AND FOR THE BOARD TO:

(1) COVER EXPENSES INCURRED TO STUDY THE POTENTIAL USE OF THE PROGRAM AS A WORKFORCE DEVELOPMENT TOOL IN THE STATE;

(2) COVER EXPENSES INCURRED TO STUDY HOW ALUMNI OF THE PROGRAM COULD BE BETTER POSITIONED TO MEET THE CURRENT AND FUTURE NEEDS OF EMPLOYERS IN THE STATE; AND

(3) PROVIDE FUNDING FOR THE PROGRAM TO MATCH GIFTS OR GRANTS RECEIVED BY THE BOARD FOR THE FUND.

(E) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF $150,000 TO THE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 877

AN ACT concerning

Underground Facilities Damage Prevention – Revision

FOR the purpose of revising provisions relating to the Maryland Underground Facilities Damage Prevention Authority; altering the application and scope of certain provisions relating to underground facilities and damage prevention; requiring certain newly installed underground facilities to be detectable or locatable after a certain date; requiring certain previously detectable or locatable facilities to be restored to a certain status after a certain date; altering the qualifications of certain members of the Authority; establishing certain limitations on the appointment of certain members and represented entities; establishing certain procedures for filling certain vacancies on the Authority in certain manners; ~~authorizing the Authority to obtain funding from certain fees for certain purposes;~~ requiring the Authority to accept and review certain complaints; authorizing the Authority to hear certain complaints, make certain recommendations, and take certain actions; authorizing the Maryland Underground Facilities Damage Prevention Education and Outreach Fund to be used for certain purposes; altering the scope of exclusion from liability for certain actions; altering the construction of certain provisions regarding certain rights to recovery and contribution; altering certain provisions and procedures regarding emergency actions and notifications; requiring certain persons to identify certain information and extent of work in certain circumstances; requiring certain persons to provide notice of certain excavation or demolition under certain

circumstances and to take certain actions; requiring an owner–member or its contract locator to respond to an emergency notice in a certain manner; requiring a person that performs excavation or demolition in the State to initiate a certain ticket request in a certain manner and to include certain information; authorizing a certain person to add a temporary excavator to an existing ticket; requiring certain notification to be repeated under certain circumstances; requiring certain re–marking to comply with certain requirements; requiring an owner–operator or its contract locator to mark certain underground facilities in a certain manner under certain circumstances; authorizing an owner–member to enter into a documented agreement for certain marking; requiring a person performing excavation or demolition to have a copy of a certain ticket available on the site of the activity; requiring certain persons to exercise due care to avoid certain interference or damage where clear evidence of an unmarked underground facility exists; requiring the use of certain techniques when utilizing a trenchless technology method for certain work; requiring the use of certain equipment to make certain piping and facilities detectable or locatable in a certain manner; requiring a primary contractor to provide certain notice and directly supervise a temporary excavator under certain circumstances; limiting the use of certain temporary excavators; requiring a designated temporary excavator to notify the one–call system under certain circumstances; establishing certain procedures and requirements for initiating a nonexcavation designer ticket request; requiring the one–call system to provide certain information to certain persons for certain nonexcavation tickets; altering certain provisions on the assessment and calculation of civil penalties by the Authority for certain offenses; providing that certain prior offenses may be subject to certain enhanced penalties under certain circumstances; establishing certain fines and penalties for certain violations; defining certain terms and altering certain definitions; making stylistic changes; updating a certain cross–reference; providing for the construction of this Act; and generally relating to underground facilities and damage prevention.

BY repealing and reenacting, without amendments,
Article – General Provisions
Section 1–101 and 1–110
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 12–101, 12–103, 12–107, 12–111, 12–112, 12–113, 12–117, 12–120, 12–121, and 12–124 through 12–129; 12–131 to be under the amended part "Part V. ~~Other~~ ~~Requests~~ Nonexcavation Tickets"; and 12–135
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)

~~BY repealing~~
~~Article – Public Utilities~~
~~Section 12–103~~

~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2019 Supplement)~~

BY adding to
Article – Public Utilities
Section ~~12–103~~ 12–104 and 12–130
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)

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

Article – General Provisions

1–101.

Except as otherwise provided in this Code, in this Code the following words have the meanings indicated.

1–110.

"Includes" or "including" means includes or including by way of illustration and not by way of limitation.

Article – Public Utilities

12–101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Authority" means the Maryland Underground Facilities Damage Prevention Authority.

(c) "Business day" means a calendar day other than a Saturday, Sunday, or legal holiday.

(D) "CLEAR EVIDENCE" ~~INCLUDES~~ MEANS A VISIBLE INDICATION THAT ~~A~~ AN UNDERGROUND FACILITY OR STRUCTURE IS NOT MARKED AS REQUIRED IN § 12–126 OF THIS SUBTITLE.

(E) "CONTRACT LOCATOR" MEANS A PERSON CONTRACTED BY AN OWNER SPECIFICALLY TO DETERMINE THE APPROXIMATE HORIZONTAL LOCATION OF THE OWNER'S UNDERGROUND FACILITIES AS SPECIFIED IN THE TICKET ISSUED BY THE ONE–CALL CENTER.

(F) "CROSS–BORE" MEANS AN INTERSECTION OF AN EXISTING UNDERGROUND FACILITY BY A SECOND UNDERGROUND FACILITY RESULTING IN CONTACT BETWEEN THE TWO FACILITIES THAT RESULTS IN THE ORIGINAL FACILITY BEING DAMAGED, DISLOCATED, OR DISTURBED.

(G) "DAMAGE" MEANS ANY EXCAVATION ACTIVITY THAT RESULTS IN THE NEED TO REPAIR AN UNDERGROUND FACILITY DUE TO A WEAKENING OR THE PARTIAL OR COMPLETE DESTRUCTION OF THE FACILITY, INCLUDING THE PROTECTIVE COATING, LATERAL SUPPORT, CATHODIC PROTECTION, OR HOUSING FOR THE UNDERGROUND FACILITY.

[(d)**] (H)** "Demolition" means an operation in which a structure or mass of material is wrecked, razed, rended, moved, or removed using any tool, equipment, or explosive.

[(e)**] (I)** "Designer" means a licensed architect, professional engineer, professional land surveyor, or licensed landscape architect, as those terms are defined in the Business Occupations and Professions Article, who prepares a drawing for a project that may require excavation or demolition.

(J) "DETECTABLE UNDERGROUND FACILITY" MEANS AN UNDERGROUND FACILITY THAT UTILIZES A LOCATION DEVICE THAT IS INSTALLED UNDERGROUND, SUCH AS AN ELECTRONIC MARKER OR A TRACEABLE WIRE THAT MAY BE DETECTED ABOVE GROUND WITH AN ELECTRONIC LOCATING DEVICE.

(K) "EMERGENCY" MEANS A SUDDEN OR UNEXPECTED OCCURRENCE INVOLVING A CLEAR AND IMMINENT DANGER DEMANDING IMMEDIATE ACTION TO PREVENT OR MITIGATE LOSS OF, OR INJURY TO, LIFE, HEALTH, PROPERTY, OR AN ESSENTIAL PUBLIC SERVICE.

[(f)**] (L)** (1) "Excavation" means an operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by using any tool, equipment, or explosive.

(2) "Excavation" includes grading, trenching, digging, ditching, dredging, drilling, boring, augering, tunnelling, scraping, cable or pipe plowing**, PIPE BURSTING,** and driving a mass of material.

(M) "EXCAVATOR" MEANS A PERSON THAT PERFORMS AN EXCAVATION OR A DEMOLITION.

(N) "EXTENT OF WORK" MEANS A CLEAR AND CONCISE DESCRIPTION OF WORK TO BE DONE AT A PROPERTY, INCLUDING THE PROPERTY ADDRESS OR SPECIFIC DISTANCE AND DIRECTION FROM A SPECIFIED POINT, NOT TO EXCEED

1,320 FEET, THAT COMPLETELY DEPICTS THE SCOPE OF WORK AND THAT THE EXCAVATOR CAN COMPLETE WITHIN THE DESIGNATED LIFE OF THE TICKET.

[(g)**] (O)** "Fund" means the Maryland Underground Facilities Damage Prevention Education and Outreach Fund.

[(h)**] (P)** "Legal holiday" means:

(1) the day on which a legal holiday, as defined in § 1–111 of the General Provisions Article, is observed; or

(2) a federal legal holiday.

(Q) "LOCATABLE UNDERGROUND FACILITY" MEANS AN UNDERGROUND FACILITY THAT CAN BE IDENTIFIED OR DISCOVERED BY METHODS INCLUDING INSTALLATION RECORDS, FACILITY MARKERS OR RISERS, LOCATOR TAPE, MANUAL LOCATION TECHNIQUES, SURFACE EXTENSIONS OF UNDERGROUND FACILITIES, OR ANY VISIBLE INDICATORS THAT A FACILITY OR STRUCTURE IS BURIED UNDERGROUND IN THE IMMEDIATE VICINITY.

(R) "MARK" MEANS A LINE, AN ARROW, A CURVE, A WHISKER, A FLAG, A STAKE, OR ANY OTHER SYMBOL, PLACED OR MADE TO IDENTIFY AN UNDERGROUND FACILITY.

[(i)**] (S)** "One–call system" means a communications system in the State that:

(1) allows a person to notify owner–members of planned excavation or demolition by:

(i) calling a toll–free number or abbreviated dialing code; or

(ii) initiating an interactive Internet ticket request; and

(2) maintains an underground facilities information exchange system.

[(j)**] (T)** (1) "Owner" means a person that:

(i) owns or operates an underground facility; and

(ii) has the right to bury an underground facility.

(2) "Owner" includes:

(i) a public utility;

(ii) a telecommunications corporation;

(iii) a cable television corporation;

(iv) a political subdivision;

(v) a municipal corporation;

(vi) a steam heating company;

(vii) an authority; and

(viii) a unit of the State.

[(k)**] (U)** "Owner–member" means an owner that participates as a member in a one–call system.

[(l)**] (V)** (1) "Person" has the meaning stated in § 1–101 of this article.

(2) "Person" includes:

(i) a municipal corporation;

(ii) the State;

(iii) a political subdivision of the State; and

(iv) any governmental unit, department, or agency.

(W) "PRIMARY CONTRACTOR" MEANS THE PERSON THAT:

(1) INITIATES THE NOTIFICATION TO THE ONE–CALL SYSTEM TO ESTABLISH A TICKET;

(2) PERFORMS EXCAVATION DUTIES FOR THE DURATION OF THE TICKET; AND

(3) IS ON SITE TO SUPERVISE ALL ACTIVITIES, EMPLOYEES, AND ANY TEMPORARY EXCAVATOR ADDED TO THE VALID TICKET AS REQUIRED IN § 12–130(B) OF THIS SUBTITLE.

(X) "TEMPORARY EXCAVATOR" MEANS A PERSON THAT THE PRIMARY CONTRACTOR MAY IDENTIFY AND ADD AS A SUBCONTRACTING EXCAVATOR TO AN EXISTING TICKET UNDER § 12–130(C) OF THIS SUBTITLE.

[(m)**] (Y)** "Ticket" means a numbered document issued by a one–call system to notify owner–members that:

(1) a person intends to perform an excavation or demolition; or

(2) a designer has requested information on the location of underground facilities under § 12–131 of this subtitle.

(Z) (1) "TRENCHLESS TECHNOLOGY" MEANS A FAMILY OF METHODS, MATERIALS, AND EQUIPMENT CAPABLE OF BEING USED FOR THE INSTALLATION OF NEW OR REPLACEMENT, OR REHABILITATION OF EXISTING, UNDERGROUND INFRASTRUCTURE THAT REQUIRES EXCAVATION WITH MINIMAL DISRUPTION TO SURFACE TRAFFIC BUSINESS AND OTHER ACTIVITIES.

(2) "TRENCHLESS TECHNOLOGY" INCLUDES:

(I) TUNNELLING;

(II) MICROTUNNELLING;

(III) HORIZONTAL DIRECTIONAL DRILLING OR DIRECTIONAL BORING;

(IV) PIPE RAMMING;

(V) PIPE JACKING;

(VI) MOLING;

(VII) HORIZONTAL AUGER BORING; AND

(VIII) ANY OTHER METHOD FOR THE INSTALLATION OF PIPELINES AND CABLES BELOW GROUND WITH MINIMAL EXCAVATION.

[(n)**] (AA)** "Underground facilities information exchange system" means an automated voice response unit or interactive Internet access system that is maintained as part of a one–call system.

[(o)**] (BB)** (1) "Underground facility" means **[**personal property**]** **AN ITEM** that is buried**, PLACED BELOW GROUND,** or submerged for **USE IN CONNECTION WITH THE**:

(i) **[**use in connection with the**]** storage or conveyance of water, sewage, oil, gas, or other substances; or

(ii) transmission or conveyance of **[**electronic, telephonic, or telegraphic communications**]** **TELECOMMUNICATIONS, CABLE TELEVISION,** or electricity.

(2) "Underground facility" includes pipes, sewers, **COMBINATION STORM/SANITARY SEWER SYSTEMS, GEOTHERMAL SYSTEMS,** conduits, cables, valves, lines, wires, manholes, **AND** attachments**[**, and those portions of poles below ground**]**.

(3) "Underground facility" does not include a ~~stormwater~~ **STORM** drain.

~~[~~12–103.

This subtitle does not apply to an excavation **NOT MORE THAN 6 INCHES IN DEPTH** or demolition performed or to be performed by an owner or lessee of a private residence when the excavation or demolition is performed or to be performed:

(1) entirely on the land on which the private residence of the owner or lessee is located; and

(2) without the use of machinery.~~]~~

~~**12–103.**~~ **12–104.**

(A) THIS SECTION APPLIES TO:

(1) COMPLETE REPLACEMENT OF AN EXISTING UNDERGROUND FACILITY;

(2) UNDERGROUND STORM DRAIN SYSTEMS AND APPLICABLE DEVICES; AND

(3) AN EXISTING PREVIOUSLY DETECTABLE UNDERGROUND FACILITY OR LOCATABLE UNDERGROUND FACILITY.

(B) EXCEPT AS OTHERWISE PROVIDED IN § 12–129 OF THIS SUBTITLE, ON OR AFTER OCTOBER 1, 2021, ALL NEWLY INSTALLED UNDERGROUND FACILITIES SHALL BE DETECTABLE OR LOCATABLE.

(C) NOT LATER THAN OCTOBER 1, 2021, ANY PREVIOUSLY DETECTABLE UNDERGROUND FACILITY OR ~~LOCATABLE~~ UNDERGROUND FACILITY LOCATABLE DURING PLANNED OR EMERGENCY WORK MUST BE RESTORED TO BE DETECTABLE OR LOCATABLE.

12–107.

(a) The Authority consists of nine members appointed by the Governor.

(b) The nine members shall be appointed as follows:

(1) one member from a list submitted to the Governor by the Associated Utility Contractors of Maryland;

(2) one member from a list submitted to the Governor by the Public Works Contractors Association of Maryland;

(3) two underground facility owners that are members of a one–call system from a list submitted to the Governor by the Maryland members of the Maryland/DC Subscribers Committee;

(4) one member from a list submitted to the Governor by the one–call centers operating in the State;

(5) one member who represents the State's underground **[**utility**]** **FACILITY CONTRACT** locator community from a list submitted to the Governor by the Maryland members of the Maryland/DC Damage Prevention Committee;

(6) one member who has experience in the field of underground **[**utilities**]** **FACILITIES** from a list submitted to the Governor by the Maryland Association of Counties;

(7) one member who has experience in the field of underground **[**utilities**]** **FACILITIES** from a list submitted to the Governor by the Maryland Municipal League; and

(8) one member of the general public from a list submitted to the Governor by the other appointed and qualified members of the Authority.

(c) **(1)** To the extent practicable, members appointed to the Authority shall reasonably reflect the geographic, racial, and gender diversity of the State.

(2) A MEMBER SHALL RESIDE IN THE STATE MORE THAN 6 MONTHS EACH YEAR.

(3) FOR THE STAKEHOLDER MEMBERS APPOINTED UNDER SUBSECTION (B)(1) THROUGH (7) OF THIS SECTION:

(I) THE MEMBER'S PRIMARY BUSINESS, EMPLOYMENT, OR MEMBERSHIP DETERMINES THE ENTITY THAT THE MEMBER IS APPOINTED TO REPRESENT; AND

(II) AN ORGANIZATION, A FACILITY OWNER, OR ANY OTHER ENTITY MAY NOT HOLD MORE THAN ONE SEAT ON THE AUTHORITY.

(d) (1) The term of a member is 2 years.

(2) The terms of members are staggered as required by the terms provided for members of the Authority on October 1, 2010.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not be appointed for more than two consecutive full terms.

(6) To the extent practicable, the Governor shall fill any vacancy in the membership of the Authority within 60 days after the vacancy.

(e) On the recommendation of the Authority, the Governor may remove a member for incompetence or misconduct.

(F) (1) ANY ORGANIZATION, FACILITY OWNER, OR ENTITY POSSESSING A SEAT ON THE AUTHORITY WHOSE TERM IS DUE TO EXPIRE OR BE VACATED SHALL:

(I) DESIGNATE A REPLACEMENT FOR ITS REPRESENTATIVE; AND

(II) IF REASONABLE, INITIATE THE NOMINATION PROCESS WITH THE GOVERNOR'S APPOINTMENTS OFFICE AT LEAST 60 DAYS BEFORE THE KNOWN EXPIRATION, REMOVAL, OR RESIGNATION OF ITS REPRESENTATIVE.

(2) IF THE ORGANIZATION, FACILITY OWNER, OR ENTITY FAILS TO COMPLY WITH THE REPLACEMENT PROCESS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AUTHORITY SHALL:

(I) CONDUCT A SEARCH FOR A REPLACEMENT NOMINEE FROM THE ORGANIZATION, FACILITY OWNER, OR ENTITY HAVING THE VACANCY ON THE AUTHORITY; AND

(II) FOLLOW THE NOMINATION PROCESS PROVIDED BY THE GOVERNOR'S APPOINTMENTS OFFICE.

(3) IF THE ORGANIZATION, FACILITY OWNER, OR ENTITY HAVING THE VACANCY SUBSEQUENTLY FAILS TO PROVIDE A NOMINEE WITHIN THE REQUIRED TIME FOR A SECOND TIME, THE AUTHORITY MAY:

(I) REMOVE THE ORGANIZATION, FACILITY OWNER, OR ENTITY REPRESENTATION FROM THE AUTHORITY; AND

(II) REPLACE THE ORGANIZATION, FACILITY OWNER, OR ENTITY HAVING A VACANCY ON THE AUTHORITY WITH A COMPARABLE ORGANIZATION, FACILITY OWNER, OR ENTITY.

(4) IN THE CASE OF A SUDDEN OR UNEXPECTED VACANCY, THE ORGANIZATION, FACILITY OWNER, OR ENTITY SHALL PROVIDE A NOMINATION TO THE GOVERNOR'S APPOINTMENTS OFFICE WITHIN 60 DAYS AFTER THE VACANCY OCCURS.

12–111.

(a) The Authority may obtain funding for its operational expenses from:

(1) a federal or State grant;

(2) filing fees and administrative fees for complaints heard by the Authority as authorized under **[**§ 12–112(b)(1)**]** **§ 12–112(C)(1)** of this subtitle**, INCLUDING:**

(I) MAILING COSTS;

(II) FEES FOR DELIVERY OR SERVICE OF PROCESS;

(III) REPRODUCTION COSTS; AND

(IV) ~~**LABOR**~~ **STAFF COSTS ASSOCIATED WITH THE COMPLAINT**;

(3) an additional assessment or charge per ticket as authorized under subsection (b) of this section; and

(4) any other source.

(b) The Authority may collect an assessment or a charge not exceeding 5 cents per ticket from an owner–member if the assessment or charge:

(1) is not imposed on a county or a municipal corporation; and

(2) is approved by a two–thirds vote of all members of the Authority.

~~[~~(c) Except as provided in subsections (a)(2) and (b) of this section, the Authority may not impose a charge or assessment against any person, directly or indirectly, to obtain funding for its operational expenses.~~]~~

12–112.

(a) To enforce this subtitle, the Authority **[**may**]**:

(1) SHALL ACCEPT AND REVIEW COMPLAINTS FOR VIOLATIONS OF THIS SUBTITLE; AND

(2) MAY RECOMMEND NECESSARY ENFORCEMENT ACTIONS.

(B) (1) THE AUTHORITY SHALL:

[(1)**] (I)** hear complaints for violations of this subtitle**:**

1. AT THE REQUEST OF A PROBABLE VIOLATOR; OR

2. AFTER NOTIFYING A PROBABLE VIOLATOR THAT THE AUTHORITY HAS SCHEDULED A HEARING ON ITS OWN MOTION; **AND**

[(2)**] (II)** after a hearing, assess a civil penalty under § 12–135 of this subtitle**[**; and**].**

[(3)**] (2) THE AUTHORITY MAY** reach a settlement instead of assessing a civil penalty.

(3) IF A PROBABLE VIOLATOR FAILS TO APPEAR AT A SCHEDULED HEARING, THE AUTHORITY MAY VOTE TO PROCEED TO HEAR THE COMPLAINT AGAINST THE PROBABLE VIOLATOR IN THE ABSENCE OF THE PROBABLE VIOLATOR.

[(b)**] (C)** (1) The Authority may:

(i) establish reasonable complaint filing fees and administrative fees for complaints heard by the Authority; and

(ii) use the services of a third party to collect civil penalties.

(2) If the Authority determines that an individual cannot afford to pay a fee established under paragraph (1)(i) of this subsection, the Authority may exempt the individual wholly or partly from the fee.

[(c)**] (D)** The Authority may not assess a civil penalty against a person unless the person:

(1) receives reasonable prior notice of the complaint; and

(2) has an opportunity to be heard under § 12–113 of this subtitle.

12–113.

(a) In a hearing before the Authority for an alleged violation of this subtitle:

(1) all testimony shall be given under oath **ADMINISTERED BY THE CHAIR OR ANOTHER MEMBER OF THE AUTHORITY**; and

(2) the proceedings shall be recorded.

(b) **[**The chair or a member of the Authority may administer the oath.

(c)**]** The Authority may compel the attendance of a witness by subpoena.

[(d)**] (C)** (1) The Authority shall issue its decision in writing, stating the reason for its decision.

(2) A copy of the decision shall be delivered or mailed to all parties to the complaint proceedings.

[(e)**] (D)** (1) A person aggrieved by a decision of the Authority may, within 30 days after receiving the decision, request judicial review of the decision by the circuit court.

(2) In accordance with the judicial review and appeals process under the Administrative Procedure Act, the circuit court shall hear and determine all matters connected with the decision of the Authority for which judicial review is requested.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the costs of the judicial review, including the costs of preparing a record and transcript, shall be paid by the party filing the request for judicial review.

(ii) If the party filing the request for judicial review prevails, the circuit court may require that the costs of the judicial review, including the costs of preparing a record and transcript, be paid by the Authority.

(4) If the request for judicial review is dismissed, the circuit court shall award attorney's fees to the Authority unless the Authority waives the award of attorney's fees.

[(f)**] (E)** (1) The record of a hearing conducted under this section, including any record of testimony or evidence offered at the hearing, is not admissible in any administrative or civil proceeding involving the same subject matter or the same parties.

(2) Paragraph (1) of this subsection does not apply to judicial review of the Authority's decision.

12–117.

(a) There is a Maryland Underground Facilities Damage Prevention Education and Outreach Fund.

(b) The purpose of the Fund is to cover the costs of:

(1) public education and outreach programs; and

(2) the development of safety procedures to prevent damage to underground facilities.

(c) The Authority shall hold and administer the Fund.

(d) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(e) The Fund consists of:

(1) civil penalties paid into the Fund under § 12–135 of this subtitle;

(2) investment earnings of the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(f) (1) The Fund may be used ~~[~~only~~]~~ for:

(i) public education and outreach programs for the prevention of damage to underground facilities; **[**and**]**

(ii) the development of safety procedures for excavation and demolition projects conducted in the area of underground facilities**; AND**

(III) WITH THE CONSENT OF THE AUTHORITY MEMBERS, COVERING AN UNEXPECTED SHORTFALL IN THE OPERATIONAL ACCOUNT OF THE AUTHORITY.

(2) The Authority may make grants to local governments or private entities consistent with the purposes of the Fund.

12–120.

(a) Except as provided in subsections (b) and (c) of this section, a person that obtains the information required under this subtitle is not excused from:

(1) performing an excavation or demolition in a careful and prudent manner; and

(2) liability for **FINANCIAL** damages or injury that results from the excavation or demolition.

(b) If an underground facility is damaged by a person that fails to comply with this subtitle, the person is deemed negligent and is liable to the owner for the total cost of repair of the underground facility, unless the owner has failed to become an owner–member in accordance with § 12–123 of this subtitle.

(c) If an underground facility is damaged by a person **[**who**]** **THAT** is in compliance with this subtitle and the owner has failed to become an owner–member in accordance with § 12–123 of this subtitle:

(1) the person is not liable to the owner for the cost of repair of the underground facility; and

(2) the owner is liable for any repairs or restoration of property damaged by the excavation or demolition.

(d) Subsection (c) of this section may not be construed to interfere with the right of:

(1) a third party to recover **FINANCIAL** damages arising out of the excavation or demolition from the person or from the owner; or

(2) the person to seek contribution from an owner for **FINANCIAL** damages sought by a third party under paragraph (1) of this subsection.

12–121.

(a) **(1) THIS SECTION APPLIES TO ANY ACTION TAKEN TO ADDRESS AN EMERGENCY FROM THE TIME THE EMERGENCY ARISES UNTIL A STANDARD TICKET IS INITIATED AND VALID UNDER § 12–124 OF THIS SUBTITLE, INCLUDING ANY WORK ASSOCIATED WITH STOPPING OR MITIGATING THE EMERGENCY.**

(2) ~~**[**~~Subject to § 12–120(b) of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § 12–120(a) of this subtitle and §§ 12–122 through 12–135 of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property~~**]** THIS SECTION APPLIES TO ANY ACTION TAKEN TO ADDRESS AN EMERGENCY FROM THE TIME THE EMERGENCY ARISES UNTIL A STANDARD TICKET IS INITIATED AND VALID UNDER § 12–124 OF THIS SUBTITLE, INCLUDING ANY WORK ASSOCIATED WITH STOPPING OR MITIGATING THE EMERGENCY~~.

(b) A **PRIMARY CONTRACTOR OR A** person performing an emergency excavation or demolition to prevent **[**danger**]** **OR MITIGATE LOSS OF OR INJURY** to life, health, **[**or**]** property**, OR AN ESSENTIAL PUBLIC SERVICE** shall:

(1) IDENTIFY THE LOCATION AND EXTENT OF WORK, AS STATED IN § 12–124(B)(1) OF THIS SUBTITLE, IN A CLEAR AND CONCISE MANNER;

(2) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and

[(2)**] (3)** immediately notify the one–call system serving the geographic area where the emergency excavation or demolition is performed to inform the appropriate owner–members of the excavation or demolition area.

(c) **(1) THE OWNER–MEMBER OR ITS CONTRACT LOCATOR SHALL:**

(I) RESPOND TO AN EMERGENCY NOTICE AS SOON AS POSSIBLE BUT NOT LATER THAN ~~3~~ 2 HOURS FROM THE TRANSMISSION OF THE TICKET FROM THE ONE–CALL CENTER; AND

(II) EXCEPT FOR CIRCUMSTANCES BEYOND AN OWNER–MEMBER'S OR CONTRACT LOCATOR'S CONTROL AND FOR MUNICIPAL CORPORATIONS, CONSIDERING THE HOURS OF OPERATION AND AVAILABILITY OF EMPLOYEES:

1. BEGIN THE LOCATING PROCESS TO MARK THEIR RESPECTIVE UNDERGROUND FACILITY OR FACILITIES WITHIN ~~2~~ 3 HOURS AFTER THE TRANSMISSION OF THE TICKET; OR

2. IF THE FACILITY OWNER HAS NO UNDERGROUND FACILITIES WITHIN THE DELINEATED EXCAVATION AREA, CLEAR THE TICKET WITHIN 3 HOURS AFTER THE TRANSMISSION OF THE TICKET.

(2) THE PERSON RESPONSIBLE FOR THE EXCAVATION SHALL:

~~(I)~~ BE ON SITE OR IN COMMUNICATION WITH THE OWNER–MEMBER, THEIR CONTRACT LOCATOR, OR THEIR REPRESENTATIVE WITHIN 3 HOURS AFTER THE TRANSMISSION OF THE TICKET BY THE ONE–CALL CENTER, OR A MUTUALLY AGREED RESPONSE TIME~~; AND~~

~~(II) BE REGISTERED WITH THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM BY THE OWNER OF THE UNDERGROUND FACILITY~~.

(3) THE OWNER–MEMBER OR ITS CONTRACT LOCATOR SHALL RESPOND TO THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM AS SOON AS:

(I) THE EXTENT OF WORK IS MARKED; OR

(II) IT IS DETERMINED THAT NO UNDERGROUND FACILITIES ARE IN THE DELINEATED AREA.

(D) A person that abuses the emergency excavation and demolition procedure set forth in this section is subject to penalties under § 12–135 of this subtitle.

12–124.

(a) **[**A**] BEFORE PERFORMING EXCAVATION OR DEMOLITION IN THE STATE, A** person **[**that intends to perform an excavation or demolition in the State**]:**

(1) shall initiate a ticket request by notifying the one–call system serving the geographic area where the excavation or demolition is to be performed **[**of the person's intent to perform the excavation or demolition**]; AND**

(2) MAY ADD A TEMPORARY EXCAVATOR TO AN EXISTING TICKET.

(b) Notice provided to a one–call system under subsection (a) of this section shall indicate:

(1) the location of the proposed excavation or demolition;

(2) whether the proposed excavation or demolition is within rights–of–way owned or controlled by the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority and, if so, the entity and the permit number or authorization number obtained from that entity; **[**and**]**

(3) the type of work to be performed in connection with the proposed excavation or demolition**; AND**

(4) THE CORRECT NAME OF AND CONTACT INFORMATION FOR THE TEMPORARY EXCAVATOR, IF ANY, PERFORMING WORK UNDER THE TICKET.

(c) (1) Except as provided in paragraph (2) of this subsection, on receiving notice, the one–call system shall promptly transmit a copy of the ticket to all owner–members in the geographic area indicated for that ticket.

(2) Based on information collected under § 12–124(b)(2) of this subtitle, the one–call system shall promptly transmit a copy of the ticket to the Department of

Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority, as applicable.

(3) A ticket is valid for 12 business days after the day on which the ticket is transmitted by the one–call system to an owner–member.

12–125.

(a) A person shall repeat the notification required under § 12–124 of this subtitle if the person:

(1) has not completed or will not complete the excavation or demolition within the time period authorized by the ticket; **[**or**]**

(2) **[**intends to expand**]** **EXPANDS** the excavation or demolition beyond the location indicated in the notice under § 12–124(b) of this subtitle**; OR**

(3) ADDS A TEMPORARY EXCAVATOR TO THE TICKET.

(b) **IF A PERSON DISCOVERS THAT A MARK IS OBLITERATED, DESTROYED, OR REMOVED, OR OBSERVES A VISIBLE INDICATION THAT AN UNDERGROUND FACILITY OR STRUCTURE IS NOT MARKED AS REQUIRED UNDER § 12–126 OF THIS SUBTITLE, THE PERSON SHALL NOTIFY THE CALL CENTER TO REQUEST THAT ALL OR PART OF THE CURRENT SCOPE OF WORK OF A VALID TICKET BE RE–MARKED.**

(C) A person shall repeat the notification regardless of:

(1) any delays by an owner–member in marking its underground facilities; or

(2) an agreement between the person and an owner–member regarding the time for marking underground facilities.

(D) ANY RE–MARKING MADE AFTER A NOTIFICATION PROVIDED UNDER THIS SECTION SHALL COMPLY WITH THE REQUIREMENTS OF § 12–126 OF THIS SUBTITLE.

12–126.

(a) An owner–member **OR ITS CONTRACT LOCATOR** shall mark its underground facility if **[**the owner–member has determined that**]** a proposed excavation or demolition **THAT IS SPECIFIED IN THE EXTENT OF WORK CONTAINED IN THE TICKET**:

(1) is within 5 feet of the horizontal plane of the underground facility; or

(2) because of planned blasting, is so near to the underground facility that the underground facility may be damaged or disturbed.

(b) (1) An owner–member **OR ITS CONTRACT LOCATOR** shall mark the location of its underground facility **AS SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION** by marking on the ground within 18 inches on a horizontal plane on either side of the underground facility.

(2) (i) When marking the location of an underground facility, an owner–member **OR ITS CONTRACT LOCATOR** shall use the **[**current**]** color codes established by the American Public Works Association for marking underground facilities **IN EFFECT AT THE TIME OF MARKING**.

(ii) If two or more owner–members share the same color code, each owner–member **OR ITS CONTRACT LOCATOR** shall include information with the marking that indicates the owner–member of the marked underground facility.

(c) Except as provided in subsection (d) of this section, within 2 business days after the day on which a ticket is transferred to an owner–member, the owner–member **OR ITS CONTRACT LOCATOR** shall:

(1) mark the location of the owner–member's underground facility and report to the underground facilities information exchange system that the underground facility has been marked; or

(2) report to the underground facilities information exchange system that the owner–member has no underground facilities in the vicinity of the planned excavation or demolition.

(d) (1) If an owner–member **OR ITS CONTRACT LOCATOR** is unable to mark the location of the owner–member's underground facility within the time period prescribed in subsection (c) of this section because of the scope of the proposed excavation or demolition, the owner–member shall:

(i) promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; and

(ii) work with the person that intends to perform the excavation or demolition to develop a **[**mutually agreeable schedule**]** **DOCUMENTED AGREEMENT** for marking the underground facility.

(2) If the owner–member **OR ITS CONTRACT LOCATOR** and person that intends to perform the excavation or demolition cannot reach a mutually **[**agreeable schedule**]** **DOCUMENTED AGREEMENT** for marking under paragraph (1) of this subsection, the owner–member **OR ITS CONTRACT LOCATOR** shall mark that portion of

the site where excavation or demolition will first occur, and the owner–member **OR ITS CONTRACT LOCATOR** shall mark the remainder of the site within a reasonable time.

(3) If, due to circumstances beyond **THE CONTROL OF** an **[**owner–member's control**]** **OWNER–MEMBER OR ITS CONTRACT LOCATOR** and for reasons other than those specified in paragraph (1) of this subsection, an owner–member **OR ITS CONTRACT LOCATOR** is unable to mark the location of the owner–member's underground facility within the time period prescribed in subsection (c) of this section, the owner–member **OR ITS CONTRACT LOCATOR** shall report to the underground facilities information exchange system that an extension is required.

(4) In connection with extensive or contiguous excavation or demolition projects, the person performing the excavation or demolition and the owner–member **OR ITS CONTRACT LOCATOR** may establish a working agreement regarding the time periods for marking the underground facility.

12–127.

(a) A person **THAT INTENDS TO PERFORM EXCAVATION OR DEMOLITION** may begin excavation or demolition **ACTIVITY** only after the person receives notification from the underground facilities information exchange system of the one–call system confirming that all applicable owner–members **OR THEIR CONTRACT LOCATORS** have:

(1) marked their underground facilities in accordance with § 12–126(c) of this subtitle;

(2) marked the applicable portion of their underground facilities in accordance with § 12–126(d) of this subtitle; or

(3) reported that they have no underground facilities in the vicinity of the excavation or demolition.

(b) (1) After an owner–member **OR ITS CONTRACT LOCATOR** has marked the location of an underground facility in accordance with § 12–126 of this subtitle, the person performing the excavation or demolition is responsible for the maintenance of the designated **[**marker**]** **MARK**.

(2) If the **[**marker**]** **MARK** is obliterated, destroyed, or removed, the person**:**

(I) shall repeat the notification required under ~~§ 12–124~~ **§ 12–125** of this subtitle**; BUT**

(II) MAY NOT IN ANY MANNER REPLACE OR REPAIR THE MARK.

(c) (1) **A PERSON PERFORMING EXCAVATION OR DEMOLITION OR SUPERVISING A TEMPORARY EXCAVATOR SHALL HAVE A COPY OF THE TICKET ISSUED BY A ONE–CALL SYSTEM AVAILABLE, BY ANY MEANS, ON THE SITE OF THE ACTIVITY FOR THE DURATION OF THE TICKET.**

(2) A person performing an excavation or demolition shall exercise due care to avoid interference with or damage to an underground facility**:**

(I) that an owner–member **OR ITS CONTRACT LOCATOR** has marked in accordance with § 12–126 of this subtitle**; OR**

(II) WHERE CLEAR EVIDENCE OF AN UNMARKED UNDERGROUND FACILITY EXISTS.

[(2)**] (3)** Before using mechanized equipment for excavation or demolition within 18 inches of an underground facility marking, a person shall expose the underground facility to its outermost surfaces by hand or other nondestructive techniques.

(4) WHEN UTILIZING A TRENCHLESS TECHNOLOGY METHOD, TO PREVENT THE OCCURRENCE OF A CROSS–BORE, A PERSON SHALL EXPOSE BY NONDESTRUCTIVE TECHNIQUES INTERSECTING UNDERGROUND FACILITIES TO THE DEPTH OF THE EXCAVATION PLUS 18 INCHES IN THE PATH OF THE TRENCHLESS TECHNOLOGY OPERATION DURING THE ENTIRE TRENCHLESS INSTALLATION OPERATION.

[(3)**] (5)** A person may not use mechanized equipment to excavate within 18 inches of the outermost surface of an exposed underground facility.

(d) (1) The person performing an excavation or demolition **[**immediately**]** shall **[**notify**] PROMPTLY REPORT TO** the owner–member of the facility if the person discovers or causes any damage to or dislocation or disturbance of an underground facility in connection with the excavation or demolition.

(2) If the damage, dislocation, or disturbance results in the escape of a flammable, toxic, or corrosive gas or liquid, the person performing the excavation or demolition immediately shall report the damage to the 9–1–1 emergency system.

(e) (1) If a person knows or has reason to know that an underground facility in the area of a planned or ongoing excavation or demolition is not marked as required by this subtitle, the person may not begin or continue the excavation or demolition unless the person:

(i) has repeated the notification **AS** required under **[**§ 12–124**] § 12–125** of this subtitle; and

(ii) receives notification from the underground facilities information exchange system of the one–call system confirming that all applicable owner–members that have underground facilities in the vicinity of the excavation or demolition have marked:

1. the underground facilities in accordance with § 12–126(c) of this subtitle; or

2. the applicable portion of the underground facilities in accordance with 12–126(d) of this subtitle.

(2) If the underground facility is not marked as required by this subtitle after the person receives notification from the underground facilities information exchange system under paragraph (1) of this subsection, the person may proceed with the excavation or demolition.

12–128.

(a) A political subdivision, municipal corporation, the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority may charge, assess, or collect from a person a one–time initial marking fee not exceeding $35 for reimbursement of expenses that the political subdivision, municipal corporation, the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority incurs to comply with this subtitle.

(b) If re–marking is requested, or is required after renotification under **[**§ 12–108(b)**] § 12–125** of this subtitle, a political subdivision, municipal corporation, or any of the transportation entities specified in subsection (a) of this section may charge, assess, or collect from a person a re–marking fee not exceeding $15 for reimbursement of expenses that the political subdivision, municipal corporation, or any of the transportation entities specified in subsection (a) of this section incurs to comply with this subtitle.

12–129.

(a) Subject to subsection (c) of this section, any new or replacement piping that is buried or installed for the **[**purpose**] PURPOSES** of connecting a building to a water supply system **[**or**],** a sewerage system**, AN UNDERGROUND STORM DRAIN SYSTEM, OR ANY OTHER APPLICABLE DEVICE** shall be buried or installed with a wire **OR AN EQUIVALENT PRODUCT OR TECHNOLOGY** that makes the piping detectable **OR LOCATABLE**.

(b) **[**The**] ANY** wire **[**required under**] USED TO COMPLY WITH** subsection (a) of this section shall:

(1) be an insulated copper tracer wire that is suitable for direct burial and has an American wire gauge (AWG) of at least 10, or an equivalent product;

(2) be installed:

(i) in the same trench as the piping that connects the building to the water supply system or the sewerage system;

(ii) within 12 inches of the piping that connects the building to the water supply system or the sewerage system; and

(iii) with at least one end of the wire terminating above grade in a location that is accessible and resistant to physical damage, such as in a cleanout or next to an external wall of the building; and

(3) run from within 5 feet of an external wall of the building to:

(i) the point where the piping intersects with the water supply system or the sewerage system; or

(ii) the point where the sewerage system disposes of or processes the sewage.

(c) The requirement of subsection (a) of this section with regard to replacement piping connecting a building to a water supply system or a sewerage system:

(1) applies only to a complete replacement of the piping; and

(2) does not apply to a repair or a partial replacement of the piping.

12–130.

(A) (1) THIS SECTION APPLIES TO A PRIMARY CONTRACTOR THAT:

(I) PERFORMS THE EXCAVATION DUTIES FOR THE DURATION OF A TICKET;

(II) INITIATES THE NOTIFICATION TO THE ONE–CALL SYSTEM TO ESTABLISH A TICKET;

(III) IS ON SITE TO SUPERVISE ALL ACTIVITIES AND EMPLOYEES; AND

(IV) INTENDS TO UTILIZE SERVICES OR EQUIPMENT OF A TEMPORARY EXCAVATOR.

(2) FOR PURPOSES OF THIS SECTION, A PRIMARY CONTRACTOR DOES NOT INCLUDE A PRIVATE HOMEOWNER THAT INTENDS TO HIRE A TEMPORARY EXCAVATOR.

(B) A PRIMARY CONTRACTOR:

(1) SHALL:

(I) NOTIFY THE ONE–CALL SYSTEM WHEN A TEMPORARY EXCAVATOR IS TO BEGIN WORK UNDER THE TICKET;

(II) INFORM THE TEMPORARY EXCAVATOR OF THE EXACT SCOPE OF WORK AS DETAILED ON THE EXISTING TICKET;

(III) DIRECTLY SUPERVISE THE ON–SITE ACTIVITIES OF THE TEMPORARY EXCAVATOR; AND

(IV) ASSUME ALL LIABILITY IF DAMAGE SHOULD OCCUR TO AN UNDERGROUND FACILITY BY ANY PERSON NAMED AS A TEMPORARY EXCAVATOR ON THE EXISTING TICKET; AND

(2) MAY NAME ONLY ONE TEMPORARY EXCAVATOR FOR THE DURATION OF THE TICKET.

(C) (1) A TEMPORARY EXCAVATOR MAY BE:

(I) A PIECE OF RENTAL EQUIPMENT AND ITS OPERATOR;

(II) AN EXCAVATION CONTRACTOR THAT IS NOT AN EMPLOYEE OF THE PRIMARY CONTACTOR; OR

(III) AN EQUIPMENT OPERATOR THAT IS NOT A DIRECT EMPLOYEE OF THE PRIMARY CONTRACTOR.

(2) THE DESIGNATED TEMPORARY EXCAVATOR SHALL NOTIFY THE ONE–CALL SYSTEM WITH THE ASSOCIATED TICKET NUMBER TO VERIFY THAT THE EXCAVATOR HAS BEEN HIRED TO WORK FOR THE PRIMARY CONTRACTOR.

~~Part V. [Designer] OTHER Requests.~~

~~12–131.~~

~~(a) [In connection with a project that may require excavation or demolition, a designer] A PERSON may initiate a NONEXCAVATION ticket request by notifying the one–call system [serving the geographic area covering the planned project] IN ACCORDANCE WITH THIS SECTION.~~

~~(b) (1) [A] IN CONNECTION WITH A PROJECT THAT MAY REQUIRE EXCAVATION OR DEMOLITION, A designer initiating a ticket request under this section:~~

~~[(1)] (I) may initiate [only] one ticket request for a single project BY NOTIFYING THE ONE–CALL SYSTEM SERVING THE GEOGRAPHIC AREA COVERING THE PLANNED PROJECT; and~~

~~[(2)] (II) shall, in connection with a NONEXCAVATION ticket request:~~

~~[(i)] 1. indicate that the request is for design purposes only and may not be used for the purpose of excavation or demolition;~~

~~[(ii)] 2. notify the one–call system of any owner–members from which the designer does not require underground facilities information; and~~

~~[(iii)] 3. on the request of an owner–member, provide the owner–member with a preliminary drawing that indicates the scope of the project.~~

~~(2) THE ONE–CALL SYSTEM SHALL PROVIDE THE PERSON REQUESTING A NONEXCAVATION TICKET AN ACCURATE MEANS OF CONTACT FOR EACH UNDERGROUND FACILITY WITHIN 2 BUSINESS DAYS.~~

~~(3) EACH UNDERGROUND FACILITY OWNER SHALL MAINTAIN CURRENT VALID CONTACT INFORMATION WITH THE ONE–CALL SYSTEM FOR DESIGNERS TO CONTACT.~~

~~[(c) (1) Within 15 business days after receiving notice from a one–call system that a designer has made a request under this section, an owner–member of an underground facility in the area of the project shall notify the designer of the type and approximate location of the underground facility.~~

~~(2) An owner–member may provide notice of the approximate location of an underground facility through the use of:~~

Part V. **[**Designer Requests**]** **NONEXCAVATION TICKETS**.

12–131.

(a) In connection with a project that may require excavation or demolition, a **[**designer**]** **PERSON** may initiate a **NONEXCAVATION DESIGNER** ticket request by notifying the one–call system serving the geographic area covering the planned project **IN ACCORDANCE WITH THIS SECTION**.

(b) **(1)** **[**A designer**]** **IN CONNECTION WITH A PROJECT THAT MAY REQUIRE EXCAVATION OR DEMOLITION, A PERSON** initiating a **NONEXCAVATION DESIGNER** ticket request under this section:

[(1)**]** **(I)** may initiate only one ticket request for a single project **BY NOTIFYING THE ONE–CALL SYSTEM SERVING THE GEOGRAPHIC AREA COVERING THE PLANNED PROJECT**; and

[(2)**]** **(II)** shall, in connection with a **NONEXCAVATION DESIGNER** ticket request:

[(i)**]** **1.** indicate that the request is for design purposes only and may not be used for the purpose of excavation or demolition;

[(ii)**]** **2.** notify the one–call system of any owner–members from which the **[**designer**]** **PERSON** does not require underground facilities information; and

[(iii)**]** **3.** on the request of an owner–member, provide the owner–member with a preliminary drawing that indicates the scope of the project.

(2) THE ONE–CALL SYSTEM SHALL PROVIDE THE PERSON REQUESTING A NONEXCAVATION DESIGNER TICKET AN ACCURATE MEANS OF CONTACT FOR EACH UNDERGROUND FACILITY WITHIN 2 BUSINESS DAYS.

(3) EACH UNDERGROUND FACILITY OWNER SHALL MAINTAIN CURRENT VALID CONTACT INFORMATION WITH THE ONE–CALL SYSTEM FOR PERSONS TO CONTACT.

(c) (1) Within 15 business days after receiving notice from a one–call system that a **[**designer**]** **PERSON** has made a request under this section, an owner–member of an underground facility in the area of the project shall notify the **[**designer**]** **PERSON** of the type and approximate location of the underground facility.

(2) An owner–member may provide notice of the approximate location of an underground facility through the use of:

(i) field locates;

(ii) maps;

(iii) surveys;

(iv) installation records; or

(v) other similar means.**]**

~~(C)~~ (D) IN THE CASE OF AN OBSTRUCTION CAUSED BY A SUSPECTED CROSS–BORE:

(1) THE PERSON INTENDING TO REMOVE THE OBSTRUCTION SHALL NOTIFY THE ONE–CALL CENTER AND REQUEST A NONEXCAVATION TICKET FOR A SUSPECTED CROSS–BORE WHICH WILL BE TRANSMITTED TO ALL PERTINENT OWNER–MEMBERS IN THE GEOGRAPHIC AREA INDICATED FOR THAT TICKET; AND

(2) EACH OWNER–MEMBER SHALL TAKE WHATEVER ACTION IT CONSIDERS NECESSARY TO RESPOND TO THIS NOTIFICATION.

~~(D)~~ (E) (1) Information provided to a **[**designer**]** **PERSON REQUESTING MARKING** under this section is for informational purposes only.

(2) An owner–member or agent of an owner–member may not be held liable for any inaccurate information provided to a **[**designer**]** **PERSON** under this section.

12–135.

(a) (1) A person that performs an excavation or demolition without first providing the notice required under § 12–124(a) of this subtitle **[**and damages, dislocates, or disturbs an underground facility**]** is deemed negligent and is subject to a civil penalty assessed by the Authority**.**

(2) THE AUTHORITY SHALL CALCULATE THE CIVIL PENALTY CONSIDERING:

(I) THE ~~SERIOUSNESS~~ SEVERITY OF THE VIOLATION;

(II) THE INTENT AND GOOD FAITH OF THE VIOLATOR; AND

(III) THE PAST HISTORY OF VIOLATIONS.

(3) THE CIVIL PENALTY MAY not **[**exceeding**]** **EXCEED**:

(i) $2,000 for the first offense; and

(ii) **[**subject to subsection (c) of this section,**]** $4,000 for each subsequent offense.

[(2) Instead of or in addition to a civil penalty assessed under this subsection, the Authority may:

(i) require that a person:

1. participate in damage prevention training; or

2. implement procedures to mitigate the likelihood of damage to underground facilities; or

(ii) impose other similar measures.**]**

[(3)**] (4)** A person that violates any **OTHER** provision of Part IV of this subtitle is subject to a civil penalty assessed by the Authority not exceeding**:**

(I) $2,000 **FOR THE FIRST OFFENSE; AND**

(II) $4,000 FOR EACH SUBSEQUENT OFFENSE.

(5) (I) FOR PURPOSES OF PARAGRAPHS (3)(II) AND (4)(II) OF THIS SUBSECTION, THE AUTHORITY MAY NOT CONSIDER AN OFFENSE TO BE A SUBSEQUENT OFFENSE IF THE OFFENSE OCCURRED AT LEAST 3 YEARS AFTER THE EARLIER OFFENSE UNLESS:

1. THE EARLIER OFFENSE IS UNRESOLVED, REGARDLESS OF THE AGE OF THE EARLIER OFFENSE; OR

2. THE PERSON HAS NOT MET THE CONDITIONS OF AN ASSESSED PENALTY WITHIN THE TIME PERIOD PRESCRIBED.

(II) IN THE CASE OF AN UNRESOLVED EARLIER OFFENSE OR A FAILURE TO MEET THE CONDITIONS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY MAY ASSESS UP TO DOUBLE THE MAXIMUM CIVIL PENALTY FOR EACH VIOLATION.

(6) A PERSON THAT FAILS TO APPEAR BEFORE THE AUTHORITY WITHOUT CAUSE, AFTER PROPER NOTIFICATION OF A SCHEDULED HEARING, MAY BE SUBJECT TO A $200 FINE IN addition TO ANY CIVIL PENALTY ASSESSED BY THE AUTHORITY.

(7) A PERSON THAT FILES AN EMERGENCY TICKET THAT DOES NOT MEET THE DEFINITION OF EMERGENCY UNDER § 12–101 OF THIS SUBTITLE MAY BE SUBJECT TO THE MAXIMUM PENALTIES AVAILABLE UNDER THIS SUBSECTION.

(b) (1) This subsection applies if a proceeding has not been initiated before the Authority.

(2) A court of competent jurisdiction may assess a civil penalty of up to 10 times the cost of repairs to the underground facility caused by the damage, dislocation, or

disturbance against a person that has committed a subsequent offense under subsection (a)(1) of this section.

(3) An action to recover a civil penalty under this subsection shall be brought by an owner of a damaged, dislocated, or disturbed underground facility or the Attorney General in a court of competent jurisdiction in Baltimore City or the county in which the damage, dislocation, or disturbance occurred.

(4) The party bringing an action under this subsection may recover reasonable attorney's fees.

(c) The Authority may not assess a civil penalty under subsection **[**(a)(1)(ii)**]** **(A)(3)(II)** of this section if an action to recover a civil penalty has been brought under subsection (b) of this section.

(d) All civil penalties recovered under this section shall be paid into the Fund.

SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to abrogate, modify, or infringe on the permitting requirements or any requirement of any permit issued by any governmental agency or entity.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

Last year, 348 people were murdered in the streets of Baltimore City, making 2019 the second deadliest year on record, and the fifth consecutive year with more than 300 murders in our state's largest city. Since before the start of the legislative session, I made it very clear that my highest priority was to hold violent criminals accountable and stop the shootings and the murders in Baltimore City. "If you do not consider any other legislation,

and if you accomplish nothing else in the next 61 days, pass the Violent Firearm Offenders Act of 2020 … pass the Witness Intimidation Prevention Act … and the Judicial Transparency Act," I said in my State of the State address.

I expressed my strong willingness to consider other proposals, including some of those passed by the legislature, if they were included as part of a comprehensive crime package which included my proposals. Each of my proposals had the support of an overwhelming majority of Marylanders — and support for the proposals was strongest of all in Baltimore City, the community most directly impacted by the violence.

While the Senate approved the package by a wide margin, the House failed to act upon it, and thus failed to meaningfully address violent crime. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, for the above reasons I have vetoed:

Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together Program)
House Bill 4/Senate Bill 208 – Public Safety – Rifles and Shotguns – Sales, Rentals, and Transfers
Senate Bill 314 – Juveniles Charged as Adults – Confidentiality of Records
House Bill 1336 – Criminal Procedure – Partial Expungement, Maryland Judiciary Case Search, and Expungement of Misdemeanor Conviction
House Bill 83 – Criminal Procedure – Charge of Possession of Marijuana – Removal From Case Search
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 907

AN ACT concerning

Public Safety – Crime Plan and Law Enforcement Councils
(Maryland State Crime Plan)

FOR the purpose of establishing the Law Enforcement Coordinating Council; providing for the composition, chair, and staffing of the Council; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to prepare a certain comprehensive crime plan for the State; requiring the Council to meet a certain number of times annually; requiring the Governor, or the Governor's designee, to attend a certain number of Council meetings; requiring the Council to report its activities and recommendations

annually to the Governor and the General Assembly on or before a certain date; establishing certain regional law enforcement councils for certain regions determined by the Law Enforcement Coordinating Council; establishing the purpose of each regional council; providing for the composition, chair, and staffing of each regional council; requiring certain meetings to be held by the regional councils for certain purposes; requiring the regional councils to meet a certain number of times annually; requiring the regional councils to report on their activities and recommendations annually to the Governor and the General Assembly on or before a certain date; requiring the Governor's Office of Crime Control and Prevention to report to the Governor and the General Assembly ~~each month~~ on or before certain dates each year on how certain State assets are being deployed to prevent crime; making this Act an emergency measure; providing for the termination of a certain provision of this Act; and generally relating to a State crime plan and the creation of certain councils related to law enforcement.

BY adding to
Article – Public Safety
Section 2–315 and 2–316
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Public Safety

2–315.

(A) THERE IS A LAW ENFORCEMENT COORDINATING COUNCIL WITHIN THE DEPARTMENT.

(B) THE PURPOSE OF THE COUNCIL IS TO PREVENT AND REDUCE CRIME BY:

(1) COORDINATING AND FOCUSING STATE RESOURCES; AND

(2) ENSURING INTERAGENCY COMMUNICATIONS AND INTELLIGENCE–SHARING.

(C) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(2) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;

(3) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S DESIGNEE;

(4) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(5) THE DIRECTOR OF THE MARYLAND EMERGENCY MANAGEMENT AGENCY, OR THE DIRECTOR'S DESIGNEE;

(6) THE DIRECTOR OF THE MARYLAND COORDINATION AND ANALYSIS CENTER, OR THE DIRECTOR'S DESIGNEE;

(7) THE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, OR THE DIRECTOR'S DESIGNEE;

(8) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

(9) THE CHIEF OF THE LARGEST LAW ENFORCEMENT AGENCY IN EACH COUNTY, OR THE CHIEF'S DESIGNEE;

(10) THE CHIEF OF THE LARGEST LAW ENFORCEMENT AGENCY IN THE CITY OF ANNAPOLIS, OR THE CHIEF'S DESIGNEE;

(11) THE CHIEF OF THE LARGEST LAW ENFORCEMENT AGENCY IN OCEAN CITY, OR THE CHIEF'S DESIGNEE;

(12) THE CHIEF OF THE MARYLAND TRANSIT ADMINISTRATION POLICE, OR THE CHIEF'S DESIGNEE; ~~AND~~

(13) THE CHIEF OF THE MARYLAND TRANSPORTATION AUTHORITY POLICE, OR THE CHIEF'S DESIGNEE*; AND*

***(14) THE CHIEF OF THE WMATA METRO TRANSIT POLICE, OR THE CHIEF'S DESIGNEE*.**

(D) THE SECRETARY SHALL SERVE AS THE CHAIR OF THE COUNCIL.

(E) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COUNCIL.

(F) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) (1) THE COUNCIL SHALL PREPARE AND REVISE, AS NECESSARY, A COMPREHENSIVE CRIME PLAN FOR THE STATE OR FOR EACH REGION OF THE STATE.

(2) THE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION ~~SHALL~~ MAY:

(I) IDENTIFY STATE RESOURCES AND ASSETS THAT STATE AGENCIES ARE USING TO:

1. SUPPORT LAW ENFORCEMENT ACTIVITIES; AND

2. PROVIDE SUPPORT SERVICES FOR COMMUNITIES WITH THE GREATEST CONCENTRATION OF CRIME;

(II) ESTABLISH LAW ENFORCEMENT REGIONS IN THE STATE BASED ON PUBLIC SAFETY COMMONALITIES AND PRIORITIES ACROSS JURISDICTIONS;

(III) SPECIFY STRATEGIES TO:

1. SHARE INTELLIGENCE BETWEEN LAW ENFORCEMENT AGENCIES;

2. DEVELOP PATROL AGREEMENTS ACROSS JURISDICTIONS; AND

3. PROVIDE MUTUAL AID TO LAW ENFORCEMENT AGENCIES ACROSS JURISDICTIONS;

(IV) ESTABLISH TARGETED INITIATIVES, INCLUDING INITIATIVES RELATING TO WARRANTS, EARLY CRIME ALERT AND RISK ASSESSMENT TOOLS, AND DATA–SHARING;

(V) IDENTIFY REGIONS FOR THE ESTABLISHMENT OF REGIONAL LAW ENFORCEMENT COUNCILS UNDER § 2–316 OF THIS SUBTITLE; AND

(VI) IDENTIFY AREAS WHERE LAW ENFORCEMENT AGENCIES CAN COLLABORATE TO PROVIDE SUPPORT AND HUMAN SERVICES TO INDIVIDUALS MOST LIKELY TO BE VICTIMS OR PERPETRATORS OF CRIME.

(H) (1) THE COUNCIL SHALL MEET AT LEAST ~~QUARTERLY~~ TWICE EACH YEAR.

(2) THE GOVERNOR, OR THE GOVERNOR'S DESIGNEE, SHALL ATTEND AT LEAST ONE MEETING OF THE COUNCIL EACH YEAR.

(I) THE COUNCIL MAY INVITE OTHER CHIEFS OF LAW ENFORCEMENT ENTITIES TO PARTICIPATE IN THE COUNCIL.

(J) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COUNCIL SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY CONCERNING ITS ACTIVITIES AND RECOMMENDATIONS.

2–316.

(A) THE DEPARTMENT SHALL ESTABLISH A REGIONAL LAW ENFORCEMENT COUNCIL FOR EACH OF THE REGIONS ESTABLISHED BY THE LAW ENFORCEMENT COORDINATING COUNCIL UNDER § 2–315 OF THIS SUBTITLE.

(B) THE PURPOSE OF EACH REGIONAL COUNCIL IS TO PREVENT AND REDUCE CRIME BY:

(1) COORDINATING AND FOCUSING STATE AND LOCAL RESOURCES; AND

(2) ENSURING INTERAGENCY COMMUNICATIONS AND INTELLIGENCE–SHARING.

(C) EACH REGIONAL COUNCIL SHALL CONSIST OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(2) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;

(3) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S DESIGNEE;

(4) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(5) THE DIRECTOR OF THE MARYLAND EMERGENCY MANAGEMENT AGENCY, OR THE DIRECTOR'S DESIGNEE;

(6) THE DIRECTOR OF THE MARYLAND COORDINATION AND ANALYSIS CENTER, OR THE DIRECTOR'S DESIGNEE;

(7) THE SECRETARY, OR THE SECRETARY'S DESIGNEE; AND

(8) THE CHIEFS OF THE LAW ENFORCEMENT AGENCIES WITH JURISDICTION IN EACH REGION, OR THEIR DESIGNEES.

(D) THE MEMBERS OF EACH REGIONAL COUNCIL SHALL SELECT THE CHAIR OF THE REGIONAL COUNCIL.

(E) THE DEPARTMENT SHALL ~~HIRE A REGIONAL LAW ENFORCEMENT COORDINATOR TO STAFF~~ PROVIDE STAFF FOR EACH REGIONAL COUNCIL.

(F) EACH REGIONAL COUNCIL SHALL MEET TO:

(1) SHARE INTELLIGENCE;

(2) IDENTIFY REGIONAL CRIME TRENDS;

(3) STRATEGIZE THE DEPLOYMENT OF RESOURCES TO PREVENT AND RESPOND TO REGIONAL CRIME, PARTICULARLY VIOLENT CRIME;

(4) REVIEW OUTSTANDING WARRANTS IN THE REGION; AND

(5) DISCUSS COMMUNITY ENGAGEMENT EFFORTS, TECHNOLOGY, AND TRAINING PROGRAMS.

(G) EACH REGIONAL COUNCIL SHALL MEET AT LEAST QUARTERLY.

(H) ON OR BEFORE DECEMBER 1 EACH YEAR, EACH REGIONAL COUNCIL SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY CONCERNING THE COUNCIL'S ACTIVITIES AND RECOMMENDATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Beginning ~~October~~ July 1, 2020, the Governor's Office of Crime Control and Prevention shall submit an updated report on or before ~~the first day of each month~~ January 1 and July 1 each year to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly describing how State assets are being deployed to prevent crime.

(b) The report shall:

(1) specify the number of individuals that the Division of Parole and Probation is monitoring, including the categories of supervision for each individual;

(2) specify the number of individuals the Division of Parole and Probation has referred to other State agencies for assistance;

(3) identify the housing services the State is providing to individuals recently released from incarceration;

(4) identify the job training and assistance with employment opportunities the State is providing to individuals recently released from incarceration;

(5) describe issues relating to access to transportation for individuals recently released from incarceration;

(6) identify the support services provided to individuals at high risk for committing crimes; and

(7) specify the manner in which State agencies are sharing specific information about individuals who have had contact with the criminal justice system.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 2 of this Act shall remain effective through September 30, 2022, and, at the end of September 30, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

Last year, 348 people were murdered in the streets of Baltimore City, making 2019 the second deadliest year on record, and the fifth consecutive year with more than 300 murders in our state's largest city. Since before the start of the legislative session, I made it very clear that my highest priority was to hold violent criminals accountable and stop the shootings and the murders in Baltimore City. "If you do not consider any other legislation, and if you accomplish nothing else in the next 61 days, pass the Violent Firearm Offenders Act of 2020 … pass the Witness Intimidation Prevention Act … and the Judicial Transparency Act," I said in my State of the State address.

I expressed my strong willingness to consider other proposals, including some of those passed by the legislature, if they were included as part of a comprehensive crime package which included my proposals. Each of my proposals had the support of an overwhelming majority of Marylanders — and support for the proposals was strongest of all in Baltimore City, the community most directly impacted by the violence.

While the Senate approved the package by a wide margin, the House failed to act upon it, and thus failed to meaningfully address violent crime. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, for the above reasons I have vetoed:

Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together Program)
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House Bill 83 – Criminal Procedure – Charge of Possession of Marijuana – Removal From Case Search
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 929

AN ACT concerning

Public Safety – Baltimore City – P.R.O.T.E.C.T.
(Public Resources Organizing to End Crime Together) Program

FOR the purpose of authorizing certain employees of ~~the Department of State Police~~ certain State law enforcement agencies to enforce certain motor vehicle laws within Baltimore City under a certain memorandum of understanding; altering the authority granted to certain police employees to act within the limits of Baltimore City; establishing the P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program for a certain purpose; requiring the Department of State Police, the Division of Parole and Probation, and the Department of Juvenile Services to establish and operate a warrant apprehension task force partnership; requiring the Baltimore Police Department, the Department of Juvenile Services, and the Division of Parole and Probation to establish and operate certain district officer supervision teams; ~~requiring the Department of State Police to extend its jurisdiction for traffic control and accident investigations into certain highways and streets in Baltimore City, as specified by the Baltimore Police Commissioner in consultation with the Secretary of State Police~~ authorizing the State and Baltimore City to enter into a certain memorandum of understanding to give certain State law enforcement agencies concurrent jurisdiction with Baltimore City in a certain area of Baltimore City; requiring a certain memorandum of understanding to be reviewed annually and submitted to certain committees of the General Assembly; requiring that ~~the Baltimore City Juvenile Booking facility and~~ the Baltimore ~~Detention Center~~ Pretrial Complex be staffed by ~~the Department of Juvenile Services and~~ the Department of Public Safety and Correctional Services~~, respectively~~; prohibiting Baltimore Police Department sworn officers from being used to staff ~~the Baltimore City Juvenile Booking facility or~~ the Baltimore ~~Detention Center~~ Pretrial Complex; requiring ~~the Department of State Police~~ certain State law enforcement agencies, the Baltimore Police Department, the Department of Juvenile Services, and the Department of Public Safety and Correctional Services to make certain efforts to fully implement this Act at a certain time; authorizing ~~the Department of State Police~~ certain State law enforcement agencies, the Baltimore Police Department, the Department of Juvenile Services, and the Department of Public Safety and Correctional Services to adopt certain regulations; requiring the Governor's Office of Crime ~~Control and~~ Prevention, Youth, and Victim Services ~~and the Department of State Police~~ to select certain high–crime micro–zones within the State and create certain coordinator positions; providing for the requirements and duties of a certain coordinator; mandating that the Governor include certain appropriations in the annual budget bill each year; requiring the Department of State Police, Baltimore City, the Department of Juvenile Services, the Department of Public Safety and Correctional Services, and the Governor's Office of Crime ~~Control and~~ Prevention, Youth, and Victim Services to report to the Governor and General Assembly on a certain matter at a certain time; requiring the Department of Juvenile Services and the Baltimore Police Department to submit a certain annual report to certain committees of the General Assembly on or before a certain date; and generally relating to public safety.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–412(c)

Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Public Safety
Section 4–1501 through 4–1504 to be under the new subtitle "Subtitle 15. P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program"
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Public Safety

2–412.

(c) Police employees may not act within the limits of a municipal corporation that maintains a police force except:

(1) when in pursuit of a criminal or suspect;

(2) when in search of a criminal or suspect wanted for a crime committed outside of the limits of the municipal corporation or when interviewing or seeking to interview a witness or supposed witness to the crime;

(3) when a crime is committed in the presence of the police employee, and the arrested party must be immediately transferred to the custody of the local law enforcement agency;

(4) when requested to act by the chief executive officer or chief police officer of the municipal corporation;

(5) when ordered by the Governor to act within the municipal corporation;

(6) when enforcing the motor vehicle laws of the State~~[~~, except in Baltimore City ~~**IF ACTING IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING DESCRIBED IN § 4–1501(E) OF THIS ARTICLE**~~;

(7) *in Baltimore City, only when enforcing Title 23 of the Transportation Article* ***OR IF ACTING IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING DESCRIBED IN § 4–1501 OF THIS ARTICLE****;*

~~(7) in Baltimore City, only when enforcing Title 23 of the Transportation Article]~~;

~~[~~(8)~~]~~ ~~(7)~~ in any building or place when ordered by either the President of the Senate or the Speaker of the House of Delegates to guard the safety of legislators or the integrity of the legislative process;

~~[~~(9)~~]~~ ~~(8)~~ to protect the safety of an elected State official;

~~[~~(10)~~]~~ ~~(9)~~ in the municipal corporations of Somerset County;

~~[~~(11)~~]~~ ~~(10)~~ when conducting investigations relating to or otherwise enforcing §§ 3–324, 3–804, 3–805, 3–902, 3–1102, 3–1103, 7–302, 11–207, 11–208, 11–303, 11–304, 11–305, 11–306, and 11–307 of the Criminal Law Article;

~~[~~(12)~~]~~ ~~(11)~~ (i) 1. When participating in a joint investigation with officials from another State, federal, or local law enforcement agency at least one of which has local jurisdiction;

2. when rendering assistance to a police officer;

3. when acting at the request of a local police officer; or

4. when an emergency exists; and

(ii) when acting in accordance with regulations adopted by the Secretary to implement this item; or

~~[~~(13)~~]~~ ~~(12)~~ when conducting an investigation under § 9–602.1 of the Correctional Services Article.

SUBTITLE 15. P.R.O.T.E.C.T. (PUBLIC RESOURCES ORGANIZING TO END CRIME TOGETHER) PROGRAM.

4–1501.

(A) THE P.R.O.T.E.C.T. (PUBLIC RESOURCES ORGANIZING TO END CRIME TOGETHER) PROGRAM IS ESTABLISHED TO MAXIMIZE THE USE OF STATE, LOCAL, AND COMMUNITY RESOURCES TO COMBAT NEIGHBORHOOD DECLINE IN THE CITY OF BALTIMORE AND THROUGHOUT THE STATE, SUPPORT COMPREHENSIVE STRATEGIES TO REDUCE CRIME AND FEAR IN THOSE COMMUNITIES, AND ENSURE THAT BALTIMORE POLICE DEPARTMENT SWORN OFFICERS ARE UTILIZED IN DIRECT PUBLIC SAFETY ROLES.

(B) IN THIS SUBTITLE, "STATE LAW ENFORCEMENT AGENCIES" INCLUDES:

(1) THE MARYLAND STATE POLICE;

(2) THE MARYLAND TRANSPORTATION AUTHORITY POLICE;

(3) THE MARYLAND DEPARTMENT OF GENERAL SERVICES POLICE; AND

(4) THE MARYLAND CAPITOL POLICE.

~~(B)~~ (C) THE DEPARTMENT OF STATE POLICE, THE DIVISION OF PAROLE AND PROBATION WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, AND THE DEPARTMENT OF JUVENILE SERVICES SHALL ESTABLISH AND OPERATE A WARRANT APPREHENSION TASK FORCE PARTNERSHIP.

~~(C)~~ (D) THE BALTIMORE POLICE DEPARTMENT, THE DEPARTMENT OF JUVENILE SERVICES, AND THE DIVISION OF PAROLE AND PROBATION SHALL ESTABLISH AND OPERATE COLLABORATIVE DISTRICT OFFICER SUPERVISION TEAMS THAT PROVIDE INTENSIVE SUPERVISION, INCLUDING INCREASED HOME VISITS, OF ADULT AND JUVENILE VIOLENT OFFENDERS.

~~(D)~~ (E) ~~THE DEPARTMENT OF STATE POLICE SHALL EXTEND ITS JURISDICTION FOR TRAFFIC PATROL AND ACCIDENT INVESTIGATIONS INTO HIGHWAYS AND STREETS THAT SERVE AS SIGNIFICANT ENTRY AND EXIT CORRIDORS TO BALTIMORE CITY, AS SPECIFIED BY THE BALTIMORE POLICE COMMISSIONER IN CONSULTATION WITH THE SECRETARY OF STATE POLICE~~

(1) THE STATE AND BALTIMORE CITY MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING TO GIVE STATE LAW ENFORCEMENT AGENCIES AND THE BALTIMORE POLICE DEPARTMENT CONCURRENT JURISDICTION OVER I–83 AND I–295 IN BALTIMORE CITY.

(2) A MEMORANDUM OF UNDERSTANDING ENTERED INTO UNDER THIS SUBSECTION SHALL BE REVIEWED ANNUALLY AND SUBMITTED, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, TO THE HOUSE JUDICIARY COMMITTEE, THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE BY DECEMBER 31, 2020, AND EACH DECEMBER 31 THEREAFTER.

~~(E)~~ (F) (1) THE ~~BALTIMORE CITY JUVENILE BOOKING FACILITY AND THE~~ BALTIMORE ~~DETENTION CENTER~~ PRETRIAL COMPLEX SHALL BE STAFFED BY ~~THE DEPARTMENT OF JUVENILE SERVICES AND~~ THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES~~, RESPECTIVELY~~.

(2) BALTIMORE POLICE DEPARTMENT SWORN OFFICERS MAY NOT BE USED TO STAFF ~~THE BALTIMORE CITY JUVENILE BOOKING FACILITY OR~~ THE BALTIMORE ~~DETENTION CENTER~~ PRETRIAL COMPLEX.

~~(F)~~ (G) ~~THE DEPARTMENT OF STATE POLICE~~ STATE LAW ENFORCEMENT AGENCIES, THE BALTIMORE POLICE DEPARTMENT, THE DEPARTMENT OF JUVENILE SERVICES, AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES:

(1) SHALL MAKE DILIGENT EFFORTS TO FULLY IMPLEMENT THE REQUIREMENTS OF THIS SECTION AS QUICKLY AS POSSIBLE; AND

(2) MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

4–1502.

(A) THE GOVERNOR'S OFFICE OF CRIME ~~CONTROL AND~~ PREVENTION, YOUTH, AND VICTIM SERVICES ~~AND THE DEPARTMENT OF STATE POLICE~~ SHALL:

(1) SELECT 10 HIGH–CRIME MICRO–ZONES WITHIN THE STATE; AND

(2) CREATE, AS A CIVILIAN POSITION, AN "END THE VIOLENCE" P.R.O.T.E.C.T. COORDINATOR POSITION FOR EACH HIGH–CRIME MICRO–ZONE.

(B) AN "END THE VIOLENCE" P.R.O.T.E.C.T. COORDINATOR SHALL RESIDE IN THE JURISDICTION IN WHICH THE HIGH–CRIME MICRO–ZONE IS LOCATED.

(C) AN "END THE VIOLENCE" P.R.O.T.E.C.T. COORDINATOR SHALL:

(1) ENSURE UTILIZATION OF ALL EXISTING CRIME PREVENTION PROGRAMS AND GRANTS;

(2) COORDINATE COMMUNITY AND YOUTH PROGRAMS;

(3) ASSIST WITH COMMUNITY MOBILIZATION AND ACTIVITIES TO RECLAIM PUBLIC SPACE;

(4) ASSIST WITH RAPID RESPONSE TO PUBLIC NUISANCES; AND

(5) COORDINATE COMMUNITY ENGAGEMENT WITH THE LOCAL LAW ENFORCEMENT AGENCY WITH JURISDICTION IN THE HIGH–CRIME MICRO–ZONE.

4–1503.

FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION:

(1) SUFFICIENT TO FULLY FUND THE REQUIREMENTS OF § 4–1501 OF THIS SUBTITLE; AND

(2) OF AT LEAST $500,000 IN ADDITION TO THE FUNDING REQUIRED UNDER ITEM (1) OF THIS SECTION TO BE USED BY THE GOVERNOR'S OFFICE OF CRIME ~~CONTROL AND~~ PREVENTION, YOUTH, AND VICTIM SERVICES TO HIRE AND MANAGE "END THE VIOLENCE" P.R.O.T.E.C.T. COORDINATORS ESTABLISHED UNDER § 4–1502 OF THIS SUBTITLE.

4–1504.

(A) ON OR BEFORE DECEMBER 31 ANNUALLY, BEGINNING IN 2020, THE DEPARTMENT OF STATE POLICE, BALTIMORE CITY, THE DEPARTMENT OF JUVENILE SERVICES, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, AND THE GOVERNOR'S OFFICE OF CRIME ~~CONTROL AND~~ PREVENTION, YOUTH, AND VICTIM SERVICES SHALL EACH REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE PROGRESS MADE IN IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE.

(B) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL INCLUDE IN THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:

(1) A DESCRIPTION OF THE ACTIVITIES OF EACH "END THE VIOLENCE" P.R.O.T.E.C.T. COORDINATOR DURING THE YEAR; AND

(2) THE RESULTS OF ANY ACTIVITIES OR PROJECTS COMPLETED DURING THE YEAR IN EACH MICRO–ZONE ESTABLISHED UNDER § 4–1502 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the Department of Juvenile Services and the Baltimore Police Department shall submit, in accordance with § 2–1257 of the State Government Article, to the House Judiciary Committee, the Senate Judicial Proceedings Committee, the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Baltimore City Delegation a report detailing plans for reducing the number of sworn officers used to staff the Baltimore City Juvenile Justice Center.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal

impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 985

AN ACT concerning

Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment

FOR the purpose of establishing the Office for the Certified Local Farm Enterprise Program in the Department of Agriculture; stating the purpose of the Office; establishing the Certified Local Farm Enterprise Program in the Office; requiring the Department to create a certain number of positions to provide staff for the Office; establishing a certain goal for a unit's procurement contracts for food; ~~prohibiting a certain procurement contract from being counted in a certain manner;~~ authorizing a unit to achieve a certain goal in a certain manner; requiring a unit to award a contract conducted in a certain manner to a certain responsible bidder or offeror that submits a bid or offer that meets certain qualifications; requiring the Office, in consultation with the Secretary of Agriculture, to establish certain guidelines; requiring each unit to take certain actions to implement and comply with the Program; requiring the Office to establish certain procedures in consultation with the Secretary; providing for the waiver of certain goals under certain circumstances; requiring the Office to submit a certain report regarding waivers to the Board of Public Works on or before a certain date each year; requiring the Board to keep certain records regarding certain waivers and submit a copy of the records to certain committees of the General Assembly on or before a certain date each year; requiring the Office to adopt certain regulations; authorizing the Office to take certain actions regarding certification and decertification of certified local farm enterprises; authorizing a certain court to pass a certain order under certain circumstances; requiring the Office to make available a certain fraud hotline; requiring each unit to report certain information within a certain time frame to the Office in accordance with certain requirements; requiring certain policies for certain universities to require, to the maximum extent practicable, the purchasing of food in accordance with the Program; providing that the Program applies to certain universities; requiring the Department to develop and maintain a certain directory of all certified local farm enterprises and make the directory available to the public in a certain manner; ~~providing that the directory contains certain information and be maintained in a certain manner;~~ establishing the Certified Local Farm Enterprise Food Aggregation Grant Fund ~~as a special, nonlapsing fund~~; specifying the purpose of the Fund; requiring the Maryland Agricultural and Resource–Based Industry Development Corporation to administer the Fund; ~~requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund;~~ specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and

expenditures from the Fund; ~~requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State;~~ defining certain terms; and generally relating to the Certified Local Farm Enterprise Program.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section ~~6–226(a)(2)(i) and~~ 11–203(e)(1), (2), and (7)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section ~~6–226(a)(2)(ii)121. and 122. and~~ 11–203(e)(4) and (5)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section ~~6–226(a)(2)(ii)123.; and~~ 14–701 through 14–708 to be under the new subtitle "Subtitle 7. Certified Local Farm Enterprise Program"
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – State Finance and Procurement

~~6–226.~~

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

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

~~121. the Markell–Hendricks Youth Crime Prevention and Diversion Parole Fund; [and]~~

~~122. the Federal Government Shutdown Employee Assistance Loan Fund; AND~~

~~123. THE CERTIFIED LOCAL FARM ENTERPRISE FOOD AGGREGATION GRANT FUND.~~

11–203.

(e) (1) In this subsection, "University" means the University System of Maryland, Morgan State University, or St. Mary's College of Maryland.

(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, or St. Mary's College of Maryland.

(4) A University's policies shall:

(i) to the maximum extent practicable, require the purchasing of supplies and services in accordance with Title 14, Subtitle 1 of this article;

(ii) promote the purposes of the regulations adopted by the Department of General Services governing the procurement of architectural and engineering services;

(iii) promote the purposes of § 13–402 of the State Personnel and Pensions Article; **[**and**]**

(iv) to the maximum extent practicable, be similar to § 13–218.1 of this article**; AND**

(V) TO THE MAXIMUM EXTENT PRACTICABLE, REQUIRE THE PROCUREMENT OF FOOD IN ACCORDANCE WITH TITLE 14, SUBTITLE 7 OF THIS ARTICLE.

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University:

1. § 11–205 of this subtitle ("Collusion");

2. § 11–205.1 of this subtitle ("Falsification, concealment, etc., of material facts");

3. § 13–219 of this article ("Required clauses – Nondiscrimination clause");

4. § 13–225 of this article ("Retainage");

5. Title 14, Subtitle 3 of this article ("Minority Business Participation");

6. **TITLE 14, SUBTITLE 7 OF THIS ARTICLE ("CERTIFIED LOCAL FARM ENTERPRISE PROGRAM");**

7. Title 15, Subtitle 1 of this article ("Procurement Contract Administration");

[7.**] 8.** § 15–226 of this article ("Policy established; timing of payments; notice upon nonpayment; disputes; appeals"); and

[8.**] 9.** Title 16 of this article ("Suspension and Debarment of Contractors").

(ii) If a procurement violates the provisions of this subsection or policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11–204 of this subtitle.

(7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

(i) procurement by a University from:

1. another unit;

2. a political subdivision of the State;

3. an agency of a political subdivision of the State;

4. a government, including the government of another state, of the United States, or of another country;

5. an agency or political subdivision of a government; or

6. a bistate, multistate, bicounty, or multicounty governmental agency;

(ii) procurement by a University in support of enterprise activities for the purpose of:

1. direct resale;

2. remanufacture and subsequent resale; or

3. procurement by the University for overseas programs; or

(iii) procurement by the University System of Maryland for:

1. services of managers to invest, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article; or

2. expenditures to manage, maintain, and enhance, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, the value of gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article.

SUBTITLE 7. CERTIFIED LOCAL FARM ENTERPRISE PROGRAM.

14–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CERTIFIED LOCAL FARM ENTERPRISE" MEANS A LOCAL FARM ENTERPRISE THAT:

(1) MEETS THE NUTRIENT MANAGEMENT REQUIREMENTS ESTABLISHED UNDER TITLE 8, SUBTITLE 8 OF THE AGRICULTURE ARTICLE; AND

(2) IS CERTIFIED BY THE DEPARTMENT IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(C) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

(D) "OFFICE" MEANS THE OFFICE FOR THE CERTIFIED LOCAL FARM ENTERPRISE PROGRAM.

(E) "PROGRAM" MEANS THE CERTIFIED LOCAL FARM ENTERPRISE PROGRAM.

14–702.

(A) (1) THERE IS AN OFFICE FOR THE CERTIFIED LOCAL FARM ENTERPRISE PROGRAM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE OFFICE IS TO ADMINISTER THE PROGRAM AND FACILITATE THE PARTICIPATION OF CERTIFIED LOCAL FARM ENTERPRISES IN THE PROGRAM.

(B) (1) THERE IS A CERTIFIED LOCAL FARM ENTERPRISE PROGRAM IN THE OFFICE.

(2) THE PURPOSE OF THE PROGRAM IS TO ENCOURAGE EACH UNIT TO TRY TO ACHIEVE AN OVERALL PERCENTAGE GOAL OF 20% OF THE UNIT'S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS FOR FOOD FROM CERTIFIED LOCAL FARM ENTERPRISES.

(C) THE DEPARTMENT SHALL CREATE TWO POSITIONS TO PROVIDE STAFF FOR THE OFFICE.

14–703.

(A) (1) EACH UNIT SHALL STRUCTURE PROCUREMENT PROCEDURES, CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE, TO TRY TO ACHIEVE AN OVERALL PERCENTAGE GOAL OF 20% OF THE UNIT'S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS FOR FOOD BEING MADE DIRECTLY OR INDIRECTLY TO CERTIFIED LOCAL FARM ENTERPRISES.

~~**(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A PROCUREMENT CONTRACT AWARDED IN ACCORDANCE WITH SUBTITLE 1 OF THIS TITLE MAY NOT BE COUNTED AS PART OF A UNIT'S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS FOR FOOD.**~~

~~**(3)**~~ **(2) A UNIT MAY ACHIEVE THE 20% GOAL THROUGH:**

(I) COMPETITIVE SEALED BIDS AND PROPOSALS; AND

(II) SMALL PROCUREMENT IN ACCORDANCE WITH § 13–109 OF THIS ARTICLE.

(3) FOR PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED BIDDING, A UNIT SHALL AWARD THE CONTRACT TO THE RESPONSIBLE BIDDER THAT SUBMITS THE RESPONSIVE BID THAT:

(I) 1. HAS THE LOWEST BID PRICE;

2. HAS THE LOWEST EVALUATED BID PRICE; OR

3. FOR PROCUREMENTS SUBJECT TO § 11–202(3) OF THIS ARTICLE, IS THE BID MOST FAVORABLE TO THE STATE; AND

(II) MEETS OR MAKES A GOOD FAITH EFFORT TO MEET ANY APPLICABLE GOAL ESTABLISHED UNDER THIS SUBTITLE.

(4) FOR PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED PROPOSALS, A UNIT SHALL AWARD THE CONTRACT TO THE RESPONSIBLE OFFEROR:

(I) PROPOSING THE MOST ADVANTAGEOUS OFFER; AND

(II) THAT MEETS OR MAKES A GOOD FAITH EFFORT TO MEET ANY APPLICABLE GOAL ESTABLISHED UNDER THIS SUBTITLE.

(B) THE OFFICE, IN CONSULTATION WITH THE SECRETARY OF AGRICULTURE, SHALL ESTABLISH GUIDELINES FOR EACH UNIT TO CONSIDER WHEN DETERMINING THE APPROPRIATE LOCAL FARM ENTERPRISE PARTICIPATION PERCENTAGE GOAL FOR A PROCUREMENT CONTRACT FOR FOOD IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(C) EACH UNIT SHALL:

(1) CONSIDER THE PRACTICAL SEVERABILITY OF ALL PROCUREMENT CONTRACTS FOR FOOD AND, IN ACCORDANCE WITH § 11–201 OF THIS ARTICLE, MAY NOT BUNDLE CONTRACTS;

(2) IMPLEMENT A PROGRAM THAT WILL ENABLE THE UNIT TO EVALUATE EACH PROCUREMENT CONTRACT FOR FOOD TO DETERMINE THE APPROPRIATE LOCAL FARM ENTERPRISE PARTICIPATION GOALS, IF ANY, FOR THE CONTRACT BASED ON:

(I) THE AVAILABILITY OF CERTIFIED LOCAL FARM ENTERPRISES TO RESPOND COMPETITIVELY TO CONTRACT OPPORTUNITIES; AND

(II) THE CONTRACT GOAL GUIDELINES ESTABLISHED UNDER SUBSECTION (B) OF THIS SUBSECTION;

(3) MONITOR AND COLLECT DATA WITH RESPECT TO A UNIT'S COMPLIANCE WITH CONTRACT GOALS, INCLUDING EXPLANATIONS FOR FAILING TO MEET CONTRACT GOALS; AND

(4) INSTITUTE CORRECTIVE ACTION WHEN A UNIT DOES NOT MAKE GOOD FAITH EFFORTS TO COMPLY WITH CONTRACT GOALS.

(D) THE OFFICE SHALL, IN CONSULTATION WITH THE SECRETARY OF AGRICULTURE, ESTABLISH PROCEDURES GOVERNING HOW THE PARTICIPATION OF CERTIFIED LOCAL FARM ENTERPRISES IS COUNTED TOWARD CONTRACT GOALS UNDER THE PROGRAM.

(E) (1) (I) IF A UNIT DOES NOT ACHIEVE THE CERTIFIED LOCAL FARM ENTERPRISE PARTICIPATION GOALS ON A PROCUREMENT CONTRACT FOR FOOD, THE UNIT SHALL DEMONSTRATE TO THE OFFICE THAT THE UNIT TOOK ALL NECESSARY AND REASONABLE STEPS TO ACHIEVE THE GOALS.

(II) A WAIVER OF ANY PART OF THE CERTIFIED LOCAL FARM ENTERPRISE GOALS FOR A PROCUREMENT CONTRACT FOR FOOD SHALL BE GRANTED IF A UNIT PROVIDES TO THE OFFICE A REASONABLE DEMONSTRATION OF GOOD FAITH EFFORTS TO ACHIEVE THE GOALS.

(2) THE OFFICE MAY WAIVE ANY OF THE REQUIREMENTS OF THIS SUBSECTION RELATING TO THE ESTABLISHMENT, USE, AND WAIVER OF CERTIFIED LOCAL FARM ENTERPRISE GOALS FOR A SOLE SOURCE, EXPEDITED, OR EMERGENCY PROCUREMENT IN WHICH THE PUBLIC INTEREST CANNOT REASONABLY ACCOMMODATE USE OF THOSE REQUIREMENTS.

(3) EXCEPT FOR WAIVERS GRANTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, WHEN A WAIVER DETERMINATION IS MADE, THE OFFICE SHALL ISSUE THE DETERMINATION IN WRITING.

(4) ON OR BEFORE JULY 31 EACH YEAR, THE OFFICE SHALL SUBMIT DIRECTLY TO THE BOARD AN ANNUAL REPORT OF WAIVERS REQUESTED AND WAIVERS GRANTED UNDER THIS SUBSECTION.

(5) THE REPORT REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION SHALL CONTAIN THE FOLLOWING INFORMATION ON THOSE PROCUREMENT CONTRACTS FOR FOOD WHERE THE OFFICE CONSIDERED A UNIT'S REQUEST FOR WAIVER OF ALL OR A PORTION OF THE LOCAL FARM ENTERPRISE GOALS:

(I) THE CONTRACT TITLES, NUMBERS, AND DATES;

(II) THE NUMBER OF WAIVER REQUESTS RECEIVED;

(III) THE NUMBER OF WAIVER REQUESTS GRANTED; AND

(IV) ANY OTHER INFORMATION SPECIFICALLY REQUESTED BY THE BOARD.

(F) THE BOARD SHALL KEEP A RECORD OF INFORMATION REGARDING ANY WAIVERS REQUESTED IN ACCORDANCE WITH THIS SECTION AND SUBMIT A COPY OF THE RECORD TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS

COMMITTEE ON OR BEFORE OCTOBER 1 EACH YEAR, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE.

14–704.

(A) IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE, THE OFFICE SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

(B) THE REGULATIONS SHALL ESTABLISH PROCEDURES TO BE FOLLOWED BY UNITS, CERTIFIED LOCAL FARM ENTERPRISES, AND SUCCESSFUL BIDDERS OR OFFERORS TO MAXIMIZE NOTICE TO, AND THE OPPORTUNITY TO PARTICIPATE IN THE FOOD PROCUREMENT PROCESS BY, A BROAD RANGE OF LOCAL FARM ENTERPRISES.

(C) THE REGULATIONS SHALL INCLUDE PROVISIONS:

(1) DESIGNATING THE OFFICE TO CERTIFY AND DECERTIFY LOCAL FARM ENTERPRISES FOR ALL UNITS THROUGH A SINGLE PROCESS, INCLUDING PROVISIONS THAT PROMOTE AND FACILITATE THE SUBMISSION OF SOME OR ALL OF THE CERTIFICATION APPLICATION THROUGH AN ELECTRONIC PROCESS;

~~**(2) DEFINING THE TERM "LOCAL" FOR THE PURPOSE OF IDENTIFYING LOCAL FARM ENTERPRISES FOR PARTICIPATION IN THE PROGRAM;**~~

~~**(3)**~~ **(2) SPECIFYING THAT A UNIT MAY NOT ALLOW A LOCAL FARM ENTERPRISE TO PARTICIPATE AS IF IT WERE A CERTIFIED LOCAL FARM ENTERPRISE IF THE LOCAL FARM ENTERPRISE'S CERTIFICATION IS PENDING;**

~~**(4)**~~ **(3) CONSISTENT WITH THIS SUBTITLE, RELATING TO ANY CIRCUMSTANCES UNDER WHICH THE OFFICE MAY WAIVE OBLIGATIONS OF A UNIT RELATING TO CERTIFIED LOCAL FARM ENTERPRISE PARTICIPATION GOALS; AND**

~~**(5)**~~ **(4) THAT THE OFFICE CONSIDERS NECESSARY OR APPROPRIATE TO:**

(I) ENCOURAGE PARTICIPATION BY LOCAL FARM ENTERPRISES; AND

(II) PROTECT THE INTEGRITY OF THE PROCUREMENT PROCESS.

14–705.

(A) IN THE SAME MANNER AND WITH THE SAME FEES AS PROVIDED BY LAW IN CIVIL CASES, IN A MATTER REGARDING THE DECERTIFICATION OF A CERTIFIED LOCAL FARM ENTERPRISE, THE OFFICE MAY:

(1) SUBPOENA WITNESSES;

(2) ADMINISTER OATHS; AND

(3) COMPEL THE PRODUCTION OF RECORDS, BOOKS, PAPERS, AND OTHER DOCUMENTS.

(B) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (A) OF THIS SECTION, OR FAILS TO PRODUCE DOCUMENTS OR OTHER EVIDENCE, ON PETITION OF THE OFFICE, A COURT OF COMPETENT JURISDICTION MAY PASS AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR COMPELLING THE PRODUCTION OF DOCUMENTS OR OTHER EVIDENCE.

(C) THE OFFICE SHALL MAKE AVAILABLE A FRAUD HOTLINE FOR REPORTING VIOLATIONS OF THIS SECTION.

14–706.

(A) WITHIN 90 DAYS AFTER THE END OF THE FISCAL YEAR, EACH UNIT SHALL REPORT TO THE OFFICE.

(B) A REPORT UNDER THIS SECTION FOR THE PRECEDING FISCAL YEAR SHALL:

(1) STATE THE TOTAL NUMBER AND VALUE OF PROCUREMENT CONTRACTS FOR FOOD BETWEEN THE UNIT AND CERTIFIED LOCAL FARM ENTERPRISES;

(2) INDICATE THE PERCENTAGE THAT THOSE PROCUREMENT CONTRACTS FOR FOOD REPRESENT OF THE TOTAL NUMBER AND VALUE OF PROCUREMENT CONTRACTS FOR FOOD AWARDED BY A UNIT;

(3) STATE THE TOTAL NUMBER AND THE NAMES OF CERTIFIED LOCAL FARM ENTERPRISES THAT PARTICIPATED IN PROCUREMENT CONTRACTS FOR FOOD AWARDED BY A UNIT;

(4) FOR EACH CERTIFIED LOCAL FARM ENTERPRISE INCLUDED IN THE REPORT UNDER ITEM (3) OF THIS SUBSECTION, LIST ALL PROCUREMENT CONTRACTS FOR FOOD AWARDED BY A UNIT TO THE CERTIFIED LOCAL FARM ENTERPRISE, INCLUDING A DESCRIPTION OF THE CONTRACT; AND

(5) CONTAIN OTHER SUCH INFORMATION AS REQUIRED BY THE OFFICE, SUBJECT TO APPROVAL BY THE BOARD.

(C) A REPORT UNDER THIS SECTION SHALL BE:

(1) IN A FORM PRESCRIBED BY THE OFFICE; AND

(2) APPROVED BY THE BOARD.

14–707.

(A) (1) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A DIRECTORY OF ALL CERTIFIED LOCAL FARM ENTERPRISES.

(2) THE DIRECTORY SHALL BE ACCESSIBLE TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.

(B) THE DEPARTMENT SHALL INCLUDE THE FOLLOWING INFORMATION FOR EACH CERTIFIED LOCAL FARM ENTERPRISE INCLUDED IN THE DIRECTORY:

(1) ALL CONTRACT INFORMATION AVAILABLE TO THE DEPARTMENT FOR THE CERTIFIED LOCAL FARM ENTERPRISE;

(2) THE CERTIFICATION NUMBER OF THE CERTIFIED LOCAL FARM ENTERPRISE; AND

(3) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS NECESSARY OR APPROPRIATE TO ENCOURAGE PARTICIPATION IN THE PROCUREMENT PROCESS BY LOCAL FARM ENTERPRISES.

(C) THE DEPARTMENT SHALL:

(1) UPDATE THE DIRECTORY AT LEAST ONCE A YEAR; AND

(2) IDENTIFY AS RECENTLY CERTIFIED IN THE DIRECTORY EACH LOCAL FARM ENTERPRISE THAT HAS OBTAINED CERTIFICATION DURING THE CALENDAR YEAR~~; AND~~

~~(3) INCLUDE IN THE DIRECTORY A LIST OF ALL CERTIFIED LOCAL FARM ENTERPRISES THAT HAVE BECOME INELIGIBLE TO PARTICIPATE IN THE PROGRAM BECAUSE THE CERTIFIED LOCAL FARM ENTERPRISE NO LONGER MEETS THE NUTRIENT MANAGEMENT REQUIREMENTS ESTABLISHED UNDER TITLE 8, SUBTITLE 8 OF THIS ARTICLE~~.

14–708.

(A) THERE IS A CERTIFIED LOCAL FARM ENTERPRISE FOOD AGGREGATION GRANT FUND.

(B) THE PURPOSE OF THE FUND IS TO SUPPORT THE CREATION OF FOOD AGGREGATION, STORAGE, PROCESSING, AND DISTRIBUTION SITES ACROSS THE STATE THROUGH GRANTS AND NEAR–EQUITY INVESTMENTS.

(C) THE MARYLAND AGRICULTURAL AND RESOURCE–BASED INDUSTRY DEVELOPMENT CORPORATION SHALL ADMINISTER THE FUND.

~~**(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**~~

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

~~**(E)**~~ **(D) THE FUND CONSISTS OF:**

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

(2) ~~**INTEREST EARNINGS**~~ **PRINCIPAL THAT IS REPAID FROM NEAR–EQUITY INVESTMENTS; AND**

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

~~**(F)**~~ **(E) THE FUND MAY BE USED ONLY FOR ESTABLISHING AND OPERATING FOOD AGGREGATION, STORAGE, PROCESSING, AND DISTRIBUTION SITES ACROSS THE STATE THROUGH GRANTS AND NEAR–EQUITY INVESTMENTS.**

~~**(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**~~

~~**(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation

House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 1065

AN ACT concerning

Economic Development – Baltimore Symphony Orchestra – Funding and Reporting

FOR the purpose of requiring the Governor to appropriate certain amounts of money to the Baltimore Symphony Orchestra in certain fiscal years; requiring the Baltimore Symphony Orchestra to submit certain reports to the Governor and certain committees of the General Assembly on or before certain dates; repealing the termination of a certain provision of law requiring the Governor to appropriate a certain amount of money to the Baltimore Symphony Orchestra in certain fiscal years; and generally relating to the Baltimore Symphony Orchestra.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–513
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Chapter 743 of the Acts of the General Assembly of 2019
Section 3

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

Article – Economic Development

4–513.

(A) For each of fiscal years 2020 and 2021, the Governor shall include in the State budget an annual appropriation to the Baltimore Symphony Orchestra of $1,600,000.

(B) FOR EACH OF FISCAL YEARS 2022 THROUGH 2026, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE BALTIMORE SYMPHONY ORCHESTRA AS FOLLOWS:

(1) FOR FISCAL YEAR 2022, $1,500,000;

(2) FOR FISCAL YEAR 2023, $1,300,000;

(3) FOR FISCAL YEAR 2024, $1,100,000;

(4) FOR FISCAL YEAR 2025, $900,000; AND

(5) FOR FISCAL YEAR 2026, $700,000.

(C) (1) ON OR BEFORE OCTOBER 15 EACH YEAR, BEGINNING IN 2022 AND FOR THE FOLLOWING 4 YEARS, THE BALTIMORE SYMPHONY ORCHESTRA SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE EFFECTIVENESS OF THE FUNDING PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

(2) THE REPORT SHALL INCLUDE:

(I) A COMPLETE STATEMENT ON THE FINANCIAL CONDITION OF THE BALTIMORE SYMPHONY ORCHESTRA; AND

(II) AN ACCOUNTING OF ALL FINANCIAL RECEIPTS AND EXPENDITURES.

Chapter 743 of the Acts of 2019

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. **[**Section 1 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2021, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.**]** Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Vetoed House Bills and Messages

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

Last year, 348 people were murdered in the streets of Baltimore City, making 2019 the second deadliest year on record, and the fifth consecutive year with more than 300 murders in our state's largest city. Since before the start of the legislative session, I made it very clear that my highest priority was to hold violent criminals accountable and stop the shootings and the murders in Baltimore City. "If you do not consider any other legislation, and if you accomplish nothing else in the next 61 days, pass the Violent Firearm Offenders Act of 2020 … pass the Witness Intimidation Prevention Act … and the Judicial Transparency Act," I said in my State of the State address.

I expressed my strong willingness to consider other proposals, including some of those passed by the legislature, if they were included as part of a comprehensive crime package which included my proposals. Each of my proposals had the support of an overwhelming majority of Marylanders — and support for the proposals was strongest of all in Baltimore City, the community most directly impacted by the violence.

While the Senate approved the package by a wide margin, the House failed to act upon it, and thus failed to meaningfully address violent crime. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, for the above reasons I have vetoed:

Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together Program)
House Bill 4/Senate Bill 208 – Public Safety – Rifles and Shotguns – Sales, Rentals, and Transfers
Senate Bill 314 – Juveniles Charged as Adults – Confidentiality of Records
House Bill 1336 – Criminal Procedure – Partial Expungement, Maryland Judiciary Case Search, and Expungement of Misdemeanor Conviction
House Bill 83 – Criminal Procedure – Charge of Possession of Marijuana – Removal From Case Search

Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 4

AN ACT concerning

Public Safety – Rifles and Shotguns – ~~Secondary Transactions~~ *Sales, Rentals, and Transfers*

FOR the purpose of providing that a person who is not a certain licensee may not complete the *sale, rental, or* transfer of a certain rifle or shotgun in a certain role, except under certain circumstances; requiring, before a certain *sale, rental, or* transfer is conducted, the *seller, lessor, or* transferor and *purchaser, lessee, or* transferee to ~~meet jointly with a certain licensee and~~ request that ~~the~~ a certain licensee facilitate the *sale, rental, or* transfer; requiring a certain licensee to take certain actions when facilitating a certain *sale, rental, or* transfer; authorizing a *seller, lessor, or* transferor to deliver a rifle or shotgun to a licensee in a certain manner; prohibiting a certain licensee and transferor from completing a certain transfer if a certain background check has a certain result; authorizing a certain transferor to remove a certain rifle or shotgun from certain premises if a certain background check has a certain result; authorizing a certain licensee to charge a reasonable fee~~, *not exceeding a certain amount,*~~ for facilitating a certain *sale, rental, or* transfer; establishing certain penalties for violating this Act and for providing false information while conducting a *sale, rental, or* transfer under this Act; providing for certain civil immunity for a licensee under certain circumstances; *providing that a certain licensee or other person may not sell, rent, transfer, or loan a rifle or shotgun to a certain person under certain circumstances; establishing a certain penalty;* excluding certain transfers from the scope of this Act; *establishing that a certain provision of law supersedes certain local provisions; establishing the intent of the General Assembly that a certain term be construed in a certain manner;* defining certain terms; and generally relating to rifles and shotguns.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–201
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Public Safety
Section 5–204.1 *and 5–207*

Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Public Safety

5–201.

(a) In this subtitle the following words have the meanings indicated.

(B) "DEALER'S LICENSE" MEANS A FEDERAL FIREARMS LICENSE.

(C) "IMMEDIATE FAMILY MEMBER" MEANS A SPOUSE, A PARENT, A STEPPARENT, A GRANDPARENT, A STEPGRANDPARENT, AN AUNT, AN UNCLE, A SIBLING, A STEPSIBLING, A CHILD, A STEPCHILD, A GRANDCHILD, A STEPGRANDCHILD, A NIECE, OR A NEPHEW, AS RELATED BY BLOOD OR MARRIAGE.

(D) "LICENSEE" MEANS A PERSON WHO HOLDS A DEALER'S LICENSE.

(E) "NICS INDEX" HAS THE MEANING STATED IN § 5–133.2 OF THIS TITLE.

[(b)**] (F)** "Rifle" has the meaning stated in § 4–201 of the Criminal Law Article.

[(c)**] (G)** "Short–barreled rifle" has the meaning stated in § 4–201 of the Criminal Law Article.

[(d)**] (H)** "Short–barreled shotgun" has the meaning stated in § 4–201 of the Criminal Law Article.

[(e)**] (I)** "Shotgun" has the meaning stated in § 4–201 of the Criminal Law Article.

~~**(J) "SPORT SHOOTING RANGE" HAS THE MEANING STATED IN § 5–403.1 OF THE COURTS ARTICLE.**~~

~~**(K) "TRANSFER" MEANS A SALE, A RENTAL, A FURNISHING, A GIFT, A LOAN, OR ANY OTHER DELIVERY, WITH OR WITHOUT CONSIDERATION.**~~

~~**(L) "TRANSFEREE" MEANS A PERSON WHO RECEIVES OR INTENDS TO RECEIVE A FIREARM IN A TRANSFER.**~~

~~**(M) "TRANSFEROR" MEANS A PERSON WHO DELIVERS OR INTENDS TO DELIVER A FIREARM IN A TRANSFER.**~~

5–204.1.

(A) THIS SECTION DOES NOT APPLY TO ~~A TRANSFER:~~*:*

(1) A SALE, RENTAL, OR TRANSFER:

~~(1)~~ *(I)* INVOLVING A LICENSEE OR A FEDERALLY LICENSED GUN MANUFACTURER, DEALER, OR IMPORTER;

~~(2)~~ *(II)* BETWEEN IMMEDIATE FAMILY MEMBERS;

~~(3)~~ *(III)* INVOLVING LAW ENFORCEMENT PERSONNEL OF ANY UNIT OF THE FEDERAL GOVERNMENT, A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, A MEMBER OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL OF THE STATE OR ANY LOCAL AGENCY IN THE STATE, WHILE ACTING IN THE SCOPE OF OFFICIAL DUTY;

~~(4)~~ *(IV)* OF A CURIO OR RELIC FIREARM BETWEEN COLLECTORS WHO EACH HAVE IN THEIR POSSESSION A VALID COLLECTOR OF CURIOS AND RELICS LICENSE, AS THE TERMS ARE DEFINED IN FEDERAL LAW OR DETERMINATIONS PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES;

~~(5) THAT IS TEMPORARY AND NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY HARM IF THE TRANSFER LASTS ONLY AS LONG AS NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY HARM;~~

~~(6) THAT OCCURS BY OPERATION OF LAW ON THE DEATH OF A PERSON FOR WHOM THE TRANSFEREE IS AN EXECUTOR, AN ADMINISTRATOR, A TRUSTEE, OR A PERSONAL REPRESENTATIVE OF AN ESTATE OR A TRUST CREATED IN A WILL;~~

~~(7)~~ *(V)* OF AN UNSERVICEABLE RIFLE OR SHOTGUN *SOLD, RENTED, OR* TRANSFERRED AS A CURIO OR MUSEUM PIECE;

~~(8)~~ *(VI)* OF A RIFLE OR SHOTGUN MODIFIED TO RENDER IT PERMANENTLY INOPERATIVE; OR

(VII) IN WHICH THE PURCHASER, LESSEE, OR TRANSFEREE:

1. HAS A DEMONSTRABLE RELIGIOUS BELIEF AGAINST TAKING A PORTRAIT PHOTOGRAPH; AND

2. DOES NOT POSSESS A LICENSE OR AN IDENTIFICATION CARD OF ANY KIND WITH PHOTOGRAPHIC IDENTIFICATION; OR

~~(9) THAT IS TEMPORARY, OCCURS UNDER CIRCUMSTANCES IN WHICH THE TRANSFEROR HAS NO REASON TO BELIEVE THAT THE TRANSFEREE INTENDS TO USE THE RIFLE OR SHOTGUN IN THE COMMISSION OF A CRIME OR TO ALLOW ANOTHER PERSON TO USE THE RIFLE OR SHOTGUN, AND TAKES PLACE EXCLUSIVELY:~~

~~(I) AT AN ESTABLISHED SPORT SHOOTING RANGE OR GUN CLUB OPERATED IN ACCORDANCE WITH THE LOCAL LAW OF THE JURISDICTION IN WHICH THE RANGE OR CLUB IS LOCATED;~~

~~(II) DURING A LAWFULLY ORGANIZED COMPETITION INVOLVING THE USE OF A RIFLE OR SHOTGUN;~~

~~(III) DURING A PERFORMANCE OR A PRACTICE FOR A PERFORMANCE BY AN ORGANIZED GROUP THAT USES RIFLES OR SHOTGUNS AS PART OF THE PERFORMANCE;~~

~~(IV) WHILE THE TRANSFEREE IS HUNTING OR TRAPPING IF THE HUNTING OR TRAPPING IS LEGAL IN ALL PLACES AND AT ALL TIMES WHEN THE HUNTING OR TRAPPING IS CONDUCTED AND THE TRANSFEREE HOLDS ANY LICENSE OR PERMIT REQUIRED FOR THE HUNTING OR TRAPPING; OR~~

~~(V) WHILE THE TRANSFEREE IS TRANSPORTING THE RIFLE OR SHOTGUN TO OR FROM A GUN CLUB OPERATED IN ACCORDANCE WITH THE LOCAL LAW OF THE JURISDICTION IN WHICH THE CLUB IS LOCATED WHEN PARTICIPATING IN ACTIVITIES DESCRIBED UNDER ITEMS (II) THROUGH (IV) OF THIS ITEM; OR~~

~~(V)~~ (VI) ~~IN THE ACTUAL PRESENCE OF THE TRANSFEROR.~~

(2) A TRANSFER THAT OCCURS BY OPERATION OF LAW ON THE DEATH OF A PERSON FOR WHOM THE TRANSFEREE IS AN EXECUTOR, AN ADMINISTRATOR, A TRUSTEE, OR A PERSONAL REPRESENTATIVE OF AN ESTATE OR A TRUST CREATED IN A WILL.

(B) A PERSON WHO IS NOT A LICENSEE MAY NOT COMPLETE ~~THE~~ *A SALE, RENTAL, OR* TRANSFER OF A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM, AS A *PURCHASER, LESSEE, OR* TRANSFEREE OR *SELLER, LESSOR, OR* TRANSFEROR, UNLESS THE PERSON IS IN COMPLIANCE WITH THIS SECTION.

(C) (1) BEFORE A *SALE, RENTAL, OR* TRANSFER IS CONDUCTED, THE *SELLER, LESSOR, OR* TRANSFEROR AND *PURCHASER, LESSEE, OR* TRANSFEREE SHALL ~~MEET JOINTLY WITH A LICENSEE AND~~ BOTH REQUEST THAT ~~THE~~ A LICENSEE FACILITATE THE *SALE, RENTAL, OR* TRANSFER.

(2) (I) A LICENSEE WHO AGREES TO FACILITATE A *SALE, RENTAL, OR* TRANSFER UNDER THIS SECTION SHALL PROCESS THE *SALE, RENTAL, OR* TRANSFER AS THOUGH TRANSFERRING THE RIFLE OR SHOTGUN FROM THE LICENSEE'S OWN INVENTORY TO THE *PURCHASER, LESSEE, OR* TRANSFEREE.

(II) THE LICENSEE SHALL CONDUCT A BACKGROUND CHECK ON THE *PURCHASER, LESSEE, OR* TRANSFEREE THROUGH THE NICS INDEX AND COMPLY WITH ALL FEDERAL AND STATE LAW THAT WOULD APPLY TO THE *SALE, RENTAL, OR* TRANSFER, INCLUDING ALL INVENTORY AND RECORD–KEEPING REQUIREMENTS.

(3) THE *SELLER, LESSOR, OR* TRANSFEROR MAY:

(I) DELIVER THE RIFLE OR SHOTGUN TO A LICENSEE; OR

(II) WITHOUT APPEARING IN PERSON BEFORE THE LICENSEE, ALLOW ANOTHER PERSON, TO WHOM THE TRANSFEROR IS AUTHORIZED TO TRANSFER THE RIFLE OR SHOTGUN, TO DELIVER THE RIFLE OR SHOTGUN TO THE LICENSEE.

(D) (1) THE LICENSEE OR THE *SELLER, LESSOR, OR* TRANSFEROR MAY NOT COMPLETE THE *SALE, RENTAL, OR* TRANSFER TO THE *PURCHASER, LESSEE, OR* TRANSFEREE IF THE RESULTS OF THE BACKGROUND CHECK INDICATE THAT THE *PURCHASER, LESSEE, OR* TRANSFEREE MAY NOT POSSESS THE RIFLE OR SHOTGUN.

(2) ~~IF~~ UNLESS THE *SELLER, LESSOR, OR* TRANSFEROR DELIVERED THE RIFLE OR SHOTGUN IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS SECTION OR OTHERWISE LEFT THE RIFLE OR SHOTGUN IN THE EXCLUSIVE POSSESSION OF THE LICENSEE, IF THE RESULTS OF THE BACKGROUND CHECK INDICATE THAT THE *PURCHASER, LESSEE, OR* TRANSFEREE MAY NOT POSSESS THE RIFLE OR SHOTGUN, THE *SELLER, LESSOR, OR* TRANSFEROR MAY REMOVE THE RIFLE OR SHOTGUN FROM THE PREMISES OF THE LICENSEE OR A GUN SHOW.

(E) A LICENSEE MAY CHARGE A REASONABLE FEE ~~*NOT EXCEEDING $30*~~ FOR FACILITATING A *SALE, RENTAL, OR* TRANSFER UNDER THIS SECTION.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~5 YEARS~~ *6 MONTHS* OR A FINE NOT EXCEEDING $10,000 OR BOTH.

(2) A PERSON WHO PROVIDES FALSE INFORMATION WHILE CONDUCTING A TRANSACTION UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR

AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING $5,000 OR BOTH.

(G) A LICENSEE WHO PROCESSES A *SALE, RENTAL, OR* TRANSFER UNDER THIS SECTION MAY NOT BE HELD CIVILLY LIABLE FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM THE MALFUNCTIONING OF A RIFLE OR SHOTGUN IF THE LICENSEE DID NOT MODIFY OR ALTER THE RIFLE OR SHOTGUN.

5–207.

(A) THIS SECTION SUPERSEDES ANY RESTRICTION THAT A LOCAL JURISDICTION IN THE STATE IMPOSES ON THE TRANSFER BY A PRIVATE PARTY OF A RIFLE OR SHOTGUN, AND THE STATE PREEMPTS THE RIGHT OF ANY LOCAL JURISDICTION TO REGULATE THE TRANSFER OF A RIFLE OR SHOTGUN.

(B) IN THIS SECTION, "LOAN" INCLUDES A TEMPORARY GRATUITOUS EXCHANGE OF A RIFLE OR SHOTGUN.

(C) A LICENSEE OR ANY OTHER PERSON MAY NOT SELL, RENT, TRANSFER, OR LOAN A RIFLE OR SHOTGUN TO A PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT WHO THE LICENSEE OR OTHER PERSON KNOWS OR HAS REASONABLE CAUSE TO BELIEVE:

(1) HAS BEEN CONVICTED OF A DISQUALIFYING CRIME, AS DEFINED IN § 5–101 OF THIS TITLE;

(2) HAS BEEN CONVICTED OF A VIOLATION CLASSIFIED AS A COMMON LAW CRIME AND RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2 YEARS;

(3) IS A FUGITIVE FROM JUSTICE;

(4) IS A HABITUAL DRUNKARD AS DEFINED IN § 5–101 OF THIS TITLE;

(5) IS ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE OR IS A HABITUAL USER AS DEFINED IN § 5–101 OF THIS TITLE;

(6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10–101(I)(2) OF THE HEALTH – GENERAL ARTICLE, AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PURCHASER, LESSEE, TRANSFEREE, RECIPIENT, OR ANOTHER, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3–106 OF THE CRIMINAL PROCEDURE ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3–110 OF THE CRIMINAL PROCEDURE ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(9) HAS BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(10) HAS BEEN INVOLUNTARILY COMMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(11) IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13–201(C) OR § 13–705 OF THE ESTATES AND TRUSTS ARTICLE, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(12) IS A RESPONDENT AGAINST WHOM:

(I) A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4–506 OF THE FAMILY LAW ARTICLE; OR

(II) AN ORDER FOR PROTECTION, AS DEFINED IN § 4–508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR NATIVE AMERICAN TRIBE AND IS IN EFFECT;

(13) IF UNDER THE AGE OF 30 YEARS AT THE TIME OF THE TRANSACTION, HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR AN ACT THAT WOULD BE A DISQUALIFYING CRIME IF COMMITTED BY AN ADULT;

(14) IS VISIBLY UNDER THE INFLUENCE OF ALCOHOL OR DRUGS;

(15) IS A PARTICIPANT IN A STRAW PURCHASE; OR

(16) INTENDS TO USE THE RIFLE OR SHOTGUN TO:

(I) COMMIT A CRIME; OR

(II) CAUSE HARM TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR ANOTHER PERSON.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING $10,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That ~~this Act shall take effect October 1, 2020~~ *it is the intent of the General Assembly that the term "transfer" in §§ 5–204.1 and 5–207 of the Public Safety Article, as enacted by Section 1 of this Act:*

(1) be interpreted in a manner that is consistent with the ruling of the Court of Appeals in Chow v. State, 393 Md. 388 (2006); and

(2) does not include the temporary gratuitous exchange of a rifle or shotgun.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

Last year, 348 people were murdered in the streets of Baltimore City, making 2019 the second deadliest year on record, and the fifth consecutive year with more than 300 murders in our state's largest city. Since before the start of the legislative session, I made it very clear that my highest priority was to hold violent criminals accountable and stop the shootings and the murders in Baltimore City. "If you do not consider any other legislation, and if you accomplish nothing else in the next 61 days, pass the Violent Firearm Offenders Act of 2020 … pass the Witness Intimidation Prevention Act … and the Judicial Transparency Act," I said in my State of the State address.

I expressed my strong willingness to consider other proposals, including some of those passed by the legislature, if they were included as part of a comprehensive crime package which included my proposals. Each of my proposals had the support of an overwhelming majority of Marylanders — and support for the proposals was strongest of all in Baltimore City, the community most directly impacted by the violence.

While the Senate approved the package by a wide margin, the House failed to act upon it, and thus failed to meaningfully address violent crime. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, for the above reasons I have vetoed:

Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together Program)
House Bill 4/Senate Bill 208 – Public Safety – Rifles and Shotguns – Sales, Rentals, and Transfers
Senate Bill 314 – Juveniles Charged as Adults – Confidentiality of Records
House Bill 1336 – Criminal Procedure – Partial Expungement, Maryland Judiciary Case Search, and Expungement of Misdemeanor Conviction
House Bill 83 – Criminal Procedure – Charge of Possession of Marijuana – Removal From Case Search
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 83

AN ACT concerning

Criminal Procedure – ~~Automatic Expungement – Possession of Marijuana~~
Charge of Possession of Marijuana – Removal From Case Search

FOR the purpose of ~~requiring all court records and police records relating to certain charges of possession of marijuana to be automatically expunged on or before certain dates under certain circumstances; requiring a certain court to initiate efforts to automatically expunge all court records and police records relating to a certain charge at a certain time; defining a certain term;~~ prohibiting the Maryland Judiciary Case Search from in any way referring to the existence of a certain case in which possession of marijuana is the only charge in the case and the charge was disposed of before a certain date; providing for a delayed effective date; and generally relating to ~~expungement~~ charges of possession of marijuana.

BY adding to
Article – Criminal Procedure
Section ~~10–105.1~~ 10–111
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Criminal Procedure

~~**10–105.1.**~~

~~**(A) IN THIS SECTION, "AUTOMATIC EXPUNGEMENT" MEANS EXPUNGEMENT WITHOUT THE FILING OF A PETITION OR PAYMENT OF A FEE BY THE PERSON WHO IS THE SUBJECT OF THE RECORDS TO BE EXPUNGED.**~~

~~**(B) ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE ENTERED BEFORE OCTOBER 1, 2020, WHERE POSSESSION OF MARIJUANA IS THE ONLY CHARGE IN THE CASE SHALL BE AUTOMATICALLY EXPUNGED ON OR BEFORE OCTOBER 1, 2022.**~~

~~**(C) NOTWITHSTANDING § 10–107 OF THIS SUBTITLE, ALL COURT RECORDS AND POLICE RECORDS RELATING TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE ENTERED BEFORE OCTOBER 1, 2020, WHERE THE DEFENDANT WAS ALSO CHARGED WITH ONE OR MORE OTHER CRIMES IN THE SAME CASE, REGARDLESS OF THE DISPOSITION OF THE OTHER CHARGE OR CHARGES, SHALL BE AUTOMATICALLY EXPUNGED ON OR BEFORE OCTOBER 1, 2028.**~~

~~**(D) WITH REGARD TO ANY DISPOSITION OF A CHARGE OF POSSESSION OF MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE ENTERED ON OR AFTER OCTOBER 1, 2020, NOTWITHSTANDING § 10–107 OF THIS SUBTITLE:**~~

~~**(1) THE COURT WITH JURISDICTION OVER THE CASE SHALL INITIATE EFFORTS TO AUTOMATICALLY EXPUNGE ALL COURT RECORDS AND POLICE RECORDS RELATING TO THE CHARGE 4 YEARS AFTER DISPOSITION OF THE CHARGE; AND**~~

~~**(2) EXPUNGEMENT OF COURT RECORDS AND POLICE RECORDS RELATING TO THE CHARGE SHALL BE COMPLETED ON OR BEFORE 4 YEARS AND 90 DAYS AFTER DISPOSITION.**~~

10–111.

THE MARYLAND JUDICIARY CASE SEARCH MAY NOT IN ANY WAY REFER TO THE EXISTENCE OF A DISTRICT COURT CRIMINAL CASE IN WHICH:

(1) POSSESSION OF MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE IS THE ONLY CHARGE IN THE CASE; AND

(2) THE CHARGE WAS DISPOSED OF BEFORE OCTOBER 1, 2014.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2020~~ January 1, 2021.

May 7, 2020

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, Maryland 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 86 – *Transportation – Maryland Metro/Transit Funding Act – Alterations*.

For two months, my Administration has been singularly focused on battling the COVID–19 pandemic. The State will have a difficult path ahead to get our economy back to where it was prior to this crisis. After Comptroller Peter Franchot announced that the state will find itself with an estimated $2.8 billion budget shortfall I immediately implemented a number of significant fiscal measures to address this issue. I directed all state agencies to implement an immediate budget and hiring freezes, and I directed the Office of Budget analysis to send all state agencies budget reduction targets for FY 2021.

Considering our current economic conditions, implementation of House Bill 86 is not financially feasible nor responsible at this time.

For these reasons, I have vetoed House Bill 86.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 86

AN ACT concerning

Transportation – Maryland Metro/Transit Funding Act – Alterations

FOR the purpose of ~~specifying that the Maryland Transit Administration must regularly consult with certain entities regarding the compilation and submission of the Central Maryland Regional Transit Plan; requiring the Maryland Transit Administration to submit a draft Central Maryland Regional Transit Plan to certain entities at least a certain period of time before the finalization of the Plan; altering the contents and elements of the Plan; altering the time frame within which the Plan must be reviewed, revised, and updated; altering the time frame that the Plan must address; altering the requirements of a certain assessment undertaken by the Maryland Transit Administration; repealing a requirement that the Secretary of Transportation, for any fiscal year in which the total Maryland operating assistance provided in the approved Washington Metropolitan Area Transit Authority budget increases by a certain percentage over the total operating assistance provided in the prior fiscal year's budget, withhold a certain percentage of funds provided for certain annual grants to the Washington Suburban Transit District~~ altering certain provisions of law related to the calculation of a certain budget increase for the Washington Metropolitan Area Transit Authority; altering the information that the Authority must submit to the Department of Transportation as part of its yearly performance and condition assessments and reports; ~~repealing a provision of law that provides how a certain provision of law is to be construed; making certain clarifications regarding certain mandated appropriations;~~ and generally relating to funding for the Washington Metropolitan Area Transit Authority.

~~BY repealing and reenacting, without amendments,~~
~~Article – Transportation~~
~~Section 3–216(b)~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2019 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation

Section ~~7–301.1, 7–309, and~~ 10–205
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Chapter 351 of the Acts of the General Assembly of 2018~~
~~Section 6~~

~~BY repealing and reenacting, with amendments,~~
~~Chapter 352 of the Acts of the General Assembly of 2018~~
~~Section 6~~

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

Article – Transportation

~~3–216.~~

~~(b) (1) Except as otherwise expressly provided by statute and paragraph (2) of this subsection, there shall be credited to the Transportation Trust Fund for the account of the Department all taxes, fees, charges, and revenues collected or received by or paid, appropriated, or credited to the account of the Department or any of its units in the exercise of their rights, powers, duties, or obligations, including the cash proceeds of the sale of consolidated transportation bonds, notes, or other evidences of obligation issued by the Department, any General Fund appropriations, and the proceeds of any State loan or federal grant made for transportation purposes.~~

~~(2) Any revenues from an information technology agreement involving resource sharing that are collected or received by or paid, appropriated, or credited to the account of the Department or any of its units shall be distributed to the Major Information Technology Development Project Fund established under § 3A–309 of the State Finance and Procurement Article.~~

~~7–301.1.~~

~~(a) In this section, "core service area" means:~~

~~(1) An area in Anne Arundel County, Baltimore City, Baltimore County, Harford County, and Howard County that is served by light rail, metro, or fixed bus route service; and~~

~~(2) As determined by the Department, any other area in which the population commutes to an area described in item (1) of this subsection in order to use light rail, metro, or fixed bus route service.~~

~~(b) In addition to the requirements of §§ 7–301 and 7–302 of this subtitle, on or before October 1, 2020, the Administration shall~~**[**~~, in~~**]:**

~~**(1)** **IN REGULAR** consultation with the Central Maryland Regional Transit Plan Commission and the Baltimore Metropolitan Council, prepare a Central Maryland Regional Transit Plan to meet the transit needs of the core service area~~**; AND**

~~**(2) SUBMIT A DRAFT PLAN TO THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN COMMISSION AND THE BALTIMORE METROPOLITAN COUNCIL FOR REVIEW AND COMMENT AT LEAST 45 DAYS BEFORE THE DRAFT PLAN IS FINALIZED.**~~

~~(c) The Central Maryland Regional Transit Plan shall **INCLUDE AT LEAST THE FOLLOWING ELEMENTS:**~~

~~(1)~~ **[**~~Define goals~~**] GOALS** ~~for outcomes to be achieved through the provision of public transportation~~**, INCLUDING PROVIDING RELIABLE AND SAFE PUBLIC TRANSPORTATION SERVICE TO ENABLE RESIDENTS OF THE CORE SERVICE AREA TO ACCESS JOB OPPORTUNITIES THROUGHOUT THE AREA;**

[~~(2) In order to best achieve the goals defined in item (1) of this subsection, identify options for:~~

~~(i) Improvements to existing transportation assets;~~

~~(ii) Improvements to leverage non–Administration transportation options available to public transportation; and~~

~~(iii) Corridors for new public transportation assets;~~

~~(3) Prioritize corridors for planning of new public transportation assets;~~

~~(4) Evaluate the Plan's consistency with local land use and transportation plans and the Maryland Transportation Plan and identify opportunities for achieving greater consistency;~~

~~(5) Be reviewed, revised, and updated at least every 5 years; and~~

~~(6) Address a 25–year time frame.~~**]**

~~**(2) SPECIFIC IMPROVEMENTS TO PUBLIC TRANSPORTATION SERVICES AND ASSETS;**~~

~~**(3) AN ANALYSIS OF OPPORTUNITIES TO LEVERAGE NON–ADMINISTRATION TRANSPORTATION OPTIONS AVAILABLE FOR PUBLIC TRANSPORTATION; AND**~~

~~**(4) CORRIDORS FOR ESTABLISHING NEW PUBLIC TRANSPORTATION SERVICES AND ASSETS.**~~

~~**(D) IN ORDER TO BEST ADDRESS THE ELEMENTS SPECIFIED IN SUBSECTION (C) OF THIS SECTION, THE PLAN SHALL INCLUDE:**~~

~~**(1) CORRIDORS THROUGHOUT THE CORE SERVICE AREA WITH SPECIFIC GEOGRAPHIC BOUNDARIES, PRIORITIZED ACCORDING TO EACH CORRIDOR'S POTENTIAL TO ACHIEVE THE GOALS;**~~

~~**(2) THROUGHOUT THE CORE SERVICE AREA, SPECIFIC IMPROVEMENTS TO PUBLIC TRANSPORTATION SERVICES AND ASSETS;**~~

~~**(3) A LISTING OF THE SPECIFIC IMPROVEMENTS IDENTIFIED UNDER ITEM (2) OF THIS SUBSECTION IN THE ORDER OF THE PLANNED IMPLEMENTATION OF THE IMPROVEMENTS AND A METHODOLOGY FOR DETERMINING THE ORDER;**~~

~~**(4) AN ANALYSIS OF THE FUNDING AVAILABLE FOR THE IMPLEMENTATION OF THE SPECIFIC IMPROVEMENTS IDENTIFIED UNDER ITEM (2) OF THIS SUBSECTION AND POTENTIAL SOURCES OF ADDITIONAL FUNDING;**~~

~~**(5) ONE OR MORE MAPS THAT INCLUDE EXISTING SERVICES AND PROPOSED CORRIDORS AND IMPROVEMENTS; AND**~~

~~**(6) AN ANALYSIS OF THE PLAN'S CONSISTENCY WITH COUNTY AND MUNICIPAL LAND USE AND TRANSPORTATION PLANS AND THE MARYLAND TRANSPORTATION PLAN AND THE IDENTIFICATION OF OPPORTUNITIES FOR ACHIEVING GREATER CONSISTENCY.**~~

~~**(E) THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN SHALL:**~~

~~**(1) BE REVIEWED, REVISED, AND UPDATED AT LEAST EVERY 6 YEARS; AND**~~

~~**(2) ADDRESS A 30–YEAR PERIOD FROM THE YEAR THE REVIEW IS UNDERTAKEN.**~~

~~**[**(d)**] (F)** (1) There is a Central Maryland Regional Transit Plan Commission.~~

~~(2) The Commission consists of the following members:~~

~~(i) The County Executive of Anne Arundel County, or the County Executive's designee;~~

~~(ii) The Mayor of Baltimore City, or the Mayor's designee;~~

~~(iii) The County Executive of Baltimore County, or the County Executive's designee;~~

~~(iv) The County Executive of Harford County, or the County Executive's designee;~~

~~(v) The County Executive of Howard County, or the County Executive's designee;~~

~~(vi) One representative from a Central Maryland business or transportation organization, appointed by the President of the Senate;~~

~~(vii) One representative from a Central Maryland business or transportation organization, appointed by the Speaker of the House; and~~

~~(viii) The following individuals appointed by the Governor:~~

~~1. One representative from a Central Maryland business organization;~~

~~2. One representative from the Citizen Advisory Council;~~

~~3. One representative from a disabled riders group; and~~

~~4. One representative from the MARC Riders Advisory Council.~~

~~(3) The Commission shall participate in the development of:~~

~~(i) A strategy for meaningful public involvement in the Central Maryland Regional Transit Plan; and~~

~~(ii) The goals for outcomes of the Central Maryland Regional Transit Plan.~~

~~7–309.~~

~~(a) The Administration shall, at least every 3 years, assess the ongoing, unconstrained capital needs of the Administration.~~

~~(b) In undertaking the assessment required under subsection (a) of this section, the Administration shall:~~

~~(1) Compile and prioritize capital needs without regard to cost;~~

~~(2) Identify the backlog of repairs and replacements needed to achieve a state of good repair for all Administration assets, including a separate analysis of these needs over the following 10 years; [and]~~

~~(3) Identify the needs to be met in order to enhance service and achieve system performance goals;~~

~~**(4) CREATE A TIMELINE AND PLAN FOR ACHIEVING A STATE OF GOOD REPAIR FOR THE ADMINISTRATION'S CAPITAL ASSETS; AND**~~

~~**(5) PUBLISH THE REPORT ON THE DEPARTMENT'S WEBSITE.**~~

~~(c) On or before July 1, 2019, and on or before July 1 every 3 years thereafter, the Administration shall, in accordance with § 2–1257 of the State Government Article, submit the assessment required under subsection (a) of this section to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Environment and Transportation Committee.~~

10–205.

(a) In accordance with and subject to the principle that, if there is substantial State financial support for the planned rapid rail mass transit system in one metropolitan area of this State, there should be substantial State financial support for the planned rapid rail mass transit system in the other metropolitan area of this State, and subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to the current expenditures required of the Washington Suburban Transit District in accordance with capital contributions agreements between the Washington Metropolitan Area Transit Authority, the Washington Suburban Transit District, and other participating jurisdictions. The Washington Suburban Transit District shall consult with the Secretary of Transportation prior to the execution of any capital contributions agreement.

(b) (1) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article and upon receipt of an approval of a grant application in such form and detail as the Secretary shall reasonably require, the Department shall provide for annual grants to the Washington Suburban Transit District for a share of the operating deficits of the regional transit system for which the District is responsible. "Operating deficit" means operating costs less:

(i) The greater of operating revenues or 50 percent of the operating costs; and

(ii) All federal operating assistance.

(2) The Department's share shall equal 100 percent of the operating deficit.

~~[~~(3) (i) For any fiscal year in which the total Maryland operating assistance provided in the approved Washington Metropolitan Area Transit Authority budget increases by more than 3% over the total operating assistance provided in the prior fiscal year's approved Washington Metropolitan Area Transit Authority budget, the Secretary shall withhold an amount equal to 35% of the funds available under paragraphs (1) and (2) of this subsection.

(ii) For purposes of calculating a budget increase under subparagraph (i) of this paragraph, the following items may not be included:

1. The cost of any service, equipment, or facility that is required by law;

2. A capital project approved by the board of directors of the Washington Metropolitan Area Transit Authority; ~~and~~

3. Any payments or obligations arising from or related to legal disputes or proceedings **OR ARBITRATION PROCEEDINGS** between or among the Washington Metropolitan Area Transit Authority and any other person**; AND**

4. ANY SERVICE INCREASES APPROVED BY THE BOARD OF DIRECTORS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.~~]~~

(c) Subject to the appropriation requirements and budgetary provision of § 3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to 75 percent of the net debt service assigned to the Washington Suburban Transit District on bonds issued by the Washington Metropolitan Area Transit Authority. In no event shall the amount of net debt service, including the refinancing of any debt, required of the Washington Suburban Transit District exceed the amount presently assigned on a year by year basis to the Washington Suburban Transit District, and payable through the year 2014. Nothing in this article shall preclude the use of bond proceeds for capital improvements and replacements of the "Adopted Regional System – 1968" revised as of January 1, 1992.

(d) (1) In accordance with and subject to the principle that, if there is substantial State financial support for rapid rail and bus transit capital replacement costs in one metropolitan area of this State, there should be substantial State financial support for the costs of similar needs in the other metropolitan area of this State, and in recognition of the fact that timely replacement of capital facilities and equipment is essential to safe and reliable transit service, the Department shall provide grants to fully fund the Washington Suburban Transit District's share of the Washington Metropolitan Area Transit Authority's capital equipment replacement programs.

(2) The grants under this subsection:

(i) Shall be made subject to the appropriation and budgetary provisions of § 3–216(d) of this article;

(ii) Shall be included in the State budget beginning in fiscal year 2000;

(iii) Notwithstanding any other provision of law, may be funded with revenues derived from:

1. Any State–enacted transportation fees or taxes; or

2. Federal transportation grants available to the State to fund transit capital equipment replacement; and

(iv) Shall be contingent on the receipt of a request by the District to the Department, based on annual capital improvements programs adopted by the Washington Metropolitan Area Transit Authority.

(e) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article, the Department shall provide grants from amounts derived from the Transportation Trust Fund to the Washington Suburban Transit District for the purpose of funding Maryland's required share of local funds for the Washington Metropolitan Area Transit Authority to match any federal funds appropriated in any given year authorized under Title VI, § 601, P.L. 110–432.

(f) (1) Except as provided in paragraph (2) of this subsection, the Governor shall include an appropriation in the annual budget of at least the amount specified in paragraph (4) of this subsection for the sole purpose of providing grants to the Washington Suburban Transit District to pay the capital costs of the Washington Metropolitan Area Transit Authority.

(2) (i) The Governor is not required to make the appropriation under paragraph (1) of this subsection in a fiscal year unless the Department certifies to the Governor in writing before the beginning of the immediately preceding fiscal year that the Washington Metropolitan Area Transit Authority has submitted to the Department:

1. Performance and condition assessments and reports regarding:

A. The safety and reliability of rapid heavy rail and bus systems;

B. The financial performance of the Washington Metropolitan Area Transit Authority as it relates to rail and bus operations, including fare box recovery, service per rider, and cost per service hour;

C. The monthly ridership of rail and bus systems broken down by Metrorail station, Metrorail line, bus **[**stop**]** **ROUTE**, and bus line;

D. Strategies to reduce costs and improve the Washington Metropolitan Area Transit Authority's operational efficiency; and

E. The comparison of annual capital investments and approved budgets; and

2. The Washington Metropolitan Area Transit Authority's:

A. Annual budget;

B. Annual independent financial audit;

C. Annual National Transit Database profile; and

D. ~~Individual audit reports~~ **SINGLE AUDIT REPORTS ISSUED IN ACCORDANCE WITH THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS UNDER 2 C.F.R. PART 200**.

(ii) If the Commonwealth of Virginia or the District of Columbia reduce the amount of dedicated capital funding for the Washington Metropolitan Area Transit Authority, the Governor may reduce the appropriation under paragraph (1) of this subsection by a proportional amount.

(iii) 1. The Governor shall withhold 35% of the appropriation under paragraph (1) of this subsection if:

A. The Washington Metropolitan Area Transit Authority has received a modified audit opinion as a result of an annual independent audit conducted in accordance with Article XVI, Section 70 of the Washington Metropolitan Area Transit Authority Compact under § 10–204 of this subtitle; and

B. The Department has not certified to the Governor in writing before the beginning of the immediately preceding fiscal year that the Washington Metropolitan Area Transit Authority has submitted in writing to the board of directors of the Washington Metropolitan Area Transit Authority and the Maryland General Assembly a satisfactory corrective plan that addresses the reasons for the modified audit opinion.

2. The Governor shall release the portion of the appropriation withheld under subsubparagraph 1 of this subparagraph if the Washington Metropolitan Area Transit Authority submits in writing to the board of directors of the Washington Metropolitan Area Transit Authority and, in accordance with § 2–1257 of the

State Government Article, the Maryland General Assembly a satisfactory corrective action plan that addresses the reasons for the modified audit opinion.

(3) The Governor shall make the appropriation under paragraph (1) of this subsection from the Transportation Trust Fund.

(4) (i) For the first fiscal year in which the mandated appropriation under this subsection applies, the appropriation under paragraph (1) of this subsection shall equal at least the amount appropriated in the fiscal year 2019 State budget as enacted for the Washington Suburban Transit District to pay the capital costs of the Washington Metropolitan Area Transit Authority.

(ii) For each fiscal year after the first fiscal year in which the mandated appropriation under this subsection applies, the appropriation under paragraph (1) of this subsection shall be equal to the amount of the appropriation for the preceding fiscal year increased by 3%.

(g) (1) The Governor shall include in the State budget an appropriation for the purposes specified under paragraph (2) of this subsection of $167,000,000 from the revenues available for the State capital program in the Transportation Trust Fund.

(2) The Department shall provide an annual grant of at least $167,000,000 to the Washington Suburban Transit District to be used only to pay the capital costs of the Washington Metropolitan Area Transit Authority.

(3) The grant required under paragraph (2) of this subsection is in addition to the appropriation required under subsection (f)(1) of this section.

~~**Chapter 351 of the Acts of 2018**~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That [this Act may not be construed to limit the authority of the Governor to appropriate general funds for transfer to the Transportation Trust Fund]:~~

~~**(A) THIS ACT MAY NOT BE CONSTRUED TO PROHIBIT THE GOVERNOR FROM PROVIDING A GENERAL FUND APPROPRIATION FROM THE DEDICATED PURPOSE ACCOUNT TO PROVIDE REVENUE TO THE TRANSPORTATION TRUST FUND AS AUTHORIZED UNDER § 3–216(B) OF THE TRANSPORTATION ARTICLE.**~~

~~**(B) THE GOVERNOR MAY NOT SATISFY A MANDATED APPROPRIATION ESTABLISHED UNDER THIS ACT THROUGH THE DIRECT APPROPRIATION OF GENERAL FUNDS.**~~

~~**Chapter 352 of the Acts of 2018**~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That [this Act may not be construed to limit the authority of the Governor to appropriate general funds for transfer to the Transportation Trust Fund]:~~

~~(A) THIS ACT MAY NOT BE CONSTRUED TO PROHIBIT THE GOVERNOR FROM PROVIDING A GENERAL FUND APPROPRIATION FROM THE DEDICATED PURPOSE ACCOUNT TO PROVIDE REVENUE TO THE TRANSPORTATION TRUST FUND AS AUTHORIZED UNDER § 3–216(B) OF THE TRANSPORTATION ARTICLE.~~

~~(B) THE GOVERNOR MAY NOT SATISFY A MANDATED APPROPRIATION ESTABLISHED UNDER THIS ACT THROUGH THE DIRECT APPROPRIATION OF GENERAL FUNDS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

Dear Speaker Jones and President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 125 and Senate Bill 148 – Board of Public Works – Land Acquisition – Requirements.

For more than 150 years, the Maryland Constitution has authorized a three member Board of Public Works to "hear and determine" matters regarding public works of the State, as well as to "exercise a diligent and faithful supervision" of all public works in which the State has an interest. The Board has held the public's long–standing trust to act in the best interest of our great State while safeguarding its fiscal integrity.

This legislation would undermine the Board's constitutional authority to obtain real property by further complicating the land acquisition process with burdensome and unnecessary layers of bureaucratic red tape. Extending the land acquisition process could

dissuade potential sellers and hurt the State's ability to compete, neither of which is in Maryland's best interest.

While posing as "good government" legislation, House Bill 125/Senate Bill 148 is nothing more than an unmitigated power grab against the current Board that erodes the constitutional authority of all future Boards, regardless of political makeup. This legislation will generate unintended, costly, and negative consequences for our State.

For these reasons, I have vetoed House Bill 125 and Senate Bill 148.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 125

AN ACT concerning

Board of Public Works – Land Acquisition – Requirements

FOR the purpose of prohibiting the Board of Public Works from approving the acquisition of certain real property except under certain circumstances; prohibiting the Board, under certain circumstances, from approving the acquisition of certain real property from the federal government until the Board provides certain notice and, on a certain request made within a certain period of time, a certain study ~~has been completed~~; providing that certain requirements related to the acquisition of real property do not apply to certain property; making a conforming change; and generally relating to the authority of the Board of Public Works regarding land acquisition.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 10–305
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – State Finance and Procurement

10–305.

(a) Subject to **[**subsection**]** **SUBSECTIONS** (b) **AND (C)** of this section, any real or personal property of the State or a unit of the State government may be sold, leased, transferred, exchanged, granted, or otherwise disposed of:

(1) to any person, to the United States or any of its units, or to any unit of the State government, for a consideration the Board decides is adequate; or

(2) to any county or municipal corporation in the State subject to any conditions the Board imposes.

(b) (1) (i) Except as provided under subparagraph (ii) of this paragraph, this subsection applies to the sale, transfer, grant, or exchange of:

1. real property identified under § 5–310(c)(1) of this article; and

2. State–owned real or personal property, funded in accordance with an appropriation act of the General Assembly, that has an appraised value over $100,000.

(ii) This subsection does not apply to the following dispositions of property identified in subparagraph (i) of this paragraph:

1. leasing the property; or

2. the sale, transfer, grant, or exchange of a corrective or access easement on the property.

(2) The Board may not approve the sale, transfer, exchange, or grant of property until:

(i) the Department of General Services or the Department of Natural Resources under Title 1, Subtitle 1 of the Natural Resources Article has submitted to the Board two independent appraisals of the property that:

1. with regard to real property, consider the value of any restrictive covenant that may be placed on the property; and

2. may not be publicly disclosed if the property is to be sold at auction;

(ii) the following information has been submitted, by electronic mail or facsimile and by certified mail, to the Senate Budget and Taxation Committee, the House Appropriations Committee, and, for property that meets both criteria of paragraph (1)(i) of this subsection, the Legislative Policy Committee:

1. a description of the property; and

2. if applicable, any justification for not selling, transferring, exchanging, or granting the property in a manner that generates the highest return for the State;

(iii) 45 days have elapsed since:

1. the information required by item (ii) of this paragraph was received by the appropriate committees; and

2. the Board declared the property surplus; and

(iv) except for property sold under paragraph (4) of this subsection, for property that meets both criteria under paragraph (1)(i) of this subsection and for which the Board intends to approve a fee simple sale, transfer, exchange, or grant, the General Assembly has approved the proposed disposition as provided under paragraph (3) of this subsection.

(3) (i) Within 45 days after receiving the information submitted under paragraph (2) of this subsection, the Legislative Policy Committee shall:

1. review the information and the public record created by the Department of Planning for the property; and

2. A. approve the proposed disposition of the surplus property and refer the property back to the Board for final disposition; or

B. refer the proposed disposition of the property to the full General Assembly and notify the Board of the referral.

(ii) If the Legislative Policy Committee fails to take any action under subparagraph (i)2 of this paragraph within the specified time period, the proposed disposition shall be deemed approved by the Committee.

(iii) 1. If the proposed disposition of the surplus property is referred by the Legislative Policy Committee to the full General Assembly, the proposed disposition may not be approved by the Board unless it is approved by the passage of legislation during the next legislative session of the General Assembly.

2. In any legislation passed in accordance with subsubparagraph 1 of this subparagraph, the General Assembly may approve the proposed disposition with or without conditions.

(4) If the Board has declared the property surplus, the Board shall sell the property to the federal government, a local government, or a unit of federal or local government for $1.00, if:

(i) the government or unit has indicated its interest in acquiring the land; and

(ii) a restrictive covenant is placed on the deed of transfer, in accordance with § 5–906(e)(7) and (8) of the Natural Resources Article, that requires the property to be maintained in a use that is consistent with its use at the time of transfer.

(5) Any revenues derived from the sale, transfer, exchange, or grant of property identified under paragraph (1)(i)1 of this subsection shall be deposited in the Advance Option and Purchase Fund under § 5–904(b) of the Natural Resources Article.

(C) (1) THIS SUBSECTION DOES NOT APPLY TO:

(I) PROPERTY THAT WILL BE ACQUIRED WITH PROGRAM OPEN SPACE FUNDS UNDER TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;

(II) PROPERTY THAT WILL BE ACQUIRED WITH RURAL LEGACY PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;

(III) PROPERTY THAT WILL BE ACQUIRED WITH LOCAL LAND PRESERVATION PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9B OF THE NATURAL RESOURCES ARTICLE;

(IV) PROPERTY THAT WILL BE ACQUIRED WITH COMMUNITY PARKS AND PLAYGROUNDS PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9C OF THE NATURAL RESOURCES ARTICLE;

(V) PROPERTY THAT WILL BE ACQUIRED WITH FUNDS FROM THE HERITAGE CONSERVATION FUND UNDER TITLE 5, SUBTITLE 15 OF THE NATURAL RESOURCES ARTICLE;

(VI) PROPERTY THAT WILL BE ACQUIRED WITH FUNDS FROM THE FOREST AND PARK RESERVE FUND ESTABLISHED UNDER § 5–212 OF THE NATURAL RESOURCES ARTICLE;

(VII) PROPERTY THAT WILL BE ACQUIRED WITH FEDERAL GRANT FUNDS MADE AVAILABLE TO THE DEPARTMENT OF NATURAL RESOURCES FOR OPEN SPACE, RECREATION, OR CONSERVATION PURPOSES;

(VIII) PROPERTY THAT WILL BE ACQUIRED BY THE MARYLAND ENVIRONMENTAL TRUST;

~~(VI)~~ *(IX)* A MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION EASEMENT ACQUIRED UNDER § 2–504 OF THE AGRICULTURE ARTICLE;

~~(VII)~~ *(X)* FEDERALLY OWNED MILITARY PROPERTY;

~~(VIII) PROPERTY AT BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT; OR~~

~~(IX) PROPERTY AT THE PORT OF BALTIMORE.~~

~~(VIII)~~ *(XI)* PROPERTY THAT WILL BE ACQUIRED BY THE MARYLAND AVIATION ADMINISTRATION; OR

~~(IX)~~ *(XII)* PROPERTY THAT WILL BE ACQUIRED BY THE MARYLAND PORT ADMINISTRATION.

(2) THE BOARD MAY NOT APPROVE THE ACQUISITION OF REAL PROPERTY WITH AN APPRAISED VALUE OF AT LEAST $500,000 UNLESS THE BOARD HAS PROVIDED TO THE LEGISLATIVE POLICY COMMITTEE:

(I) A JUSTIFICATION FOR THE PLANNED ACQUISITION; AND

(II) ON REQUEST OF THE COCHAIRS OF THE LEGISLATIVE POLICY COMMITTEE MADE WITHIN 14 DAYS AFTER RECEIVING THE JUSTIFICATION UNDER ITEM (I) OF THIS PARAGRAPH:

~~(II)~~ 1. A COST–BENEFIT ANALYSIS OF THE PLANNED ACQUISITION; AND

~~(III)~~ 2. AT LEAST 45 DAYS ~~FOR THE LEGISLATIVE POLICY COMMITTEE~~ TO REVIEW THE INFORMATION PROVIDED UNDER ~~ITEMS (I) AND (II) OF~~ THIS PARAGRAPH AND COMMENT ON THE PLANNED ACQUISITION BEFORE THE ACQUISITION IS APPROVED.

(3) IF THE ACQUISITION OF REAL PROPERTY WITH AN APPRAISED VALUE OF AT LEAST $500,000 FROM THE FEDERAL GOVERNMENT WOULD REQUIRE THE STATE TO PROVIDE ONGOING MAINTENANCE OF THE PROPERTY, THE BOARD MAY NOT APPROVE THE ACQUISITION UNTIL THE BOARD HAS PROVIDED TO THE LEGISLATIVE POLICY COMMITTEE:

(I) NOTICE THAT THE ACQUISITION WOULD REQUIRE THE STATE TO PROVIDE ONGOING MAINTENANCE OF THE PROPERTY; AND

(II) ON REQUEST OF THE COCHAIRS OF THE LEGISLATIVE POLICY COMMITTEE WITHIN 14 DAYS AFTER RECEIVING THE NOTICE PROVIDED UNDER ITEM (I) OF THIS PARAGRAPH, A STUDY ~~HAS BEEN COMPLETED~~ REGARDING THE ONGOING FISCAL IMPACT THE ACQUISITION WOULD HAVE ON THE STATE, INCLUDING ANY ENVIRONMENTAL MITIGATION THAT MAY BE REQUIRED.

[(c)**] (D)** Except as otherwise provided in this section:

(1) if any real or personal property disposed of under this section is not under the jurisdiction or control of any particular unit of the State government, the deed, lease, or other evidence of conveyance of the real or personal property shall be executed by the Board; and

(2) if any real or personal property disposed of under this section is under the jurisdiction or control of a unit of the State government, the deed, lease, or other evidence of conveyance of the real or personal property shall be executed by the highest official of the unit and by the Board.

[(d)**] (E)** (1) Whenever any unit of the State government leases any State–owned property under its jurisdiction and control to any State employee, agent, or servant, or to any other individual in State service, for the purpose of permitting the individual to maintain a residence on or in the property, the lease shall be:

(i) executed by the unit; and

(ii) approved by the Secretary of General Services.

(2) The lease is not valid unless the Secretary of General Services approves it.

(3) Whenever any unit of the State government leases any State–owned property under its jurisdiction and control to any lessee, the lease shall include a provision which prohibits the lessee from assigning or subleasing that property without the prior approval of the Board of Public Works.

(4) Whenever the State Highway Administration leases any State–owned property under its jurisdiction and control to any person, the Administrator of the State Highway Administration may execute the lease if:

(i) the lease is entered into on a 30–day renewable basis; and

(ii) the duration of the tenancy does not exceed 1 year.

(5) At least twice each year, the Administrator of the State Highway Administration shall submit a report of the leases executed under the authority granted in paragraph (4) of this subsection to the Board of Public Works.

[(e)**] (F)** (1) On the sale, lease, transfer, exchange, or other disposition of any real or personal property owned or controlled by the State Retirement and Pension System or the State of Maryland for the use of the Board of Trustees of the State Retirement and Pension System, any conveyancing document shall be executed in the manner provided in Division II of the State Personnel and Pensions Article.

(2) Any sale, lease, transfer, exchange or other disposition of any real or personal property owned or controlled by the State Retirement and Pension System or the State of Maryland for the use of the Board of Trustees of the State Retirement and Pension System by a conveyancing document executed by or for the Board of Trustees of the State Retirement and Pension System before October 1, 1994 in the manner provided under former Article 73B is ratified and confirmed.

[(f)**] (G)** All conveyances under this section shall be made in the name of the State of Maryland, acting through the executing authority provided for in this section.

[(g)**] (H)** This section does not apply to any lease or other temporary transfer, grant, or disposition of State real or personal property in connection with a procurement made subject to § 11–202(3) of this article.

[(h)**] (I)** The Department of Budget and Management and Department of General Services, with the approval of the Board, shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment

House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
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Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 310

AN ACT concerning

University of Maryland, Baltimore – Study on the Health Effects of Air Traffic Noise

FOR the purpose of requiring the University of Maryland, Baltimore to study the health effects of air traffic noise on communities near the Baltimore–Washington International Thurgood Marshall Airport since the implementation of the Next Generation Air Transportation System; requiring the study to evaluate certain health outcomes, costs, and cost savings; requiring the Maryland Aviation Administration to provide certain data to the University of Maryland, Baltimore; authorizing the University of Maryland, Baltimore to use certain medical claims data to complete the study; requiring the Governor to include in a certain budget bill an appropriation for the purpose of carrying out the study; requiring the University of Maryland, Baltimore to submit a certain report to the Governor, the county executives and county councils of certain counties, and the General Assembly on or

before a certain date; and generally relating to a study on the health effects of air traffic noise.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The University of Maryland, Baltimore shall study the health effects of air traffic noise on communities near the Baltimore–Washington International Thurgood Marshall (BWI) Airport since the implementation of the Next Generation Air Transportation System (NextGen).

(b) The study required under subsection (a) of this section shall evaluate:

(1) health outcomes in communities near BWI Airport before and after the implementation of NextGen, including cardiovascular diseases, generalized anxiety disorder, and other conditions that are reasonably related to air traffic noise;

(2) costs associated with the health outcomes identified under item (1) of this subsection; and

(3) cost savings generated due to the implementation of NextGen.

(c) The Maryland Aviation Administration shall provide any available data requested by the University of Maryland, Baltimore for the completion of the study.

(d) The University of Maryland, Baltimore may use medical claims data to complete the study.

(e) The Governor shall include in the fiscal year 2022 budget bill an appropriation of at least ~~$130,000~~ $100,000 for the purpose of carrying out the study required under subsection (a) of this section.

(f) On or before September 1, 2022, the University of Maryland, Baltimore shall submit a report to the Governor, the county executives and county councils of Anne Arundel County, Baltimore County, Howard County, Montgomery County, and Prince George's County, and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the results of the study.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

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Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

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Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

AN ACT concerning

Department of Aging – Grants for Aging–in–Place Programs – Funding

FOR the purpose of requiring that the Governor include in the annual budget bill a certain appropriation to be used to make grants to certain nonprofit organizations and area agencies on aging; requiring at least a certain amount of a certain appropriation to be used for certain purposes; altering a certain definition; defining a certain term; and generally relating to funding for grants to certain nonprofit organizations and area agencies on aging.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–1201
Annotated Code of Maryland
(2019 Replacement Volume and 2019 Supplement)

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

Article – Human Services

10–1201.

(a) **(1)** In this section**[**, "aging–in–place program"**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "AGING–IN–PLACE PROGRAM" means a program or service that enables an individual to live in the individual's own home and **PARTICIPATE IN A** community safely, independently, and comfortably, regardless of age, income, or ability level.

(3) "SENIOR VILLAGE" MEANS A LOCAL, MEMBER–DRIVEN, NONPROFIT ORGANIZATION THAT:

(I) SUPPORTS COMMUNITY MEMBERS WHO CHOOSE TO AGE IN PLACE BY:

1. FOSTERING SOCIAL CONNECTIONS THROUGH ACTIVITIES AND EVENTS; AND

2. COORDINATING VOLUNTEER HELP AT HOME USING A NEIGHBOR–HELPING–NEIGHBOR MODEL; AND

(II) IS EXEMPT FROM TAXATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE.

(b) The Department may make grants to nonprofit organizations and area agencies on aging to expand and establish aging–in–place programs for seniors.

(c) Any nonprofit organization or area agency on aging may apply to the Department for a State grant to be applied toward the cost of expanding or establishing an aging–in–place program that provides to seniors:

(1) assistance with the costs of in–home personal care services for activities of daily living, including bathing, personal hygiene and grooming, dressing, toileting, functional mobility, food preparation, laundry, and house cleaning;

(2) psychological, economic, or functional assistance to enable successful health management, access to medical care, or compliance with treatment recommendations;

(3) awareness of and access to resources, services, and benefits;

(4) support services and care coordination;

(5) affordable transportation; **[**or**]**

(6) assistance making in–home modifications or repairs to improve safety, mobility, and accessibility**; OR**

(7) THE OPPORTUNITY TO LIVE IN A SENIOR VILLAGE.

(d) To be eligible for a State grant to expand an existing aging–in–place program under this section, a nonprofit organization or area agency on aging shall demonstrate an equal match for funds requested.

(e) The Department shall publicize the availability of grant opportunities under the aging–in–place program to eligible organizations at least 6 weeks before grant applications are due.

(f) The amount of the State grant for an aging–in–place program shall be determined after consideration of:

(1) all eligible applicants;

(2) the total amount of State funds available for grants; and

(3) the priorities of area need as may be established by the Department in consultation with area agencies on aging and in alignment with area plans on aging.

[(g) Funding for the State grants under this section shall be as provided by the Governor in the annual State budget.**]**

(G) (1) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST ~~$1,000,000~~ $100,000 FOR THE PURPOSE OF MAKING THE STATE GRANTS UNDER THIS SECTION.

(2) AT LEAST ~~10%~~ 20% OF THE FUNDING APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO SUPPORT SENIOR VILLAGES.

(h) The Department shall notify an area agency on aging within 2 weeks after a grant award to a nonprofit located within the jurisdiction of the area agency on aging.

(i) The Department may adopt regulations for receiving and considering applications and for disbursing funds to applicants.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

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Senate Bill 877 – Underground Facilities Damage Prevention – Revision

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As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 514

AN ACT concerning

Maryland Small Business Innovation Research and Technology Transfer Incentive Program

FOR the purpose of establishing the Maryland Small Business Innovation Research and Technology Transfer Incentive Program; requiring the Maryland Technology Development Corporation to administer the Program; establishing the purposes of the Program; establishing qualifications for participation in the Program; authorizing the Program to provide certain awards and investments to certain businesses on a competitive basis, subject to certain limitations; providing for the coordination of certain activities of the Program with comparable county programs; providing that a certain award or investment recipient may be required to return certain funds under certain circumstances; establishing the Maryland Small Business Innovation Research and Technology Transfer Incentive Matching Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Corporation to administer the Fund; requiring the State Treasurer to hold the Fund, and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; requiring the Corporation to adopt certain regulations;

exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining certain terms; and generally relating to the Maryland Small Business Innovation Research and Technology Transfer Incentive Program.

BY renumbering
Article – Economic Development
Section 10–496 through 10–499, respectively, and the part "Part XI. Miscellaneous" to be Section 10–495 through 10–498, respectively, and the part "Part XI. Miscellaneous"
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Economic Development
Section 10–499 through 10–499.5 and the part "Part XII. Maryland Small Business Innovation Research and Technology Transfer Incentive Program"
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)121. and 122.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)123.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Sections(s) 10–496 through 10–499, respectively, and the part "Part XI. Miscellaneous" of Article – Economic Development of the Annotated Code of Maryland be renumbered to be Section(s) 10–495 through 10–498, respectively, and the part "Part XI. Miscellaneous".

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Economic Development

PART XII. MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM.

10–499.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "FUND" MEANS THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE MATCHING FUND.

(C) "PROGRAM" MEANS THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM.

(D) "SMALL BUSINESS INNOVATION RESEARCH GRANT" MEANS A GRANT AWARDED UNDER THE SMALL BUSINESS INNOVATION RESEARCH GRANT PROGRAM BY THE NATIONAL INSTITUTES OF HEALTH, OR A SIMILAR PROGRAM ADMINISTERED BY ANOTHER AGENCY OF THE FEDERAL GOVERNMENT, FOR A BUSINESS TO ENGAGE IN RESEARCH AND DEVELOPMENT THAT HAS A STRONG POTENTIAL FOR COMMERCIALIZATION.

(E) "SMALL BUSINESS TECHNOLOGY TRANSFER GRANT" MEANS A GRANT AWARDED UNDER THE SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAM BY THE NATIONAL INSTITUTES OF HEALTH, OR A SIMILAR PROGRAM ADMINISTERED BY ANOTHER AGENCY OF THE FEDERAL GOVERNMENT, FOR A BUSINESS TO ENGAGE IN RESEARCH AND DEVELOPMENT THAT HAS A STRONG POTENTIAL FOR COMMERCIALIZATION.

10–499.1.

(A) THERE IS A MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE PROGRAM.

(B) THE CORPORATION SHALL ADMINISTER THE PROGRAM.

(C) THE PURPOSE OF THE PROGRAM IS TO FOSTER JOB CREATION AND ECONOMIC DEVELOPMENT IN THE STATE BY:

(1) PROMOTING THE COMMERCIALIZATION OF RESEARCH CONDUCTED BY SMALL BUSINESSES IN THE STATE;

(2) FACILITATING THE TRANSFER OF TECHNOLOGY FROM UNIVERSITIES AND FEDERAL RESEARCH LABORATORIES TO SMALL BUSINESSES; AND

(3) ENCOURAGING SMALL BUSINESSES, INCLUDING ECONOMICALLY DISADVANTAGED SMALL BUSINESSES, TO APPLY FOR SMALL BUSINESS INNOVATION RESEARCH GRANTS AND SMALL BUSINESS TECHNOLOGY TRANSFER GRANTS.

10–499.2.

(A) TO QUALIFY FOR PARTICIPATION IN THE PROGRAM, A SMALL BUSINESS SHALL MEET THE CRITERIA IN THIS SECTION.

(B) THE SMALL BUSINESS SHALL:

(1) MEET THE QUALIFICATIONS OF A QUALIFIED BUSINESS; AND

(2) HAVE RECEIVED A PHASE I OR PHASE II SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, DURING THE 6 MONTHS IMMEDIATELY PRECEDING THE SUBMISSION OF ITS APPLICATION UNDER § 10–499.3 OF THIS PART.

(C) AN AWARD OR INVESTMENT RECIPIENT THAT FAILS TO FULFILL THE ELIGIBILITY AND MAINTENANCE REQUIREMENTS OF THE PROGRAM MAY BE REQUIRED TO RETURN ALL OR PART OF THE AWARD OR INVESTMENT, AS WELL AS ANY ACCRUED INTEREST OR FEES, TO THE PROGRAM.

(D) THE PROGRAM SHALL REQUIRE AN AWARD OR INVESTMENT RECIPIENT TO RETURN TO THE FUND ANY MONEY FROM AN AWARD OR INVESTMENT UNDER THIS PART, AS WELL AS ANY ACCRUED INTEREST OR FEES, IF THE RECIPIENT DOES NOT REMAIN IN THE STATE FOR AT LEAST 2 YEARS AFTER RECEIVING THE AWARD OR INVESTMENT PAYMENT.

10–499.3.

(A) AN APPLICANT SHALL SUBMIT AN APPLICATION FOR A PROGRAM AWARD OR INVESTMENT ON THE FORM THAT THE CORPORATION REQUIRES.

(B) THE PROGRAM SHALL REVIEW THE APPLICATION AND ALL SUPPORTING MATERIALS TO EVALUATE WHETHER THE APPLICANT QUALIFIES FOR AN AWARD OR INVESTMENT FROM THE PROGRAM.

(C) SUBJECT TO THE AVAILABILITY OF MONEY IN THE FUND, THE PROGRAM MAY PROVIDE TO AN ELIGIBLE SMALL BUSINESS AN AWARD OR INVESTMENT TO MATCH IN PART A SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT.

(D) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A SMALL BUSINESS THAT RECEIVES AN AWARD OR INVESTMENT FOR A PHASE I SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, SHALL RECEIVE AN AWARD OR INVESTMENT IN AN AMOUNT THAT IS THE LESSER OF:

(1) 25% OF THE PHASE I SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT; OR

(2) $25,000.

(E) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A SMALL BUSINESS THAT RECEIVES AN AWARD OR INVESTMENT FOR A PHASE II SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, SHALL RECEIVE AN AWARD OR INVESTMENT IN AN AMOUNT THAT IS THE LESSER OF:

(1) 25% OF THE PHASE II SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT, OR A SIMILAR GRANT UNDER A SIMILAR PROGRAM ADMINISTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT; OR

(2) $75,000.

(F) ON THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR, THE BOARD MAY APPROVE AN AWARD OR INVESTMENT IN A SMALL BUSINESS IN EXCESS OF THE LIMITATIONS SPECIFIED UNDER SUBSECTIONS (D) AND (E) OF THIS SECTION IF THE BOARD DETERMINES THAT THE AWARD IS NECESSARY TO BETTER SERVE THE COMMUNITY AND THE PURPOSES OF THE PROGRAM.

(G) DURING EACH FISCAL YEAR:

(1) THE CORPORATION MAY NOT PROVIDE MORE THAN 20 AWARDS OR INVESTMENTS IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION OR

MORE THAN 10 AWARDS OR INVESTMENTS IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION; AND

(2) A SMALL BUSINESS MAY NOT RECEIVE MORE THAN ONE AWARD OR INVESTMENT.

(H) A SMALL BUSINESS MAY NOT RECEIVE MORE THAN THREE AWARDS OR INVESTMENTS UNDER THIS PART.

(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH QUARTER, THE CORPORATION SHALL PROVIDE AWARDS AND INVESTMENTS ON A COMPETITIVE BASIS TO ELIGIBLE SMALL BUSINESSES.

(2) IN PROVIDING AN AWARD OR INVESTMENT UNDER THIS SECTION, THE CORPORATION:

(I) SHALL CONSIDER:

1. THE IMPACT OF THE AWARD OR INVESTMENT ON THE SMALL BUSINESS; AND

2. HOW THE SMALL BUSINESS WILL UTILIZE THE AWARD OR INVESTMENT TOWARD COMMERCIALIZATION OF THE RESEARCH CONDUCTED BY THE SMALL BUSINESS; AND

(II) MAY CONSIDER ANY ADDITIONAL CRITERIA SPECIFIED BY THE CORPORATION IN REGULATION.

(J) THE PROGRAM SHALL COORDINATE WITH COMPARABLE STATE AND COUNTY PROGRAMS TO:

(1) CONDUCT MARKETING AND OUTREACH, INCLUDING CONDUCTING JOINT WORKSHOPS, ONLINE TRAINING OPPORTUNITIES, AND OUTREACH TO ECONOMICALLY DISADVANTAGED SMALL BUSINESSES AND FIRST–TIME SMALL BUSINESS INNOVATION RESEARCH GRANT OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT APPLICANTS; AND

(2) PROVIDE ASSISTANCE TO ELIGIBLE BUSINESSES UNDER THIS PART.

10–499.4.

(A) THERE IS A MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE MATCHING FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE AWARDS OR INVESTMENTS TO FURTHER STIMULATE INNOVATION AND ENTREPRENEURSHIP AND ATTRACT EARLY–STAGE SMALL BUSINESSES ENGAGED IN RESEARCH AND DEVELOPMENT.

(C) THE CORPORATION SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(E) THE FUND CONSISTS OF:

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

(2) REPAYMENTS AND EARNINGS FROM INVESTMENTS MADE THROUGH THE PROGRAM;

(3) MONEY RECAPTURED FROM BUSINESSES THAT FAIL TO FULFILL THE TERMS AND CONDITIONS OF AN AWARD OR INVESTMENT MADE THROUGH THE PROGRAM;

(4) INTEREST EARNINGS OF THE FUND; AND

(5) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR:

(1) PROVIDING AWARDS OR INVESTMENTS TO ELIGIBLE SMALL BUSINESSES THAT HAVE RECEIVED FINANCIAL ASSISTANCE FROM THE FEDERAL GOVERNMENT UNDER COMPARABLE SMALL BUSINESS INNOVATION RESEARCH OR SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAMS; AND

(2) ADMINISTRATIVE EXPENSES OF THE PROGRAM, INCLUDING MARKETING, OUTREACH, AND TECHNICAL ASSISTANCE.

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

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

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

10–499.5.

THE CORPORATION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PART.

Article – State Finance and Procurement

6–226.

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

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

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; **[**and**]**

122. the Federal Government Shutdown Employee Assistance Loan Fund**; AND**

123. THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER INCENTIVE MATCHING FUND.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 645 – *Carroll County – Public Facilities Bond*.

This bill authorizes the Carroll County Commissioners to issue up to $38.25 million in general obligation bonds for the acquisition, construction, improvement, or renovation of public buildings, facilities, and public works projects.

Senate Bill 461, which was passed by the General Assembly and will become law without my signature, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 645.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 645

AN ACT concerning

Carroll County – Public Facilities Bond

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than $38,250,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency–related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like paramount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that

nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Carroll County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as roads, bridges and storm drains, public school buildings and facilities, landfills, Carroll Community College buildings and facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, public safety, health and social services, libraries, refuse disposal buildings and facilities, water and sewer infrastructure facilities, easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland, and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the construction, improvements or development of public facilities described in Section 1 of this Act, to make loans to each and every volunteer fire department in the County upon such terms and conditions as may be determined by the County for the purpose of financing certain fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments, and to borrow money and incur indebtedness for those purposes, at one time or from time to time, in an amount not exceeding, in the aggregate, $38,250,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like paramount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities, including water and sewer projects, the fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of

selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Carroll County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions of any loans made to volunteer fire departments; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or State securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in subsequent resolutions. The bonds may be issued in registered form, and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article, as amended.

The borrowing authorized by this Act may also be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be the direct exchange of installment purchase obligations for easement, and all matters incident to the execution and delivery of the installment purchase obligations and acquisition of the easements by the County shall be determined in the resolution. Except where the provisions of this Act would be inapplicable to installment purchase obligations, the term "bonds" used in this Act shall include installment purchase obligations and matters pertaining to the bonds under this Act, such as the security for the payment of the bonds, the exemption of the bonds from State, County, municipal, or other taxation, and authorization to issue refunding bonds and the limitation on the aggregate principal amount of bonds authorized for issuance, shall be applicable to installment purchase obligations.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Comptroller of Carroll County or such other official of Carroll County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities, including water and sewer projects, to make loans to volunteer fire departments for the financing of fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, including water and sewer projects, or to the making of loans for fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it as loan repayments from volunteer fire departments and any funds received by it from the State of Maryland, the United States of America, any

agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act, including the water and sewer projects or the making of loans for the aforementioned fire or emergency–related equipment, buildings, or other facilities for volunteer fire departments in the County and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner herein above described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, County, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow

money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Carroll County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

In accordance with Article II Section 17 of the Maryland Constitution, I have vetoed Senate Bill 669/House Bill 1095 – *Public Health – Prescription Drug Affordability Board Fund,* House Bill 732 – *Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax,* and House Bill 932 – *21st–Century Economy Fairness Act.*

These misguided bills would raise taxes and fees on Marylanders at a time when many are already out of work and financially struggling. With our state in the midst of a global pandemic and economic crash, and just beginning on our road to recovery, it would be unconscionable to raise taxes and fees now. To do so would further add to the very heavy burden that our citizens are already facing.

For all of these reasons, I am vetoing Senate Bill 669, House Bill 1095, House Bill 732, and House Bill 932.

Sincerely,

Lawrence J. Hogan Jr.
Governor

House Bill 732

AN ACT concerning

~~Electronic Smoking Devices, Other Tobacco Products, and Cigarettes –~~ Taxation ~~and Regulation~~ ***– Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax***

FOR the purpose of ~~applying certain provisions of tax law regulating the sale, manufacture, distribution, possession, and use of cigarettes and other tobacco products to certain electronic smoking devices;~~ altering the definition of "other tobacco products" to include certain consumable products and the components or parts of those products and to exclude certain other products; requiring the Governor, for ~~a~~ certain fiscal ~~year and for each fiscal year thereafter, to include at least a certain appropriation in the annual budget~~ *years, to include in the annual budget bill an appropriation* for certain activities; ~~establishing a certain sales and use tax rate for open electronic smoking devices;~~ altering the definition of "electronic smoking device" to exclude certain batteries or battery chargers; ~~imposing the tobacco tax on certain electronic smoking devices; repealing the prohibition on a county, a municipal corporation, a special taxing district, or any other political subdivision from imposing a tax on cigarettes or tobacco products; establishing a presumption that an electronic smoking device is subject to the tobacco tax; establishing that certain electronic smoking devices are contraband products; establishing the burden of proving that an electronic smoking device is not subject to the tobacco tax; providing exemptions from the tobacco tax for certain electronic smoking devices; altering the tobacco tax rate for certain cigarettes and other tobacco products; setting the tobacco tax rate for electronic smoking devices; requiring certain persons to pay the tobacco tax on certain electronic smoking devices and to file certain returns; requiring certain wholesalers to keep and allow inspection of certain records for certain sales of electronic smoking devices; altering the definition of "out–of–state sellers" to include certain persons who sell, ship, or deliver cigarettes, cigarettes or other tobacco products, and electronic smoking devices; requiring out–of–state sellers to pay the tobacco tax on cigarettes, cigarettes or other tobacco products, and electronic smoking devices on which the tobacco tax has not been paid; making certain electronic smoking devices subject to certain enforcement provisions applicable to cigarettes and other tobacco products; prohibiting certain acts relating to electronic smoking devices; authorizing the Comptroller to require an electronic smoking devices wholesaler to post security in a certain amount; imposing certain requirements relating to certain transportation of other tobacco products; clarifying that all electronic smoking devices used, possessed, or held in the State on or after a~~

~~certain date providing that all cigarettes or other tobacco products used, possessed, or held in the State on or after certain dates are subject to the tax enacted under this Act; authorizing the Comptroller to determine the method of assessing and collecting certain additional taxes; requiring certain additional taxes to be remitted to the Comptroller by a certain date; requiring the Comptroller to distribute certain revenue attributable to certain taxes to The Blueprint for Maryland's Future Fund; making conforming changes; defining certain terms; altering certain definitions; repealing certain obsolete provisions; making stylistic changes; providing for the termination of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to the taxation and regulation of electronic smoking devices, other tobacco products, and cigarettes~~ *altering the sales and use tax rate imposed on sales of certain electronic smoking devices and vaping liquid; prohibiting a county, a municipal corporation, a special taxing district, or any other political subdivision, subject to a certain exception, from imposing a tax on electronic smoking devices; altering the tobacco tax rate for certain cigarettes and other tobacco products; imposing a tax on certain annual gross revenues derived from certain digital advertising services in the State; providing for the calculation of the part of the annual gross revenues of a person derived from digital advertising services in the State; providing for the calculation of the tax; requiring certain persons that have certain annual gross revenues derived from digital advertising services in the State to complete and file with the Comptroller a certain return in a certain manner; requiring certain persons that reasonably expect the person's annual gross revenues derived from digital advertising services to exceed a certain amount to complete and file with the Comptroller a certain declaration of estimated tax in a certain manner; requiring a person required to file a certain return to maintain certain records; requiring a person to pay the digital advertising gross revenues tax in a certain manner; requiring the Comptroller to distribute digital advertising gross revenues tax revenue in a certain manner; requiring the Comptroller to make an assessment of certain digital advertising gross revenues tax due under certain circumstances; requiring the Comptroller to assess interest on unpaid digital advertising gross revenues taxes in a certain manner; providing certain criminal penalties for failing to file a certain return or filing a certain false return; requiring that the Comptroller administer the laws that relate to the digital advertising gross revenues tax; requiring that all cigarettes and other tobacco products used, possessed, or held in the State on or after a certain date are subject to the tax enacted under certain sections of this Act; authorizing the Comptroller to determine the method of assessing and collecting certain additional taxes; requiring certain additional taxes to be remitted to the Comptroller by a certain date; requiring the Comptroller to report to certain committees of the General Assembly on or before a certain date; requiring the Governor, for certain fiscal years, to include in the annual budget bill certain appropriations; declaring the intent of the General Assembly; defining certain terms; altering the definition of certain terms; making certain conforming changes; providing for the application of this Act; and generally relating to the tobacco tax, sales and use tax, and a digital advertising gross revenues tax*.

BY repealing and reenacting, without amendments,
Article – Business Regulation

Section 16.5–101(a) and 16.7–101(a), (d) through (g), and (j)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16.5–101(i) and 16.7–101(c)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–1015
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 1–101(a) and (p), 11–104(a), and 12–101(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY adding to
Article – Tax – General
Section 1–101(g–1); 2–4A–01 and 2–4A–02 to be under the new subtitle "Subtitle 4A. Digital Advertising Gross Revenues Tax Revenue Distribution"; 7.5–101 through 7.5–301 to be under the new title "Title 7.5. Digital Advertising Gross Revenues Tax"; and 11–104(j), 13–402(a)(6), and 13–1001(g)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–102, 12–101(d), 12–102, 12–105, 13–402(a)(4) and (5), 13–602(a), 13–702(a), 13–1002(b) and (c), and 13–1101(b) and (c)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 5–219(b)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–219(f)

Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 13–1015~~
~~Annotated Code of Maryland~~
~~(2019 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Tax – General~~
~~Section 12–101 through 12–302, 13–408, 13–825(h), 13–834(c), 13–836(b)(2), 13–837, 13–839, 13–1014, and 13–1015~~ 2–1303(a), 12–101, 12–102, 12–105, 12–201, ~~and 12–302~~
~~Annotated Code of Maryland~~
~~(2016 Replacement Volume and 2019 Supplement)~~

~~BY adding to~~
~~Article – Tax – General~~
~~Section 2–1602.1 and 11–104(j)~~
~~Annotated Code of Maryland~~
~~(2016 Replacement Volume and 2019 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Tax – General~~
~~Section 13–834(a) and 13–836(a)(1)~~ ~~12–102~~
~~Annotated Code of Maryland~~
~~(2016 Replacement Volume and 2019 Supplement)~~

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

Article – Business Regulation

16.5–101.

(a) In this title the following words have the meanings indicated.

(i) **(1)** "Other tobacco products" means**, EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PRODUCT THAT IS**:

[(1) any cigar or roll for smoking, other than a cigarette, made in whole or in part of tobacco; or

(2) any other tobacco or product made primarily from tobacco, other than a cigarette, that is intended for consumption by smoking or chewing or as snuff**]**

(I) INTENDED FOR HUMAN CONSUMPTION OR LIKELY TO BE CONSUMED, WHETHER SMOKED, HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED, OR INGESTED IN ANY OTHER MANNER, AND THAT IS MADE OF OR DERIVED FROM, OR THAT CONTAINS:

1. TOBACCO; OR

2. NICOTINE; OR

(II) A COMPONENT OR PART USED IN A CONSUMABLE PRODUCT DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH.

(2) "OTHER TOBACCO PRODUCTS" INCLUDES:

(I) CIGARS, PREMIUM CIGARS, PIPE TOBACCO, CHEWING TOBACCO, SNUFF, AND SNUS; AND

(II) FILTERS, ROLLING PAPERS, PIPES, AND HOOKAHS.

(3) "OTHER TOBACCO PRODUCTS" DOES NOT INCLUDE:

(I) CIGARETTES;

(II) ELECTRONIC SMOKING DEVICES; OR

(III) DRUGS, DEVICES, OR COMBINATION PRODUCTS AUTHORIZED FOR SALE BY THE U.S. FOOD AND DRUG ADMINISTRATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

16.7–101.

(a) In this title the following words have the meanings indicated.

(c) (1) "Electronic smoking device" means a device that can be used to deliver aerosolized or vaporized nicotine to an individual inhaling from the device.

(2) "Electronic smoking device" includes:

(i) an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vape pen, and vaping liquid; and

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,** any component, part, or accessory of such a device regardless of whether or not it is sold separately, including any substance intended to be aerosolized or vaporized during use of the device.

(3) "Electronic smoking device" does not include**:**

(I) a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act**; OR**

(II) A BATTERY OR BATTERY CHARGER WHEN SOLD SEPARATELY.

(d) "Electronic smoking devices manufacturer" means a person that:

(1) manufactures, mixes, or otherwise produces electronic smoking devices intended for sale in the State, including electronic smoking devices intended for sale in the United States through an importer; and

(2) (i) sells electronic smoking devices to a consumer, if the consumer purchases or orders the devices through the mail, a computer network, a telephonic network, or another electronic network, a licensed electronic smoking devices wholesaler distributor, or a licensed electronic smoking devices wholesaler importer in the State;

(ii) if the electronic smoking devices manufacturer also holds a license to act as an electronic smoking devices retailer or a vape shop vendor, sells electronic smoking devices to consumers located in the State; or

(iii) unless otherwise prohibited or restricted under local law, this article, or the Criminal Law Article, distributes sample electronic smoking devices to a licensed electronic smoking devices retailer or vape shop vendor.

(e) "Electronic smoking devices retailer" means a person that:

(1) sells electronic smoking devices to consumers;

(2) holds electronic smoking devices for sale to consumers; or

(3) unless otherwise prohibited or restricted under local law, this article, the Criminal Law Article, or § 24–305 of the Health – General Article, distributes sample electronic smoking devices to consumers in the State.

(f) "Electronic smoking devices wholesaler distributor" means a person that:

(1) obtains at least 70% of its electronic smoking devices from a holder of an electronic smoking devices manufacturer license under this subtitle or a business entity located in the United States; and

(2) (i) holds electronic smoking devices for sale to another person for resale; or

(ii) sells electronic smoking devices to another person for resale.

(g) "Electronic smoking devices wholesaler importer" means a person that:

(1) obtains at least 70% of its electronic smoking devices from a business entity located in a foreign country; and

(2) (i) holds electronic smoking devices for sale to another person for resale; or

(ii) sells electronic smoking devices to another person for resale.

(j) "Vape shop vendor" means an electronic smoking devices business that derives at least 70% of its revenues, measured by average daily receipts, from the sale of electronic smoking devices and related accessories.

~~**Article – Education**~~

~~5–219.~~

~~(b) There is The Blueprint for Maryland's Future Fund.~~

~~(f) The Fund consists of:~~

~~(1) Revenue distributed to the Fund under §§ 2–605.1, 2–1303, **AND 2–1602.1** of the Tax – General Article;~~

~~(2) Money appropriated in the State budget for the Fund; and~~

~~(3) Any other money from any other source accepted for the benefit of the Fund.~~

Article – Health – General

13–1015.

(a) For fiscal year 2011 and fiscal year 2012, the Governor shall include at least $6,000,000 in the annual budget in appropriations for activities aimed at reducing tobacco use in Maryland as recommended by the Centers for Disease Control and Prevention, including:

(1) Media campaigns aimed at reducing smoking initiation and encouraging smokers to quit smoking;

(2) Media campaigns educating the public about the dangers of secondhand smoke exposure;

(3) Enforcement of existing laws banning the sale or distribution of tobacco products to individuals under the age of 21 years;

(4) Promotion and implementation of smoking cessation programs; and

(5) Implementation of school–based tobacco education programs.

(b) **(1)** For fiscal **[**year 2013 and each fiscal year thereafter,**]** **YEARS 2013 THROUGH 2021,** the Governor shall include at least $10,000,000 in the annual budget in appropriations for the purposes described in subsection (a) of this section.

(2) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE AT LEAST ~~$21,000,000~~ ~~$12,500,000~~ *$18,250,000* IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE PURPOSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

Article – Tax – General

~~2–1303.~~

~~(a) After making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, the Comptroller shall pay:~~

~~(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under § 10–130 of the Economic Development Article;~~

~~(2) REVENUES FROM THE SALES AND USE TAX ON OPEN ELECTRONIC SMOKING DEVICES UNDER § 11–104(J) OF THIS ARTICLE TO THE BLUEPRINT FOR MARYLAND'S FUTURE FUND ESTABLISHED UNDER § 5–219 OF THE EDUCATION ARTICLE;~~

~~[~~(2)~~]~~ ~~(3)~~ ~~subject to subsection (b) of this section, to The Blueprint for Maryland's Future Fund established under § 5–219 of the Education Article, revenues collected and remitted by:~~

~~(i) a marketplace facilitator; or~~

~~(ii) a person that engages in the business of an out–of–state vendor and that is required to collect and remit sales and use tax as specified in COMAR 03.06.01.33B(5); and~~

~~[~~(3)~~]~~ ~~(4)~~ ~~the remaining sales and use tax revenue into the General Fund of the State.~~

~~**2–1602.1.**~~

~~**AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2–1601 AND 2–1602 OF THIS SUBTITLE, THE COMPTROLLER SHALL DISTRIBUTE THE NET INCREASE IN TOBACCO TAX REVENUE ATTRIBUTABLE TO TOBACCO TAX RATES IN EXCESS OF THE RATES IN EFFECT ON JUNE 30, 2020, TO THE BLUEPRINT FOR MARYLAND'S FUTURE FUND ESTABLISHED UNDER § 5–219 OF THE EDUCATION ARTICLE.**~~

11–104.

~~**(J) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**~~

~~**(II) "ELECTRONIC SMOKING DEVICE" HAS THE MEANING STATED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.**~~

~~**(III) "OPEN ELECTRONIC SMOKING DEVICE" MEANS AN ELECTRONIC SMOKING DEVICE THAT HAS A TANK, RESERVOIR, OR OTHER CONTAINER FOR VAPING LIQUID THAT CAN BE MANUALLY FILLED AND REFILLED WITH VAPING LIQUID.**~~

~~**(IV) "VAPING LIQUID" HAS THE MEANING STATED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.**~~

~~**(2) THE SALES AND USE TAX RATE FOR OPEN ELECTRONIC SMOKING DEVICES IS 12%.**~~

(a) Except as otherwise provided in this section, the sales and use tax rate is:

(1) for a taxable price of less than $1:

(i) 1 cent if the taxable price is 20 cents;

(ii) 2 cents if the taxable price is at least 21 cents but less than 34 cents;

(iii) 3 cents if the taxable price is at least 34 cents but less than 51 cents;

(iv) 4 cents if the taxable price is at least 51 cents but less than 67 cents;

(v) 5 cents if the taxable price is at least 67 cents but less than 84 cents; and

(vi) 6 cents if the taxable price is at least 84 cents; and

(2) for a taxable price of $1 or more:

(i) 6 cents for each exact dollar; and

(ii) for that part of a dollar in excess of an exact dollar:

1. 1 cent if the excess over an exact dollar is at least 1 cent but less than 17 cents;

2. 2 cents if the excess over an exact dollar is at least 17 cents but less than 34 cents;

3. 3 cents if the excess over an exact dollar is at least 34 cents but less than 51 cents;

4. 4 cents if the excess over an exact dollar is at least 51 cents but less than 67 cents;

5. 5 cents if the excess over an exact dollar is at least 67 cents but less than 84 cents; and

6. 6 cents if the excess over an exact dollar is at least 84 cents.

(J) (1) (I) IN THIS SUBSECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "ELECTRONIC SMOKING DEVICE" HAS THE MEANING STATED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.

(III) "VAPING LIQUID" HAS THE MEANING STATED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE SALES AND USE TAX RATE FOR ELECTRONIC SMOKING DEVICES IS 12% OF THE TAXABLE PRICE.

(3) THE SALES AND USE TAX FOR VAPING LIQUID SOLD IN A CONTAINER THAT CONTAINS 5 MILLILITERS OR LESS OF VAPING LIQUID IS 60% OF THE TAXABLE PRICE.

12–101.

~~(a) In this title the following words have the meanings indicated.~~

~~(b) "Cigarette" means any size or shaped roll for smoking that is made of tobacco or tobacco mixed with another ingredient and wrapped in paper or in any other material except tobacco.~~

~~(C) "ELECTRONIC SMOKING DEVICE" HAS THE MEANING STATED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.~~

~~(D) "ELECTRONIC SMOKING DEVICES RETAILER" HAS THE MEANING STATED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.~~

~~[~~~~(c)~~**~~]~~** **~~(E)~~** ~~"Manufacturer" means a person who acts as~~**~~:~~**

~~(1)~~ ~~a manufacturer as defined in § 16–201 of the Business Regulation Article~~ **~~[~~**~~or as~~**~~];~~**

~~(2)~~ ~~an other tobacco products manufacturer as defined in § 16.5–101 of the Business Regulation Article~~**~~; OR~~**

~~(3) AN ELECTRONIC SMOKING DEVICES MANUFACTURER AS DEFINED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.~~

~~[~~~~(d)~~**~~]~~** **~~(F)~~** **(D)** ~~"Other tobacco~~ **~~[~~**~~product" means:~~

~~(1) any cigar or roll for smoking, other than a cigarette, made in whole or in part of tobacco; or~~

~~(2) any other tobacco or product made primarily from tobacco, other than a cigarette, that is intended for consumption by smoking or chewing or as snuff~~**~~] PRODUCTS" HAS THE MEANING STATED IN § 16.5–101 OF THE BUSINESS REGULATION ARTICLE.~~**

~~[~~~~(e)~~**~~]~~** **~~(G)~~** ~~"Other tobacco products retailer" means a person authorized under § 16.5–205(b) of the Business Regulation Article to purchase other tobacco products on which the tobacco tax has not been paid.~~

~~[~~~~(f)~~**~~]~~** **~~(H)~~** ~~"Out–of–state seller" means a person located outside the State that sells, holds for sale, ships, or delivers~~ **~~[~~**~~premium cigars or pipe tobacco~~**~~] CIGARETTES, OTHER TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES~~** ~~CIGARETTES OR OTHER TOBACCO PRODUCTS~~ ~~to consumers in the State if, during the previous calendar year or the current calendar year:~~

~~(1) the person's gross revenue from the sale of~~ **~~[~~**~~premium cigars or pipe tobacco~~**~~] CIGARETTES, OTHER TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES~~ ~~CIGARETTES OR OTHER TOBACCO PRODUCTS~~ ~~in the State exceeds $100,000; or~~

~~(2) the person sold [premium cigars or pipe tobacco] CIGARETTES, OTHER TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES~~ CIGARETTES OR OTHER TOBACCO PRODUCTS ~~into the State in 200 or more separate transactions.~~

~~[(g) "Pipe tobacco" has the meaning stated in § 16.5–101 of the Business Regulation Article.~~

~~(h) "Premium cigars" has the meaning stated in § 16.5–101 of the Business Regulation Article.]~~

~~(i)~~ (G) ~~"Sell" means to exchange or transfer, or to make an agreement to exchange or transfer, title or possession of property, in any manner or by any means, for consideration.~~

~~(j)~~ (H) ~~"Tax stamp" means a device in the design and denomination that the Comptroller authorizes by regulation for the purpose of being affixed to a package of cigarettes as evidence that the tobacco tax is paid.~~

~~(k)~~ (I) ~~"Tobacconist" means a person authorized under § 16.5–205(e) of the Business Regulation Article to purchase other tobacco products on which the tobacco tax has not been paid.~~

~~(l)~~ (J) ~~"Unstamped cigarettes" means a package of cigarettes to which tax stamps are not affixed in the amount and manner required in § 12–304 of this title.~~

~~(M) "VAPE SHOP VENDOR" HAS THE MEANING STATED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.~~

~~[(m)]~~ (N) ~~(K)~~ ~~"Wholesale price" means the price for which a wholesaler buys other tobacco products, exclusive of any discount, trade allowance, rebate, or other reduction.~~

~~[(n)]~~ (O) ~~(L)~~ ~~"Wholesaler" means, unless the context requires otherwise, a person who acts as:~~

~~(1) a wholesaler as defined in § 16–201 of the Business Regulation Article [or as];~~

~~(2) an other tobacco products wholesaler as defined in § 16.5–101 of the Business Regulation Article;~~

~~(3) AN ELECTRONIC SMOKING DEVICES WHOLESALER DISTRIBUTOR, AS DEFINED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE; OR~~

~~(4) AN ELECTRONIC SMOKING DEVICES WHOLESALER IMPORTER, AS DEFINED IN § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.~~

(a) In this title the following words have the meanings indicated.

*(d) "Other tobacco product" **[**means:*

(1) any cigar or roll for smoking, other than a cigarette, made in whole or in part of tobacco; or

*(2) any other tobacco or product made primarily from tobacco, other than a cigarette, that is intended for consumption by smoking or chewing or as snuff**]** **HAS THE MEANING STATED FOR "OTHER TOBACCO PRODUCTS" IN § 16.5–101 OF THE BUSINESS REGULATION ARTICLE.***

12–102.

~~**[**(a)**]** Except as provided in § 12–104 of this subtitle, a tax is imposed on cigarettes **[**and**]**, other tobacco products**, AND ELECTRONIC SMOKING DEVICES** in the State.~~

~~**[**(b) A county, municipal corporation, special taxing district, or other political subdivision of the State may not impose a tax on cigarettes or, other tobacco products.**]**~~

(a) Except as provided in § 12–104 of this subtitle, a tax is imposed on cigarettes and other tobacco products in the State.

*(b) **(1) [**A**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A county, municipal corporation, special taxing district, or other political subdivision of the State may not impose a tax on cigarettes **[**or**]**, other tobacco products**, OR ELECTRONIC SMOKING DEVICES AS DEFINED UNDER § 16.7–101 OF THE BUSINESS REGULATION ARTICLE.***

(2) IF A COUNTY IMPOSED A TAX ON ELECTRONIC SMOKING DEVICES ON JANUARY 1, 2020, THE COUNTY MAY CONTINUE TO IMPOSE A TAX ON ELECTRONIC SMOKING DEVICES AT THE SAME RATE THAT WAS IN EFFECT ON JANUARY 1, 2020.

12–105.

(a) The tobacco tax rate for cigarettes is:

*(1) **[**$1.00 for each package of 10 or fewer cigarettes;*

*(2) $2.00**]** **$3.75** for each package of **[**at least 11 and not more than**]** 20 cigarettes; **AND***

***[**(3)**]** **(2)** **[**10.0**]** **17.5** cents for each cigarette in a package of more than 20 cigarettes**[**; and*

*(4) 10.0 cents for each cigarette in a package of free sample cigarettes***]**.

~~*(b) (1) Except as provided in paragraph (2) of this subsection, the tobacco tax rate for other tobacco products is* [*30%*] *53%* *of the wholesale price of the tobacco products.*~~

~~*(2) (i) In this paragraph, "premium cigars" has the meaning stated in § 16.5–101 of the Business Regulation Article.*~~

~~*(ii) Except as provided in subparagraph (iii) of this paragraph, the tobacco tax rate for cigars is 70% of the wholesale price of the cigars.*~~

~~*(iii) The tobacco tax rate for premium cigars is 15% of the wholesale price of the premium cigars.*~~

(b) (1) Except as provided in paragraph (2) of this subsection, the tobacco tax rate for other tobacco products is [*30%*] ***53%*** *of the wholesale price of the tobacco products.*

(2) (i) In this paragraph, ***"PIPE TOBACCO" AND*** *"premium cigars"* [*has*] ***HAVE*** *the* [*meaning*] ***MEANINGS*** *stated in § 16.5–101 of the Business Regulation Article.*

(ii) ***1.*** *Except as provided in* [*subparagraph (iii)*] ***SUBSUBPARAGRAPH 2*** *of this* [*paragraph*] ***SUBPARAGRAPH****, the tobacco tax rate for cigars is 70% of the wholesale price of the cigars.*

[*(iii)*] ***2.*** *The tobacco tax rate for premium cigars is 15% of the wholesale price of the premium cigars.*

(III) THE TOBACCO TAX RATE FOR PIPE TOBACCO IS 30% OF THE WHOLESALE PRICE OF THE PIPE TOBACCO.

~~12–103.~~

~~(a) A rebuttable presumption exists that any cigarette [or], other tobacco product, OR ELECTRONIC SMOKING DEVICE in the State is subject to the tobacco tax.~~

~~(b) Cigarettes [or], other tobacco products, OR ELECTRONIC SMOKING DEVICES are contraband tobacco products if they:~~

~~(1) are possessed or sold in the State in a manner that is not authorized under this title or under Title 16 [or], Title 16.5, OR TITLE 16.7 of the Business Regulation Article; or~~

~~(2) are transported by vehicle in the State by a person who does not have, in the vehicle, the records required by § 16–219 or § 16.5–215 of the Business Regulation Article for the transportation of cigarettes or other tobacco products.~~

~~(c) A person who possesses cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** has the burden of proving that the cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** are not subject to the tobacco tax.~~

~~12–104.~~

~~(a) "Consumer" means a person who possesses cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** for a purpose other than selling or transporting the cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES.**~~

~~(b) The tobacco tax does not apply to:~~

~~(1) cigarettes that a licensed wholesaler under Title 16 of the Business Regulation Article is holding for sale outside the State or to a United States armed forces exchange or commissary;~~

~~(2) other tobacco products that an other tobacco products wholesaler licensed under Title 16.5 of the Business Regulation Article is holding for sale outside the State or to a United States armed forces exchange or commissary; **[**or**]**~~

~~(3) ELECTRONIC SMOKING DEVICES THAT AN ELECTRONIC SMOKING DEVICES WHOLESALER LICENSED UNDER TITLE 16.7 OF THE BUSINESS REGULATION ARTICLE IS HOLDING FOR SALE OUTSIDE THE STATE OR TO A UNITED STATES ARMED FORCES EXCHANGE OR COMMISSARY; OR~~

~~[~~(3)**~~]~~ (4)** ~~cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** that:~~

~~(i) a consumer brings into the State:~~

~~1. if the quantity brought from another state does not exceed **[**other tobacco products having**]** a retail value of $100 **FOR OTHER TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES** or 5 cartons of cigarettes; or~~

~~2. if the quantity brought from a United States armed forces installation or reservation does not exceed **[**other tobacco products having**]** a retail value of $100 **FOR OTHER TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES** or 5 cartons of cigarettes;~~

~~(ii) a person is transporting by vehicle in the State if the person has, in the vehicle, the records required by § 16–219 or § 16.5–215 of the Business Regulation Article for the transportation of cigarettes or other tobacco products; or~~

~~(iii) are held in storage in a licensed storage warehouse on behalf of a licensed cigarette manufacturer **[**or**],** an other tobacco products manufacturer, **OR AN ELECTRONIC SMOKING DEVICES MANUFACTURER.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

~~Article – Tax – General~~

~~12–105.~~

~~(a) The tobacco tax rate for cigarettes is:~~

~~(1) **[**$1.00 for each package of 10 or fewer cigarettes;~~

~~(2) $2.00**] $4.00 $3.00** for each package of **[**at least 11 and not more than**]** 20 cigarettes; **AND**~~

~~**[**(3)**] (2) [**10.0**] 20.0 15.0** cents for each cigarette in a package of more than 20 cigarettes**[**; and~~

~~(4) 10.0 cents for each cigarette in a package of free sample cigarettes**].**~~

~~(b) **[**(1) Except as provided in paragraph (2) of this subsection, the**] THE** tobacco tax rate for other tobacco products is **[**30%**] 86% 50%** of the wholesale price of the tobacco products.~~

~~**[**(2) (i) In this paragraph, "premium cigars" has the meaning stated in § 16.5–101 of the Business Regulation Article.~~

~~(ii) Except as provided in subparagraph (iii) of this paragraph, the tobacco tax rate for cigars is 70% of the wholesale price of the cigars.~~

~~(iii) The tobacco tax rate for premium cigars is 15% of the wholesale price of the premium cigars.**]**~~

~~(C) THE TOBACCO TAX RATE FOR ELECTRONIC SMOKING DEVICES IS 86% OF THE WHOLESALE PRICE OF THE ELECTRONIC SMOKING DEVICES.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article – Tax – General~~

~~12–105.~~

~~(a) The tobacco tax rate for cigarettes is:~~

~~(1) **[**$1.00 for each package of 10 or fewer cigarettes:~~

~~(2) $2.00**] $4.00** for each package of **[**at least 11 and not more than**]** 20 cigarettes; **AND**~~

~~(3) **[**10.0**] 20.0** cents for each cigarette in a package of more than 20 cigarettes**[**; and~~

~~(4) 10.0 cents for each cigarette in a package of free sample cigarettes**]**.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection, the tobacco tax rate for other tobacco products is **[**30%**] 70%** of the wholesale price of the tobacco products.~~

~~(2) (i) In this paragraph, "premium cigars" has the meaning stated in § 16.5–101 of the Business Regulation Article.~~

~~(ii) Except as provided in subparagraph (iii) of this paragraph, the tobacco tax rate for cigars is 70% of the wholesale price of the cigars.~~

~~(iii) The tobacco tax rate for premium cigars is 15% of the wholesale price of the premium cigars.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article – Tax – General~~

~~12–201.~~

~~(a) A manufacturer shall complete and file with the Comptroller a tobacco tax return**[**:~~

~~(1) on or before the 15th day of the month that follows the month in which the manufacturer distributes in the State free sample cigarettes of the manufacturer; and~~

~~(2)**]** **ON A DATE** if the Comptroller so specifies, by regulation**[**, on other dates for each month in which the manufacturer does not distribute any sample cigarettes**]**.~~

~~(b) A licensed other tobacco products manufacturer **AND A LICENSED ELECTRONIC SMOKING DEVICES MANUFACTURER** shall file the information return that the Comptroller requires.~~

~~(c) A licensed storage warehouse operator and a licensed other tobacco products storage warehouse operator shall file the information return that the Comptroller requires.~~

~~12–202.~~

~~(a) A wholesaler shall complete and file with the Comptroller a tobacco tax return:~~

~~(1) for cigarettes:~~

~~(i) on or before the 21st day of the month that follows the month in which the wholesaler has the first possession, in the State, of unstamped cigarettes for which tax stamps are required; and~~

~~(ii) if the Comptroller so specifies, by regulation, on other dates for each month in which the wholesaler does not have the first possession of any unstamped cigarettes in the State; **[**and**]**~~

~~(2) for other tobacco products, on or before the 21st day of the month that follows the month in which the wholesaler has possession of other tobacco products on which the tobacco tax has not been paid**; AND**~~

~~**(3) FOR ELECTRONIC SMOKING DEVICES, ON OR BEFORE THE 21ST DAY OF THE MONTH THAT FOLLOWS THE MONTH IN WHICH THE WHOLESALER HAS POSSESSION OF ELECTRONIC SMOKING DEVICES ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID.**~~

~~(b) Each return shall state the quantity of cigarettes or the wholesale price of other tobacco products sold during the period that the return covers.~~

~~12–203.~~

~~(a) Each wholesaler shall:~~

~~(1) keep an invoice for each purchase of tax stamps;~~

~~(2) maintain a daily record of the tax stamps affixed to cigarette packages; and~~

~~(3) maintain a complete and accurate record of each sale of cigarettes **[**or**]**, other tobacco products**, OR ELECTRONIC SMOKING DEVICES** for resale outside of the State.~~

~~(b) A wholesaler shall:~~

~~(1) keep the records required under subsection (a) of this section for a period of 6 years or for a shorter period that the Comptroller authorizes; and~~

~~(2) allow the Comptroller to examine the records.~~

~~12–301.~~

~~In this subtitle, "licensed wholesaler" means a wholesaler who is licensed under:~~

~~(1)~~ ~~Title 16, Subtitle 2 of the Business Regulation Article to act as a wholesaler~~ **~~[~~**~~or under~~**~~]~~**~~;~~

~~(2)~~ ~~Title 16.5, Subtitle 2 of the Business Regulation Article to act as an other tobacco products wholesaler~~**~~;~~**

~~(3) TITLE 16.7, SUBTITLE 2 OF THE BUSINESS REGULATION ARTICLE AS AN ELECTRONIC SMOKING DEVICES WHOLESALER DISTRIBUTOR; OR~~

~~(4) TITLE 16.7, SUBTITLE 2 OF THE BUSINESS REGULATION ARTICLE AS AN ELECTRONIC SMOKING DEVICES WHOLESALER IMPORTER.~~

~~12–302.~~

~~(a) A manufacturer of sample cigarettes shall pay the tobacco tax on those cigarettes distributed in the State without charge, in the manner that the Comptroller requires by regulation, with the return that covers the period in which the manufacturer distributed those cigarettes.~~

~~(b) The wholesaler who first possesses in the State unstamped cigarettes for which tax stamps are required shall pay the tobacco tax on those cigarettes by buying and affixing tax stamps.~~

~~(c) The tobacco tax on other tobacco products shall be paid by the wholesaler who sells the other tobacco products to a retailer in the State.~~

~~(d) (1) A licensed other tobacco products retailer or a licensed tobacconist shall pay the tobacco tax on other tobacco products on which the tobacco tax has not been paid by filing a quarterly tax return, with any supporting schedules, on forms provided by the Comptroller on the following dates covering tax liabilities in the preceding quarter:~~

~~(i) January 21;~~

~~(ii) April 21;~~

~~(iii) July 21; and~~

~~(iv) October 21.~~

~~(2) A licensed other tobacco products retailer or a licensed tobacconist required to file a tax return under paragraph (1) of this subsection shall pay a tobacco tax at the rate provided in § 12–105(b) of this title based on the invoice amount charged by the licensed other tobacco products manufacturer, exclusive of any discount, trade allowance, rebate, or other reduction.~~

~~(c) An out–of–state seller shall pay the tobacco tax on [pipe tobacco or premium cigars] CIGARETTES, OTHER TOBACCO PRODUCTS, AND ELECTRONIC SMOKING DEVICES~~ CIGARETTES OR OTHER TOBACCO PRODUCTS ~~on which the tobacco tax has not been paid.~~

Article – Education

5–219.

(b) There is The Blueprint for Maryland's Future Fund.

(f) The Fund consists of:

(1) Revenue distributed to the Fund under §§ ***2–4A–02,*** *2–605.1,* ***and*** *2–1303 of the Tax – General Article;*

(2) Money appropriated in the State budget for the Fund; and

(3) Any other money from any other source accepted for the benefit of the Fund.

Article – Tax – General

1–101.

(a) In this article the following words have the meanings indicated.

(G–1) "DIGITAL ADVERTISING GROSS REVENUES TAX" MEANS THE TAX IMPOSED UNDER TITLE 7.5 OF THIS ARTICLE.

(p) (1) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(2) "Person", unless expressly provided otherwise, does not include a governmental entity or a unit or instrumentality of a governmental entity.

2–102.

In addition to the duties set forth elsewhere in this article and in other articles of the Code, the Comptroller shall administer the laws that relate to:

(1) the admissions and amusement tax;

(2) the alcoholic beverage tax;

(3) the boxing and wrestling tax;

(4) ***THE DIGITAL ADVERTISING GROSS REVENUES TAX;***

(5) *the income tax;*

[*(5)****] (6)*** *the Maryland estate tax;*

[*(6)****] (7)*** *the Maryland generation–skipping transfer tax;*

[*(7)****] (8)*** *the motor carrier tax;*

[*(8)****] (9)*** *the motor fuel tax;*

[*(9)****] (10)*** *the sales and use tax;*

[*(10)****] (11)*** *the savings and loan association franchise tax; and*

[*(11)****] (12)*** *the tobacco tax.*

SUBTITLE 4A. DIGITAL ADVERTISING GROSS REVENUES TAX REVENUE DISTRIBUTION.

2–4A–01.

FROM THE DIGITAL ADVERTISING GROSS REVENUES TAX REVENUE, THE COMPTROLLER SHALL DISTRIBUTE EACH QUARTER THE AMOUNT NECESSARY TO ADMINISTER THE DIGITAL ADVERTISING GROSS REVENUES TAX LAWS IN THE PREVIOUS QUARTER TO AN ADMINISTRATIVE COST ACCOUNT.

2–4A–02.

AFTER MAKING THE DISTRIBUTION REQUIRED UNDER § 2–4A–01 OF THIS SUBTITLE, THE COMPTROLLER SHALL DISTRIBUTE THE REMAINING DIGITAL ADVERTISING GROSS REVENUES TAX REVENUE TO THE BLUEPRINT FOR

MARYLAND'S FUTURE FUND ESTABLISHED UNDER § 5–219 OF THE EDUCATION ARTICLE.

TITLE 7.5. DIGITAL ADVERTISING GROSS REVENUES TAX.
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

7.5–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ANNUAL GROSS REVENUES" MEANS INCOME OR REVENUE FROM ALL SOURCES, BEFORE ANY EXPENSES OR TAXES, COMPUTED ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

(C) "ASSESSABLE BASE" MEANS THE ANNUAL GROSS REVENUES DERIVED FROM DIGITAL ADVERTISING SERVICES IN THE STATE.

(D) "DIGITAL ADVERTISING SERVICES" INCLUDES ADVERTISEMENT SERVICES ON A DIGITAL INTERFACE, INCLUDING ADVERTISEMENTS IN THE FORM OF BANNER ADVERTISING, SEARCH ENGINE ADVERTISING, INTERSTITIAL ADVERTISING, AND OTHER COMPARABLE ADVERTISING SERVICES.

(E) "DIGITAL INTERFACE" MEANS ANY TYPE OF SOFTWARE, INCLUDING A WEBSITE, PART OF A WEBSITE, OR APPLICATION, THAT A USER IS ABLE TO ACCESS.

(F) "USER" MEANS AN INDIVIDUAL OR ANY OTHER PERSON WHO ACCESSES A DIGITAL INTERFACE WITH A DEVICE.

7.5–102.

(A) A TAX IS IMPOSED ON ANNUAL GROSS REVENUES OF A PERSON DERIVED FROM DIGITAL ADVERTISING SERVICES IN THE STATE.

(B) (1) FOR PURPOSES OF THIS TITLE, THE PART OF THE ANNUAL GROSS REVENUES OF A PERSON DERIVED FROM DIGITAL ADVERTISING SERVICES IN THE STATE SHALL BE DETERMINED USING AN APPORTIONMENT FRACTION:

(I) THE NUMERATOR OF WHICH IS THE ANNUAL GROSS REVENUES OF A PERSON DERIVED FROM DIGITAL ADVERTISING SERVICES IN THE STATE; AND

(II) THE DENOMINATOR OF WHICH IS THE ANNUAL GROSS REVENUES OF A PERSON DERIVED FROM DIGITAL ADVERTISING SERVICES IN THE UNITED STATES.

(2) THE COMPTROLLER SHALL ADOPT REGULATIONS THAT DETERMINE THE STATE FROM WHICH REVENUES FROM DIGITAL ADVERTISING SERVICES ARE DERIVED.

7.5–103.

THE DIGITAL ADVERTISING GROSS REVENUES TAX RATE IS:

(1) 2.5% OF THE ASSESSABLE BASE FOR A PERSON WITH GLOBAL ANNUAL GROSS REVENUES OF $100,000,000 THROUGH $1,000,000,000;

(2) 5% OF THE ASSESSABLE BASE FOR A PERSON WITH GLOBAL ANNUAL GROSS REVENUES OF $1,000,000,001 THROUGH $5,000,000,000;

(3) 7.5% OF THE ASSESSABLE BASE FOR A PERSON WITH GLOBAL ANNUAL GROSS REVENUES OF $5,000,000,001 THROUGH $15,000,000,000; AND

(4) 10% OF THE ASSESSABLE BASE FOR A PERSON WITH GLOBAL ANNUAL GROSS REVENUES EXCEEDING $15,000,000,000.

SUBTITLE 2. RETURNS.

7.5–201.

(A) EACH PERSON THAT, IN A CALENDAR YEAR, HAS ANNUAL GROSS REVENUES DERIVED FROM DIGITAL ADVERTISING SERVICES IN THE STATE OF AT LEAST $1,000,000 SHALL COMPLETE, UNDER OATH, AND FILE WITH THE COMPTROLLER A RETURN, ON OR BEFORE APRIL 15 THE NEXT YEAR.

(B) (1) EACH PERSON THAT REASONABLY EXPECTS THE PERSON'S ANNUAL GROSS REVENUES DERIVED FROM DIGITAL ADVERTISING SERVICES IN THE STATE TO EXCEED $1,000,000 SHALL COMPLETE, UNDER OATH, AND FILE WITH THE COMPTROLLER A DECLARATION OF ESTIMATED TAX, ON OR BEFORE APRIL 15 OF THAT YEAR.

(2) A PERSON REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO FILE A DECLARATION OF ESTIMATED TAX FOR A TAXABLE YEAR SHALL COMPLETE AND FILE WITH THE COMPTROLLER A QUARTERLY ESTIMATED TAX RETURN ON OR BEFORE JUNE 15, SEPTEMBER 15, AND DECEMBER 15 OF THAT YEAR.

(C) A PERSON REQUIRED TO FILE A RETURN UNDER THIS SECTION SHALL FILE WITH THE RETURN AN ATTACHMENT THAT STATES ANY INFORMATION THAT THE COMPTROLLER REQUIRES TO DETERMINE ANNUAL GROSS REVENUES DERIVED FROM DIGITAL ADVERTISING SERVICES IN THE STATE.

7.5–202.

A PERSON REQUIRED TO FILE A RETURN UNDER § 7.5–201 OF THIS SUBTITLE SHALL MAINTAIN RECORDS OF DIGITAL ADVERTISING SERVICES PROVIDED IN THE STATE AND THE BASIS FOR THE CALCULATION OF THE DIGITAL ADVERTISING GROSS REVENUES TAX OWED.

SUBTITLE 3. TAX PAYMENT.

7.5–301.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH PERSON REQUIRED TO FILE A RETURN UNDER § 7.5–201 OF THIS TITLE SHALL PAY THE DIGITAL ADVERTISING GROSS REVENUES TAX WITH THE RETURN THAT COVERS THE PERIOD FOR WHICH THE TAX IS DUE.

(B) A PERSON REQUIRED TO FILE ESTIMATED DIGITAL ADVERTISING GROSS REVENUES TAX RETURNS UNDER § 7.5–201(B) OF THIS TITLE SHALL PAY:

(1) AT LEAST 25% OF THE ESTIMATED DIGITAL ADVERTISING GROSS REVENUES TAX SHOWN ON THE DECLARATION OR AMENDED DECLARATION FOR A TAXABLE YEAR:

(I) WITH THE DECLARATION OR AMENDED DECLARATION THAT COVERS THE YEAR; AND

(II) WITH EACH QUARTERLY RETURN FOR THAT YEAR; AND

(2) ANY UNPAID DIGITAL ADVERTISING GROSS REVENUES TAX FOR THE YEAR SHOWN ON THE PERSON'S RETURN THAT COVERS THAT YEAR WITH THE RETURN.

13–402.

(a) If a notice and demand for a return is made under § 13–303 of this title and the person or governmental unit fails to file the return, the tax collector shall:

(4) for motor carrier tax:

(i) compute the tax by using a miles per gallon factor based on the use, in the State, of 40 gallons of motor fuel for each commercial motor vehicle in the person's fleet on each day during the period for which the return is not filed; and

(ii) assess the tax due; ***[****and****]***

(5) for public service company franchise tax:

(i) estimate gross receipts from the best information in the possession of the tax collector; and

*(ii) assess the tax due on the estimated gross receipts****; AND***

(6) FOR DIGITAL ADVERTISING GROSS REVENUES TAX:

(I) ESTIMATE GROSS REVENUES FROM THE BEST INFORMATION IN POSSESSION OF THE TAX COLLECTOR; AND

(II) ASSESS THE TAX DUE ON THE ESTIMATED ASSESSABLE BASE.

13–602.

(a) Except as provided in subsections (b) and (c) of this section, a tax collector shall assess interest on unpaid tax from the due date to the date on which the tax is paid if a person who is required to estimate and pay ***DIGITAL ADVERTISING GROSS REVENUES TAX,*** *financial institution franchise tax, public service company franchise tax, or income tax under* ***§ 7.5–301,*** *§ 8–210(b), § 8–405(b), or § 10–902 of this article:*

(1) fails to pay an installment when due; or

(2) estimates a tax that is:

(i) less than 90% of the tax required to be shown on the return for the current taxable year; and

(ii) less than 110% of the tax paid for the prior taxable year, reduced by the credit allowed under § 10–703 of this article.

13–702.

(a) Except as provided in subsections (b) and (c) of this section, a tax collector shall assess a penalty not exceeding 25% of the amount underestimated, if a person who is required to estimate and pay ***DIGITAL ADVERTISING GROSS REVENUES TAX,*** *financial institution franchise tax, public service company franchise tax, or income tax under* ***§ 7.5–301,*** *§ 8–210(b), § 8–405(b), or § 10–902 of this article:*

(1) fails to pay an installment when due; or

(2) estimates a tax that is:

(i) less than 90% of the tax required to be shown on the return for the current taxable year; and

(ii) less than 110% of the tax paid for the prior taxable year, reduced by the credit allowed under § 10–703 of this article.

13–1001.

(G) A PERSON WHO IS REQUIRED TO FILE A DIGITAL ADVERTISING GROSS REVENUES TAX RETURN AND WHO WILLFULLY FAILS TO FILE THE RETURN AS REQUIRED UNDER TITLE 7.5 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING $5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

13–1002.

(b) A person, including an officer of a corporation, who willfully files ***A FALSE DIGITAL ADVERTISING GROSS REVENUES TAX RETURN,*** *a false financial institution franchise tax return, a false public service company franchise tax return, or a false income tax return with the intent to evade the payment of tax due under this article is guilty of perjury and, on conviction, is subject to the penalty for perjury.*

(c) Subsections (a) and (b) of this section apply to the alcoholic beverage, ***DIGITAL ADVERTISING GROSS REVENUES,*** *financial institution franchise, public service company franchise, and income taxes.*

13–1101.

(b) An assessment of ***DIGITAL ADVERTISING GROSS REVENUES TAX,*** *financial institution franchise tax, public service company franchise tax, income tax, or estate tax may be made at any time if:*

(1) a false return is filed with the intent to evade the tax;

(2) a willful attempt is made to evade the tax;

(3) a return is not filed as required under Title 7, ***TITLE 7.5,*** *Title 8, or Title 10 of this article;*

(4) an amended estate tax return is not filed as required under Title 7 of this article;

(5) an incomplete return is filed; or

(6) a report of federal adjustment is not filed within the period required under § 13–409 of this title.

(c) If a report of federal adjustment is filed within the time required under § 13–409 of this title, the tax collector shall assess the ***DIGITAL ADVERTISING GROSS REVENUES TAX,*** *financial institution franchise tax, public service company franchise tax, income tax, or estate tax within 1 year after the date on which the tax collector receives the report.*

~~**(F) THE TOBACCO TAX ON ELECTRONIC SMOKING DEVICES SHALL BE PAID BY THE WHOLESALER THAT SELLS ELECTRONIC SMOKING DEVICES TO A RETAILER OR VAPE SHOP VENDOR IN THE STATE.**~~

~~**(G) (1) A LICENSED ELECTRONIC SMOKING DEVICES RETAILER OR A LICENSED VAPE SHOP VENDOR SHALL PAY THE TOBACCO TAX ON ELECTRONIC SMOKING DEVICES ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID BY FILING A QUARTERLY TAX RETURN, WITH ANY SUPPORTING SCHEDULES, ON FORMS PROVIDED BY THE COMPTROLLER ON THE FOLLOWING DATES COVERING TAX LIABILITIES IN THE PRECEDING QUARTER:**~~

~~**(I) JANUARY 21;**~~

~~**(II) APRIL 21;**~~

~~**(III) JULY 21; AND**~~

~~**(IV) OCTOBER 21.**~~

~~**(2) A LICENSED ELECTRONIC SMOKING DEVICES RETAILER OR A LICENSED VAPE SHOP VENDOR REQUIRED TO FILE A TAX RETURN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PAY A TOBACCO TAX AT THE RATE PROVIDED IN § 12–105(C) OF THIS TITLE BASED ON THE INVOICE AMOUNT CHARGED BY THE LICENSED ELECTRONIC SMOKING DEVICES MANUFACTURER, EXCLUSIVE OF ANY DISCOUNT, TRADE ALLOWANCE, REBATE, OR OTHER REDUCTION.**~~

~~13–408.~~

~~(a) If the Comptroller determines that a person has failed to keep the records of out–of–state cigarette **[**or**],** other tobacco product**, OR ELECTRONIC SMOKING DEVICE** sales required under § 12–203 of this article, the Comptroller shall:~~

~~(1) compute the tobacco tax as if the cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** were sold in the State; and~~

~~(2) assess the tax due.~~

~~(b) If the Comptroller determines that a person has possessed or transported cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** on which the tobacco tax has not been paid as required under Title 12 of this article, the Comptroller shall assess the tobacco tax due.~~

~~13–825.~~

~~(h) (1) The Comptroller may require a person subject to the tobacco tax to post security for the tax in the following amounts:~~

~~(i) for a manufacturer or wholesaler:~~

~~1. $10,000**[**.**];** plus~~

~~2. the amount, if any, by which the tobacco tax due for any 1 month exceeds $10,000;~~

~~(ii) for a subwholesaler or vending machine operator:~~

~~1. $1,000**[**.**];** plus~~

~~2. the amount, if any, by which the tobacco tax due for any 1 month exceeds $1,000; **[**and**]**~~

~~(iii) for an other tobacco products wholesaler:~~

~~1. $5,000**[**.**];** plus~~

~~2. the amount, if any, by which the tobacco tax due for any 1 month exceeds $5,000**; AND**~~

~~(IV) FOR AN ELECTRONIC SMOKING DEVICES WHOLESALER DISTRIBUTOR OR AN ELECTRONIC SMOKING DEVICES WHOLESALER IMPORTER:~~

~~1. $5,000; PLUS~~

~~2. THE AMOUNT, IF ANY, BY WHICH THE TOBACCO TAX DUE FOR ANY 1 MONTH EXCEEDS $5,000~~.

~~(2) Except as provided in paragraph (5) of this subsection, the Comptroller may exempt a person from posting security for the tobacco tax if the person is and has been for the past 5 years:~~

~~(i) licensed as required under § 16–202 of the Business Regulation Article to act as a wholesaler **[**or**]**, § 16.5–201 to act as an other tobacco products wholesaler, **§ 16.7–201 TO ACT AS AN ELECTRONIC SMOKING DEVICES WHOLESALER DISTRIBUTOR, OR § 16.7–201 TO ACT AS AN ELECTRONIC SMOKING DEVICES WHOLESALER IMPORTER**; and~~

~~(ii) 1. in continuous compliance with the tobacco tax laws, as determined under paragraph (3) of this subsection; and~~

~~2. in continuous compliance with the conditions of the person's security posted under this subsection.~~

~~(3) For purposes of paragraph (2) of this subsection, a person is in continuous compliance with the tobacco tax laws for a period if the person has not, at any time during that period:~~

~~(i) failed to pay any tobacco tax or any tobacco tax assessment when due;~~

~~(ii) failed to file a tobacco tax return when due; or~~

~~(iii) otherwise violated any of the provisions of this title, Title 12 of this article, or Title 16 **[**or**]**, Title 16.5**, OR TITLE 16.7** of the Business Regulation Article.~~

~~(4) (i) An exemption granted under paragraph (2) of this subsection is effective only to the extent that a person's potential tobacco tax liability does not exceed an amount determined by the Comptroller based on the person's experience during the 5–year compliance period under paragraph (2) of this subsection.~~

~~(ii) The Comptroller may revoke an exemption granted to a person under paragraph (2) of this subsection if the person at any time fails to be in continuous compliance with the tobacco tax laws, as described in paragraph (3) of this subsection.~~

~~(iii) The Comptroller may reinstate an exemption revoked under subparagraph (ii) of this paragraph if the person meets the requirements of paragraph (2)(i) and (ii) of this subsection for a period of 2 years following the revocation.~~

~~(5) The Comptroller may not exempt a person from posting a bond or other security for the tobacco tax unless the Comptroller determines that the person is solvent and financially able to pay the person's potential tobacco tax liability.~~

~~(6) If a corporation is granted an exemption from posting a bond or other security for the tobacco tax, any officer of the corporation who exercises direct control over its fiscal management is personally liable for any tobacco tax, interest and penalties owed by the corporation.~~

~~13–834.~~

~~(a) In this Part VI of this subtitle the following words have the meanings indicated.~~

~~(c) "Contraband tobacco products" means cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES**, as defined in § 12–101 of this article:~~

~~(1) on which tobacco tax is not paid; and~~

~~(2) that are delivered, possessed, sold, or transported in the State in a manner not authorized under Title 12 of this article or Title 16**, TITLE 16.5, OR TITLE 16.7** of the Business Regulation Article.~~

~~13–836.~~

~~(a) (1) If contraband alcoholic beverages or contraband tobacco products are seized:~~

~~(i) the Comptroller or police officer shall give a notice of seizure to the person from whom the property is seized at the time of the seizure; and~~

~~(ii) the Comptroller shall:~~

~~1. where possible, give a notice of seizure to the registered owner of a seized conveyance; and~~

~~2. publish a notice of seizure of the conveyance in a newspaper of general circulation in the county where the seizure occurred.~~

~~(b) (2) A police officer who seizes any contraband tobacco products or conveyance used to transport contraband tobacco products shall deliver the seized cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** and conveyance to the Comptroller.~~

~~13–837.~~

~~The owner or another person with an interest in seized property may file a claim for the return of the property with the Comptroller within 30 days after:~~

~~(1) the seizure of alcoholic beverages, cigarettes, other tobacco products, **ELECTRONIC SMOKING DEVICES, OR** motor fuel or conveyances used to transport motor fuel; or~~

~~(2) a notice of seizure of a conveyance used to transport alcoholic beverages, cigarettes, **[**or**]** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** is published.~~

~~13–839.~~

~~(a) If a person files a claim for return of seized alcoholic beverages, cigarettes, other tobacco products, **ELECTRONIC SMOKING DEVICES,** or a conveyance used for their transportation under § 13–837 of this subtitle, the Comptroller or the Comptroller's designee shall:~~

~~(1) promptly act on the request and hold an informal hearing;~~

~~(2) direct the return of alcoholic beverages, cigarettes, **[**or**]** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** unless the Comptroller or Comptroller's designee has satisfactory proof that the person was not in compliance with any provisions of Title 5 or Title 12 of this article at the time of seizure; and~~

~~(3) direct the return of the conveyance if the Comptroller or Comptroller's designee has satisfactory proof that the owner of the conveyance was not willfully evading any provisions of Title 5 or Title 12 of this article at the time of seizure.~~

~~(b) The Comptroller or Comptroller's designee shall grant or deny the application for return of seized alcoholic beverages, cigarettes, other tobacco products, **ELECTRONIC SMOKING DEVICES,** or a conveyance in accordance with subsection (a) of this section by mailing the person a notice of final determination.~~

~~13–1014.~~

~~(a) (1) A person who willfully possesses, sells, or attempts to sell unstamped or improperly stamped cigarettes in the State in violation of Title 12 of this article is guilty of a misdemeanor.~~

~~(2) If the number of unstamped or improperly stamped cigarettes that a person possesses, sells, or attempts to sell is 30 cartons or less, the person on conviction is subject to a fine not exceeding $500 or imprisonment not exceeding 3 months or both.~~

~~(3) If the number of unstamped or improperly stamped cigarettes that a person possesses, sells, or attempts to sell is more than 30 cartons, the person on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.~~

~~(b) A person who willfully possesses, sells, or attempts to sell other tobacco products on which the tobacco tax has not been paid in the State in violation of Title 12 of this article is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 or imprisonment not exceeding 3 months or both.~~

~~(C) A PERSON WHO WILLFULLY POSSESSES, SELLS, OR ATTEMPTS TO SELL ELECTRONIC SMOKING DEVICES ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID IN THE STATE IN VIOLATION OF TITLE 12 OF THIS ARTICLE IS GUILTY OF A~~

~~**MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $500 OR IMPRISONMENT NOT EXCEEDING 3 MONTHS OR BOTH.**~~

~~**[**(c)**] (D)** Each day that a violation under this section continues constitutes a separate offense.~~

~~13–1015.~~

~~(a) A person who willfully ships, imports, sells into or within, or transports within, this State cigarettes **[**or**],** other tobacco products**, OR ELECTRONIC SMOKING DEVICES** on which the tobacco tax has not been paid in violation of Title 12 of this article or § 16–219, § 16–222, § 16.5–215, or § 16.5–216 of the Business Regulation Article is guilty of a felony and, on conviction, is subject to the penalties set forth in subsections (b) and (c) of this section.~~

~~(b) (1) For a first violation, a person is subject to a mandatory fine of $150 for each carton of cigarettes **[**or**],** each package of other tobacco products**, OR EACH PACKAGE OF ELECTRONIC SMOKING DEVICES** transported.~~

~~(2) For each subsequent violation, a person is subject to a mandatory fine of $300 for each carton of cigarettes **[**or**],** each package of other tobacco products**, OR EACH PACKAGE OF ELECTRONIC SMOKING DEVICES** transported.~~

~~(c) In addition to the mandatory fine set forth in subsection (b) of this section, for a first or subsequent violation, a person may be subject to imprisonment not exceeding 2 years.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) As provided in § 12–105 of the Tax – General Article, as enacted by Section 1 of this Act, all electronic smoking devices used, possessed, or held in the State on or after July 1, 2020, by any person for sale or use in the State shall be subject to the tax on electronic smoking devices, as enacted by this Act.~~

~~(b) The Comptroller may provide an alternative method of assessing and collecting the additional tax.~~

~~(c) The revenue attributable to this requirement shall be remitted to the Comptroller no later than September 30, 2020.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That:~~

~~(a) As provided in § 12–105 of the Tax – General Article, as enacted by Section 2 of this Act, all cigarettes and other tobacco products used, possessed, or held in the State on or after July 1, 2020, by a wholesaler for sale in the State shall be subject to the tax on cigarettes and other tobacco products as enacted by Section 2 of this Act. The revenue attributable to this requirement shall be remitted to the Comptroller not later than September 30, 2020.~~

~~(b) As provided in § 12–105 of the Tax – General Article, as enacted by Section 3 of this Act, all cigarettes and other tobacco products used, possessed, or held in the State on or after July 1, 2021, by a wholesaler for sale in the State shall be subject to the tax on cigarettes and other tobacco products as enacted by Section 3 of this Act. The revenue attributable to this requirement shall be remitted to the Comptroller not later than September 30, 2021.~~

~~(c) The Comptroller may provide an alternative method of assessing and collecting the additional tax due under this section.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2021.~~

~~SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section 6 of this Act, this Act shall take effect July 1, 2020. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2021, Section 2 of this Act shall be abrogated and of no further force and effect.~~

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) as provided in § 12–105 of the Tax – General Article, as enacted by Section 1 of this Act, all cigarettes and other tobacco products used, possessed, or held in the State on or after July 1, 2020, by any person for sale or use in the State shall be subject to the tax on cigarettes and other tobacco products as enacted under Section 1 of this Act;

(2) the Comptroller may provide an alternative method of assessing and collecting the additional tax; and

(3) the revenue attributable to this requirement shall be remitted to the Comptroller no later than September 30, 2020.

SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 31, 2020, the Comptroller's Office shall report to the Senate Budget and Taxation Committee and the House Committee on Ways and Means, in accordance with § 2–1257 of the State Government Article, on the change in consumption of cigarettes, other tobacco products, and electronic smoking devices in the State over the immediately preceding 12 months.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Comptroller distribute, as necessary, the sales and use tax and tobacco tax collected in fiscal year 2021 under Section 1 of this Act to:

(1) the expenditure accounts of the appropriate units of State government to fund costs associated with the Coronavirus Disease 2019 (COVID–19); and

(2) the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act ~~shall take effect July 1, 2021, and~~ shall be applicable to all taxable years beginning after December 31, 2020.

SECTION 7. AND BE IT FURTHER ENACTED, That~~, except as provided in Section 6 of this Act,~~ this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential

to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program

Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 737

AN ACT concerning

Local Governments – Income Tax Disparity Grants – Amounts

FOR the purpose of altering the calculation of certain income tax disparity grants to counties and Baltimore City under certain circumstances and for certain fiscal years; ~~extending~~ repealing a certain termination provision; and generally relating to income tax disparity grants to counties and Baltimore City.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 16–501
Annotated Code of Maryland
(2013 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Chapter 738 of the Acts of the General Assembly of 2016, as amended by Chapter 472 of the Acts of the General Assembly of 2018
Section 2

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

Article – Local Government

16–501.

(a) Subject to subsection (e) of this section, for each fiscal year, the Comptroller shall pay to an eligible county a grant in the amount determined under subsection (c)(3) of this section.

(b) A county may not receive a grant under subsection (a) of this section if the county's income tax rate was less than 2.6%:

(1) for the taxable year that ended in the second prior fiscal year; or

(2) for any subsequent taxable year through the taxable year that ends in the current fiscal year.

(c) (1) For each fiscal year, the Comptroller shall determine for each county:

(i) the county income tax collected from individuals for the taxable year that ended in the second prior fiscal year, based on tax returns filed through November 1 of the year following the applicable taxable year; and

(ii) the amount of county income tax that the county would have received if the county income tax rate was 2.54%.

(2) For each fiscal year, the Comptroller shall determine as rounded to the nearest cent:

(i) the per capita yield of the county income tax for each county, based on:

1. the population of the county as last projected by the Maryland Department of Health for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

2. the amount specified in paragraph (1)(ii) of this subsection; and

(ii) the per capita statewide yield of the county income tax, based on:

1. the State population as last projected by the Maryland Department of Health for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

2. the amount of county income tax specified in paragraph (1)(ii) of this subsection for all counties.

(3) If the per capita yield of the county income tax for a county determined under paragraph (2)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (2)(ii) of this subsection, the

Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(d) The Comptroller shall pay to an eligible county the amount determined under subsection (c)(3) of this section in quarterly payments during each fiscal year.

(e) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2011 and each subsequent fiscal year, the distribution provided to any county or Baltimore City under this section may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010.

(2) (i) If a county or Baltimore City has a county income tax rate of at least 2.8% but less than 3%, the county or Baltimore City may receive a minimum of 20% of the amount determined under subsection (c)(3) of this section.

(ii) If a county or Baltimore City has a county income tax rate of at least 3% but less than 3.2%, the county or Baltimore City may receive a minimum of 40% of the amount determined under subsection (c)(3) of this section.

(iii) If a county or Baltimore City has a county income tax rate of at least 3.2%:

1. on or before June 30, 2017, the county or Baltimore City may receive a minimum of 60% of the amount determined under subsection (c)(3) of this section;

2. in fiscal year 2018, the county or Baltimore City may receive a minimum of 63.75% of the amount determined under subsection (c)(3) of this section; ~~and~~

3. in fiscal years 2019, 2020, ~~[~~and~~]~~ 2021, ~~**2022, AND 2023,**~~ the county or Baltimore City may receive a minimum of 67.5% of the amount determined under subsection (c)(3) of this section**; AND**

4. IN FISCAL YEAR 2022, AND EACH FISCAL YEAR THEREAFTER, THE COUNTY OR BALTIMORE CITY MAY RECEIVE A MINIMUM OF ~~80%~~ *75%* OF THE AMOUNT DETERMINED UNDER SUBSECTION (C)(3) OF THIS SECTION.

Chapter 738 of the Acts of 2016, as amended by Chapter 472 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. ~~It shall remain effective for a period **[**5**] OF 7** years and, at the end of June 30, **[**2021**] 2023**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 783 – *Calvert County – Public Facilities Bond*.

This bill authorizes the Calvert County Commissioners to issue up to $36.9 million in general obligation bonds for the acquisition, construction, improvement, or renovation of public buildings, facilities, and public works projects.

Senate Bill 343, which was passed by the General Assembly and will become law without my signature, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 783.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 783

AN ACT concerning

Calvert County – Public Facilities Bond

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than $36,881,848 to finance the construction, improvement, or development of certain public buildings, roads, and facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par

amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings, roads, and facilities, including but not limited to Beach Elementary School, upgrades to fire and rescue apparatuses, Twin Beach Library, Stafford Road, the St. Leonard Fire Department and Rescue Squad facility, the Prince Frederick Wastewater Treatment Plant, and the Solomons Septage Receiving facility, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, $36,881,848 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature

later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Calvert County or such other official of Calvert County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of

purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Calvert County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

In accordance with Article II Section 17 of the Maryland Constitution, I have vetoed Senate Bill 669/House Bill 1095 – *Public Health – Prescription Drug Affordability Board Fund,* House Bill 732 – *Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax,* and House Bill 932 – *21st–Century Economy Fairness Act.*

These misguided bills would raise taxes and fees on Marylanders at a time when many are already out of work and financially struggling. With our state in the midst of a global pandemic and economic crash, and just beginning on our road to recovery, it would be unconscionable to raise taxes and fees now. To do so would further add to the very heavy burden that our citizens are already facing.

For all of these reasons, I am vetoing Senate Bill 669, House Bill 1095, House Bill 732, and House Bill 932.

Sincerely,

Lawrence J. Hogan Jr.
Governor

House Bill 932

AN ACT concerning

21st–Century Economy ~~Sales Tax~~ *Fairness* Act

FOR the purpose of requiring the Comptroller to distribute the sales and use tax revenue on the sale or use of certain digital products to ~~the Education Trust Fund~~ The Blueprint for Maryland's Future Fund; applying the sales and use tax to a sale or use of certain digital products; ~~providing that the sales and use tax does not apply to a certain service;~~ providing that the retail sale of a certain digital code or digital product shall be presumed to be made in the state in which a certain customer tax address is located; *stating the intent of the General Assembly;* defining certain terms; repealing an obsolete provision; and generally relating to applying the sales and use tax to digital products.

BY repealing and reenacting, without amendments,
Article – Education
Section 5–219(b)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–219(f)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1302.1, 11–101, 11–102(a), 11–103, and 11–217(b)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY adding to
Article – Tax – General
Section 11–221(d) ~~and (e)~~
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

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

Article – Education

5–219.

(b) There is The Blueprint for Maryland's Future Fund.

(f) The Fund consists of:

(1) Revenue distributed to the Fund under §§ 2–605.1**, 2–1302.1,** and 2–1303 of the Tax – General Article;

(2) Money appropriated in the State budget for the Fund; and

(3) Any other money from any other source accepted for the benefit of the Fund.

Article – Tax – General

2–1302.1.

[(a) Except as otherwise provided in this section, after**]** **AFTER** making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected**:**

(1) on short–term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

[(1)**]** **(I)** 45% to the Transportation Trust Fund established under § 3–216 of the Transportation Article; and

[(2)**]** **(II)** the remainder to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund**; AND**

(2) ON THE SALE OR USE OF A DIGITAL PRODUCT OR CODE UNDER TITLE 11 OF THIS ARTICLE THE COMPTROLLER SHALL DISTRIBUTE 100% TO ~~THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–30 OF THE STATE GOVERNMENT ARTICLE~~ THE BLUEPRINT FOR MARYLAND'S FUTURE FUND ESTABLISHED UNDER § 5–219 OF THE EDUCATION ARTICLE.

[(b) For each fiscal year beginning on or before July 1, 2015, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article as follows:

(1) to the General Fund of the State:

(i) $9,249,199 for the fiscal year beginning July 1, 2014; and

(ii) $8,639,632 for the fiscal year beginning July 1, 2015; and

(2) the remainder to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.**]**

11–101.

(a) In this title the following words have the meanings indicated.

(a–1) "Accommodation" means a right to occupy a room or lodgings as a transient guest.

(a–2) (1) "Accommodations intermediary" means a person, other than an accommodations provider, who facilitates the sale or use of an accommodation and charges a buyer the taxable price for the accommodation.

(2) For purposes of this subsection, a person shall be considered to facilitate the sale or use of an accommodation if the person brokers, coordinates, or in any other way arranges for the sale or use of an accommodation by a buyer.

(a–3) "Accommodations provider" means a person that owns, operates, or manages an accommodation and makes the accommodation available for sale or use to a buyer.

(a–4) "Booking transaction" means any transaction in which there is a retail sale of an accommodation.

(b) "Buyer" means a person who:

(1) acquires tangible personal property in a sale; **[**or**]**

(2) obtains a taxable service in a sale**; OR**

(3) ACQUIRES A DIGITAL PRODUCT IN A SALE.

(c) "Cleaning of a commercial or industrial building" means the following services performed to a commercial or industrial building:

(1) floor, carpet, wall, window, ceiling, and exterior cleaning; and

(2) janitorial services.

(C–1) "CUSTOMER TAX ADDRESS" MEANS, WITH RESPECT TO A SALE OF A DIGITAL PRODUCT:

(1) FOR A DIGITAL PRODUCT THAT IS RECEIVED BY A BUYER AT THE BUSINESS LOCATION OF THE VENDOR, THE ADDRESS OF THAT BUSINESS LOCATION;

(2) IF ITEM (1) OF THIS SUBSECTION IS NOT APPLICABLE AND THE PRIMARY USE LOCATION OF THE DIGITAL PRODUCT IS KNOWN BY THE VENDOR, THAT PRIMARY USE LOCATION;

(3) IF ITEMS (1) AND (2) OF THIS SUBSECTION ARE NOT APPLICABLE, THE LOCATION WHERE THE DIGITAL PRODUCT IS RECEIVED BY THE BUYER, OR BY A DONEE OF THE BUYER THAT IS IDENTIFIED BY THE BUYER, IF KNOWN TO THE VENDOR AND MAINTAINED IN THE ORDINARY COURSE OF THE VENDOR'S BUSINESS;

(4) IF ITEMS (1) THROUGH (3) OF THIS SUBSECTION ARE NOT APPLICABLE, THE LOCATION INDICATED BY AN ADDRESS FOR THE BUYER THAT IS AVAILABLE FROM THE BUSINESS RECORDS OF THE VENDOR THAT ARE MAINTAINED IN THE ORDINARY COURSE OF BUSINESS OF THE VENDOR'S BUSINESS, WHEN USE OF THE ADDRESS DOES NOT CONSTITUTE BAD FAITH;

(5) IF ITEMS (1) THROUGH (4) OF THIS SUBSECTION ARE NOT APPLICABLE, THE LOCATION INDICATED BY AN ADDRESS FOR THE BUYER OBTAINED DURING THE CONSUMMATION OF THE SALE, INCLUDING THE ADDRESS OF THE BUYER'S PAYMENT INSTRUMENT, WHEN USE OF THE ADDRESS DOES NOT CONSTITUTE BAD FAITH; OR

(6) IF ITEMS (1) THROUGH (5) OF THIS SUBSECTION ARE NOT APPLICABLE, INCLUDING A CIRCUMSTANCE IN WHICH A VENDOR IS WITHOUT SUFFICIENT INFORMATION TO APPLY THOSE ITEMS, ONE OF THE FOLLOWING LOCATIONS, AS SELECTED BY THE VENDOR, PROVIDED THAT THE LOCATION IS CONSISTENTLY USED BY THE VENDOR FOR ALL SALES TO WHICH THIS ITEM APPLIES:

(I) THE LOCATION IN THE UNITED STATES OF THE HEADQUARTERS OF THE VENDOR'S BUSINESS;

(II) THE LOCATION IN THE UNITED STATES WHERE THE VENDOR HAS THE GREATEST NUMBER OF EMPLOYEES; OR

(III) THE LOCATION IN THE UNITED STATES FROM WHICH THE VENDOR MAKES DIGITAL PRODUCTS AVAILABLE FOR ELECTRONIC TRANSFER.

~~(c–1)~~ **(C–2)** "Detective" means a person who is authorized to provide private detective services under Title 13 of the Business Occupations and Professions Article.

~~**(C–2)**~~ **(C–3) (1) "DIGITAL CODE" MEANS A CODE THAT:**

(I) MAY BE OBTAINED BY ANY MEANS, INCLUDING:

1. IN A TANGIBLE FORM, SUCH AS A CARD; OR

2. THROUGH E–MAIL; AND

(II) PROVIDES A BUYER WITH A RIGHT TO OBTAIN ONE OR MORE ~~SPECIFIED~~ DIGITAL PRODUCTS.

(2) "DIGITAL CODE" DOES NOT INCLUDE A GIFT CERTIFICATE OR GIFT CARD WITH A MONETARY VALUE THAT ~~IS~~ MAY BE REDEEMABLE FOR ~~A SPECIFIED~~ AN ITEM OTHER THAN A DIGITAL PRODUCT.

~~**(C–3)**~~ **(C–4) (1) "DIGITAL PRODUCT" MEANS A PRODUCT THAT IS OBTAINED ELECTRONICALLY BY THE BUYER ~~AND~~ OR DELIVERED BY MEANS OTHER THAN TANGIBLE STORAGE MEDIA THROUGH THE USE OF TECHNOLOGY HAVING**

ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

(2) "DIGITAL PRODUCT" INCLUDES:

(I) A WORK THAT RESULTS FROM THE FIXATION OF A SERIES OF SOUNDS THAT ARE TRANSFERRED ELECTRONICALLY, INCLUDING:

1. PRERECORDED OR LIVE MUSIC OR PERFORMANCES, READINGS OF BOOKS OR OTHER WRITTEN MATERIALS, AND SPEECHES; AND

2. AUDIO GREETING CARDS SENT BY E–MAIL;

(II) A DIGITIZED SOUND FILE, SUCH AS A RING TONE, THAT IS DOWNLOADED ONTO A DEVICE AND MAY BE USED TO ALERT THE USER OF THE DEVICE WITH RESPECT TO A COMMUNICATION;

(III) A SERIES OF RELATED IMAGES THAT, WHEN SHOWN IN SUCCESSION, IMPART AN IMPRESSION OF MOTION, TOGETHER WITH ANY ACCOMPANYING SOUNDS THAT ARE TRANSFERRED ELECTRONICALLY, INCLUDING MOTION PICTURES, MUSICAL VIDEOS, NEWS AND ENTERTAINMENT PROGRAMS, LIVE EVENTS, VIDEO GREETING CARDS SENT BY E–MAIL, AND VIDEO OR ELECTRONIC GAMES;

(IV) A BOOK, GENERALLY KNOWN AS AN "E–BOOK", THAT IS TRANSFERRED ELECTRONICALLY; AND

(V) A NEWSPAPER, MAGAZINE, PERIODICAL, CHAT ROOM DISCUSSION, WEBLOG, OR ANY OTHER SIMILAR PRODUCT THAT IS TRANSFERRED ELECTRONICALLY.

~~(C–4)~~ (C–5) "END USER" MEANS ANY PERSON OTHER THAN A PERSON WHO RECEIVES BY CONTRACT A DIGITAL PRODUCT TRANSFERRED ELECTRONICALLY FOR FURTHER COMMERCIAL BROADCAST, REBROADCAST, TRANSMISSION, RETRANSMISSION, LICENSING, RELICENSING, DISTRIBUTION, REDISTRIBUTION, OR EXHIBITION OF THE PRODUCT, IN WHOLE OR IN PART, TO ANOTHER PERSON.

[(c–2)**] ~~(C–5)~~ (C–6)** (1) "Marketplace facilitator" means a person that:

(i) facilitates a retail sale by a marketplace seller by listing or advertising for sale in a marketplace tangible personal property; and

(ii) regardless of whether the person receives compensation or other consideration in exchange for the person's services, directly or indirectly through

agreements with third parties, collects payment from a buyer and transmits the payment to the marketplace seller.

(2) "Marketplace facilitator" does not include:

(i) a platform or forum that exclusively provides Internet advertising services, including listing products for sale, if the platform or forum does not also engage, directly or indirectly, in collecting payment from a buyer and transmitting that payment to the vendor;

(ii) a payment processor business appointed by a vendor to handle payment transactions from clients, including credit cards and debit cards, whose only activity with respect to marketplace sales is to handle transactions between two parties;

(iii) a peer–to–peer car sharing program, as defined in § 19–520 of the Insurance Article; or

(iv) a delivery service company that delivers tangible personal property on behalf of a marketplace seller that is engaged in the business of a retail vendor and holds a license issued under Subtitle 7 of this title.

[(c–3)**]** ~~**(C–6)**~~ **(C–7)** "Marketplace seller" means a person that makes a retail sale or sale for use through a physical or electronic marketplace operated by a marketplace facilitator.

~~**(C–7) (1) "MULTICHANNEL VIDEO PROGRAMMING SERVICE" INCLUDES:**~~

~~**(I) CABLE SERVICE, AS DEFINED IN 47 U.S.C. § 522(6);**~~

~~**(II) DIRECT–TO–HOME SATELLITE SERVICES, AS DEFINED IN 47 U.S.C. § 303(V); AND**~~

~~**(III) PAY–PER–VIEW TELEVISION SERVICE.**~~

~~**(2) "MULTICHANNEL VIDEO PROGRAMMING SERVICE" DOES NOT INCLUDE DIGITAL AUDIO–VISUAL WORKS.**~~

(C–8) "PERMANENT" MEANS PERPETUAL OR FOR AN INDEFINITE OR UNSPECIFIED LENGTH OF TIME.

(d) "Person" includes:

(1) this State or a political subdivision, unit, or instrumentality of this State;

(2) another state or a political subdivision, unit, or instrumentality of that state; and

(3) a unit or instrumentality of a political subdivision of this State or of another state.

(e) "Prepaid telephone calling arrangement" means the right to use telecommunications services, paid for in advance, that enables the origination of calls using an access number or authorization code, whether manually or electronically dialed.

(E–1) (1) "PRIMARY USE LOCATION" MEANS THE STREET ADDRESS REPRESENTATIVE OF WHERE THE BUYER'S USE OF A DIGITAL PRODUCT WILL PRIMARILY OCCUR, AS DETERMINED BY:

(I) THE RESIDENTIAL STREET ADDRESS OR A BUSINESS STREET ADDRESS OF THE ACTUAL END USER OF THE DIGITAL PRODUCT, INCLUDING, IF APPLICABLE, THE ADDRESS OF A DONEE OF THE BUYER THAT IS DESIGNATED BY THE BUYER; OR

(II) IF THE BUYER IS NOT AN INDIVIDUAL, THE LOCATION OF THE BUYER'S EMPLOYEES OR EQUIPMENT THAT MAKES USE OF THE DIGITAL PRODUCT.

(2) "PRIMARY USE LOCATION" DOES NOT INCLUDE THE LOCATION OF A PERSON WHO USES A DIGITAL PRODUCT AS THE PURCHASER OF A SEPARATE GOOD OR SERVICE FROM THE BUYER.

(f) (1) "Production activity" means:

(i) except for processing food or a beverage by a retail food vendor, assembling, manufacturing, processing, or refining tangible personal property for resale;

(ii) generating electricity for sale or for use in another production activity;

(iii) 1. laundering, maintaining, or preparing textile products for rental; or

2. laundering, maintaining, or preparing textile products in providing the taxable service of commercial cleaning or laundering of textiles for a buyer who is engaged in a business that requires the recurring service of commercial cleaning or laundering of the textiles;

(iv) producing or repairing production machinery or equipment;

(v) establishing or maintaining clean rooms or clean zones as required by applicable provisions of the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Virus–Serum–Toxin Act, and the regulations adopted thereunder, pertaining to the manufacture of drugs, medical devices, or biologics;

(vi) providing for the safety of employees; or

(vii) providing for quality control.

(2) "Production activity" does not include:

(i) servicing or repairing tangible personal property, except for servicing or repairing production machinery or equipment;

(ii) maintaining tangible personal property other than textile products for rental and production machinery and equipment, except for maintaining tangible personal property in providing the taxable service of commercial cleaning or laundering of textiles for a buyer who is engaged in a business that requires the recurring service of commercial cleaning or laundering of the textiles;

(iii) providing for the comfort or health of employees; or

(iv) storing the finished product.

(g) "Production machinery or equipment" means machinery or equipment used in a production activity.

(h) (1) "Retail sale" means the sale of:

(i) tangible personal property; **[**or**]**

(ii) a taxable service**; OR**

(III) A DIGITAL PRODUCT.

(2) "Retail sale" includes:

(i) a sale of tangible personal property for use or resale in the form of real estate by a builder, contractor, or landowner; **[**and**]**

(ii) except as provided in paragraph (3)(i) of this subsection, use of tangible personal property as facilities, tools, tooling, machinery, or equipment, including dies, molds, and patterns, even if the buyer intends to transfer title to the property before or after that use**;**

(III) A SALE OF A DIGITAL PRODUCT THAT IS SOLD WITH RIGHTS OF PERMANENT USE OR SOLD WITH RIGHTS OF LESS THAN PERMANENT USE TO AN END USER;

(IV) A SALE OF A DIGITAL PRODUCT THAT IS SOLD WITH RIGHTS OF USE CONDITIONED ON CONTINUED PAYMENT BY THE SUBSCRIBER OR BUYER TO AN END USER; AND

(V) A SALE OF SUBSCRIPTION TO, ACCESS TO, <u>STREAMING OF,</u> OR THE PURCHASE OF A DIGITAL CODE FOR RECEIVING OR ACCESSING DIGITAL PRODUCTS TO AN END USER.

(3) "Retail sale" does not include:

(i) a transfer of title to tangible personal property after its use as facilities, tools, tooling, machinery, or equipment, including dies, molds, and patterns, if:

1. at the time of purchase, the buyer is obligated, under the terms of a written contract, to make the transfer; and

2. the transfer is made for the same or greater consideration to the person for whom the buyer manufactures goods or performs work;

(ii) a sale of tangible personal property **OR A DIGITAL PRODUCT** if the buyer intends to:

1. resell the tangible personal property **OR DIGITAL PRODUCT** in the form that the buyer receives or is to receive the property **OR PRODUCT**;

2. use or incorporate the tangible personal property **OR DIGITAL PRODUCT** in a production activity as a material or part of other tangible personal property **OR ANOTHER DIGITAL PRODUCT** to be produced for sale; or

3. transfer the tangible personal property **OR DIGITAL PRODUCT** as a part of a taxable service transaction; or

(iii) a sale of a taxable service if the buyer intends to resell the taxable service in the form that the buyer receives or is to receive the service.

(i) (1) "Sale" means a transaction for a consideration whereby:

(i) title or possession of property is transferred or is to be transferred absolutely or conditionally by any means, including by lease, rental, royalty agreement, or grant of a license for use; or

(ii) a person performs a service for another person.

(2) "Sale" does not include a transaction whereby an employee performs a service for the employee's employer.

(j) "Sale for use" means a sale in which tangible personal property**, A DIGITAL PRODUCT,** or a taxable service that is consumed, possessed, stored, or used in the State is acquired.

(j–1) "Short–term rental" means the temporary use of a short–term rental unit to provide accommodation to transient guests for lodging purposes in exchange for consideration.

(j–2) "Short–term rental platform" means an Internet–based digital entity that:

(1) advertises the availability of short–term rental units for rent; and

(2) receives compensation for facilitating reservations or processing booking transactions on behalf of the owner, operator, or manager of a short–term rental unit.

(j–3) (1) "Short–term rental unit" means a residential dwelling unit or a portion of the unit used for short–term rentals.

(2) "Short–term rental unit" includes a single–family house or dwelling, a multifamily house or dwelling, an apartment, a condominium, or a cooperative.

(J–4) "SUBSCRIPTION" MEANS, WITH RESPECT TO A DIGITAL PRODUCT, AN ARRANGEMENT WITH A VENDOR THAT GRANTS A BUYER THE RIGHT TO OBTAIN DIGITAL PRODUCTS FROM WITHIN ONE OR MORE PRODUCT CATEGORIES HAVING THE SAME TAX TREATMENT, IN A FIXED QUANTITY OR FOR A FIXED PERIOD OF TIME OR BOTH.

(k) (1) "Tangible personal property" means:

(i) corporeal personal property of any nature;

(ii) an accommodation; or

(iii) a short–term rental.

(2) "Tangible personal property" includes:

(i) farm equipment;

(ii) wall–to–wall carpeting that is installed into real estate, regardless of the purpose, method, or permanency of its installation; and

(iii) coal, electricity, oil, nuclear fuel assemblies, steam, and artificial or natural gas.

(l) (1) "Taxable price" means the value, in money, of the consideration of any kind that is paid, delivered, payable, or deliverable by a buyer to a vendor in the consummation and complete performance of a sale without deduction for any expense or cost, including the cost of:

(i) any labor or service rendered;

(ii) any material used; or

(iii) any property sold.

(2) "Taxable price" includes, for tangible personal property **OR A DIGITAL PRODUCT** acquired by a sale for use in the State by the person who assembles, fabricates, or manufactures the property **OR <u>DIGITAL</u> PRODUCT**, only the price of the raw materials and component parts contained in the property **OR <u>DIGITAL</u> PRODUCT**.

(3) "Taxable price" does not include:

(i) a charge that is made in connection with a sale and is stated as a separate item of the consideration for:

1. a delivery, freight, or other transportation service for delivery directly to the buyer by the vendor or by another person acting for the vendor, unless the transportation service is a taxable service;

2. a finance charge, interest, or similar charge for credit extended to the buyer;

3. a labor or service for application or installation;

4. a mandatory gratuity or service charge in the nature of a tip for serving food or beverage to a group of 10 or fewer individuals for consumption on the premises of the vendor;

5. a professional service;

6. a tax:

A. imposed by a county on the sale of coal, electricity, oil, nuclear fuel assemblies, steam, or artificial or natural gas;

B. imposed under § 3–302(a) of the Natural Resources Article, as a surcharge on electricity, and added to an electric bill;

C. imposed under §§ 6–201 through 6–203 of the Tax – Property Article, on tangible personal property subject to a lease that is for an initial period that exceeds 1 year and is noncancellable except for cause; or

D. imposed under § 4–102 of this article on the gross receipts derived from an admissions and amusement charge;

7. any service for the operation of equipment used for the production of audio, video, or film recordings; or

8. reimbursement of incidental expenses paid to a third party and incurred in connection with providing a taxable detective service;

(ii) the value of a used component or part (core value) received from a purchaser of the following remanufactured truck parts:

1. an air brake system;

2. an engine;

3. a rear axle carrier; or

4. a transmission; or

(iii) a charge for a nontaxable service that is made in connection with a sale of a taxable communication service, even if the nontaxable charges are aggregated with and not separately stated from the taxable charges for communications services, if the vendor can reasonably identify charges not subject to tax from its books and records that are kept in the regular course of business.

(4) "Taxable price" includes all sales and charges, including insurance, freight handling, equipment and supplies, delivery and pickup, cellular telephone, and other accessories, but not including sales of motor fuel subject to the motor fuel tax, made in connection with:

(i) a short–term vehicle rental, as defined in § 11–104(c) of this subtitle; or

(ii) a shared motor vehicle used for peer–to–peer car sharing and made available on a peer–to–peer car sharing program, as defined in § 19–520 of the Insurance Article.

(5) "Taxable price" includes, for the sale or use of an accommodation facilitated by an accommodations intermediary or a short–term rental platform, the full

amount of the consideration paid by a buyer for the sale or use of an accommodation, but not including any tax that is remitted to a taxing authority.

(6) "Taxable price" does not include, for the sale or use of an accommodation facilitated by an accommodations intermediary or a short–term rental platform, a commission paid by an accommodations provider to a person after facilitating the sale or use of an accommodation.

(m) "Taxable service" means:

(1) fabrication, printing, or production of tangible personal property **OR A DIGITAL PRODUCT** by special order;

(2) commercial cleaning or laundering of textiles for a buyer who is engaged in a business that requires the recurring service of commercial cleaning or laundering of the textiles;

(3) cleaning of a commercial or industrial building;

(4) cellular telephone or other mobile telecommunications service;

(5) "900", "976", "915", and other "900"–type telecommunications service;

(6) custom calling service provided in connection with basic telephone service;

(7) a telephone answering service;

(8) ~~[~~pay per view television service;~~]~~ ~~**MULTICHANNEL VIDEO PROGRAMMING SERVICE;**~~

(9) credit reporting;

(10) a security service, including:

(i) a detective, guard, or armored car service; and

(ii) a security systems service;

(11) a transportation service for transmission, distribution, or delivery of electricity or natural gas, if the sale or use of the electricity or natural gas is subject to the sales and use tax;

(12) a prepaid telephone calling arrangement; or

(13) the privilege given to an individual under § 4–1102 of the Alcoholic Beverages Article to consume wine that is not purchased from or provided by a restaurant, club, or hotel.

(m–1) (1) "Telephone answering service" means a service provided to a customer that consists exclusively of the taking of messages, either by an automated system or by a live operator, and transmitting the messages to the customer.

(2) "Telephone answering service" does not include the physical act of answering a telephone on behalf of a customer, if the act is incidental to and less than 5% of the service provider's total gross receipts in a calendar year.

(n) (1) "Use" means an exercise of a right or power to use, consume, possess, or store that is acquired by a sale for use of:

(i) tangible personal property; **[**or**]**

(ii) a taxable service**; OR**

(III) A DIGITAL PRODUCT.

(2) "Use" includes an exercise of a right or power to use, consume, possess, or store that is acquired by a sale for use of tangible personal property **OR A DIGITAL PRODUCT**:

(i) for use or resale in the form of real estate by a builder, contractor, or landowner; or

(ii) except as provided in paragraph (3)(i) of this subsection, as facilities, tools, tooling, machinery, or equipment, including dies, molds, and patterns, even if the buyer intends to transfer title to the property **OR <u>DIGITAL</u> PRODUCT** before or after that use.

(3) "Use" does not include:

(i) a transfer of title to tangible personal property after its use as facilities, tools, tooling, machinery, or equipment, including dies, molds, and patterns, if:

1. at the time of purchase, the buyer is obligated, under the terms of a written contract, to make the transfer; and

2. the transfer is made for the same or greater consideration to the person for whom the buyer manufactures goods or performs work;

(ii) an exercise of a right or power over tangible personal property **OR A DIGITAL PRODUCT** acquired by a sale for use if the buyer intends to:

1. resell the tangible personal property **OR DIGITAL PRODUCT** in the form that the buyer receives or is to receive the property **OR DIGITAL PRODUCT**;

2. use or incorporate the tangible personal property **OR DIGITAL PRODUCT** in a production activity as a material or part of other tangible personal property **OR ANOTHER DIGITAL PRODUCT** to be produced for sale; or

3. transfer the tangible personal property **OR DIGITAL PRODUCT** as part of a taxable service transaction; **[**or**]**

(iii) an exercise of a right or power over a taxable service acquired by a sale for use if the buyer intends to resell the taxable service in the form that the buyer receives or is to receive the service**;**

(IV) AN EXERCISE OF A RIGHT OR POWER OVER A DIGITAL CODE TO RECEIVE OR ACCESS A DIGITAL PRODUCT; ~~OR~~

(V) AN EXERCISE OF A RIGHT OR POWER OVER A DIGITAL PRODUCT ACQUIRED BY A SALE FOR USE IF THE BUYER IS NOT AN END USER; OR

(VI) THE USE OR TRANSFER OF A DIGITAL PRODUCT OR DIGITAL CODE BY THE TRANSFEROR AND OBTAINED BY THE END USER FREE OF CHARGE.

(o) (1) "Vendor" means a person who:

(i) engages in the business of an out–of–state vendor, as defined in § 11–701 of this title;

(ii) engages in the business of a retail vendor, as defined in § 11–701 of this title;

(iii) holds a special license issued under § 11–707 of this title;

(iv) is an accommodations intermediary;

(v) is a short–term rental platform;

(vi) engages in the business of a marketplace facilitator; or

(vii) engages in the business of a marketplace seller.

(2) "Vendor" includes, for an out–of–state vendor, a salesman, representative, peddler, or canvasser whom the Comptroller, for the efficient

administration of this title, elects to treat as an agent jointly responsible with the dealer, distributor, employer, or supervisor:

(i) under whom the agent operates; or

(ii) from whom the agent obtains the tangible personal property**, A DIGITAL PRODUCT,** or taxable service for sale.

~~**(P) (1) "VIDEO PROGRAMMING SERVICE" MEANS PROGRAMMING PROVIDED BY, OR GENERALLY CONSIDERED COMPARABLE TO PROGRAMMING PROVIDED BY, A TELEVISION BROADCAST STATION AND INFORMATION THAT THE PROVIDER OF THE SERVICE MAKES AVAILABLE TO ALL SUBSCRIBERS GENERALLY, INCLUDING:**~~

~~**(I) CABLE SERVICE, AS DEFINED IN 47 U.S.C. § 522(6);**~~

~~**(II) DIRECT–TO–HOME SATELLITE SERVICES, AS DEFINED IN 47 U.S.C. § 303(V); AND**~~

~~**(III) INTERACTIVE ON–DEMAND SERVICES, AS DEFINED IN 47 U.S.C. § 522(12).**~~

~~**(2) "VIDEO PROGRAMMING SERVICE" DOES NOT INCLUDE A DIGITAL PRODUCT.**~~

11–102.

(a) Except as otherwise provided in this title, a tax is imposed on:

(1) a retail sale in the State; and

(2) a use, in the State, of tangible personal property**, A DIGITAL PRODUCT,** or a taxable service.

11–103.

(a) A rebuttable presumption exists that any sale in the State is subject to the sales and use tax imposed under § 11–102(a)(1) of this subtitle.

(b) The person required to pay the sales and use tax has the burden of proving that a sale in the State is not subject to the sales and use tax.

(C) THE RETAIL SALE OF A DIGITAL CODE OR DIGITAL PRODUCT SHALL BE PRESUMED TO BE MADE IN THE STATE IN WHICH THE CUSTOMER TAX ADDRESS IS LOCATED.

11–217.

(b) The sales and use tax does not apply to a sale of tangible personal property **OR A DIGITAL PRODUCT** for use or consumption in research and development.

11–221.

(D) A RETAIL SALE OF A DIGITAL PRODUCT SUBJECT TO TAX UNDER THIS TITLE DOES NOT INCLUDE A RETAIL SALE THAT IS SUBJECT TO TAX IN ACCORDANCE WITH ANY OTHER PROVISION OF THIS ARTICLE.

~~**(E) THE SALES AND USE TAX DOES NOT APPLY TO A RETAIL SALE OF A MULTICHANNEL VIDEO PROGRAMMING SERVICE THAT IS SUBJECT TO A FRANCHISE FEE DESCRIBED IN 47 U.S.C. § 542(G) OR OTHER TAX, FEE, OR MONETARY ASSESSMENT OF ANY KIND IMPOSED BY THIS STATE OR POLITICAL SUBDIVISION OF THIS STATE ON A MULTICHANNEL VIDEO PROGRAMMING PROVIDER OR SUBSCRIBER, OR BOTH, SOLELY BECAUSE OF THEIR STATUS AS A MULTICHANNEL VIDEO PROGRAMMING PROVIDER OR SUBSCRIBER.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, if necessary, the Comptroller distribute the sales and use tax collected in fiscal year 2021 on the sale or use of a digital product or code under Title 11 of the Tax – General Article to:

(1) the expenditure accounts of the appropriate units of State government to fund costs associated with the Coronavirus Disease 2019 (COVID–19); and

(2) the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article.

SECTION ~~2.~~ *3.* AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones

Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise

Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1000

AN ACT concerning

Building Lifelong Library Learners Act

FOR the purpose of prohibiting a public library from charging a ~~minor an overdue~~ fine <u>for</u> overdue library materials ~~or fee for an overdue library book~~ <u>on a minor's library</u>

materials; prohibiting a public library from charging ~~a minor~~ a ~~replacement fine or~~ fee until a certain date; requiring a public library to cancel or return a certain ~~replacement fine or~~ fee if a book is returned; prohibiting a public library from collecting any outstanding ~~fine or fee~~ fees incurred by a minor for ~~an overdue book on or before certain dates;~~ overdue library materials after a certain date; requiring certain library boards to adopt certain regulations; altering the calculation of certain funding for the State Library Research Center and each county public library system for certain fiscal years; requiring the Governor to include a certain amount in the annual operating or capital budget submission for county capital projects; defining ~~a certain term~~ certain terms; providing for the application of this Act; and generally relating to public libraries in the State.

BY adding to
Article – Education
Section ~~23–110~~ 23–409
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section ~~23–505(d),~~ 23–205(d), 23–503(b), and 23–509(e)(5)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Education

~~23–110.~~ 23–409.

~~(A) IN THIS SECTION, "FINE OR FEE FOR AN OVERDUE LIBRARY BOOK"~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FEE" MEANS AN AMOUNT CHARGED BY A PUBLIC LIBRARY TO AN INDIVIDUAL FOR THE REPLACEMENT OF LIBRARY MATERIALS THAT HAVE NOT BEEN RETURNED.

(3) "FINE FOR OVERDUE LIBRARY MATERIALS" INCLUDES ANY FINE ~~OR FEE~~ CHARGED BY A PUBLIC LIBRARY TO AN INDIVIDUAL FOR NOT RETURNING ~~A~~ LIBRARY ~~BOOK~~ MATERIALS BY THE DUE DATE.

(4) "SPECIAL COLLECTIONS" INCLUDES ITEMS SUCH AS CAKE PANS, TOOLS, AND FRAME ART.

(B) THIS SECTION DOES NOT APPLY TO SPECIAL COLLECTIONS.

~~(B)~~ (C) (1) A PUBLIC LIBRARY MAY NOT CHARGE A ~~MINOR AN OVERDUE~~ FINE FOR OVERDUE LIBRARY MATERIALS ~~OR FEE FOR AN OVERDUE LIBRARY BOOK~~ ON A MINOR'S LIBRARY MATERIALS.

(2) (I) A PUBLIC LIBRARY MAY NOT CHARGE ~~A MINOR~~ A ~~REPLACEMENT FINE OR~~ FEE FOR ~~AN~~ A MINOR'S OVERDUE LIBRARY ~~BOOK~~ MATERIALS UNTIL ~~3 MONTHS~~ 21 DAYS AFTER THE DATE ON WHICH THE LIBRARY ~~BOOK WAS~~ MATERIALS WERE DUE.

(II) IF ~~AN~~ A MINOR'S OVERDUE LIBRARY ~~BOOK IS~~ MATERIALS ARE RETURNED AFTER A PUBLIC LIBRARY HAS CHARGED ~~A MINOR~~ A ~~REPLACEMENT FINE OR~~ FEE, THE PUBLIC LIBRARY SHALL CANCEL THE ~~FINE OR FEE OR RETURN THE FINE OR FEE AMOUNT TO THE MINOR~~ FEE.

~~(C)~~ (D) A PUBLIC LIBRARY MAY NOT ATTEMPT TO COLLECT ANY OUTSTANDING ~~FINE OR FEE FOR AN~~ FEES FOR OVERDUE LIBRARY ~~BOOK~~ MATERIALS THAT ~~WAS~~ ARE INCURRED BY A MINOR ~~ON OR BEFORE JUNE 30, 2020~~ AFTER JUNE 30, 2021.

(E) EACH BOARD OF LIBRARY TRUSTEES SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

23–205.

(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For each of fiscal years 2010 through 2016.....$1.67 per State resident;

(ii) For fiscal year 2017.....$1.69 per State resident;

(iii) For fiscal year 2018.....$1.73 per State resident;

(iv) For fiscal year 2019.....$1.77 per State resident;

(v) For fiscal year 2020.....$1.81 per State resident; **[**and**]**

(vi) For fiscal year 2021 **[**and each fiscal year thereafter**]**..... $1.85 per State resident**;**

(VII) FOR FISCAL YEAR 2022.....$1.89 PER STATE RESIDENT;

(VIII) FOR FISCAL YEAR 2023.....$1.93 PER STATE RESIDENT; AND

~~**(IX) FOR FISCAL YEAR 2024.....$1.97 PER STATE RESIDENT;**~~

~~**(X) FOR FISCAL YEAR 2025.....$2.01 PER STATE RESIDENT; AND**~~

~~**(XI) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER.....$2.05 PER STATE RESIDENT.**~~

(IX) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER.....$1.97 PER STATE RESIDENT.

23–503.

(b) (1) Each county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

(i) For each of fiscal years 2011 through 2015 – $14.00;

(ii) For fiscal year 2016 – $14.27;

(iii) For fiscal year 2017 – $14.54;

(iv) For fiscal year 2018 – $15.00;

(v) For fiscal year 2019 – $15.50;

(vi) For fiscal year 2020 – $16.00;

(vii) For fiscal year 2021 – $16.43; and

(viii) For fiscal year 2022 and each fiscal year thereafter – **[**$16.70**]** **$17.10**.

(2) (i) The State shall share in this amount.

(ii) Any county may provide an amount greater than its share under the cooperative program, but the State may not share in the excess.

23–509.

(e) (5) **1.** For **EACH OF** fiscal **[**year 2008 and each fiscal year thereafter,**]** **YEARS 2008 THROUGH 2021,** the Governor shall include in the annual operating or capital budget submission $5,000,000 for county library capital projects.

2. FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL OPERATING OR CAPITAL BUDGET SUBMISSION $7,500,000 FOR COUNTY LIBRARY CAPITAL PROJECTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

In accordance with Article II Section 17 of the Maryland Constitution, I have vetoed Senate Bill 669/House Bill 1095 – *Public Health – Prescription Drug Affordability Board Fund,* House Bill 732 – *Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax,* and House Bill 932 – *21st–Century Economy Fairness Act.*

These misguided bills would raise taxes and fees on Marylanders at a time when many are already out of work and financially struggling. With our state in the midst of a global pandemic and economic crash, and just beginning on our road to recovery, it would be unconscionable to raise taxes and fees now. To do so would further add to the very heavy burden that our citizens are already facing.

For all of these reasons, I am vetoing Senate Bill 669, House Bill 1095, House Bill 732, and House Bill 932.

Sincerely,

Lawrence J. Hogan Jr.
Governor

House Bill 1095

AN ACT concerning

Public Health – Prescription Drug Affordability Board and Fund

FOR the purpose of repealing certain provisions of law requiring the Prescription Drug Affordability Board to determine a certain funding source on or before a certain date, consider using certain methods in making a certain determination, and report to certain committees of the General Assembly on a certain recommendation; requiring the Board to assess and collect a certain fee from certain persons in a certain manner; requiring the Board to calculate a certain fee in a certain manner; requiring certain entities to pay a certain fee on or before a certain date each year; requiring the Board to allow certain persons to make certain payments; providing that certain fees may be subject to a certain interest penalty; prohibiting a certain amount of fees collected within a certain period of time from exceeding a certain amount; requiring the Board to pay certain fees into the Prescription Drug Affordability Fund; establishing the Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Board to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; requiring any interest earnings of the Fund to be credited to the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Fund to be subject to a certain audit; adding special funds to the types of funds that are required to be used to establish the Board; requiring the Board to repay certain funds from the Fund to the Maryland Health Care Commission under certain circumstances and over a certain period of time; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; providing for the construction of certain provisions of this Act; defining a certain term; making conforming changes; and generally relating to the Prescription Drug Affordability Board and Fund.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–132(a) and (c)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–2C–11
Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–6C–01(a) and (v)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–1601(a) and (m)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)121. and 122.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)123.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – Health – General

19–132.

(a) In this Part III of this subtitle the following words have the meanings indicated.

(c) "Carrier" means:

(1) An insurer or nonprofit health service plan that holds a certificate of authority and provides health insurance policies or contracts in the State in accordance with the Insurance Article; or

(2) A health maintenance organization that holds a certificate of authority in the State.

21–2C–11.

[(a) On or before December 31, 2020, the Board shall determine a funding source for the Board.

(b) In determining a funding source, the Board shall consider:

(1) Assessing and collecting a fee on manufacturers, pharmacy benefits managers, health insurance carriers, wholesale distributors, or other entities;

(2) Using rebates the State or local government receives from manufacturers; and

(3) Any other method it determines appropriate for funding the Board.

(c) On or before December 31, 2020, in accordance with § 2–1257 of the State Government Article, the Board shall report back to the Senate Finance Committee and the House Health and Government Operations Committee with a recommendation on legislation necessary to establish a funding source for the Board.**]**

(A) IN THIS SECTION, "FUND" MEANS THE PRESCRIPTION DRUG AFFORDABILITY FUND.

(B) (1) THE BOARD SHALL ASSESS AND COLLECT AN ANNUAL FEE ON:

(I) MANUFACTURERS THAT SELL OR OFFER FOR SALE PRESCRIPTION DRUG PRODUCTS TO PERSONS IN THE STATE;

(II) PHARMACY BENEFITS MANAGERS, AS DEFINED IN § 15–1601 OF THE INSURANCE ARTICLE;

(III) CARRIERS, AS DEFINED IN § 19–132 OF THIS ARTICLE; AND

(IV) WHOLESALE DISTRIBUTORS, AS DEFINED IN § 12–6C–01 OF THE HEALTH OCCUPATIONS ARTICLE~~; AND~~, THAT SELL OR OFFER FOR SALE PRESCRIPTION DRUG PRODUCTS TO PERSONS IN THE STATE.

~~(V) ANY OTHER ENTITY IDENTIFIED IN REGULATIONS ADOPTED BY THE BOARD.~~

(2) THE BOARD SHALL:

(I) ASSESS AND COLLECT THE ANNUAL FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ACCORDANCE WITH CRITERIA ESTABLISHED IN REGULATIONS ADOPTED BY THE BOARD; AND

(II) CALCULATE THE ANNUAL FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A FAIR AND EQUITABLE MANNER.

(3) (I) ON OR BEFORE OCTOBER 1 EACH YEAR, EACH ENTITY ASSESSED A FEE UNDER THIS SUBSECTION SHALL PAY THE FEE ASSESSED BY THE BOARD.

(II) THE BOARD SHALL ALLOW ENTITIES TO MAKE PARTIAL PAYMENTS WHEN PAYING THE FEE ASSESSED UNDER THIS SUBSECTION.

(III) ANY FEE NOT PAID WITHIN 30 DAYS AFTER THE PAYMENT DUE DATE MAY BE SUBJECT TO AN INTEREST PENALTY TO BE DETERMINED AND COLLECTED BY THE BOARD.

(4) THE TOTAL AMOUNT OF FEES THAT THE BOARD COLLECTS IN EACH CALENDAR YEAR UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED $2,000,000.

(5) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION INTO THE FUND.

(C) (1) THERE IS A PRESCRIPTION DRUG AFFORDABILITY FUND.

(2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE BOARD AND TO CARRY OUT THE PURPOSE OF THIS SUBTITLE.

(3) THE BOARD SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS OF:

(I) REVENUE DISTRIBUTED TO THE FUND UNDER SUBSECTION (B) OF THIS SECTION;

(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(III) INTEREST EARNINGS; AND

(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(6) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE BOARD AND FOR THE PURPOSES AUTHORIZED UNDER THIS SUBTITLE, INCLUDING ADMINISTRATIVE EXPENSES AND ANY COSTS EXPENDED BY ANY STATE AGENCY TO IMPLEMENT THIS SUBTITLE.

(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(9) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED FOR UNDER § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

(10) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND FROM RECEIVING FUNDS FROM ANY OTHER SOURCE.

(d) **(1)** The Board shall be established using **SPECIAL OR** general funds, which shall be repaid to the State with the funds from the **[**funding source determined by the Board under subsection (a) of this section**]** **FUND**.

(2) IF THE BOARD RECEIVES FUNDING FROM THE MARYLAND HEALTH CARE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL REPAY THE FUNDS TO THE COMMISSION FROM THE FUND OVER A 3–YEAR PERIOD BEGINNING JUNE 1, 2021.

Article – Health Occupations

12–6C–01.

(a) In this subtitle the following words have the meanings indicated.

(v) (1) "Wholesale distributor" means a person that is engaged in the wholesale distribution of prescription drugs or prescription devices.

(2) "Wholesale distributor" includes:

(i) A manufacturer;

(ii) A repackager;

(iii) An own–label distributor;

(iv) A private–label distributor;

(v) A jobber;

(vi) A broker;

(vii) A warehouse, including a manufacturer's or distributor's warehouse;

(viii) A manufacturer's exclusive distributor or an authorized distributor of record;

(ix) A drug wholesaler or distributor;

(x) An independent wholesale drug trader;

(xi) A third party logistics provider;

(xii) A pharmacy that conducts wholesale distribution, if the wholesale distribution business accounts for more than 5% of the pharmacy's annual sales; and

(xiii) A pharmacy warehouse that conducts wholesale distribution.

Article – Insurance

15–1601.

(a) In this subtitle the following words have the meanings indicated.

(m) "Pharmacy benefits manager" means a person that performs pharmacy benefits management services.

Article – State Finance and Procurement

6–226.

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

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

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; **[**and**]**

122. the Federal Government Shutdown Employee Assistance Loan Fund**; AND**

123. THE PRESCRIPTION DRUG AFFORDABILITY FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic

challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit

Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1121

AN ACT concerning

Maryland Mental Health and Substance Use Disorder Registry and Referral System

FOR the purpose of establishing the Maryland Mental Health and Substance Use Disorder Registry and Referral System in the Maryland Department of Health; providing for the purpose of the Registry and Referral System; requiring, subject to the availability of funds, the Department to develop and implement the Registry and Referral System in collaboration with a certain entity; requiring the Registry and Referral System to include certain elements; requiring the Department to determine the appropriate technology to support the operation of the Registry and Referral System and to consider certain factors when determining the appropriate technology; establishing the Maryland Mental Health and Substance Use Disorder Registry and Referral System Advisory Committee; providing for the membership of the Advisory Committee; requiring the Advisory Committee to make certain recommendations to the Department; requiring the Advisory Committee to report to certain committees of the General Assembly on or before a certain date each year; ~~providing for the funding of the Registry and Referral System~~ requiring the Department to adopt certain regulations; requiring hospitals to ensure the availability of staff for a certain purpose; requiring, on or before a certain date, the Department, in collaboration with

a certain entity, to develop and make available a certain resource directory, develop a certain pilot program, develop a certain plan, and report to certain committees of the General Assembly; defining certain terms; and generally relating to the Maryland Mental Health and Substance Use Disorder Registry and Referral System.

BY adding to
Article – Health – General
Section 7.5–801 and 7.5–802 to be under the new subtitle "Subtitle 8. Maryland Mental Health and Substance Use Disorder Registry and Referral System"
Annotated Code of Maryland
(2019 Replacement Volume)

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

Article – Health – General

SUBTITLE 8. MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM.

7.5–801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ADVISORY COMMITTEE" MEANS THE MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM ADVISORY COMMITTEE.

(C) "REGISTRY AND REFERRAL SYSTEM" MEANS THE MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM.

(D) "STATE–DESIGNATED HEALTH INFORMATION EXCHANGE" MEANS THE HEALTH INFORMATION EXCHANGE DESIGNATED BY THE MARYLAND HEALTH CARE COMMISSION UNDER § 19–143 OF THIS ARTICLE.

7.5–802.

(A) (1) THERE IS A MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE REGISTRY AND REFERRAL SYSTEM IS TO PROVIDE A STATEWIDE SYSTEM THROUGH WHICH HEALTH CARE PROVIDERS CAN IDENTIFY AND ACCESS AVAILABLE INPATIENT AND OUTPATIENT MENTAL HEALTH AND SUBSTANCE USE SERVICES FOR PATIENTS IN A SEAMLESS MANNER.

(3) ~~THE~~ SUBJECT TO THE AVAILABILITY OF FUNDS, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE REGISTRY AND REFERRAL SYSTEM, IN COLLABORATION WITH THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE.

(4) THE REGISTRY AND REFERRAL SYSTEM SHALL INCLUDE:

(I) A SEARCHABLE INVENTORY OF ANY PROVIDER OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES, INCLUDING INPATIENT, CRISIS, AND OUTPATIENT SERVICES;

(II) THE CAPABILITY TO ALLOW A PROVIDER OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES TO UPDATE REGISTRY INFORMATION INCLUDING THE REAL–TIME AVAILABILITY OF SERVICES; AND

(III) AN ELECTRONIC REFERRAL SYSTEM THAT IS AVAILABLE TO ANY HEALTH CARE PROVIDER IN THE STATE TO FACILITATE ELECTRONIC REFERRALS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER PROVIDERS.

(B) THE DEPARTMENT SHALL:

(1) DETERMINE THE APPROPRIATE TECHNOLOGY TO SUPPORT THE OPERATION OF THE REGISTRY AND REFERRAL SYSTEM; AND

(2) TO THE EXTENT PRACTICABLE, CONSIDER EXISTING TECHNOLOGY OPERATED BY THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE, WORKFLOW OF PROVIDERS, AND PRACTICES OF PROVIDERS WHEN DETERMINING THE APPROPRIATE TECHNOLOGY FOR THE REGISTRY AND REFERRAL SYSTEM.

~~(B)~~ (C) (1) THERE IS A MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM ADVISORY COMMITTEE.

(2) THE ADVISORY COMMITTEE SHALL ADVISE THE DEPARTMENT ON THE DEVELOPMENT AND IMPLEMENTATION OF THE REGISTRY AND REFERRAL SYSTEM.

(3) THE ADVISORY COMMITTEE SHALL INCLUDE:

(I) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH, OR THE DEPUTY SECRETARY'S DESIGNEE;

(II) THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES, OR THE DEPUTY SECRETARY'S DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE HEALTH SERVICES COST REVIEW COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(IV) ONE REPRESENTATIVE ~~FROM THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE, DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE COMMISSION~~ WITH EXPERTISE IN HEALTH INFORMATION TECHNOLOGY, DESIGNATED BY THE MARYLAND CHAPTER OF THE HEALTHCARE INFORMATION AND MANAGEMENT SYSTEMS SOCIETY;

(V) PROVIDERS OF MENTAL HEALTH AND SUBSTANCE USE SERVICES; AND

(VI) ANY OTHER REPRESENTATIVES CONSIDERED NECESSARY BY THE DEPARTMENT TO ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF THE REGISTRY AND REFERRAL SYSTEM.

(4) THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATING TO THE DESIGN, DEVELOPMENT, IMPLEMENTATION, AND FUNDING OF THE REGISTRY AND REFERRAL SYSTEM ON:

(I) NECESSARY REGULATIONS;

(II) THE STATUS OF THE RESOURCE DIRECTORY AND PILOT PROGRAM DEVELOPED BY THE DEPARTMENT; AND

(III) SOURCES OF FUNDING, INCLUDING GRANT FUNDS AND OTHER SOURCES OF FEDERAL, PRIVATE, OR STATE FUNDS.

~~(4)~~ (5) ON OR BEFORE JANUARY 1 EACH YEAR, THE ADVISORY COMMITTEE SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THE REGISTRY AND REFERRAL SYSTEM.

~~(C) THE REGISTRY AND REFERRAL SYSTEM SHALL BE FUNDED BY:~~

~~(1) THE HEALTH SERVICES COST REVIEW COMMISSION; OR~~

~~(2) ANY OTHER AVAILABLE FUNDING SOURCE.~~

(D) EACH HOSPITAL SHALL ENSURE THE AVAILABILITY OF STAFF TO IDENTIFY APPROPRIATE AND AVAILABLE SERVICES FOR PATIENTS IN THE HOSPITAL WHO ARE IN NEED OF MENTAL HEALTH OR SUBSTANCE USE DISORDER SERVICES AND TO ASSIST THE PATIENT IN ACCESSING THE SERVICES.

(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2021, the Maryland Department of Health, in collaboration with the State–designated Health Information Exchange, shall:

(1) develop and make available a resource directory of mental health and substance use disorder providers' inventory ~~that:~~

~~(i) tracks inventory of services by type, location, and organization; and~~

~~(ii) is available to the public~~;

(2) develop a registry and referral system pilot program in at least two jurisdictions in the State to assess the feasibility and necessity of mandating all inpatient and outpatient mental health and substance use disorder providers to update registry information in real time; ~~and~~

(3) develop a plan for funding the statewide expansion of the Maryland Mental Health and Substance Use Disorder Registry and Referral System established under § 7.5–802 of the Health – General Article, as enacted by Section 1 of this Act, and ongoing operations of the Registry and Referral System; and

~~(3)~~ (4) report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, on:

(i) the development of the resource directory required under item (1) of this section; ~~and~~

(ii) the development of the pilot program required under item (2) of this section; and

(iii) recommendations for enforcement mechanisms to be applied to providers who are mandated to use the Maryland Mental Health and Substance Use Disorder Registry and Referral System established under § 7.5–802 of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, Maryland 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1236 – Transit – Maryland Area Regional Commuter Train – Expansion of Service.

For two months, my Administration has been singularly focused on battling the most serious public health crisis to hit our great State in over a century. While we have made significant progress in stemming the tide of this deadly COVID–19 virus, we undoubtedly have a long, tough road ahead in getting our economy back to where it was prior to this crisis. Earlier last month, after Comptroller Peter Franchot announced that the State will experience a $2.8 billion shortfall when we begin to recover from this crisis, I immediately implemented a number of significant fiscal measures. I directed all state agencies to implement immediate budget and hiring freezes, and further directed the Department of Budget and Management to develop significant state agencies budget reduction targets for FY 2021.

While it is certain that the Maryland Department of Transportation's (MDOT) budget will be out of balance in both FY 2020 and FY 2021, the only current unknown is the magnitude of MDOT's revenue and budget shortfalls. For this reason, and to maintain current public transportation services, implementation of House Bill 1236 is not financially feasible nor responsible at this time.

For these reasons, I have vetoed House Bill 1236.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1236

AN ACT concerning

Transit – Maryland Area Regional Commuter Train – Expansion of Service

FOR the purpose of requiring the Maryland Transit Administration to engage in good faith negotiations with the District of Columbia, the Commonwealth of Virginia, and appropriate train companies to reach a written agreement on a pilot program to establish Maryland Area Regional Commuter train service between certain train stations in the District of Columbia and the Commonwealth of Virginia; requiring the Administration to consult with certain entities to determine the most effective means to establish train service between certain train stations; requiring that the good faith negotiations and consultation include discussions of a certain train service schedule; requiring the Administration to report certain information to certain committees of the General Assembly on or before certain dates; requiring the Maryland Transit Administration to engage in good–faith negotiations with Delaware and appropriate train companies to reach a written agreement on a pilot program to establish Maryland Area Regional Commuter train service between Perryville, Maryland and Newark, Delaware; requiring the Administration to consult with certain entities to determine the most effective means to establish train service between Perryville and Newark; requiring that the good–faith negotiations and consultation include discussions of a certain train service schedule; requiring the Administration to conduct a study on constructing a rail connection between Penn Station and Camden Station; providing for the scope of the study; requiring the Administration to, on or before a certain date, submit a report of its findings and recommendations to certain committees in the General Assembly; ~~requiring the Administration to advance the planning and construction of the Bayview MARC station in coordination with Baltimore City; requiring the planning to include analyzing innovative financing concepts or public–private partnerships;~~ providing for the termination of this Act; and generally relating to the expansion of Maryland Area Regional Commuter train service.

Preamble

WHEREAS, Improved regional rail connectivity can enhance job access and opportunity for Maryland residents and existing and growing job centers; and

WHEREAS, Such connectivity can also provide access for Delaware, District of Columbia, and Virginia residents to jobs in Maryland; and

WHEREAS, Implementation of regional rail makes use of existing and planned track infrastructure to enhance regional mobility, providing a cost–effective approach for delivering transportation options and reducing emissions associated with the transportation network; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The Maryland Transit Administration shall:

(1) engage in good faith negotiations with the District of Columbia, the Commonwealth of Virginia, and the appropriate railroad companies to reach a written agreement on a pilot program to establish Maryland Area Regional Commuter train service between Union Station in the District of Columbia and Alexandria Station in the Commonwealth of Virginia; and

(2) consult with regional private entities, including leading employers, labor representatives, rider advisory committees, and regional planning boards, to determine the most effective means to establish Maryland Area Regional Commuter train service between Union Station in the District of Columbia and Alexandria Station in the Commonwealth of Virginia, including train service scheduling and funding.

(b) The good faith negotiations and consultation required under subsection (a) of this section shall include discussions of a Maryland Area Regional Commuter train service schedule that includes:

(1) two morning trains traveling from Union Station through the L'Enfant Plaza Station in the District of Columbia on to the Crystal City Station and ending at Alexandria Station in the Commonwealth of Virginia; and

(2) two evening trains traveling from Alexandria Station through the Crystal City Station in the Commonwealth of Virginia on to the L'Enfant Plaza Station and ending at Union Station in the District of Columbia.

(c) (1) Subject to paragraph (2) of this subsection, on or before December 1 each year, the Maryland Transit Administration shall submit a report in accordance with § 2–1257 of the State Government Article to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Environment and Transportation Committee.

(2) The reports required under paragraph (1) of this subsection shall:

(i) summarize the best efforts and discussions undertaken to comply with the requirements of subsection (a) of this section;

(ii) identify solutions to any impediments to establishing Maryland Area Regional Commuter train service between Union Station in the District of Columbia and Alexandria Station in the Commonwealth of Virginia;

(iii) if necessary, list the statutory changes necessary to establish Maryland Area Regional Commuter train service between Union Station in the District of Columbia and Alexandria Station in the Commonwealth of Virginia; and

(iv) provide any other information that the Maryland Transit Administration considers necessary for successful run–through service.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Transit Administration shall:

(1) engage in good–faith negotiations with Delaware and the appropriate railroad companies to reach a written agreement on a pilot program to establish a Maryland Area Regional Commuter train service between Perryville, Maryland and Newark, Delaware; and

(2) consult with regional private entities, including leading employers, labor representatives, rider advisory committees, and regional planning boards, to determine the most effective means to establish Maryland Area Regional Commuter train service between Perryville, Maryland and Newark, Delaware, including train service scheduling and funding.

(b) The good–faith negotiations and consultation required under subsection (a) of this section shall include discussions of a Maryland Area Regional Commuter train service that includes:

(1) two morning trains traveling from Perryville to Newark; and

(2) two evening trains traveling from Newark to Perryville.

(c) On or before December 1 each year, the Maryland Transit Administration shall submit a report in accordance with § 2–1257 of the State Government Article to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Environment and Transportation Committee that:

(1) summarizes the best efforts and discussions undertaken to comply with the requirements of subsection (a) of this section;

(2) identifies solutions to any impediments to establishing Maryland Area Regional Commuter train service between Perryville, Maryland and Newark, Delaware;

(3) if necessary, lists the statutory changes necessary to establish Maryland Area Regional Commuter train service between Perryville, Maryland and Newark, Delaware; and

(4) provides any other information that the Maryland Transit Administration considers necessary for successful run–through service.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Transit Administration shall conduct a study on constructing a rail connection between Penn Station and Camden Station.

(b) The study shall explore the feasibility of constructing a rail connection between Penn Station and Camden Station, including design concepts that would:

(1) enable Penn Line service into downtown Baltimore; and

(2) provide access to Riverside Yard for locomotive repair and maintenance;

(c) On or before December 1, 2021, the Maryland Transit Administration shall submit a report of its findings and recommendations in accordance with § 2–1257 of the State Government Article to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Environment and Transportation Committee.

~~SECTION 4. AND BE IT FURTHER ENACTED, That:~~

~~(a) The Maryland Transit Administration shall advance the planning and construction of the Bayview MARC Station in coordination with Baltimore City.~~

~~(b) The planning shall include analysis of:~~

~~(1) innovative financing concepts; and~~

~~(2) public–private partnerships.~~

SECTION ~~2.~~ ~~5.~~ *4.* AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020. It shall remain effective for a period of 2 years and, at the end of June 30, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets

from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program

House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1260

AN ACT concerning

Historically Black Colleges and Universities – Funding

FOR the purpose of requiring the Maryland Higher Education Commission to establish ~~certain new units~~ a certain new unit to assist in evaluating and reviewing certain proposals for new programs and substantial modifications of existing programs by an institution of postsecondary education; requiring the Governor, beginning in a certain fiscal year, to include in the annual State operating budget an amount sufficient to employ certain staff; requiring the Governor, in certain fiscal years, to include in the annual State operating budget certain funds for certain historically black colleges and universities in the State; specifying how certain funds shall be allocated; providing for the allowable uses of certain funds; providing that certain funds be in addition to certain base funds appropriated to certain institutions; prohibiting certain funds from being included in certain calculations of State funding

for certain institutions of higher education under certain provisions of law; requiring certain historically black colleges and universities to report annually, for a certain duration, certain information to the Governor, the President of the Senate, ~~and~~ the Speaker of the House of Delegates, the House Appropriations Committee, and the Senate Budget and Taxation Committee; establishing the Historically Black Colleges and Universities Reserve Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Commission to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; stating certain findings of the General Assembly; defining a certain term; requiring the University ~~of Maryland Global Campus~~ System of Maryland William E. Kirwan Center for Academic Innovation, in collaboration with UMUC Ventures, to assist certain historically black colleges and universities with developing and offering online academic programs; providing that certain procurements and contracts are not subject to the approval of the Board of Public Works under a certain provision of law; authorizing the Board of Regents of the University System of Maryland to use the fund balance to support the development and offering of certain online programs; requiring the Commission, in consultation with certain institutions, to study its own policies and practices and report the results on or before a certain date; encouraging certain historically black colleges and universities to hire a certain consultant and report the results and any findings on or before a certain date; encouraging certain historically black colleges and universities to use certain funds to implement and support the Blueprint for Maryland's Future; requiring the Governor to provide a certain allocation in a certain fiscal year for certain fees and expenses under certain circumstances; authorizing the Attorney General to execute a certain final settlement agreement; making certain provisions of this Act subject to a certain contingency; and generally relating to historically black colleges and universities in the State.

BY adding to
Article – Education
Section 10–214, 11–206.3, 15–126, and 15–127
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)121. and 122.

Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)123.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – Education

10–214.

THE GENERAL ASSEMBLY FINDS THAT:

(1) THE STATE OF MARYLAND WISHES TO PROVIDE ALL OF ITS CITIZENS WITH EQUAL ACCESS TO HIGHER EDUCATION AT EXCELLENT AND AFFORDABLE PUBLIC COLLEGES AND UNIVERSITIES;

(2) THE GENERAL ASSEMBLY HAS CAREFULLY REVIEWED THE MEMORANDUM OPINIONS AND ORDERS OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND, ISSUED OCTOBER 7, 2013, AND NOVEMBER 8, 2017, IN THE ACTION, THE COALITION FOR EQUITY AND EXCELLENCE IN MARYLAND HIGHER EDUCATION, ET AL. V. MARYLAND HIGHER EDUCATION COMMISSION, ET AL., 06–CV–02773–CCB;

(3) THE DISTRICT COURT FOUND THAT THE STATE FAILED TO ELIMINATE A TRACEABLE DE JURE ERA POLICY OF UNNECESSARY DUPLICATION OF PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES IN THE STATE THAT HAS EXACERBATED THE RACIAL IDENTIFIABILITY OF MARYLAND'S HISTORICALLY BLACK COLLEGES AND UNIVERSITIES;

(4) MARYLAND'S HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, WHICH ARE BOWIE STATE UNIVERSITY, COPPIN STATE UNIVERSITY, MORGAN STATE UNIVERSITY, AND THE UNIVERSITY OF MARYLAND EASTERN SHORE, SHOULD RECEIVE ADDITIONAL SUPPORT TO REMEDY THE FINDINGS OF THE DISTRICT COURT;

(5) THE ADDITIONAL SUPPORT SHALL BE PROVIDED IN THE FORM OF ADDITIONAL FUNDING IN THE AMOUNT OF $577,000,000, WHICH SHALL BE PROVIDED IN EQUAL AMOUNTS IN EACH OF FISCAL YEARS 2022 THROUGH 2031, AND SHALL BE ALLOCATED AMONG THE INSTITUTIONS; AND

(6) THE PROVISIONS OF §§ 15–126 AND 15–127 OF THIS ARTICLE SHALL ENSURE THAT MARYLAND'S HISTORICALLY BLACK COLLEGES AND UNIVERSITIES SHALL RECEIVE THIS SUPPORT.

11–206.3.

(A) THE COMMISSION SHALL ESTABLISH:

~~**(1) A NEW PROGRAM EVALUATION UNIT; AND**~~

(2) ~~**A SUBSTANTIAL PROGRAM MODIFICATION UNIT**~~ **A PROGRAM EVALUATION UNIT TO EVALUATE NEW PROGRAMS AND SUBSTANTIAL MODIFICATIONS.**

(B) (1) ~~**EACH OF THE UNITS**~~ **THE UNIT ESTABLISHED IN THIS SECTION SHALL HAVE AT LEAST** ~~**FIVE**~~ **10 STAFF MEMBERS WHO ARE EMPLOYEES OF THE COMMISSION.**

(2) THE STAFF MEMBERS ASSIGNED TO ~~**THESE UNITS**~~ **THIS UNIT SHALL BE IN ADDITION TO THE CURRENT WORKFORCE OF THE COMMISSION.**

(C) THE ~~**UNITS**~~ **UNIT ESTABLISHED IN THIS SECTION SHALL ASSIST THE COMMISSION IN REVIEWING AND EVALUATING PROPOSALS FOR NEW PROGRAMS AND SUBSTANTIAL MODIFICATIONS OF EXISTING PROGRAMS IN ACCORDANCE WITH §§ 11–206 AND 11–206.1 OF THIS SUBTITLE.**

(D) BEGINNING IN FISCAL YEAR 2022, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE OPERATING BUDGET FUNDS IN AN AMOUNT SUFFICIENT TO EMPLOY THE 10 STAFF MEMBERS REQUIRED UNDER THIS SECTION.

15–126.

(A) (1) FOR FISCAL YEAR 2022, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE OPERATING BUDGET GENERAL FUNDS OF AT LEAST:

(I) $16,790,700 FOR BOWIE STATE UNIVERSITY;

(II) $7,212,500 FOR COPPIN STATE UNIVERSITY;

(III) $24,003,200 FOR MORGAN STATE UNIVERSITY; AND

(IV) $9,693,600 FOR THE UNIVERSITY OF MARYLAND EASTERN SHORE.

(B) (1) FOR EACH OF FISCAL YEARS 2023 THROUGH 2031, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE OPERATING BUDGET GENERAL FUNDS OF AT LEAST $57,700,000 TO BE ALLOCATED TO THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AS CALCULATED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE FUNDS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ALLOCATED TO EACH INSTITUTION IN AN AMOUNT THAT EQUALS THE PRODUCT OF:

(I) THE PERCENTAGE SHARE OF STUDENTS ENROLLED DURING THE IMMEDIATELY PRECEDING ACADEMIC YEAR AT EACH INSTITUTION COMPARED TO THE TOTAL NUMBER OF STUDENTS ENROLLED AT ALL OF THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES; AND

(II) $57,700,000.

(3) AT THE END OF EACH FISCAL YEAR, ANY UNUSED FUNDS PROVIDED UNDER THIS SECTION SHALL BE DISTRIBUTED TO THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES RESERVE FUND ESTABLISHED UNDER § 15–127 OF THIS SUBTITLE.

(C) FUNDS PROVIDED UNDER THIS SECTION:

(1) SHALL BE SUPPLEMENTAL TO, AND MAY NOT SUPPLANT, FUNDS APPROPRIATED TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE BUDGET; ~~AND~~

(2) MAY BE USED FOR THE FOLLOWING PURPOSES, AS DETERMINED BY THE UNIVERSITY RECEIVING THE FUNDS:

(I) SCHOLARSHIPS AND FINANCIAL AID SUPPORT SERVICES;

(II) FACULTY RECRUITMENT AND DEVELOPMENT;

(III) EXPANDING AND IMPROVING EXISTING ACADEMIC PROGRAMS, INCLUDING ONLINE PROGRAMS;

(IV) DEVELOPMENT AND IMPLEMENTATION OF NEW ACADEMIC PROGRAMS, INCLUDING ONLINE PROGRAMS;

(V) ACADEMIC SUPPORT; AND

(VI) MARKETING; AND

(3) MAY NOT BE INCLUDED IN THE CALCULATIONS OF STATE FUNDING UNDER §§ 16–305, 16–512, AND 17–104 OF THIS ARTICLE.

(D) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2022 AND GOING THROUGH 2032, EACH HISTORICALLY BLACK COLLEGE OR UNIVERSITY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE SENATE ~~AND~~, THE SPEAKER OF THE HOUSE OF DELEGATES, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE SENATE BUDGET AND TAXATION COMMITTEE ON:

(1) THE USES OF THE FUNDS IN ACCORDANCE WITH SUBSECTION (C)(2) OF THIS SECTION; AND

(2) ANY NEW ACADEMIC PROGRAM DEVELOPED WITH RESPECT TO:

(I) DEVELOPMENT COSTS;

(II) STARTUP COSTS; AND

(III) ONGOING COSTS TO MAINTAIN THE PROGRAM.

15–127.

(A) IN THIS SECTION, "FUND" MEANS THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES RESERVE FUND.

(B) THERE IS A HISTORICALLY BLACK COLLEGES AND UNIVERSITIES RESERVE FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE RESERVE FUNDING FOR BOWIE STATE UNIVERSITY, COPPIN STATE UNIVERSITY, MORGAN STATE UNIVERSITY, AND THE UNIVERSITY OF MARYLAND EASTERN SHORE THAT IS USED FOR PURPOSES CONSISTENT WITH THE USES SPECIFIED UNDER § 15–126 OF THIS SUBTITLE.

(D) THE MARYLAND HIGHER EDUCATION COMMISSION SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(F) THE FUND CONSISTS OF:

(1) THE REMAINDER OF ANY FUNDS UNUSED AT THE END OF A FISCAL YEAR THAT IS DISTRIBUTED TO THE FUND UNDER § 15–126 OF THIS SUBTITLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(3) INTEREST EARNINGS; AND

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

(G) THE FUND MAY BE USED ONLY FOR THE USES SPECIFIED UNDER § 15–126 OF THIS SUBTITLE.

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

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

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) MONEY EXPENDED FROM THE FUND FOR THE USES SPECIFIED UNDER § 15–126 OF THIS SUBTITLE IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE USES SPECIFIED UNDER § 15–126 OF THIS SUBTITLE OR ANY OTHER FUNDS APPROPRIATED TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE BUDGET.

Article – State Finance and Procurement

6–226.

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

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

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; **[**and**]**

122. the Federal Government Shutdown Employee Assistance Loan Fund**; AND**

123. THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES RESERVE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) The University ~~of Maryland Global Campus~~ System of Maryland William E. Kirwan Center for Academic Innovation, in collaboration with UMUC Ventures, shall work with the State's historically black colleges and universities, Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore with the goal of developing and offering online academic programs.

(2) The procurements and contracts for developing and offering online academic programs under paragraph (1) of this subsection are not subject to the approval of the Board of Public Works under § 12–112 of the Education Article.

(3) The Board of Regents of the University System of Maryland may use the fund balance to support the development and offering of online academic programs under this subsection.

(b) On or before December 1, 2020, each institution shall submit a report on its efforts and any findings to the Governor and, in accordance with § 2–1257 of the State Government Article, the President of the Senate and the Speaker of the House of Delegates that summarizes the steps taken to comply with the requirement provided under subsection (a) of this section.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Higher Education Commission shall, in consultation with Morgan State University, the University System of Maryland, and St. Mary's College of Maryland, study the Commission's current policies and practices and any new policies or practices established in accordance with this Act for the purpose of:

(1) evaluating, streamlining, ~~and~~ improving, and making recommendations on the Commission's policies and practices with respect to academic program review;

(2) enhancing the economic competitiveness of the State by ensuring the responsiveness of institutions of higher education to market demand; and

(3) effectively supporting the State's workforce development requirements.

(b) On or before December 1, 2020, the Commission shall submit a report on its findings to the Governor and, in accordance with § 2–1257 of the State Government Article, the President of the Senate and the Speaker of the House of Delegates that summarizes the results of the study conducted in accordance with subsection (a) of this section.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The State's historically black colleges and universities, Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore, are encouraged to hire a consultant who would assist the institutions, as a collective, with programmatic development.

(b) On or before December 1, 2020, each institution shall submit a report on its efforts and any findings to the Governor and, in accordance with § 2–1257 of the State Government Article, the President of the Senate and the Speaker of the House of Delegates that summarizes the steps taken to comply with subsection (a) of this section.

SECTION 5. AND BE IT FURTHER ENACTED, That the State's historically black colleges and universities, Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore, are encouraged to use funds provided by this Act to support and implement the Blueprint for Maryland's Future.

SECTION ~~5.~~ 6. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act is contingent on the execution of a final settlement agreement in the case of The Coalition for Equity and Excellence in Maryland Higher Education v. Maryland Higher Education Commission, 06–CV–02773–CCB (D. MD) on or before December 1, 2020, that:

(1) incorporates and ~~is limited to the provisions of~~ does not exceed the financial and programmatic commitments contained in Section 1 of this Act; ~~and~~

(2) incorporates the order described in subsection (d)(2) of this section; and

(3) provides for attorney's fees and expenses in an amount not less than $14,000,000 but not more than $25,000,000 to plaintiffs' counsel in The Coalition for Equity and Excellence in Maryland Higher Education v. Maryland Higher Education Commission, 06–CV–02773–CCB (D. MD).

(b) (1) In fiscal year 2022, the Governor shall provide an allocation for the attorney's fees and expenses in the amount specified in the final settlement agreement described in subsection (a) of this section.

(2) The amount allocated under paragraph (1) of this subsection shall be provided from the funds for the historically black colleges and universities under Section 1 of this Act, with the amounts allocated based on each institution's share of the total funds provided under Section 1 of this Act.

(3) Notwithstanding § 12–501 of the State Government Article or any other provision of law, the settlement agreement as provided in subsection (a) of this section, including attorney's fees and expenses provided in the settlement agreement, are not subject to approval by the Board of Public Works.

(c) The Attorney General:

(1) is authorized to execute the final settlement agreement in subsection (a) of this section on behalf of the State on terms the Attorney General deems:

(i) as final resolution of the case of The Coalition for Equity and Excellence in Maryland Higher Education v. the Maryland Higher Education Commission, 06–CV–02773–CCB (D. MD); and

(ii) appropriate to carry out the purposes of Section 1 of this Act; and

(2) shall provide written notice of the executed settlement agreement to the Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

(d) ~~If notice of the settlement agreement is not received by the Department of Legislative Services on or before December 11, 2020,~~ Section 1 of this Act, with no further action required by the General Assembly, shall be null and void if, on or before December 11, 2020:

(1) the Department of Legislative Services has not received notice of the settlement agreement; and

(2) an order has not been issued from the United States District Court for the District of Maryland or the United States Court of Appeals for the Fourth Circuit that:

(i) reverses or vacates the District Court's holding that the State failed to eliminate traceable de jure era policy of unnecessary program duplication; or

(ii) holds that any policy of unnecessary program duplication traceable to de jure segregation has been cured by the terms of the settlement agreement.

SECTION ~~6.~~ 7. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~5~~ 6 of this Act, this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding

House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1300

AN ACT concerning

Blueprint for Maryland's Future – Implementation

FOR the purpose of repealing, altering, and adding certain provisions of law to implement The Blueprint for Maryland's Future, which is intended to transform Maryland's early childhood, primary, and secondary education system to the levels of high–performing systems around the world; *establishing a method for verifying certain synthesized or compiled school–level and school system data; extending the supplemental prekindergarten grant through a certain fiscal year; requiring certain funds to be distributed to certain workforce development boards for a certain purpose in certain fiscal years; authorizing certain entities to make certain expenditures;* establishing certain education aid formulas to provide funding for the implementation of the Blueprint for Maryland's Future, including funding for general education programs, English learners, compensatory education, schools with a high concentration of poverty, special education, transitional supplemental instruction, early childhood, and prekindergarten; requiring the State and each county to distribute to county boards of education certain amounts of education aid under certain programs in certain fiscal years; requiring county boards to distribute certain education aid to certain schools; stating that certain education costs are included in a certain foundation amount; requiring certain education aid to be used for certain purposes; requiring each school to collect a certain form by a certain school year; altering the Concentration of Poverty School Grant Program; stating eligibility requirements to receive certain funding; requiring the Department to establish a certain sliding scale for prekindergarten by a certain date; requiring certain families to pay a certain amount beginning in a certain fiscal year; requiring certain funds to be provided in certain fiscal years to establish a certain number of Judy Centers according to a certain prioritization; establishing a process by which certain funds are redirected from a county to a county board under certain circumstances; repealing a certain calculation under the maintenance of local effort calculation; establishing a process to certify certain funds to be released or withheld subject to a certain notification; providing for a reduction in a certain local share of certain education aid for certain counties under certain circumstances; requiring the designation of a primary contact for school–based health centers; establishing the Accountability and Implementation Board as an independent unit of State government; providing for the purpose and membership of the Board; establishing the Accountability and Implementation Board Nominating Committee; providing for the membership and duties of the Nominating Committee; specifying the duties of the Board, including the development of a Comprehensive Implementation Plan to implement The Blueprint for Maryland's Future, reviewing and approving State and local government unit's implementation plans, reviewing the use of certain funds by certain State and local government agencies, retaining certain funds from certain local school systems under certain circumstances, and contracting with an entity to conduct an independent assessment of the progress in implementing The Blueprint

for Maryland's Future; requiring the State Department of Education and certain State and local government units to take certain actions regarding implementation plans; requiring certain State and local units to include certain information in certain implementation plans; *requiring each school system to establish a certain tracker system for students in grade 9;* requiring the Department to establish, administer, and supervise an Expert Review Team program; providing for the purpose of the program; specifying the duties of the Department and the Expert Review Teams regarding the program; *requiring the Accountability and Implementation Board to perform a certain evaluation on or before a certain date and submit a certain report to the Governor and the General Assembly on or before a certain date;* requiring the Department to establish a school leadership training program for certain individuals; altering and enhancing requirements for teacher training practicums and teacher preparation programs; requiring certain qualifications for certain individuals to obtain an initial certification to teach in the State and to retain certification; *altering the manner in which certain rules and regulations recommended by the State Board or the Professional Standards and Teacher Education Board are implemented;* ~~altering the manner in which certain rules and regulations recommended by the State Board or the Professional Standards and Teacher Education Board are implemented;~~ establishing a career ladder system for educators ~~comprised~~ composed of levels through which teachers may progress and gain certain authority, status, and compensation as they gain certain expertise; ~~requiring certain individuals to participate in the career ladder; authorizing certain individuals to participate in the career ladder~~ providing that the career ladder is subject to collective bargaining except as provided by this Act; encouraging teachers to obtain a certain certificate and participate in the career ladder and providing or encouraging the provision of certain support; specifying certain qualifications and salary increases associated with levels of the career ladder; requiring a certain minimum teacher salary beginning on a certain date; requiring certain teacher evaluation systems to meet certain requirements; altering the Prekindergarten Expansion Grant Program; establishing a Career Counseling Program for Middle and High School Students; expanding full–day kindergarten, Judy Centers, and Family Support Centers over a certain period of time; prohibiting certain prekindergarten providers from disciplining certain students in a certain manner, except under certain circumstances; altering the date by which a certain kindergarten assessment shall be completed; establishing a publicly funded full–day prekindergarten program in which certain eligible children and providers may participate; requiring each county board to enter into a certain memorandum of understanding with certain parties to provide publicly funded prekindergarten in the county in a certain manner; extending the teacher collaborative grant program through a certain fiscal year; requiring the Department to develop certain curriculum standards and to use certain assessments established by the State Board to identify certain low–performing schools; requiring the State Board to establish certain college and career readiness standards and requiring the Department, State Board, county boards, and community colleges to take certain actions related to the standards; requiring each county board to provide post college and career readiness pathways at no cost to certain students; ~~*requiring the Maryland Center for School Safety to take certain actions related to the reporting of classroom disruptions in*~~

~~*public schools;*~~ altering the requirements for certain child care accreditation and credential programs; establishing that certain child care centers and programs shall be given priority for certain awards; establishing a Director of Community Schools position in the Department; requiring each community school to have a community school coordinator who performs certain duties; providing that a community school coordinator may be a social worker; establishing the process by which an institution of higher education may request to establish a certain program; altering the Dual Enrollment Grant Program; establishing the Teacher Quality and Diversity Program *and the Teacher Quality and Diversity Grant Program; requiring the State Board of Education to request a certain waiver from the U.S. Department of Education on or before a certain date; providing that if a certain waiver is granted, the CTE Committee is responsible for the administration of a certain program; requiring the Division of Workforce Development and Adult Learning within the Maryland Department of Labor to pursue federal grants for certain purposes; requiring the Division to submit a certain report on or before a certain date to certain boards and legislative committees; ~~providing that the Maryland Department of Labor may award grants under the Maryland EARN Program for certain registered apprenticeships; repealing a certain priority given to strategic industry partnerships for a certain grant process; requiring a certain grant process to give priority to certain registered apprenticeships;~~* providing for the implementation and administration of the Teacher Quality and Diversity Program; requiring the Maryland Higher Education Commission to provide certain assistance to certain institutions of higher education; altering the qualifications to receive certain loan repayment assistance; requiring the Office of Student Financial Assistance to publicize the availability of a certain program; *altering the qualifications to receive a certain scholarship;* establishing the Career and Technical Education Committee; providing for the purpose and membership of the Committee; specifying the duties of the Committee, including the establishment of the CTE Expert Review Team program and the creation of a CTE Skills Standards Advisory Committee to perform certain duties; *establishing the Workgroup on English Language Learners in Public Schools; providing for the composition, chair, and staff of the Workgroup; providing for the duties of the Workgroup; requiring the Workgroup to submit certain reports to the Governor and General Assembly on or before certain dates;* altering certain mandated appropriations; requiring the Governor to include certain appropriations in the annual budget bill for certain fiscal years; requiring the State to provide certain funding for certain purposes in certain fiscal years; altering the uses of certain funds; requiring the Department to develop certain guidelines and standards, make certain determinations, adopt certain regulations, and take certain actions; requiring each county board to take certain actions related to the career ladder, perform certain evaluations, and provide certain reports and information to certain entities; requiring the State Board ~~of Education~~ to adopt certain regulations, perform certain evaluations, take certain actions, and provide certain reports and information to certain entities; stating certain goals of the State; repealing obsolete provisions of law relating to the General State School Fund; repealing certain prekindergarten grants and compensatory education, limited English proficiency, and special education formulas made obsolete by the provisions of The Blueprint for Maryland's Future; repealing certain provisions relating to the Maryland School Performance Program, the Maryland Alternative

Teaching Opportunity Program, comprehensive master plans, grants to teachers pursuing certain national certifications, and certifications for certain career professionals made obsolete by The Blueprint for Maryland's Future; repealing the Learning in Extended Academic Programs (LEAP) grant program; repealing a certain obsolete provision relating to special education funding levels; repealing the Governor's P–20 Leadership Council of Maryland; *requiring the Department and the Maryland Department of Health to designate certain employees as a certain contact for certain purposes; establishing the Maryland Consortium on Coordinated Community Supports in the Maryland Community Health Resources Commission; establishing the membership and duties of the Consortium; requiring a coordinated community supports partnership to provide certain services in a certain manner; providing that certain grant funding and certain other assistance is supplemental to certain existing funding; requiring the Consortium to submit a certain report to certain entities on or before a certain date each year; establishing the Coordinated Community Supports Partnership Fund; providing for the purpose and administration of the Fund; requiring the Department to review and revise certain regulations in a certain manner; requiring the creation of certain position identification numbers; requiring certain local workforce development boards to collaborate with certain entities to provide certain reports in certain fiscal years; requiring the Department of Legislative Services to submit certain reports to the Governor and the General Assembly on or before certain dates; requiring certain increases in major education aid to be limited by a certain amount under certain circumstances;* defining certain terms; altering certain definitions; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross–references or terminology rendered incorrect by this Act and to describe any corrections made in an editor's note following the section affected; declaring the intent of the General Assembly; specifying certain provisions of law that shall be used to calculate certain State education aid for certain fiscal years; and generally relating to the implementation of The Blueprint for Maryland's Future.

BY repealing
Article – Education
Section 5–201(c) through (e), 5–202(a), (b), (e), (f), (i), (k), and (l), 5–207 through 5–209, 5–211, 5–213, 5–213.1~~, 5–218,~~; 5–401 and 5–403 and the subtitle "Subtitle 4. Accountability Reporting"; 6–112, 6–120, 6–121, 6–306 ~~7–101.1(a), (b), and (e),~~; 7–2001 through 7–2006 and the subtitle "Subtitle 20. Learning in Extended Academic Programs (LEAP)"; 8–414~~,~~*; 9.8–101 through 9.8–113 and the title "Title 9.8. Maryland Education Development Collaborative";* 21–204, and 24–801
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY renumbering
Article – Education
Section 5–202(g), (h), and (j), respectively; 5–205; 5–220; and 5–214, 5–215, 5–221, ~~and~~ 5–216, respectively; 7–101.1(c) and (d), respectively; and 18–14A–04

~~to be Section 5–208, 5–209, and 5–207, respectively, to be under the new part "Part II. General Provisions" and the amended subtitle "Subtitle 2. Aid to Education"; 5–218 to be under the new part "Part III. Funding for General Education Programs" and the amended subtitle "Subtitle 2. Aid to Education"; 5–231 to be under the new part "Part V. Early Childhood and Prekindergarten" and the amended subtitle "Subtitle 2. Aid to Education"; and 5–236, 5–237, 5–238, and 5–239, respectively, to be under the new part "Part VI. Miscellaneous" and the amended subtitle "Subtitle 2. Aid to Education"~~ to be Section 5–208, 5–209, and 5–207, respectively; 5–218, 5–231, 5–236, 5–237, 5–238, and 5–239, respectively; 7–1A–02(a) and (b), respectively; and 15–127

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments.

Article – Education

Section 1–301, 5–101(a); ~~5–201(a),~~ 5–201, 5–210, 5–212, and 5–219 to be under the new part "Part II. General Provisions" and the amended subtitle "Subtitle 2. Aid to Education"; ~~5–210 to be under~~ the new part "Part III. Funding for General Education Programs" and the amended subtitle "Subtitle 2. Aid to Education"; 5–203 to be under the new part "Part IV. At–Promise Student Funding" and the amended subtitle "Subtitle 2. Aid to Education"; 5–217 *and 5–218* to be under the new part "Part V. Early Childhood and Prekindergarten" and the amended subtitle "Subtitle 2. Aid to Education"; 5–202(d) to be under the new part "Part VI. Miscellaneous" and the amended subtitle "Subtitle 2. Aid to Education"; 6–117, 6–122, 6–123(f) and (g), ~~6–201(b)~~ 6–201(b)(1), 6–408(c)(1), 6–411(a), *6–704(a),* ~~6–704(a),~~ 7–101.2, 7–103(f), 7–1A–02, 7–205.1, 7–210, 7–305.1, 7–1511, 8–201, 8–416(h), 9.5–901, 9.9–101 through 9.9–107, 11–701, 15–127, ~~18–502(c)~~ 18–1502(c), 18–14A–04, *18–2203(b)(1)*, 18–2209; 21–201, *21–202*, 21–203, and 21–205 to be under the amended subtitle "Subtitle 2. Career and Technical Education"; and 24–703~~, and 24–801~~

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 1–302, 1–303, ~~*6–704(a),*~~ ~~5–201(b), and 9.9–102~~ and 8–416(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Education

Section *4–138,* 5–101(c); 5–201 ~~through 5–203~~ to be under the new part "Part I. Definitions" and the amended subtitle "Subtitle 2. Aid to Education"; ~~5–210 and 5–211 to be under the new part "Part II. General Provisions" and the amended subtitle "Subtitle 2. Aid to Education";~~ 5–212, 5–213, and 5–215

through ~~5–220~~ 5–217, and 5–219 to be under the new part "Part III. Funding for General Education Programs" ~~and the amended subtitle "Subtitle 2. Aid to Education"~~; 5–221, 5–222, and 5–224 through ~~5–228~~ 5–226 to be under the new part "Part IV. At–Promise Student Funding" ~~and the amended subtitle "Subtitle 2. Aid to Education"~~; 5–229~~,~~ ~~5–232, and 5–233~~ to be under the new part "Part V. Early Childhood and Prekindergarten" ~~and the amended subtitle "Subtitle 2. Aid to Education"~~; 5–234, ~~5–240, and 5–241~~ 5–239~~, and 5–240~~ *through 5–241* to be under the new part "Part VI. Miscellaneous" ~~and the amended subtitle "Subtitle 2. Aid to Education"~~; 5–401 through ~~5–412~~ ~~5–413~~ *5–414* to be under the new subtitle "Subtitle 4. Accountability and Implementation Board"; 6–120, 6–121, and 6–124 through 6–126; 6–1001 through 6–1013 to be under the new subtitle "Subtitle 10. Career Ladder for Educators"; 7–125 ~~and 7–126~~ through 7–127; 7–1A–01 and 7–1A–03 through ~~7–1A–10~~ 7–1A–09 to be under the new subtitle "Subtitle 1A. Publicly Funded Full–Day Prekindergarten Programs"; ~~7–202.1;~~ *7–202.1, 7–203.5,* 7–446*, and 7–446.1~~*, and 7–1513*~~; 9.5–901 through 9.5–908 to be under the amended subtitle "Subtitle 9. Child Care Support Programs"; 9.5–1001 through ~~9.5–1005~~ 9.5–1004 to be under the new subtitle "Subtitle 10. *Patricia H. Kirwan* Family Support Services"; 11–206.3, 15–126; 17–401 through ~~17–403~~ *17–405* to be under the new subtitle "Subtitle 4. Teacher Quality and Diversity Program"; ~~18–506;~~ 18–1506; and 21–204, 21–207, and 21–208 to be under the amended subtitle "Subtitle 2. Career and Technical Education"

Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)121. and 122.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)123.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

~~BY adding to~~
~~Article – Education~~
~~Section 6–120 and 6–121~~
~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2019 Supplement)~~
~~(As enacted by Section 1 of this Act)~~

BY adding to
Article – Labor and Employment
Section 11–105
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–702 and ~~11–703~~ 11–703(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY adding to
Article – Tax – Property
Section 2–218.1
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing
Chapter 771 of the Acts of the General Assembly of 2019
Section 13

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~Sections~~ Section(s) 5–201(c) through (e), 5–202(a), (b), (e), (f), (i), (k), and (l), 5–207 through 5–209, 5–211, 5–213, 5–213.1~~, 5–218,~~; 5–401 and 5–403 and the subtitle "Subtitle 4. Accountability Reporting"; 6–112, 6–120, 6–121, ~~7–101.1(a), (b), and (e),~~ 6–306; 7–2001 through 7–2006 and the subtitle "Subtitle 20. Learning in Extended Academic Programs (LEAP)"; 8–414~~,~~*; 9.8–101 through 9.8–113 and the title "Title 9.8. Maryland Education Development Collaborative";* ~~21–204,~~ and 24–801 of ~~the Education Article~~ Article – Education of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5–202(g), (h), and (j), respectively; 5–205; 5–220; 5–214, 5–215, 5–221, and 5–216, respectively; 7–101.1(c) and (d), respectively; and 18–14A–04 of Article – Education of the Annotated Code of Maryland be renumbered to be ~~Section(s) 5–208, 5–209, and 5–207, respectively, to be under the new part "Part II. General Provisions" and the amended subtitle "Subtitle 2. Aid to Education"; 5–218 to be under the new part "Part III. Funding for General Education Programs" and the amended subtitle "Subtitle 2. Aid to Education"; 5–231 to be under the new part "Part V. Early Childhood and Prekindergarten" and the amended subtitle "Subtitle 2. Aid to Education"; 5–236, 5–237, 5–238, and 5–239, respectively, to be under the new part "Part VI. Miscellaneous" and the amended subtitle "Subtitle 2. Aid to Education"; and 15–127.~~ Section(s) 5–208, 5–209, and 5–207, respectively; 5–218, 5–231, 5–236, 5–237, 5–238, and 5–239, respectively; 7–1A–02(a) and (b), respectively; and 15–127.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

1–301.

(a) The General Assembly finds and declares that The Blueprint for Maryland's Future based on the **[**policy**]** recommendations **[**described in the January 2019 Interim Report**]** of the Maryland Commission on Innovation and Excellence in Education established by Chapters 701 and 702 of the Acts of the General Assembly of 2016 is necessary to transform Maryland's education system to world–class student achievement levels.

(b) This subtitle constitutes the public policy of the State.

1–302.

(a) The following principles of The Blueprint for Maryland's Future are intended to transform Maryland's early childhood, primary, and secondary education system to the levels of high–performing systems around the world so that Maryland's education system:

(1) Provides its students with instruction and skills set to international standards that will enable them to be successful in the 21st–century economy and productive citizens of the State;

(2) Gives its children access to educational experiences and opportunities beginning in early childhood that enable them to reach their full promise and potential and be ready for success in college and a rewarding career by the end of high school; and

(3) Elevates overall student performance to be among the world's best and eliminates achievement and opportunity gaps between students from different family incomes, races, ethnicities, abilities and disabilities, and other defining characteristics.

(b) Achieving the principles of The Blueprint for Maryland's Future will require a sustained and coordinated statewide effort and a strong accountability system that will hold all entities accountable for implementing the policies effectively so that the public and especially parents will have confidence that the investment in the policies outlined in § 1–303 of this subtitle will achieve the desired outcomes.

1–303.

The foundation of a world–class education system in Maryland under The Blueprint for Maryland's Future for education will require:

(1) Early support and interventions for young children and their families, including:

(i) Coordinating and providing services for children and families with the greatest need through centers located in the neediest communities; and

(ii) Expanding access to high–quality, full–day prekindergarten programs for 3–year–olds and 4–year–olds through a mixed delivery system;

(2) High–quality diverse teachers and school leaders in every school, requiring:

(i) Elevation of the teaching profession to a profession comparable to other fields, with comparable compensation, that require a similar amount of education and credentialing with career ladders that allow the advancement of teachers and principals based on knowledge, skills, performance, and responsibilities;

(ii) Teacher preparation programs in the State's postsecondary institutions that are rigorous and prepare teacher candidates to have the knowledge, skills, and competencies needed to improve student performance and to teach all students successfully regardless of the student's economic background, race, ethnicity, and learning ability or disability; and

(iii) State exit standards from teacher preparation programs and State standards for teacher licensure that require prospective teachers to demonstrate that they have the knowledge, skills, and competencies to successfully teach students from all backgrounds;

(3) An instructional system that is benchmarked to world–class standards and fully aligned from prekindergarten through 12th grade to a college and career readiness standard, including:

(i) A college and career readiness standard set to world–class standards that certifies that by the end of 10th grade, and not later than the end of 12th grade, a student has the requisite literacy in English and mathematics to be successful in first–year, credit–bearing coursework at a Maryland community college or open enrollment postsecondary institution;

(ii) Pathways for students who achieve college and career readiness by the end of 10th grade to choose to pursue:

1. Highly competitive college preparatory programs;

2. Early college programs that:

A. Provide college credit and allow a student to earn an associate degree in high school at no cost to the student; and

B. Determine eligibility through other factors including assessments, academic performance reviews, and guidance counselor recommendations; and

3. Career and technology education programs, including expanded opportunities for science–based, certified agriculture education, that:

A. Are developed in partnership with the private sector;

B. Include an apprenticeship or other workplace experience; and

C. Lead to an industry–recognized credential by the end of high school; and

(iii) Pathways for those students who have not achieved the college and career readiness standard by the end of 10th grade that enable them to achieve the standard by the end of 12th grade;

(4) A system designed to meet the needs of all students so they can be successful, including the capability to:

(i) Quickly identify students who are falling behind grade level; and

(ii) Provide the appropriate, individualized instruction and supports needed to get the student back on track for college and career readiness;

(5) Additional supports and services for students who need them to stay on track for college and career readiness, including:

(i) Students from low–income families as a proxy for the number of students who may need additional supports to perform at grade level and stay on track for college and career readiness;

(ii) Students from families where English is not the primary language; and

(iii) Students with disabilities;

(6) Equitable learning outcomes regardless of a student's family income, race, ethnicity, disability, or other characteristics;

(7) Additional resources, supports, and services for children in Maryland who are living in communities with great needs, including high poverty rates, high crime rates, and lack of access to adequate health care and social services, with resources provided at the school level and in the community;

(8) Funding that is sufficient to enable students to achieve the State's performance standards and that is distributed equitably to school systems and schools across the State; and

(9) A strong system of accountability with the authority to hold all of the entities that are an integral part of the education system accountable for implementing The Blueprint for Maryland's Future and ensuring that funds are being spent effectively consistent with the policy framework to ensure that all students are successful.

4–138.

(A) (1) BEFORE RELEASING TO THE PUBLIC ANY DATA RECEIVED FROM A COUNTY BOARD THAT THE DEPARTMENT HAS SYNTHESIZED OR COMPILED, THE DEPARTMENT SHALL SEND THE SYNTHESIZED OR COMPILED DATA BACK TO THE COUNTY BOARD FOR VERIFICATION.

(2) THE COUNTY BOARD SHALL:

(I) VERIFY ANY DATA FOR THE LOCAL SCHOOL SYSTEM THAT WILL BE RELEASED TO THE PUBLIC; AND

(II) SEND ANY SCHOOL–LEVEL DATA TO THE APPROPRIATE SCHOOL FOR VERIFICATION.

(3) WITHIN 7 BUSINESS DAYS AFTER DATA IS RETURNED TO A SCHOOL FOR VERIFICATION:

(I) A SCHOOL ADMINISTRATOR SHALL VERIFY ANY DATA FOR THE SCHOOL THAT WILL BE RELEASED TO THE PUBLIC; AND

(II) THE SCHOOL PRINCIPAL SHALL CERTIFY THE SCHOOL ADMINISTRATOR'S VERIFICATION.

(4) IF A SCHOOL OR COUNTY BOARD DISCOVERS A SUSPECTED ERROR DURING THE DATA VERIFICATION PROCESS, THE COUNTY BOARD SHALL VERIFY THE DATA FOR EACH SCHOOL IN THE COUNTY.

(B) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A SECURE ONLINE PLATFORM FOR SCHOOL ADMINISTRATORS TO USE IN ANALYZING AND VERIFYING DATA IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(C) (1) A SCHOOL SHALL NOTIFY A COUNTY BOARD OF ANY SUSPECTED ERROR IN DATA RELEASED TO THE PUBLIC.

(2) A COUNTY BOARD SHALL NOTIFY THE OFFICE OF EDUCATION ACCOUNTABILITY WITHIN THE DEPARTMENT OF ANY SUSPECTED ERROR IN DATA FOR:

(I) THE LOCAL SCHOOL SYSTEM; OR

(II) A SCHOOL IN THE LOCAL SCHOOL SYSTEM.

(3) (I) THE OFFICE OF EDUCATION ACCOUNTABILITY SHALL REVIEW THE DATA FOR ERRORS AND, IF NECESSARY, WITHDRAW THE PUBLICATION TO THE EXTENT POSSIBLE.

(II) BEFORE THE DEPARTMENT OR A COUNTY BOARD RELEASES TO THE PUBLIC ANY CORRECTED DATA THAT WAS THE SUBJECT OF A REVIEW UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE SCHOOL OR COUNTY BOARD SHALL REPEAT THE VERIFICATION PROCESS UNDER SUBSECTION (A) OF THIS SECTION.

~~5–101.~~

~~(a) (1) Subject to the rules and regulations of the State Board and with the advice of the county superintendent, each county board shall prepare an annual budget according to:~~

~~(i) The major categories listed in this section; and~~

~~(ii) Any other major category required by the State Board.~~

~~(2) In addition to the information required by this section, the county fiscal authorities may require the county board to provide details to the service areas and activities levels in the account structure within the "Financial Reporting Manual for Maryland Public Schools".~~

~~(3) With the annual budget, each county board shall provide:~~

~~(i) The number of full–time equivalent positions included within each major category; [and]~~

~~(ii) A description of any fund balances or other money held by any outside source, including an insurer, that are undesignated or unreserved and are under the direction and control of the county board;~~

~~(III) BEGINNING WITH THE FISCAL YEAR 2023 BUDGET, THE BUDGET FOR EACH PUBLIC SCHOOL IN THE COUNTY INCLUDING:~~

~~1. THE CATEGORIES LISTED IN SUBSECTION (B) OF THIS SECTION; AND~~

~~2. THE AMOUNT OF FUNDS FOR EACH OF THE FOLLOWING CATEGORIES:~~

~~A. FOUNDATION PROGRAM UNDER § 5–213 OF THIS TITLE, INCLUDING FUNDS PROVIDED IN THE FOUNDATION PROGRAM FOR:~~

~~I. INCREASED SALARIES;~~

~~II. ADDITIONAL TEACHERS TO PROVIDE PROFESSIONAL LEARNING AND COLLABORATIVE TIME FOR TEACHERS;~~

~~III. BEHAVIORAL HEALTH;~~

~~IV. COLLEGE AND CAREER READINESS;~~

~~V. CAREER COUNSELING;~~

~~VI. SCHOOL MAINTENANCE AND OPERATION; AND~~

~~VII. SUPPLIES AND MATERIALS FOR TEACHERS;~~

~~B. COMPENSATORY EDUCATION PROGRAM UNDER § 5–222 OF THIS TITLE;~~

~~C. CONCENTRATION OF POVERTY SCHOOL GRANT PROGRAM UNDER § 5–223 OF THIS TITLE;~~

~~D. ENGLISH LEARNER PROGRAM UNDER § 5–224 OF THIS TITLE;~~

~~E. SPECIAL EDUCATION PROGRAM UNDER § 5–225 OF THIS TITLE;~~

~~F. TRANSITIONAL SUPPLEMENTAL INSTRUCTION UNDER § 5–226 OF THIS TITLE;~~

~~G. FULL–DAY PREKINDERGARTEN UNDER § 5–229 OF THIS TITLE;~~

~~H. POST–COLLEGE AND CAREER READINESS PATHWAYS UNDER § 7–205.1 OF THIS ARTICLE;~~

~~I. CAREER LADDER FOR EDUCATORS UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE;~~

~~J. GUARANTEED TAX BASE PROGRAM UNDER § 5–214 OF THIS TITLE; AND~~

~~K. COMPARABLE WAGE INDEX GRANT UNDER § 5–216 OF THIS TITLE;~~

~~(IV) BEGINNING WITH THE FISCAL YEAR 2023 BUDGET, THE ESTIMATED EXPENDITURES FOR THE CURRENT SCHOOL YEAR FOR THE CATEGORIES IDENTIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH; AND~~

~~(V) BEGINNING WITH THE FISCAL YEAR 2023 BUDGET, THE ACTUAL EXPENDITURES FOR THE PRIOR SCHOOL YEAR FOR THE CATEGORIES IDENTIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH.~~

~~(C) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL IMPLEMENT A FINANCIAL MANAGEMENT SYSTEM AND STUDENT DATA SYSTEM CAPABLE OF TRACKING AND ANALYZING THE INFORMATION PROVIDED TO THE STATE BOARD UNDER THIS SECTION.~~

Subtitle 2. **[**State and Federal**]** Aid to Education.

PART I. DEFINITIONS.

5–201.

(A) IN THIS SUBTITLE, EXCEPT AS OTHERWISE PROVIDED, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ASSESSABLE BASE" HAS THE MEANING STATED IN:

(1) § 12–201 OF THE ECONOMIC DEVELOPMENT ARTICLE; OR

(2) FOR BALTIMORE CITY, ARTICLE II, § 62 OF THE CHARTER OF BALTIMORE CITY.

(C) "ASSESSED VALUE OF PERSONAL PROPERTY" MEANS THE MOST RECENT ESTIMATE BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION BEFORE THE ANNUAL STATE BUDGET IS SUBMITTED TO THE GENERAL ASSEMBLY OF THE ASSESSED VALUE FOR COUNTY PURPOSES OF PERSONAL PROPERTY AS OF JULY 1 OF THE FIRST COMPLETED FISCAL YEAR BEFORE THE SCHOOL YEAR FOR WHICH THE CALCULATION IS MADE UNDER THIS SECTION.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, "ASSESSED VALUE OF REAL PROPERTY" MEANS THE MOST RECENT ESTIMATE MADE BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION BEFORE THE ANNUAL STATE BUDGET IS SUBMITTED TO THE GENERAL ASSEMBLY OF THE ASSESSED VALUE OF REAL PROPERTY FOR STATE PURPOSES AS OF JULY 1 OF THE FIRST COMPLETED FISCAL YEAR BEFORE THE SCHOOL YEAR FOR WHICH THE CALCULATION OF STATE AID IS MADE UNDER THIS SECTION.

(2) (I) SUBJECT TO SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH, FOR COUNTIES THAT QUALIFY FOR A DISPARITY GRANT UNDER § 16–501 OF THE LOCAL GOVERNMENT ARTICLE AND THAT ESTABLISHED A DEVELOPMENT DISTRICT UNDER TITLE 12, SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE OR ARTICLE II, § 62 OF THE CHARTER OF BALTIMORE CITY AFTER MAY 1, 2016, AND IS STILL IN EFFECT, "~~ASSESSED~~ ASSESSED VALUE OF REAL PROPERTY" DOES NOT INCLUDE THE LESSER OF:

1. THE DIFFERENCE BETWEEN THE ORIGINAL BASE AND THE ASSESSABLE BASE OF ALL REAL PROPERTY IN A DEVELOPMENT DISTRICT THAT IS SUBJECT TO TAX INCREMENT FINANCING UNDER TITLE 12, SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE OR ARTICLE II, § 62 OF THE CHARTER OF BALTIMORE CITY AS CERTIFIED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; OR

2. ~~THE OUTSTANDING VALUE OF THE TAX INCREMENT FINANCING BONDS ISSUED UNDER TITLE 12 SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE OR ARTICLE II, § 62 OF THE CHARTER OF BALTIMORE CITY FOR A DEVELOPMENT DISTRICT AS CERTIFIED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION~~ THE QUOTIENT OF THE ANNUAL DEBT SERVICE FOR A TAX INCREMENT FINANCING BOND IN A DEVELOPMENT DISTRICT DIVIDED BY THE COUNTY'S REAL PROPERTY TAX RATE PLEDGED TO THE TAX INCREMENT FINANCING BOND MULTIPLIED BY 100.

~~(II) ITEM 2 OF SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY UNTIL ALL BONDS FOR A DEVELOPMENT DISTRICT HAVE BEEN ISSUED.~~

~~(III)~~ (II) IF THE RESULT OF ITEMS 1 OR 2 OF SUBPARAGRAPH (I) OF THIS PARAGRAPH IS A NEGATIVE NUMBER, THEN THE RESULT SHALL BE $0.

~~(IV)~~ (III) THE CALCULATIONS UNDER THIS PARAGRAPH SHALL BE MADE SEPARATELY FOR EACH DEVELOPMENT DISTRICT IN A COUNTY.

(IV) FOR BALTIMORE CITY, IF THE RESULT OF ITEM 1 OR 2 OF SUBPARAGRAPH (I) OF THIS PARAGRAPH IS A POSITIVE NUMBER, THEN THE

AMOUNT IS REQUIRED TO BE APPROPRIATED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY SCHOOL BOARD OF SCHOOL COMMISSIONERS.

(E) "~~FULL–TIME EQUIVALENT ENROLLMENT" MEANS THE SUM OF:~~

~~(1) THE NUMBER OF STUDENTS ENROLLED IN GRADES KINDERGARTEN THROUGH 12 OR THEIR EQUIVALENT IN REGULAR DAY SCHOOL PROGRAMS ON SEPTEMBER 30 OF THE PRIOR SCHOOL YEAR;~~

~~(2) THE NUMBER OF FULL–TIME EQUIVALENT STUDENTS AS DETERMINED BY A REGULATION OF THE DEPARTMENT, ENROLLED IN EVENING HIGH SCHOOL PROGRAMS DURING THE PRIOR SCHOOL YEAR; AND~~

~~(3) THE NUMBER OF P–TECH STUDENTS, AS PROVIDED IN § 7–1804(B) OF THIS ARTICLE~~ ENROLLMENT COUNT" MEANS THE GREATER OF:

(1) THE FULL–TIME EQUIVALENT ENROLLMENT; OR

(2) THE 3–YEAR MOVING AVERAGE ENROLLMENT.

(F) "FOUNDATION PROGRAM" MEANS THE PRODUCT OF THE ANNUAL PER PUPIL FOUNDATION AMOUNT AND A COUNTY'S ENROLLMENT COUNT.

(G) "~~ENROLLMENT COUNT" MEANS THE GREATER OF:~~

~~(1) THE FULL–TIME EQUIVALENT ENROLLMENT; OR~~

~~(2) THE 3–YEAR MOVING AVERAGE ENROLLMENT~~ FULL–TIME EQUIVALENT ENROLLMENT" MEANS THE SUM OF:

(1) THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN THROUGH GRADE 12 OR THEIR EQUIVALENT IN REGULAR DAY SCHOOL PROGRAMS ON SEPTEMBER 30 OF THE PRIOR SCHOOL YEAR;

(2) THE NUMBER OF FULL–TIME EQUIVALENT STUDENTS, AS DETERMINED BY A REGULATION OF THE DEPARTMENT, ENROLLED IN EVENING HIGH SCHOOL PROGRAMS DURING THE PRIOR SCHOOL YEAR; AND

(3) THE NUMBER OF P–TECH STUDENTS, AS PROVIDED IN § 7–1804(B) OF THIS ARTICLE.

(H) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, "INFLATION ADJUSTMENT" MEANS A PERCENTAGE, ROUNDED TO THE NEAREST ~~2~~ TWO DECIMAL PLACES, THAT IS THE LESSER OF:

(I) THE INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL GOVERNMENT EXPENDITURES FOR THE SECOND PRIOR FISCAL YEAR;

(II) THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON METROPOLITAN AREA, OR ANY SUCCESSOR INDEX, FOR THE SECOND PRIOR FISCAL YEAR; OR

(III) 5%.

(2) IF THERE IS NO INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL GOVERNMENT EXPENDITURES FOR THE SECOND PRIOR FISCAL YEAR OR IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON METROPOLITAN AREA, OR ANY SUCCESSOR INDEX, FOR THE SECOND PRIOR FISCAL YEAR, THEN "INFLATION ADJUSTMENT" MEANS 0%.

(I) "LOCAL CONTRIBUTION RATE" MEANS THE FIGURE THAT IS CALCULATED AS FOLLOWS:

(1) MULTIPLY THE STATEWIDE FULL–TIME EQUIVALENT ENROLLMENT BY THE TARGET PER PUPIL AMOUNT AND BY 0.50; DIVIDED BY

(2) THE SUM OF THE WEALTH OF ALL OF THE COUNTIES IN THIS STATE; AND

(3) ROUND THE RESULT OBTAINED IN PARAGRAPH (2) OF THIS SUBSECTION TO SEVEN DECIMAL PLACES AND EXPRESS AS A PERCENT WITH FIVE DECIMAL PLACES.

(J) "LOCAL SHARE OF THE FOUNDATION PROGRAM" MEANS THE PRODUCT OF THE LOCAL CONTRIBUTION RATE AND A COUNTY'S WEALTH ROUNDED TO THE NEAREST WHOLE DOLLAR.

(K) "LOCAL WEALTH PER PUPIL" MEANS A COUNTY'S WEALTH DIVIDED BY THE COUNTY'S FULL–TIME EQUIVALENT ENROLLMENT.

(L) "MAJOR EDUCATION AID" MEANS THE SUM OF THE STATE AND LOCAL SHARE OF THE FOLLOWING:

(1) FOUNDATION PROGRAM UNDER § 5–213 OF THIS SUBTITLE;

(2) TRANSPORTATION AID UNDER § 5–218 OF THIS SUBTITLE;

(3) COMPENSATORY EDUCATION UNDER § 5–222 OF THIS SUBTITLE;

(4) ENGLISH LEARNER PROGRAM UNDER § 5–224 OF THIS SUBTITLE;

(5) SPECIAL EDUCATION UNDER § 5–225 OF THIS SUBTITLE;

(6) GUARANTEED TAX BASE PROGRAM UNDER § 5–214 OF THIS SUBTITLE;

(7) COMPARABLE WAGE INDEX GRANT UNDER § 5–216 OF THIS SUBTITLE;

(8) POST COLLEGE AND CAREER READINESS PATHWAYS UNDER § 5–217 OF THIS SUBTITLE;

(9) CONCENTRATION OF POVERTY UNDER § 5–223 OF THIS SUBTITLE;

(10) TRANSITIONAL SUPPLEMENTAL INSTRUCTION UNDER § 5–226 OF THIS SUBTITLE;

(11) PUBLICLY FUNDED PREKINDERGARTEN UNDER § 5–229 OF THIS SUBTITLE; AND

~~(11)~~ (12) CAREER LADDER FOR EDUCATORS UNDER § 6–1009 OF THIS ARTICLE.

(M) "NET TAXABLE INCOME" MEANS THE AMOUNT CERTIFIED BY THE STATE COMPTROLLER FOR THE SECOND COMPLETED CALENDAR YEAR BEFORE THE SCHOOL YEAR FOR WHICH THE CALCULATION OF STATE AID UNDER THIS SECTION IS MADE, BASED ON TAX RETURNS FILED ON OR BEFORE NOVEMBER 1 AFTER THE CURRENT CALENDAR YEAR.

(N) "ORIGINAL BASE":

(1) HAS THE MEANING STATED IN § 12–201 OF THE ECONOMIC DEVELOPMENT ARTICLE; OR

(2) FOR BALTIMORE CITY, MEANS "ORIGINAL ASSESSABLE BASE" AS DEFINED IN ARTICLE II, § 62 OF THE CHARTER OF BALTIMORE CITY.

(O) "PERSONAL PROPERTY" MEANS ALL PROPERTY CLASSIFIED AS PERSONAL PROPERTY UNDER § 8–101(C) OF THE TAX – PROPERTY ARTICLE.

(P) "REAL PROPERTY" MEANS ALL PROPERTY CLASSIFIED AS REAL PROPERTY UNDER § 8–101(B) OF THE TAX – PROPERTY ARTICLE.

(Q) "STATE SHARE OF THE FOUNDATION PROGRAM" MEANS, ROUNDED TO THE NEAREST WHOLE DOLLAR, THE GREATER OF:

(1) THE DIFFERENCE BETWEEN THE FOUNDATION PROGRAM AND THE LOCAL SHARE OF THE FOUNDATION PROGRAM; AND

(2) THE RESULT OBTAINED BY MULTIPLYING THE TARGET PER PUPIL FOUNDATION AMOUNT BY THE COUNTY'S ENROLLMENT COUNT, AND MULTIPLYING THIS PRODUCT BY 0.15 IN FISCAL YEAR 2008 AND EACH FISCAL YEAR THEREAFTER.

(R) "STATEWIDE WEALTH PER PUPIL" MEANS THE SUM OF THE WEALTH OF ALL COUNTIES DIVIDED BY THE STATEWIDE FULL–TIME EQUIVALENT ENROLLMENT.

(S) "TARGET PER PUPIL FOUNDATION AMOUNT" MEANS:

(1) FOR FISCAL YEAR 2022, $7,991;

(2) FOR FISCAL YEAR 2023, $8,310;

(3) FOR FISCAL YEAR 2024, $8,642;

(4) FOR FISCAL YEAR 2025, ~~$8,958~~ *$8,726*;

(5) FOR FISCAL YEAR 2026, ~~$9,377~~ *$9,097*;

(6) FOR FISCAL YEAR 2027, ~~$9,828~~ *$9,534*;

(7) FOR FISCAL YEAR 2028, ~~$10,299~~ *$9,936*;

(8) FOR FISCAL YEAR 2029, ~~$10,800~~ *$10,357*;

(9) FOR FISCAL YEAR 2030, ~~$11,326~~ *$10,792*; ~~AND~~

(10) *FOR FISCAL YEAR 2031, $11,225;*

(11) FOR FISCAL YEAR 2032, $11,676;

(12) FOR FISCAL YEAR 2033, $12,138; AND

***(13)* FOR SUBSEQUENT FISCAL YEARS, THE TARGET PER PUPIL FOUNDATION AMOUNT FOR THE PRIOR FISCAL YEAR INCREASED BY THE INFLATION ADJUSTMENT ROUNDED TO THE NEAREST WHOLE DOLLAR.**

(T) "~~THREE–YEAR~~ 3–YEAR MOVING AVERAGE ENROLLMENT" MEANS THE AVERAGE OF THE FULL–TIME EQUIVALENT ENROLLMENT IN THE 3 PRIOR SCHOOL YEARS.

(U) "WEALTH" MEANS THE SUM OF:

(1) NET TAXABLE INCOME;

(2) 100 PERCENT OF THE ASSESSED VALUE OF THE OPERATING REAL PROPERTY OF PUBLIC UTILITIES;

(3) 40 PERCENT OF THE ASSESSED VALUE OF ALL OTHER REAL PROPERTY; AND

(4) 50 PERCENT OF ASSESSED VALUE OF PERSONAL PROPERTY.

5–202. RESERVED.

5–203. RESERVED.

PART II. GENERAL PROVISIONS.

[5–201.**] 5–204.**

(a) **(1)** Except for money appropriated for the purposes of § 5–301(b) through (j) of this title, all money appropriated by the General Assembly to aid in support of public schools constitutes the General State School Fund.

(2) MONEY IN THE GENERAL STATE SCHOOL FUND MAY ~~ONLY~~ BE SPENT ONLY AS APPROPRIATED IN THE ANNUAL BUDGET BILL.

(3) (I) THE DEPARTMENT SHALL NOTIFY THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE COMMITTEE ON APPROPRIATIONS OF ANY INTENT TO TRANSFER FUNDS FROM BUDGET PROGRAM R00A02, AID TO EDUCATION, TO ANY OTHER BUDGETARY UNIT.

(II) THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE COMMITTEE ON APPROPRIATIONS SHALL HAVE 45 DAYS TO REVIEW AND COMMENT ON THE PLANNED TRANSFER PRIOR TO ITS EFFECT.

(b) Money in the General State School Fund may be appropriated by the General Assembly to the Annuity Bond Fund, as provided in the State budget, and shall be used for principal and interest payments on State debt incurred for public school construction or public school capital improvements.

[5–212.**] 5–205.**

(a) **[**Ten**] EXCEPT AS PROVIDED IN SUBSECTIONS (E) AND (F) OF THIS SECTION,** ~~**TEN**~~ **10** days before the end of July, September, November, January, March, and May, the State Superintendent shall certify to the State Comptroller the amount due at the end of each of these months to each county board for the annual **[**State share of:

(1) Funding for the foundation program under § 5–202 of this subtitle;

(2) Transportation aid under § 5–205 of this subtitle;

(3) Funding for compensatory education under § 5–207 of this subtitle;

(4) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(5) Funding for special education students under § 5–209 of this subtitle;

(6) Funding for the guaranteed tax base program under § 5–210 of this subtitle; and

(7) Any money provided in the Department's budget for special education services under § 8–414 of this article**] STATE SHARE OF MAJOR EDUCATION AID**.

(b) Amounts due shall be made in equal payments once every 2 months.

(c) Within 5 days before the end of each of these months, the State Comptroller shall draw the Comptroller's warrant on the State Treasurer for the amount due to the treasurer of each county board.

(d) On receipt of the warrant of the State Comptroller, the State Treasurer immediately shall pay the amount due to the treasurer of each county board.

(E) AFTER NOTIFICATION FROM THE STATE SUPERINTENDENT THAT A COUNTY BOARD IS NOT COMPLYING WITH THE PROVISIONS OF THE STATE PROGRAM OF PUBLIC EDUCATION, THE STATE COMPTROLLER SHALL WITHHOLD ANY INSTALLMENT DUE THE COUNTY BOARD FROM THE GENERAL STATE SCHOOL FUND.

(F) AFTER NOTIFICATION IS RECEIVED UNDER § 5–405 OF THIS TITLE, THE STATE SUPERINTENDENT SHALL CERTIFY TO THE COMPTROLLER THE AMOUNT TO BE RELEASED OR WITHHELD.

[5–219.**] 5–206.**

(a) In this section, "Fund" means The Blueprint for Maryland's Future Fund.

(b) There is The Blueprint for Maryland's Future Fund.

(c) The purpose of the Fund is to assist in providing adequate funding for early childhood education and primary and secondary education to provide a world–class education to students so they are prepared for college and a career in the global economy of the 21st century, based on the recommendations of the Commission on Innovation and Excellence in Education.

(d) The Department shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) Revenue distributed to the Fund under §§ 2–605.1 and 2–1303 of the Tax – General Article;

(2) Money appropriated in the State budget for the Fund; and

(3) Any other money from any other source accepted for the benefit of the Fund.

(g) **(1)** The Fund may be used only to assist in providing adequate funding for early childhood education**, [**and**]** primary and secondary education**, AND OTHER PROGRAMS,** based on the recommendations of the Commission on Innovation and Excellence in Education, including revised education funding formulas.

(2) THE FUND MAY NOT BE USED FOR SCHOOL CONSTRUCTION UNDER SUBTITLE 3 OF THIS TITLE.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

5–210. RESERVED.

5–211. RESERVED.

PART III. FUNDING FOR GENERAL EDUCATION PROGRAMS.

5–212.

(A) **THE TARGET PER PUPIL FOUNDATION AMOUNT INCLUDES COSTS ASSOCIATED WITH IMPLEMENTING THE BLUEPRINT FOR MARYLAND'S FUTURE INCLUDING:**

(1) INCREASING SALARIES;

(2) ADDITIONAL TEACHERS TO PROVIDE PROFESSIONAL LEARNING AND COLLABORATIVE TIME FOR TEACHERS;

(3) CAREER COUNSELING;

(4) BEHAVIORAL HEALTH;

(5) INSTRUCTIONAL OPPORTUNITIES FOR STUDENTS WHO ARE COLLEGE AND CAREER READY AND THOSE WHO ARE NOT;

(6) MAINTENANCE AND OPERATION OF SCHOOLS; AND

(7) SUPPLIES AND MATERIALS FOR TEACHERS.

(B) SCHOOLS MAY USE FUNDS PROVIDED UNDER THIS SECTION TO PROVIDE THE PROGRAMS REQUIRED UNDER COMAR 13A.04.16.01.

5–213.

(A) ~~(1)~~ EACH FISCAL YEAR, THE STATE SHALL DISTRIBUTE THE STATE SHARE OF THE FOUNDATION PROGRAM TO EACH COUNTY BOARD.

~~(2) EACH FISCAL YEAR, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE OF THE FOUNDATION PROGRAM TO THE COUNTY BOARD.~~

(B) ~~EACH~~ *EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, EACH* FISCAL YEAR, THE COUNTY BOARD SHALL DISTRIBUTE TO EACH SCHOOL THE MINIMUM SCHOOL FUNDING AMOUNT FOR THE FOUNDATION PROGRAM CALCULATED UNDER § 5–234 OF THIS SUBTITLE.

(C) (1) EACH COUNTY BOARD SHALL DISTRIBUTE TO THE LOCAL WORKFORCE DEVELOPMENT BOARD FOR THE COUNTY THE FOLLOWING AMOUNT MULTIPLIED BY THE ENROLLMENT COUNT IN THE COUNTY:

(I) FOR FISCAL YEAR 2024, $62; AND

(II) FOR EACH OF FISCAL YEARS 2025 AND 2026, THE PRIOR FISCAL YEAR AMOUNT INCREASED BY THE INFLATION ADJUSTMENT.

(2) THE FUNDS DISTRIBUTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO SUPPORT THE CAREER COUNSELING PROGRAM FOR MIDDLE AND HIGH SCHOOL STUDENTS ESTABLISHED UNDER § 7–126 OF THIS ARTICLE THAT IS PROVIDED COLLABORATIVELY BY THE WORKFORCE DEVELOPMENT BOARD, THE SCHOOL, ANY OTHER RELEVANT STATE OR LOCAL AGENCIES, AND EMPLOYERS.

(3) ON OR BEFORE JUNE 30, 2024, AND IN EACH OF THE NEXT 2 FISCAL YEARS, THE LOCAL WORKFORCE DEVELOPMENT BOARD, IN COLLABORATION WITH THE COUNTY BOARD AND ANY OTHER RELEVANT STATE OR LOCAL AGENCIES, SHALL REPORT TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER SUBTITLE 4 OF THIS TITLE ON THE USE OF THE FUNDS AND THE IMPACT OF THE FUNDS ON PROVIDING CAREER COUNSELING.

(D) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COLLABORATIVE TIME PER PUPIL AMOUNT" MEANS:

(I) FOR FISCAL YEAR 2026, $163;

(II) FOR FISCAL YEAR 2027, $334;

(III) FOR FISCAL YEAR 2028, $512;

(IV) FOR FISCAL YEAR 2029, $698;

(V) FOR FISCAL YEAR 2030, $891;

(VI) FOR FISCAL YEAR 2031, $1,093;

(VII) FOR FISCAL YEAR 2032, $1,306;

(VIII) FOR FISCAL YEAR 2033, $1,527; AND

(IX) FOR EACH FISCAL YEAR THEREAFTER, THE COLLABORATIVE TIME PER PUPIL AMOUNT IN THE PRIOR FISCAL YEAR INCREASED BY THE INFLATION ADJUSTMENT.

(3) THE COLLABORATIVE TIME PER PUPIL AMOUNT MULTIPLIED BY THE ENROLLMENT COUNT IN EACH COUNTY SHALL BE DISTRIBUTED TO AND EXPENDED BY SCHOOLS IN EACH COUNTY IN ACCORDANCE WITH TITLE 6, SUBTITLE 10 OF THIS ARTICLE AND THE COUNTY'S COLLABORATIVE TIME IMPLEMENTATION PLAN APPROVED BY THE ACCOUNTABILITY AND IMPLEMENTATION BOARD.

[5–210.**] 5–214.**

(a) (1) In this section the following terms have the meanings indicated.

(2) "Additional education appropriation" means the difference between a county's education appropriation for the prior fiscal year and the county's local share of the foundation program calculated under **[**§ 5–202**] § 5–201** of this subtitle.

(3) "Additional education effort" means a county's additional education appropriation divided by the county's wealth, rounded to seven decimal places.

(4) **[**"Full–time equivalent enrollment" has the meaning stated in § 5–202 of this subtitle.

(5)**]** "Guaranteed tax base program per pupil amount" means the lesser of:

(i) 20% of the annual per pupil foundation amount **[**calculated under § 5–202 of this subtitle**]**; and

(ii) The product of a county's additional education effort and the difference between guaranteed wealth per pupil and local wealth per pupil.

[(6)**] (5)** "Guaranteed wealth per pupil" means 80% of the statewide wealth per pupil.

[(7) "Local wealth per pupil" means a county's wealth divided by the county's full–time equivalent enrollment.

(8) "Statewide wealth per pupil" means the sum of the wealth of all counties divided by the statewide full–time equivalent enrollment.

(9) "Wealth" has the meaning stated in § 5–202 of this subtitle.**]**

(b) For fiscal year 2005 and each fiscal year thereafter, the State shall distribute guaranteed tax base grants to county boards as provided in this section.

(c) A county board is eligible to receive a guaranteed tax base grant if the county's:

(1) Additional education effort is greater than zero; and

(2) Local wealth per pupil is less than the guaranteed wealth per pupil.

(d) The amount of the guaranteed tax base grant shall be equal to the product of the county's guaranteed tax base program per pupil amount and the county's **[**full–time equivalent enrollment multiplied by:

(1) 0.25 in fiscal year 2005;

(2) 0.50 in fiscal year 2006;

(3) 0.75 in fiscal year 2007; and

(4) 1.00 in fiscal year 2008 and each fiscal year thereafter**]** **ENROLLMENT COUNT**.

5–215.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, FOR EACH OF FISCAL YEARS 2022 THROUGH 2029, THE STATE SHALL DISTRIBUTE TO EACH COUNTY BOARD THE FOLLOWING BLUEPRINT TRANSITION GRANT AMOUNTS:

(1) ALLEGANY COUNTY$10,348

(2) BALTIMORE CITY$18,669,201

(3) BALTIMORE COUNTY$2,953,950

(4) CAROLINE COUNTY$966,820

(5) CECIL COUNTY$49,060

(6) DORCHESTER COUNTY$1,321,515

(7) GARRETT COUNTY$1,201,160

(8) HOWARD COUNTY$41,743

(9) KENT COUNTY$1,005,090

(10) MONTGOMERY COUNTY$7,712,745

(11) PRINCE GEORGE'S COUNTY $20,505,652; AND

(12) ST. MARY'S COUNTY$3,251,181.

(B) FOR FISCAL YEARS 2025 THROUGH 2030, THE STATE SHALL DISTRIBUTE THE FOLLOWING PROPORTION OF THE BLUEPRINT TRANSITION GRANT AMOUNT UNDER SUBSECTION (A) OF THIS SECTION TO EACH COUNTY BOARD:

(1) FOR FISCAL YEAR 2025, 85%;

(2) FOR FISCAL YEAR 2026, 65%;

(3) FOR FISCAL YEAR 2027, 50%;

(4) FOR FISCAL YEAR 2028, 35%;

(5) FOR FISCAL YEAR 2029, 20%; AND

(6) FOR FISCAL YEAR 2030 AND EACH FISCAL YEAR THEREAFTER, 0%.

5–216.

(A) IN THIS SUBSECTION, "~~CWI~~ COMPARABLE WAGE INDEX (CWI) ADJUSTMENT" MEANS, FOR EACH COUNTY, THE FOUNDATION PROGRAM MULTIPLIED BY:

(1) 0.000 IN ALLEGANY;

(2) 0.109 IN ANNE ARUNDEL;

(3) 0.066 IN BALTIMORE CITY;

(4) 0.065 IN BALTIMORE;

(5) 0.079 IN CALVERT;

(6) 0.000 IN CAROLINE;

(7) 0.000 IN CARROLL;

(8) 0.000 IN CECIL;

(9) 0.055 IN CHARLES;

(10) 0.000 IN DORCHESTER;

(11) 0.047 IN FREDERICK;

(12) 0.000 IN GARRETT;

(13) 0.073 IN HARFORD;

(14) 0.131 IN HOWARD;

(15) 0.000 IN KENT;

(16) 0.166 IN MONTGOMERY;

(17) 0.129 IN PRINCE GEORGE'S;

(18) 0.000 IN QUEEN ANNE'S;

(19) 0.079 IN ST. MARY'S;

(20) 0.000 IN SOMERSET;

(21) 0.000 IN TALBOT;

(22) 0.000 IN WASHINGTON;

(23) 0.000 IN WICOMICO; AND

(24) 0.000 IN WORCESTER.

(B) (1) ~~BEGINNING IN~~ FOR FISCAL YEAR 2024~~,~~ AND EACH FISCAL YEAR THEREAFTER, IN ADDITION TO THE FOUNDATION PROGRAM~~,~~ EACH COUNTY SHALL RECEIVE A GRANT TO REFLECT THE REGIONAL DIFFERENCES OF THE COST TO HIRE PERSONNEL THAT ARE DUE TO FACTORS OUTSIDE OF THE CONTROL OF THE LOCAL JURISDICTION.

(2) THE AMOUNT OF THE GRANT UNDER THIS SECTION SHALL EQUAL, FOR EACH COUNTY, THE PRODUCT OF THE CWI ADJUSTMENT AND:

(I) 49% IN FISCAL YEAR 2024;

(II) ~~48%~~ *49%* IN FISCAL YEAR 2025;

(III) ~~47%~~ *48%* IN FISCAL YEAR 2026;

(IV) ~~46%~~ *47%* IN FISCAL YEAR 2027;

(V) ~~44%~~ *46%* IN FISCAL YEAR 2028;

(VI) ~~43%~~ *45%* IN FISCAL YEAR 2029; ~~AND~~

(VII) ~~42%~~ *44%* IN FISCAL YEAR 2030*;*

(VIII) 43% IN FISCAL YEAR 2031;

(IX) 43% IN FISCAL YEAR 2032; AND

***(X) 42% IN FISCAL YEAR 2033* AND EACH FISCAL YEAR THEREAFTER.**

(3) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE STATE SHARE AND LOCAL SHARE OF THE GRANT CALCULATED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE CALCULATED IN THE SAME MANNER AS THE STATE SHARE AND LOCAL SHARE OF THE FOUNDATION PROGRAM.

(C) EACH FISCAL YEAR~~,~~ THE COUNTY BOARD SHALL DISTRIBUTE TO EACH SCHOOL THE MINIMUM SCHOOL FUNDING AMOUNT FOR THE GRANT CALCULATED UNDER § 5–234 OF THIS SUBTITLE.

5–217.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CCR STUDENT" MEANS A STUDENT WHO IS COLLEGE AND CAREER READY, AS DEMONSTRATED BY HAVING MET THE COLLEGE AND CAREER READINESS STANDARD ADOPTED BY THE STATE BOARD UNDER § 7–205.1 OF THIS ARTICLE.

(3) "CCR PER PUPIL AMOUNT" MEANS:

(I) FOR FISCAL YEAR 2022, $517; AND

(II) FOR EACH FISCAL YEAR THEREAFTER, THE CCR PER PUPIL AMOUNT IN THE PRIOR FISCAL YEAR INCREASED BY THE INFLATION ADJUSTMENT.

(4) "CCR PROGRAM AMOUNT" MEANS, FOR EACH COUNTY, THE PRODUCT OF THE TOTAL NUMBER OF CCR STUDENTS IN THE PRIOR SCHOOL YEAR AND THE CCR PER PUPIL AMOUNT.

(5) "LOCAL SHARE" MEANS, FOR EACH COUNTY, THE RESULT OF THE CCR PROGRAM AMOUNT MINUS THE STATE SHARE ROUNDED TO THE NEAREST WHOLE DOLLAR.

(6) "STATE SHARE" MEANS, FOR EACH COUNTY, THE RESULT, ROUNDED TO THE NEAREST WHOLE DOLLAR, OF THE FOLLOWING CALCULATION MULTIPLIED BY 0.5:

(I) MULTIPLY THE CCR PER PUPIL AMOUNT BY THE NUMBER OF CCR STUDENTS;

(II) DIVIDE THE RESULT CALCULATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY THE RATIO, ROUNDED TO SEVEN DECIMAL PLACES, OF LOCAL WEALTH PER PUPIL TO STATEWIDE WEALTH PER PUPIL; AND

(III) MULTIPLY THE RESULT CALCULATED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH BY THE RESULT, ROUNDED TO SEVEN DECIMAL PLACES, THAT RESULTS FROM DIVIDING THE TOTAL STATE SHARE BY THE SUM OF ALL OF THE RESULTS CALCULATED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR ALL COUNTIES.

(7) "TOTAL STATE SHARE" MEANS THE PRODUCT OF 0.5 AND THE CCR PER PUPIL AMOUNT AND THE NUMBER OF CCR STUDENTS IN THE STATE.

~~(C)~~ (B) (1) ~~(I)~~ EACH FISCAL YEAR, THE STATE SHALL DISTRIBUTE THE STATE SHARE OF THE CCR PROGRAM AMOUNT TO EACH COUNTY BOARD.

~~(II) EACH FISCAL YEAR, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE OF THE CCR PROGRAM AMOUNT TO THE COUNTY BOARD.~~

(2) EACH FISCAL YEAR, THE COUNTY BOARD SHALL DISTRIBUTE TO EACH SCHOOL THE MINIMUM SCHOOL FUNDING AMOUNT FOR COLLEGE AND CAREER READINESS CALCULATED UNDER § 5–234 OF THIS SUBTITLE.

5–219. ~~RESERVED.~~

FOR THE REGIONAL COST DIFFERENCES OF PROVIDING EDUCATION SERVICES, THE STATE SHALL DISTRIBUTE IN FISCAL YEAR 2022 AND 2023 THE FOLLOWING AMOUNTS TO THE FOLLOWING COUNTY BOARDS:

COUNTY BOARD	FISCAL YEAR 2022	FISCAL YEAR 2023
ANNE ARUNDEL	$11,279,907	$11,648,498
BALTIMORE CITY	$23,001,580	$23,399,130
BALTIMORE	$6,714,151	$6,903,262

CALVERT	$2,441,896	$2,468,678
CARROLL	$2,581,183	$2,626,795
CHARLES	$4,008,206	$4,119,541
FREDERICK	$7,629,055	$7,829,066
HOWARD	$6,541,811	$6,781,197
KENT	$136,228	$137,449
MONTGOMERY	$41,131,349	$42,290,391
PRINCE GEORGE'S	$47,196,798	$48,807,990
QUEEN ANNE'S	$615,392	$630,307
ST. MARY'S	$259,366	$267,347

5–220. RESERVED.

PART IV. AT–PROMISE STUDENT FUNDING.

5–221.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "LOCAL SHARE" MEANS THE RESULT OF THE TOTAL PROGRAM AMOUNT FOR EACH COUNTY MINUS THE STATE SHARE FOR EACH COUNTY ROUNDED TO THE NEAREST WHOLE DOLLAR.

(C) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, "STATE SHARE" MEANS, FOR EACH COUNTY, ROUNDED TO THE NEAREST WHOLE DOLLAR, THE GREATER OF THE FOLLOWING CALCULATIONS MULTIPLIED BY 0.5:

(1) (I) MULTIPLY THE PER PUPIL AMOUNT BY THE COUNTY'S ENROLLMENT APPLICABLE UNDER § 5–222, § 5–223, § 5–224, § 5–225, OR § 5–226 OF THIS SUBTITLE;

(II) DIVIDE THE RESULT CALCULATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY THE RATIO, ROUNDED TO SEVEN DECIMAL PLACES, OF LOCAL WEALTH PER PUPIL TO STATEWIDE WEALTH PER PUPIL; AND

(III) MULTIPLY THE RESULT CALCULATED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH BY THE RESULT, ROUNDED TO SEVEN DECIMAL PLACES, THAT RESULTS FROM DIVIDING THE TOTAL STATE SHARE BY THE SUM OF ALL OF THE RESULTS CALCULATED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR ALL COUNTIES; OR

(2) THE RESULT OBTAINED BY MULTIPLYING THE PER PUPIL AMOUNT BY THE COUNTY'S ENROLLMENT APPLICABLE UNDER § 5–222, § 5–224, OR § 5–225 OF THIS SUBTITLE AND BY 0.8.

(3) FOR THE CONCENTRATION OF POVERTY PER PUPIL GRANT UNDER § 5–223 OF THIS SUBTITLE AND FOR TRANSITIONAL SUPPLEMENTAL INSTRUCTION UNDER § 5–226 OF THIS SUBTITLE, "STATE SHARE" MEANS THE CALCULATION UNDER (C)(1) OF THIS SUBSECTION.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, "TOTAL PROGRAM AMOUNT" MEANS, FOR EACH COUNTY, THE PRODUCT OF THE PER PUPIL AMOUNT AND THE COUNTY ENROLLMENT APPLICABLE UNDER § 5–222, § 5–223, § 5–224, § 5–225, OR § 5–226 OF THIS SUBTITLE.

(2) FOR THE PER PUPIL GRANT IN THE CONCENTRATION OF POVERTY PROGRAM, "TOTAL PROGRAM AMOUNT" HAS THE SAME MEANING AS "PER PUPIL GRANT AMOUNT" DEFINED UNDER § 5–223 OF THIS SUBTITLE.

(E) "TOTAL STATE SHARE" MEANS THE PRODUCT OF 0.5 AND THE PER PUPIL AMOUNT AND THE STATEWIDE ENROLLMENT APPLICABLE UNDER § 5–222, § 5–223, § 5–224, § 5–225, OR § 226 OF THIS SUBTITLE.

5–222.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COMPENSATORY EDUCATION ENROLLMENT" MEANS:

(I) ~~FOR~~ *EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, FOR* FISCAL YEARS 2017 THROUGH 2025, THE GREATER OF:

1. THE NUMBER OF STUDENTS ELIGIBLE FOR FREE OR REDUCED PRICE MEALS FOR THE PRIOR FISCAL YEAR;

2. FOR COUNTY BOARDS THAT PARTICIPATE, IN WHOLE OR IN PART, IN THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION, THE NUMBER OF STUDENTS EQUAL TO THE GREATER OF:

A. THE SUM OF THE NUMBER OF STUDENTS IN PARTICIPATING SCHOOLS IDENTIFIED BY DIRECT CERTIFICATION FOR THE PRIOR FISCAL YEAR, PLUS THE NUMBER OF STUDENTS IDENTIFIED BY THE INCOME INFORMATION PROVIDED BY THE FAMILY TO THE SCHOOL SYSTEM ON AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR THE PRIOR FISCAL

YEAR, PLUS THE NUMBER OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS FROM ANY SCHOOLS NOT PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION FOR THE PRIOR FISCAL YEAR; OR

B. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE NUMBER OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS AT SCHOOLS NOT PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION FOR THE PRIOR FISCAL YEAR, PLUS THE PRODUCT OF THE PERCENTAGE OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS AT PARTICIPATING SCHOOLS FOR THE FISCAL YEAR PRIOR TO OPTING INTO THE COMMUNITY ELIGIBILITY PROVISION MULTIPLIED BY THE PRIOR FISCAL YEAR ENROLLMENT; OR

3. THE NUMBER OF STUDENTS DIRECTLY CERTIFIED AND WHO ARE ENROLLED IN A PUBLIC SCHOOL IN THE COUNTY IN THE PRIOR FISCAL YEAR; AND

(II) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, THE GREATER OF:

1. THE NUMBER OF STUDENTS ELIGIBLE FOR FREE OR REDUCED PRICE MEALS USING THE UNITED STATES DEPARTMENT OF AGRICULTURE COUNT OR THE ALTERNATIVE STATE FORM FOR THE PRIOR FISCAL YEAR; OR

2. THE NUMBER OF DIRECT CERTIFICATION STUDENTS WHO ARE ENROLLED IN A PUBLIC SCHOOL IN THE COUNTY IN THE PRIOR FISCAL YEAR.

(III) FOR THE PURPOSE OF THE CALCULATION UNDER ITEM B OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE SCHOOLS PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION DURING THE PILOT YEAR MAY USE THE PERCENTAGE OF STUDENTS IDENTIFIED FOR FREE AND REDUCED PRICE MEALS DURING THE PILOT YEAR.

(IV) FOR THE PURPOSE OF THE CALCULATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, DIRECT CERTIFICATION MULTIPLIED BY THE MULTIPLIER MAY BE USED ONLY FOR SCHOOLS THAT DID NOT EXIST PRIOR TO THE YEAR THE SCHOOL SYSTEM OPTED INTO THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION.

(3) "COMPENSATORY EDUCATION PER PUPIL AMOUNT" MEANS THE FOLLOWING PROPORTIONS OF THE TARGET PER PUPIL FOUNDATION AMOUNT:

(I) FOR FISCAL YEAR 2022, 91%;

(II) FOR FISCAL YEAR 2023, 89%;

(III) FOR FISCAL YEAR 2024, 87%;

(IV) FOR FISCAL YEAR 2025, ~~85%~~ *87%*;

(V) FOR FISCAL YEAR 2026, ~~83%~~ *86%*;

(VI) FOR FISCAL YEAR 2027, ~~80%~~ *82%*;

(VII) FOR FISCAL YEAR 2028, ~~77%~~ *80%*;

(VIII) FOR FISCAL YEAR 2029, ~~75%~~ *78%*; ~~AND~~

(IX) FOR FISCAL YEAR 2030, *78%;*

(X) FOR FISCAL YEAR 2031, 76%;

(XI) FOR FISCAL YEAR 2032, 72%; AND

***(XII) FOR FISCAL YEAR 2033* AND EACH FISCAL YEAR THEREAFTER, 74%.**

(4) "DIRECT CERTIFICATION" MEANS THE CERTIFICATION OF THE INCOME ELIGIBILITY OF A CHILD UNDER THE FOLLOWING PROGRAMS:

(I) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

(II) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;

(III) FOSTER CARE;

(IV) HEAD START;

(V) EVEN START;

(VI) MIGRANT STUDENTS;

(VII) HOMELESS STUDENTS; AND

(VIII) MEDICAID AND THE MARYLAND CHILDREN'S HEALTH PROGRAM, UP TO 189% OF THE FEDERAL POVERTY LEVEL.

(5) "ELIGIBLE FOR FREE OR REDUCED PRICE MEALS" MEANS ELIGIBLE FOR FREE OR REDUCED PRICE MEALS BASED ON ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.

(B) (1) ~~(I)~~ EACH FISCAL YEAR, THE STATE SHALL DISTRIBUTE THE STATE SHARE FOR COMPENSATORY EDUCATION TO EACH COUNTY BOARD.

~~**(II) EACH FISCAL YEAR, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE FOR COMPENSATORY EDUCATION TO THE COUNTY BOARD.**~~

(2) EACH FISCAL YEAR, THE COUNTY BOARD SHALL DISTRIBUTE TO EACH SCHOOL THE MINIMUM SCHOOL FUNDING AMOUNT FOR COMPENSATORY EDUCATION CALCULATED UNDER § 5–234 OF THIS SUBTITLE.

(C) (1) BY SCHOOL YEAR 2021–2022, THE STATE ALTERNATIVE INCOME ELIGIBILITY FORM SHALL BE COLLECTED BY EACH SCHOOL THAT IS PARTICIPATING IN THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION AND MAY BE COLLECTED BY ALL OTHER SCHOOLS.

(2) THE STATE ALTERNATIVE INCOME ELIGIBILITY FORM SHALL BE DEVELOPED BY THE DEPARTMENT AND SHALL INCLUDE A STATEMENT INDICATING THAT THE INCOME INFORMATION REQUESTED ON THE FORM IS USED TO DETERMINE LOCAL AND STATE FUNDING FOR EDUCATION.

[5–203.**] 5–223.**

(a) (1) In this section the following words have the meanings indicated.

(2) "Community school" means a **[**public school that establishes a set of strategic partnerships between the school and other community resources that promote student achievement, positive learning conditions, and the well–being of students by providing wraparound services**] COMMUNITY SCHOOL UNDER TITLE 9.9 OF THIS ARTICLE**.

(3) **[**"Eligible for free or reduced price meals" means eligible for free or reduced price meals based on eligibility requirements established by the United States Department of Agriculture.

(4)**] "CONCENTRATION OF POVERTY LEVEL" MEANS THE AVERAGE PERCENTAGE OF ELIGIBLE STUDENTS OF THE SCHOOL'S ENROLLMENT FOR THE 3 PRIOR FISCAL YEARS ROUNDED TO THE NEAREST WHOLE PERCENT.**

(4) [(i) "Eligible school" means a public school in which at least 80% of the students were eligible:

1. For fiscal year 2020, for free or reduced price meals in the 2017–2018 school year; and

2. For fiscal year 2021, for free or reduced price meals in the:

A. 2017–2018 school year; or

B. 2018–2019 school year.**]**

~~**(I) "ELIGIBLE SCHOOL" MEANS A PUBLIC SCHOOL, *INCLUDING A PUBLIC CHARTER SCHOOL,* WITH A CONCENTRATION OF POVERTY LEVEL OF:**~~

~~**1. FOR FISCAL YEAR 2022, AT LEAST 80%;**~~

~~**2. FOR FISCAL YEAR 2023, AT LEAST 75%;**~~

~~**3. FOR FISCAL YEAR 2024, AT LEAST 70%;**~~

~~**4. FOR FISCAL YEAR 2025, AT LEAST 65%;**~~

~~**5. FOR FISCAL YEAR 2026, AT LEAST 60%; AND**~~

~~**6. FOR FISCAL YEAR 2027, AND EACH FISCAL YEAR THEREAFTER, AT LEAST 55%.**~~

(I) "ELIGIBLE SCHOOL" MEANS:

1. FOR THE PERSONNEL GRANT, A PUBLIC SCHOOL, INCLUDING A PUBLIC CHARTER SCHOOL, WITH A CONCENTRATION OF POVERTY LEVEL OF:

A. FOR FISCAL YEAR 2020, AT LEAST 80%;

B. FOR FISCAL YEAR 2021, AT LEAST 75%;

C. FOR FISCAL YEAR 2022, AT LEAST 70%;

D. FOR FISCAL YEAR 2023, AT LEAST 65%;

E. FOR FISCAL YEAR 2024, AT LEAST 60%; AND

F. FOR FISCAL YEAR 2025, AND EACH FISCAL YEAR THEREAFTER, AT LEAST 55%; AND

2. FOR THE PER PUPIL GRANT, A PUBLIC SCHOOL, INCLUDING A PUBLIC CHARTER SCHOOL, WITH A CONCENTRATION OF POVERTY LEVEL OF:

A. FOR FISCAL YEAR 2022, AT LEAST 80%;

B. FOR FISCAL YEAR 2023, AT LEAST 75%;

C. FOR FISCAL YEAR 2024, AT LEAST 70%;

D. FOR FISCAL YEAR 2025, AT LEAST 65%;

E. FOR FISCAL YEAR 2026, AT LEAST 60%; AND

F. FOR FISCAL YEAR 2027, AND EACH FISCAL YEAR THEREAFTER, AT LEAST 55%.

(II) "ELIGIBLE SCHOOL" INCLUDES AN ALTERNATIVE OPTION PROGRAM IN THE LOCAL SCHOOL SYSTEM IF THE STUDENTS IN THE PROGRAM ARE NOT INCLUDED IN THE COUNT OF ELIGIBLE STUDENTS FOR ANOTHER PROGRAM OR SCHOOL TO DETERMINE ELIGIBILITY FOR THE CONCENTRATION OF POVERTY GRANT.

~~(ii)~~ ***(III)*** "Eligible school" does not include a school that is eligible to receive funding under this section but has closed.

(5) "ELIGIBLE STUDENT" MEANS THE ~~PRODUCT OF THE CONCENTRATION OF POVERTY LEVEL AND TOTAL ENROLLMENT IN AN ELIGIBLE SCHOOL~~ COMPENSATORY EDUCATION ENROLLMENT AS DEFINED IN § 5–222 OF THIS SUBTITLE IN THE SECOND PRIOR FISCAL YEAR ROUNDED TO THE NEAREST WHOLE NUMBER.

(6) "LOCALLY FUNDED COUNTY" MEANS A COUNTY BOARD THAT RECEIVES A COMPENSATORY EDUCATION STATE SHARE UNDER § 5–221(C)(2) OF THIS SUBTITLE.

(7) "NEEDS ASSESSMENT" MEANS THE ASSESSMENT COMPLETED UNDER § 9.5–104 OF THIS ARTICLE.

(8) "PER PUPIL GRANT AMOUNT" MEANS, FOR ALL ELIGIBLE SCHOOLS IN THE COUNTY, THE PER PUPIL AMOUNT FOR EACH ELIGIBLE SCHOOL CALCULATED UNDER SUBSECTION (D) OF THIS SECTION MULTIPLIED BY THE NUMBER OF ELIGIBLE STUDENTS IN THE SCHOOL.

(9) "PER PUPIL MAXIMUM AMOUNT" MEANS:

(I) FOR FISCAL YEAR 2022, $3,374.48; AND

(II) FOR EACH SUBSEQUENT FISCAL YEAR, THE PRIOR FISCAL YEAR AMOUNT INCREASED BY THE INFLATION ADJUSTMENT.

[(5)**] (10)** "Program" means the Concentration of Poverty School Grant Program established under this section.

(11) "SLIDING SCALE ADJUSTMENT FACTOR" MEANS:

(I) FOR FISCAL YEAR 2022, $7,422.33; AND

(II) FOR EACH SUBSEQUENT FISCAL YEAR, THE PRIOR FISCAL YEAR AMOUNT INCREASED BY THE INFLATION ADJUSTMENT.

(12) "SLIDING SCALE UPPER LIMIT" MEANS:

(I) FOR FISCAL YEAR 2022, $13,495.15; AND

(II) FOR EACH SUBSEQUENT FISCAL YEAR, THE PRIOR FISCAL YEAR AMOUNT INCREASED BY THE INFLATION ADJUSTMENT.

(13) "STATE FUNDED COUNTY" MEANS A COUNTY THAT IS NOT A LOCALLY FUNDED COUNTY.

[(6) "Trauma–informed intervention" means a method for understanding and responding to an individual with symptoms of chronic interpersonal trauma or traumatic stress.**]**

[(7)**] (14)** "Wraparound services" includes **THE WRAPAROUND SERVICES DEFINED UNDER § 9.9–101 OF THIS ARTICLE[**:

(i) Extended learning time, including before and after school, weekends, summer school, and an extended school year;

(ii) Safe transportation to school;

(iii) Vision and dental care services;

(iv) Establishing or expanding school–based health center services;

(v) Additional social workers, mentors, counselors, psychologists, and restorative practice coaches;

(vi) Enhancing physical wellness, including providing healthy food for in–school and out–of–school time and linkages to community providers;

(vii) Enhancing behavioral health services, including access to mental health practitioners and providing professional development to school staff to provide trauma–informed interventions;

(viii) Providing family and community engagement and supports, including informing parents of academic course offerings, language classes, workforce development training, opportunities for children, and available social services as well as educating families on how to monitor a child's learning;

(ix) Establishing and enhancing linkages to Judy Centers and other early education programs that feed into the school;

(x) Enhancing student enrichment experiences;

(xi) Improving student attendance;

(xii) Improving the learning environment at the school; and

(xiii) Any other professional development for teachers and school staff to quickly identify students who are in need of these resources**]**.

(b) (1) There is a Concentration of Poverty School Grant Program in the State.

(2) The purpose of the Program is to provide grants to eligible schools with a high concentration of **ELIGIBLE** students **[**who are eligible for free or reduced price meals**]**.

(3) THE PROGRAM CONSISTS OF THE:

(I) PERSONNEL GRANT; AND

(II) PER PUPIL GRANT.

(c) (1) (i) **1.** For **[**each of fiscal years 2020 and 2021,**]** **FISCAL YEAR 2022,** the State shall distribute a **PERSONNEL** grant to each county board equal to **[**$248,833**] $257,100** for each eligible school in the county.

2. IN EACH SUBSEQUENT FISCAL YEAR, THE PERSONNEL GRANT EQUALS THE PERSONNEL GRANT IN THE PRIOR FISCAL YEAR INCREASED BY THE INFLATION ADJUSTMENT.

(ii) Except as provided in subparagraph (iii) of this paragraph, each county board shall distribute directly to each eligible school ~~an amount equal to $248,833~~ **THE AMOUNT PROVIDED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION**.

(iii) ~~If~~ ***1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF*** a local school system has at least 40 eligible schools, the county board may, on behalf of eligible schools, expend ***NO MORE THAN 50% OF*** the funds distributed by the State under this paragraph, provided that a plan is developed in consultation with the eligible schools that ensures that the requirements of **[**subsection (d)**]** **PARAGRAPHS (2) THROUGH (8)** of this **[**section**]** **SUBSECTION** are met **AND THE PLAN IS SUBMITTED TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD IN ACCORDANCE WITH § 5–402 OF THIS TITLE**.

2. SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH DOES NOT APPLY TO A PUBLIC CHARTER SCHOOL UNLESS THE PUBLIC CHARTER SCHOOL CHOOSES TO PARTICIPATE IN THE PLAN.

[(2) For each of fiscal years 2020 and 2021, the State shall distribute to the Department an amount equal to $126,170 to fund one director of community schools in the Department.**]**

[(d)**]** **(2)** **[**(1)**]** (i) Each eligible school shall employ one community school coordinator staff position in the eligible school.

(ii) 1. Each eligible school shall provide full–time coverage by at least one professional health care practitioner during school hours, including any extended learning time, who is a licensed physician, a licensed physician's assistant, or a licensed registered nurse, practicing within the scope of the health care practitioner's license.

2. A health care practitioner providing coverage under this subparagraph may work under a school health services program, a county health department, or a school–based health center.

3. This subparagraph may not be construed to:

A. Require that an eligible school hire a full–time health care practitioner staff position; or

B. Preclude the hiring of any other health care practitioners that meet the needs of the students.

[(2)**]** **(3)** Each eligible school shall use the **PERSONNEL** grant to fund the requirements under paragraph **[**(1)**](2)** of this subsection.

[(3)**] (4)** If the **PERSONNEL** grant provided to an eligible school exceeds the cost to employ the positions and provide the coverage required under paragraph **[**(1)**] (2)** of this subsection, the eligible school may only use the excess funds to **[**provide**]**:

(i) **[**Wraparound**] PROVIDE WRAPAROUND** services to the students enrolled in the eligible school; ~~and~~

(ii) **[**The**] COMPLETE THE NEEDS** assessment **[**required under subsection (e) of this section**]; AND**

(III) IN FISCAL YEARS 2021 AND 2022, PROVIDE THE REQUIREMENTS UNDER COMAR 13A.04.16.01.

[(4)**] (5) (I)** If an eligible school, **[**as of June 30, 2019,**] PRIOR TO RECEIVING A PERSONNEL GRANT,** employs an individual in a position or has the coverage required under paragraph **[**(1)**](2)** of this subsection, at least the same amount of funds shall be provided to the eligible school to be used for those positions or coverage **[**in fiscal years 2020 and 2021**] AFTER RECEIVING A PERSONNEL GRANT**.

(II) IF AN ELIGIBLE SCHOOL SATISFIES SUBPARAGRAPH (I) OF THIS PARAGRAPH, THEN THE SCHOOL SHALL USE THE PERSONNEL GRANT IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

[(e)**] (6) [**(1)**]** The community school coordinator shall be **[**responsible for establishing a community school, including completing an assessment by July 1, 2020, of the needs of the students in the school for appropriate wraparound services to enhance the success of all students in the school**] SUBJECT TO THE REQUIREMENTS UNDER § 9.9–104 OF THIS ARTICLE**.

[(2) The assessment performed under this subsection shall:

(i) Be done in collaboration with:

1. The principal;

2. A school health care practitioner; and

3. A parent teacher organization or a school family council; and

(ii) Include an assessment of the physical, behavioral, and emotional health needs of students, their families, and their communities.**]**

[(f)**] (7)** A county that provides a school nurse, school health services, or community school services from funds outside of those made in the fiscal year 2019 local

appropriation to the county board shall continue to provide at least the same resources to an eligible school ~~in fiscal years 2020 and 2021~~ **THROUGH FISCAL YEAR 2030**.

(8) IF AN ELIGIBLE SCHOOL BECOMES INELIGIBLE, THE SCHOOL SHALL REMAIN ENTITLED TO THE PERSONNEL GRANT FOR TWO SCHOOL YEARS AFTER THE SCHOOL LOSES ELIGIBILITY BUT MAY NOT RECEIVE THE PER PUPIL GRANT.

(9) THE PERSONNEL AND PER PUPIL GRANT MAY BE USED THROUGH FISCAL YEAR 2025 TO PROVIDE THE PROGRAMS REQUIRED UNDER COMAR 13A.04.16.01.

(D) (1) (I) 1. ELIGIBLE SCHOOLS WITH A CONCENTRATION OF POVERTY LEVEL OF AT LEAST 80% SHALL RECEIVE A PER PUPIL GRANT BEGINNING IN FISCAL YEAR 2022.

2. ~~ELIGIBLE SCHOOLS WITH A CONCENTRATION OF POVERTY LEVEL BELOW 80% SHALL RECEIVE A PER PUPIL GRANT BEGINNING IN FISCAL YEAR 2023~~ ALL OTHER ELIGIBLE SCHOOLS SHALL RECEIVE THE PER PUPIL GRANT 1 YEAR AFTER BECOMING ELIGIBLE AND ON COMPLETION OF THE NEEDS ASSESSMENT REQUIRED UNDER § 9.9–104 OF THIS ARTICLE.

(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, EACH ELIGIBLE SCHOOL SHALL RECEIVE A PER PUPIL GRANT EACH FISCAL YEAR EQUAL TO THE PRODUCT OF THE TOTAL NUMBER OF ELIGIBLE STUDENTS IN THE SCHOOL AND THE PER PUPIL AMOUNT BASED ON THE SLIDING SCALE UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE SLIDING SCALE PER PUPIL AMOUNT SHALL BE CALCULATED AS PROVIDED IN THIS PARAGRAPH.

(II) FOR SCHOOLS WITH A CONCENTRATION OF POVERTY LEVEL LESS THAN OR EQUAL TO 55%, THE PER PUPIL AMOUNT IS $0.

(III) FOR SCHOOLS WITH A CONCENTRATION OF POVERTY LEVEL GREATER THAN 55% BUT LESS THAN 80%, THE PER PUPIL AMOUNT IS EQUAL TO THE PRODUCT OF THE CONCENTRATION OF POVERTY LEVEL AND THE SLIDING SCALE UPPER LIMIT MINUS THE SLIDING SCALE ADJUSTMENT FACTOR.

(IV) FOR SCHOOLS WITH A CONCENTRATION OF POVERTY LEVEL EQUAL TO OR GREATER THAN 80% THE PER PUPIL AMOUNT IS THE MAXIMUM PER PUPIL AMOUNT.

(3) ~~FOR EACH OF FISCAL YEARS 2022 THROUGH 2029~~ *BEGINNING IN FISCAL YEAR 2022*, EACH ELIGIBLE SCHOOL SHALL RECEIVE THE FOLLOWING PROPORTION OF THE PER PUPIL GRANT CALCULATED UNDER PARAGRAPH (2) OF THIS SUBSECTION ROUNDED TO THE NEAREST WHOLE DOLLAR:

(I) FOR FISCAL YEAR 2022, 12.77%;

(II) FOR FISCAL YEAR 2023, 24.35%;

(III) FOR FISCAL YEAR 2024, 28.41%;

(IV) FOR FISCAL YEAR 2025, 41.56%;

(V) FOR FISCAL YEAR 2026, 50.63%;

(VI) FOR FISCAL YEAR 2027, 60.28%;

(VII) FOR FISCAL YEAR 2028, 75.48%;

(VIII) FOR FISCAL YEAR 2029, 90.70%; AND

(IX) FOR FISCAL YEAR 2030 AND EACH FISCAL YEAR THEREAFTER, 100.00%.

(E) (1) FOR A LOCALLY FUNDED COUNTY:

~~(I)~~ ~~EACH~~ EACH FISCAL YEAR, THE STATE SHALL DISTRIBUTE THE STATE SHARE OF THE PER PUPIL GRANT AMOUNT TO EACH COUNTY BOARD~~; AND~~

~~(II) EACH FISCAL YEAR, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE OF THE PER PUPIL GRANT AMOUNT TO THE COUNTY BOARD~~.

(2) FOR A STATE FUNDED COUNTY:

(I) THE STATE SHALL DISTRIBUTE 100% OF THE PER PUPIL GRANT AMOUNT TO EACH COUNTY BOARD; AND

(II) THERE IS NO LOCAL SHARE OF THE PER PUPIL GRANT AMOUNT.

(3) EACH FISCAL YEAR, THE COUNTY BOARD SHALL DISTRIBUTE TO EACH SCHOOL THE MINIMUM SCHOOL FUNDING AMOUNT FOR THE PER PUPIL GRANT AMOUNT CALCULATED UNDER § 5–234 OF THIS SUBTITLE.

(F) (1) EACH ELIGIBLE SCHOOL SHALL USE THE PER PUPIL GRANT TO PROVIDE WRAPAROUND SERVICES AND OTHER PROGRAMS AND SERVICES IDENTIFIED IN THE ELIGIBLE SCHOOL'S NEEDS ASSESSMENT PLAN.

(2) ~~IF~~ *(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF* A LOCAL SCHOOL SYSTEM HAS AT LEAST 40 ELIGIBLE SCHOOLS, THE COUNTY BOARD MAY, ON BEHALF OF THE ELIGIBLE SCHOOLS, EXPEND *NO MORE THAN 50% OF* THE FUNDS DISTRIBUTED FOR THE PER PUPIL GRANT, PROVIDED THAT A PLAN IS DEVELOPED IN CONSULTATION WITH THE ELIGIBLE SCHOOLS THAT ENSURES THAT THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION ARE MET AND THE PLAN IS SUBMITTED TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD UNDER § 5–402 OF THIS ARTICLE.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A PUBLIC CHARTER SCHOOL UNLESS THE PUBLIC CHARTER SCHOOL CHOOSES TO PARTICIPATE IN THE PLAN.

~~(2)~~ (3) A LOCAL SCHOOL SYSTEM MAY REQUEST FLEXIBILITY IN DISTRIBUTING FUNDS THROUGH THE ACCOUNTABILITY AND IMPLEMENTATION BOARD APPEAL PROCESS UNDER § 5–406 OF THIS TITLE.

(G) (1) ON OR BEFORE OCTOBER 1, 2021, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ON INCORPORATING NEIGHBORHOOD INDICATORS OF POVERTY TO DETERMINE A SCHOOL'S ELIGIBILITY FOR THE COMPENSATORY EDUCATION PROGRAM AND THE CONCENTRATION OF POVERTY GRANT BASED ON THE STUDY REQUIRED UNDER THIS SUBSECTION.

(2) THE STUDY SHALL EVALUATE:

(I) THE AMERICAN COMMUNITY SURVEY DATA AVAILABLE ACROSS GEOGRAPHIC AREAS IN THE SMALL AREA INCOME AND POVERTY ESTIMATES PROGRAM TO PROVIDE SCHOOL DISTRICT POVERTY ESTIMATES; AND

(II) THE AREA DEPRIVATION INDEX DEVELOPED BY THE UNIVERSITY OF WISCONSIN – MADISON TO RANK NEIGHBORHOODS BY SOCIOECONOMIC STATUS DISADVANTAGE.

5–224.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ENGLISH LEARNER ENROLLMENT" MEANS THE NUMBER OF STUDENTS WITH LIMITED ENGLISH PROFICIENCY IN THE PRIOR FISCAL YEAR.

(3) "LIMITED ENGLISH PROFICIENCY" MEANS NON–ENGLISH OR LIMITED ENGLISH PROFICIENCY UNDER THE REPORTING REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR THE MARYLAND COMPREHENSIVE ASSESSMENT PROGRAM (MCAP).

(4) "ENGLISH LEARNER PER PUPIL AMOUNT" MEANS THE FOLLOWING PROPORTIONS OF THE TARGET PER PUPIL FOUNDATION AMOUNT:

(I) FOR FISCAL YEAR 2022, 100%;

(II) FOR FISCAL YEAR 2023, 100%;

(III) FOR FISCAL YEAR 2024, 100%;

(IV) FOR FISCAL YEAR 2025, ~~100%~~ *103%*;

(V) FOR FISCAL YEAR 2026, ~~96%~~ *99%*;

(VI) FOR FISCAL YEAR 2027, ~~93%~~ *96%*;

(VII) FOR FISCAL YEAR 2028, ~~91%~~ *94%*;

(VIII) FOR FISCAL YEAR 2029, ~~89%~~ *93%*; ~~AND~~

(IX) FOR FISCAL YEAR 2030, *91%;*

(X) FOR FISCAL YEAR 2031, 90%;

(XI) FOR FISCAL YEAR 2032, 88%; AND

***(XII) FOR FISCAL YEAR 2033* AND EACH FISCAL YEAR THEREAFTER, 87%.**

(B) (1) ~~(I)~~ EACH FISCAL YEAR, THE STATE SHALL DISTRIBUTE THE STATE SHARE FOR ENGLISH LEARNER EDUCATION TO EACH COUNTY BOARD.

~~(II) EACH FISCAL YEAR, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE FOR ENGLISH LEARNER EDUCATION TO THE COUNTY BOARD.~~

(2) EACH FISCAL YEAR, THE COUNTY BOARD SHALL DISTRIBUTE TO EACH SCHOOL THE MINIMUM SCHOOL FUNDING AMOUNT FOR ENGLISH LEARNERS CALCULATED UNDER § 5–234 OF THIS SUBTITLE.

5–225.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "SPECIAL EDUCATION ENROLLMENT" MEANS THE NUMBER OF STUDENTS ENROLLED IN A PUBLIC SCHOOL IN THE PRIOR FISCAL YEAR WHO REQUIRED SPECIAL EDUCATION SERVICES AS DEFINED IN THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(II) "SPECIAL EDUCATION ENROLLMENT" INCLUDES SPECIAL EDUCATION STUDENTS ENROLLED IN A PUBLICLY FUNDED PREKINDERGARTEN PROGRAM UNDER TITLE 7, SUBTITLE 1A OF THIS ARTICLE.

(III) "SPECIAL EDUCATION ENROLLMENT" DOES NOT INCLUDE STUDENTS WHO ARE ENROLLED IN OR ATTEND:

1. THE MARYLAND SCHOOL FOR THE BLIND;

2. THE MARYLAND SCHOOL FOR THE DEAF; OR

3. AN EDUCATIONAL PROGRAM OPERATED BY THE STATE.

(3) "SPECIAL EDUCATION PER PUPIL AMOUNT" MEANS THE FOLLOWING PROPORTIONS OF THE TARGET PER PUPIL FOUNDATION AMOUNT:

(I) FOR FISCAL YEAR 2022, 86%;

(II) FOR FISCAL YEAR 2023, 86%;

(III) FOR FISCAL YEAR 2024, 92%;

(IV) FOR FISCAL YEAR 2025, ~~97%~~ *100%*;

(V) FOR FISCAL YEAR 2026, ~~101%~~ *104%*;

(VI) FOR FISCAL YEAR 2027, ~~111%~~ *114%*;

(VII) FOR FISCAL YEAR 2028, ~~120%~~ *124%*;

(VIII) FOR FISCAL YEAR 2029, ~~133%~~ *139%*; ~~AND~~

(IX) FOR FISCAL YEAR 2030, *156%;*

(X) FOR FISCAL YEAR 2031, 154%;

(XI) FOR FISCAL YEAR 2032, 151%; AND

(XII) FOR FISCAL YEAR 2033 **AND EACH FISCAL YEAR THEREAFTER, 149%.**

(B) EACH SCHOOL SHALL USE THE FUNDS PROVIDED UNDER THIS SECTION TO PROVIDE THE SERVICES REQUIRED BY EACH STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM OR 504 PLANS.

(C) (1) ~~(I)~~ EACH FISCAL YEAR, THE STATE SHALL DISTRIBUTE THE STATE SHARE FOR SPECIAL EDUCATION TO EACH COUNTY BOARD.

~~(II) EACH FISCAL YEAR, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE FOR SPECIAL EDUCATION TO THE COUNTY BOARD.~~

(2) EACH FISCAL YEAR, THE COUNTY BOARD SHALL DISTRIBUTE TO EACH SCHOOL OR PUBLICLY FUNDED PREKINDERGARTEN PROGRAM THE MINIMUM SCHOOL FUNDING AMOUNT FOR SPECIAL EDUCATION CALCULATED UNDER § 5–234 OF THIS SUBTITLE.

5–226.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "STRUGGLING LEARNER" MEANS A KINDERGARTEN THROUGH GRADE 3 STUDENT WHO, ON THE MARYLAND COMPREHENSIVE ASSESSMENT PROGRAM (MCAP) OR ON ANY SUCCESSOR ASSESSMENT, IN THE PRIOR FISCAL YEAR, SCORES THE EQUIVALENT OF A ~~1 OR 2~~ 1, 2, OR 3 IN ENGLISH LANGUAGE ARTS OR READING ON THE ~~PARRC~~ PARCC ASSESSMENT.

(II) THE NUMBER OF GRADE 3 STRUGGLING LEARNERS SHALL BE USED AS A PROXY FOR THE NUMBER OF STRUGGLING LEARNERS IN EACH OF KINDERGARTEN, GRADE 1, AND GRADE 2.

(3) (I) "TRANSITIONAL SUPPLEMENTAL INSTRUCTION" MEANS ADDITIONAL ACADEMIC SUPPORT FOR STRUGGLING LEARNERS USING EVIDENCE–BASED PROGRAMS AND STRATEGIES THAT MEET THE EXPECTATIONS OF STRONG OR MODERATE EVIDENCE AS DEFINED IN THE FEDERAL EVERY STUDENT SUCCEEDS ACT.

(II) "TRANSITIONAL SUPPLEMENTAL INSTRUCTION" INCLUDES:

1. ONE–ON–ONE AND SMALL–GROUP TUTORING WITH A CERTIFIED TEACHER, A TEACHING ASSISTANT, OR ANY OTHER TRAINED PROFESSIONAL;

2. CROSS–AGE PEER TUTORING; AND

3. SCREENING, IDENTIFYING, AND ADDRESSING LITERACY DEFICITS.

(4) "TRANSITIONAL SUPPLEMENTAL INSTRUCTION PER PUPIL AMOUNT" MEANS:

(I) FOR FISCAL YEAR 2022, $476;

(II) FOR FISCAL YEAR 2023, $665;

(III) FOR FISCAL YEAR 2024, $680;

(IV) FOR FISCAL YEAR 2025, $522;

(V) FOR FISCAL YEAR 2026, $356; AND

(VI) FOR FISCAL YEAR 2027 AND EACH FISCAL YEAR THEREAFTER, $0.

(B) (1) EACH SCHOOL SHALL USE THE FUNDS PROVIDED UNDER THIS ~~SUBSECTION~~ SECTION TO PROVIDE TRANSITIONAL SUPPLEMENTAL INSTRUCTION TO STRUGGLING LEARNERS IN KINDERGARTEN THROUGH GRADE 3.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, PRIORITY IN PROVIDING TRANSITIONAL SUPPLEMENTAL INSTRUCTION SHALL BE GIVEN TO LITERACY.

(II) A SCHOOL DISTRICT OR SCHOOL MAY USE THE FUNDS FOR ADDITIONAL MATHEMATICS ~~INSTRUCTIONS~~ INSTRUCTION IF IT IS DETERMINED THAT THIS IS A PRIORITY FOR THE STUDENTS IN THE DISTRICT OR SCHOOL.

(3) A SCHOOL DISTRICT OR SCHOOL IS ENCOURAGED TO, ON A PILOT BASIS, EXPERIMENT WITH NEW EVIDENCE–BASED MEANS OF SCREENING, IDENTIFYING, AND ADDRESSING LITERACY DEFICITS.

(4) AN INDIVIDUAL WHO PROVIDES TRANSITIONAL SUPPLEMENTAL INSTRUCTION ~~SHALL, TO THE EXTENT PRACTICABLE,~~ *MAY* BE EMPLOYED BY THE SCHOOL DISTRICT.

(C) (1) ~~(I)~~ EACH FISCAL YEAR, THE STATE SHALL DISTRIBUTE THE STATE SHARE FOR TRANSITIONAL SUPPLEMENTAL INSTRUCTION TO EACH COUNTY BOARD.

~~(II) EACH FISCAL YEAR, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE FOR TRANSITIONAL SUPPLEMENTAL INSTRUCTION TO THE COUNTY BOARD.~~

(2) EACH FISCAL YEAR, THE COUNTY BOARD SHALL DISTRIBUTE TO EACH SCHOOL THE MINIMUM SCHOOL FUNDING AMOUNT FOR TRANSITIONAL SUPPLEMENTAL INSTRUCTION CALCULATED UNDER § 5–234 OF THIS SUBTITLE.

5–227. RESERVED.

5–228. RESERVED.

PART V. EARLY CHILDHOOD AND PREKINDERGARTEN.

5–229.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FAMILY SHARE" MEANS THE AMOUNT CALCULATED UNDER SUBSECTION ~~(C)~~ (E) OF THIS SECTION ROUNDED TO THE NEAREST WHOLE DOLLAR.

(3) "LOCAL SHARE" MEANS, FOR EACH COUNTY, THE RESULT OF THE TOTAL PROGRAM AMOUNT MINUS THE STATE SHARE ROUNDED TO THE NEAREST WHOLE DOLLAR.

(4) "PER PUPIL AMOUNT" MEANS:

(I) ~~IN FISCAL YEAR 2022, $8,727;~~

~~(II)~~ IN FISCAL YEAR 2023, $10,094;

~~(III)~~ *(II)* IN FISCAL YEAR 2024, $11,594;

~~(IV)~~ *(III)* IN FISCAL YEAR 2025, $13,003;

~~(V)~~ *(IV)* **IN FISCAL YEAR 2026, $14,473;**

~~(VI)~~ *(V)* **IN FISCAL YEAR 2027, $15,598;**

~~(VII)~~ *(VI)* **IN FISCAL YEAR 2028, $16,811;**

~~(VIII)~~ *(VII)* **IN FISCAL YEAR 2029, $18,118;**

~~(IX)~~ *(VIII)* **IN FISCAL YEAR 2030, $19,526; AND**

~~(X)~~ *(IX)* **IN SUBSEQUENT FISCAL YEARS, THE PER PUPIL AMOUNT FOR THE PRIOR FISCAL YEAR INCREASED BY THE INFLATION ADJUSTMENT ROUNDED TO THE NEAREST WHOLE DOLLAR.**

(5) "PREKINDERGARTEN ENROLLMENT" MEANS~~:~~*:*

(I) BEGINNING IN FISCAL YEAR 2023, THE NUMBER OF TIER I CHILDREN ENROLLED WITH AN ELIGIBLE PREKINDERGARTEN PROVIDER; AND

(II) BEGINNING IN FISCAL YEAR 2025, THE NUMBER OF TIER I AND TIER II CHILDREN ENROLLED WITH AN ELIGIBLE PREKINDERGARTEN PROVIDER.

~~(I) FOR EACH OF FISCAL YEARS 2022 THROUGH 2025, *BEGINNING IN FISCAL YEAR 2023,* THE NUMBER OF TIER I *AND TIER II* CHILDREN ENROLLED WITH AN ELIGIBLE PREKINDERGARTEN PROVIDER; AND.~~

~~(II) BEGINNING IN FISCAL YEAR 2026, THE NUMBER OF TIER I AND TIER II CHILDREN ENROLLMENT WITH AN ELIGIBLE PREKINDERGARTEN PROVIDER.~~

(6) "STATE SHARE" MEANS, FOR EACH COUNTY, ROUNDED TO THE NEAREST ~~WHHLE~~ WHOLE DOLLAR, THE FOLLOWING CALCULATIONS MULTIPLIED BY 0.5:

(I) MULTIPLY THE PER PUPIL AMOUNT BY THE COUNTY'S PREKINDERGARTEN ENROLLMENT;

(II) DIVIDE THE RESULT CALCULATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY THE RATIO, ROUNDED TO SEVEN DECIMAL PLACES, OF LOCAL WEALTH PER PUPIL TO STATEWIDE WEALTH PER PUPIL; AND

(III) MULTIPLY THE RESULT CALCULATED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH BY THE RESULT, ROUNDED TO SEVEN

DECIMAL PLACES, THAT RESULTS FROM DIVIDING THE TOTAL STATE SHARE BY THE SUM OF ALL OF THE RESULTS CALCULATED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR ALL COUNTIES.

(7) "TIER I CHILD" HAS THE MEANING STATED IN § 7–1A–01 OF THIS ARTICLE.

(8) "TIER II CHILD" HAS THE MEANING STATED IN § 7–1A–01 OF THIS ARTICLE.

(9) "TIER III CHILD" HAS THE MEANING STATED IN § 7–1A–01 OF THIS ARTICLE.

(10) "TOTAL PROGRAM AMOUNT" MEANS, FOR EACH COUNTY, THE PRODUCT OF THE PER PUPIL AMOUNT AND THE PREKINDERGARTEN ENROLLMENT.

(11) "TOTAL STATE SHARE" MEANS THE PRODUCT OF 0.5 AND THE PER PUPIL AMOUNT AND THE STATEWIDE PREKINDERGARTEN ENROLLMENT.

(B) TO BE ELIGIBLE FOR PUBLIC FUNDING, A PREKINDERGARTEN PROVIDER SHALL COMPLY WITH TITLE 7, SUBTITLE 1A OF THIS ARTICLE.

(C) (1) (I) AS CALCULATED UNDER SUBSECTION (D) OF THIS SECTION, THERE IS A STATE SHARE AND LOCAL SHARE OF THE PER PUPIL AMOUNT FOR TIER I CHILDREN.

(II) THERE IS NO FAMILY SHARE FOR TIER I CHILDREN.

(2) AS CALCULATED UNDER SUBSECTION (E) OF THIS SECTION AND BEGINNING IN FISCAL YEAR ~~2026~~ *~~2023~~* *2025*, THERE IS A STATE SHARE, LOCAL SHARE, AND FAMILY SHARE OF THE PER PUPIL AMOUNT FOR TIER II CHILDREN.

(3) TIER III CHILDREN ARE NOT ELIGIBLE FOR FUNDING UNDER THIS SECTION.

~~**(D) (1) (I) EACH FISCAL YEAR, THE STATE SHALL DISTRIBUTE THE STATE SHARE FOR PREKINDERGARTEN TO EACH COUNTY BOARD.**~~

~~**(II) EACH FISCAL YEAR, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE FOR PREKINDERGARTEN TO THE COUNTY BOARD.**~~

~~**(2) EACH FISCAL YEAR, THE COUNTY BOARD SHALL DISTRIBUTE TO EACH PUBLICLY FUNDING FUNDED PREKINDERGARTEN PROVIDER THE MINIMUM**~~

~~SCHOOL FUNDING AMOUNT FOR PREKINDERGARTEN CALCULATED UNDER § 5–234 OF THIS SUBTITLE.~~

(D) (1) FOR PUBLIC PROVIDERS, EACH FISCAL YEAR:

(I) THE STATE SHALL DISTRIBUTE THE STATE SHARE TO EACH COUNTY BOARD; AND

(II) THE COUNTY BOARD SHALL DISTRIBUTE TO EACH PUBLIC PROVIDER THE MINIMUM SCHOOL FUNDING AMOUNT FOR PREKINDERGARTEN CALCULATED UNDER § 5–234 OF THIS SUBTITLE.

(2) FOR PRIVATE PROVIDERS, EACH FISCAL YEAR:

(I) THE STATE SHALL DISTRIBUTE THE STATE SHARE FOR PRIVATE PROVIDERS TO THE DEPARTMENT;

(II) THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE FOR PRIVATE PROVIDERS TO THE DEPARTMENT; AND

(III) THE DEPARTMENT SHALL DISTRIBUTE THE STATE AND LOCAL SHARE TO THE PRIVATE PROVIDERS.

(E) (1) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL ESTABLISH A SLIDING SCALE TO CALCULATE THE FAMILY SHARE REQUIRED FOR TIER II CHILDREN.

(2) THE SLIDING SCALE DEVELOPED BY THE DEPARTMENT SHALL BE INCREASED ON A LINEAR BASIS WITH:

(I) A LOWER LIMIT OF $0 PER PUPIL FOR A FAMILY WITH AN INCOME THAT IS 300% OF THE FEDERAL POVERTY LEVEL; AND

(II) AN UPPER LIMIT OF THE PER PUPIL AMOUNT FOR A FAMILY WITH AN INCOME THAT IS MORE THAN 300% BUT LESS THAN 600% OF THE FEDERAL POVERTY LEVEL.

~~(3) (I) 1. BEGINNING IN FISCAL YEAR 2026, THE STATE SHALL DISTRIBUTE THE STATE SHARE FOR TIER II PREKINDERGARTEN CHILDREN TO EACH COUNTY BOARD.~~

~~2. BEGINNING IN FISCAL YEAR 2026, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE FOR TIER II PREKINDERGARTEN CHILDREN TO THE COUNTY BOARD.~~

~~(II) BEGINNING IN FISCAL YEAR 2026, THE COUNTY BOARD SHALL DISTRIBUTE TO EACH PUBLICLY FUNDED PREKINDERGARTEN PROVIDER THE MINIMUM SCHOOL FUNDING AMOUNT FOR TIER II PREKINDERGARTEN CHILDREN CALCULATED UNDER § 5–234 OF THIS SUBTITLE.~~

~~(III)~~ *(3) (I)* **BEGINNING IN FISCAL YEAR** ~~*2026 2023*~~ *2025*, **THE FAMILY SHALL PAY THE FAMILY SHARE TO THE PUBLICLY FUNDED PREKINDERGARTEN PROVIDER.**

(II) A COUNTY BOARD MAY PROVIDE UP TO 100% OF THE FAMILY SHARE ON BEHALF OF THE FAMILY.

(F) INCOME–ELIGIBLE FAMILIES SHALL HAVE ACCESS TO EXTENDED DAY SERVICES THROUGH THE CHILD CARE SCHOLARSHIP PROGRAM UNDER ~~**§ 9.5–901**~~ *TITLE 9.5, SUBTITLE 9* **OF THIS ARTICLE.**

(G) THE DEPARTMENT, COUNTY BOARDS, AND ELIGIBLE PREKINDERGARTEN PROVIDERS SHALL WORK TOGETHER TO ADDRESS THE TRANSPORTATION NEEDS OF CHILDREN ENROLLED IN ELIGIBLE PREKINDERGARTEN PROVIDERS.

(H) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL REPORT TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

(1) PLANS FOR AN INCOME VERIFICATION PROCESS TO DETERMINE ELIGIBILITY FOR TIER I, TIER II, OR TIER III STATUS OF A CHILD;

(2) ADMINISTRATIVE PROCEDURES FOR DISTRIBUTING THE FUNDS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION;

(3) (I) PROVIDING FAMILIES WITH THE ABILITY TO INDICATE A PREFERENCE FOR THE PUBLIC OR PRIVATE PREKINDERGARTEN PROGRAM IN WHICH TO ENROLL THE CHILD; AND

(II) COMMUNICATING WITH FAMILIES THAT THE ABILITY TO CHOOSE TO ENROLL A CHILD IN A PUBLIC PROVIDER OUTSIDE THE FAMILY'S ATTENDANCE AREA IS AVAILABLE ONLY FOR PREKINDERGARTEN;

(4) RECOMMENDATIONS FOR THE METHODOLOGY THE DEPARTMENT WILL USE TO CALCULATE THE STATE, LOCAL, AND FAMILY SHARE FOR TIER II CHILDREN UNDER THE SLIDING SCALE DEVELOPED UNDER SUBSECTION (E) OF THIS SECTION; AND

(5) ***RECOMMENDATIONS ON WHETHER TO EXTEND THE PREKINDERGARTEN SUPPLEMENTAL GRANT PROVIDED UNDER § 5–232 OF THIS SUBTITLE.***

[5–217.**] 5–230.**

(a) (1) In this section the following words have the meanings indicated.

(2) "Accreditation" means the determination that a program meets quality standards defined by the accrediting agency beyond State child care regulations.

(3) "Accrediting agency" means a State agency or national organization that has developed a recognized accrediting process.

(4) "Credentialing" means the process through which an individual is awarded a professional certificate based on education and experience.

(5) "Early Childhood Education Enhancement Grant" means a grant that is distributed under subsection **[**(e–1)**] (F)** of this section.

(6) "Full day" means a period of time during the day that:

(i) Meets the needs of families; and

(ii) Is not less than 7 hours or more than 12 hours per day.

(7) "Judy Center" means a site where comprehensive early childhood education services are provided to young children and their families for the purpose of promoting school readiness through collaboration with participating agencies and programs.

(8) "Judy Center Grant" means a grant that is distributed under subsection (d) of this section.

(9) "Local management board" means a local management board as defined under § 8–101(l) of the Human Services Article.

(10) "Participating agencies and programs" includes:

(i) Public prekindergarten and kindergarten programs;

(ii) Head Start programs;

(iii) Family literacy programs and services;

(iv) Local infants and toddlers programs;

(v) Child care centers and family child care homes;

(vi) Family support centers;

(vii) Healthy family sites;

(viii) Parent involvement programs;

(ix) Early childhood programs affiliated with institutions of higher education; and

(x) Other home visiting, community health, family support services, and child care resource and referral agencies.

(11) "Preschool Services Grant" means a grant that is distributed under subsection (e) of this section.

(12) "Program" means the Judith P. Hoyer Early Childhood Education Enhancement Program established under this section.

(b) (1) There is a Judith P. Hoyer Early Childhood Education Enhancement Program in the Department.

(2) The purpose of the Program is to promote school readiness through the development and expansion of collaborative approaches to the delivery of high quality, comprehensive, full–day early childhood education programs and family support services.

(c) (1) The Program shall be funded as provided in the State budget.

(2) Funds that are allocated to the Program in the State budget may be used:

(i) To cover the costs incurred by the Department in implementing and administering the Program;

(ii) For Judy Center Grants, as provided under subsection (d) of this section;

(iii) For Preschool Services Grants, as provided under subsection (e) of this section;

(iv) For Early Childhood Education Enhancement Grants, as provided under subsection **[**(e–1)**] (F)** of this section; and

(v) To fund the statewide implementation of the Department's Early Childhood Assessment System, as provided under subsection **[**(f)**]** **(G)** of this section.

(3) (I) FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, THE STATE SHALL PROVIDE FUNDING FOR 9 ADDITIONAL JUDY CENTERS PER YEAR.

(II) FOR EACH OF FISCAL YEARS 2026 THROUGH 2030, THE STATE SHALL PROVIDE FUNDING FOR 18 ADDITIONAL JUDY CENTERS PER YEAR.

(III) THE GOVERNOR SHALL APPROPRIATE, IN EACH OF FISCAL YEARS 2021 THROUGH 2030, $275,000 FOR EACH ADDITIONAL JUDY CENTER REQUIRED UNDER THIS PARAGRAPH.

(IV) THE STATE SHALL PRIORITIZE INCREASING THE NUMBER OF JUDY CENTERS IN COMMUNITIES WITH TITLE I SCHOOLS.

(d) The Department may distribute a Judy Center Grant to a county board if the county board submits an application to the Department that includes:

(1) A memorandum of understanding between the county board, the participating agencies and programs, and, in the discretion of the county board, the local management board that includes:

(i) The terms of the collaboration to be undertaken by the county board, the participating agencies and programs, and, if applicable, the local management board, including the roles and responsibilities of each of these entities; and

(ii) A plan for establishing ongoing communication between private service providers and public school early education programs; and

(2) Documentation that shows that:

(i) The Department's Early Childhood Assessment System will be implemented at the Center;

(ii) All participating agencies and programs that provide early childhood education services through the Center have voluntarily obtained accreditation or, by the date of the Grant application, have voluntarily initiated and are actively pursuing the process of obtaining accreditation; and

(iii) The Center will provide comprehensive, full–day early childhood education services and family support services.

(e) (1) The Department may distribute a Preschool Services Grant to be used to provide prekindergarten services for 4–year–old children whose birthdays fall on or

before September 1 of the school year during which services will be provided and whose family income is below a level set by the Department.

(2) Private providers that have voluntarily obtained accreditation or have voluntarily initiated and are actively pursuing accreditation by the date of the grant application must obtain accreditation before receiving a grant award.

[(e–1)**] (F)** The Department may distribute an Early Childhood Education Enhancement Grant to a private provider of early childhood education services to be used:

(1) To assist the provider in voluntarily obtaining accreditation; or

(2) For professional development activities leading to increased competency and appropriate credentialing that is related to early childhood education services.

[(f)**] (G)** The Department may distribute funds to a county board for the purpose of implementing the Department's Early Childhood Assessment System in the county's public schools.

[(g)**] (H)** (1) The Department shall:

(i) Establish application procedures for obtaining Judy Center Grants, Preschool Services Grants, and Early Childhood Education Enhancement Grants as provided under this section;

(ii) Supervise and monitor the use of Grant funds distributed under this section; and

(iii) Evaluate whether Grant recipients are meeting annual benchmarks established by the Department.

(2) For Judy Center Grants, the Department may award multiyear funding.

[(h)**] (I)** A county board that is selected to receive a Judy Center Grant or a private provider that has been selected for a Preschool Services Grant or an Early Childhood Education Enhancement Grant shall:

(1) Administer the Grant award;

(2) Submit fiscal and program reports as required by the Department; and

(3) Coordinate the involvement of participating agencies and programs in any evaluation process conducted by the Department.

[(i)**] (J)** Grants awarded under this section may not be used:

(1) To supplant existing funding for any services provided by participating agencies and programs; or

(2) For capital improvements.

[(j)**] (K)** The Department shall conduct an evaluation process to measure the effectiveness of:

(1) The Judy Centers; and

(2) Early childhood education services and family support services that are purchased with funds from Preschool Services Grants and Early Childhood Education Enhancement Grants.

[(k)**] (L)** On or before November 1 each year, the Department shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly a report on the implementation of the Program and the participating agencies and programs, including a description of the Program's and the participating agencies' and programs' expenditures, enrollment, and statewide performance data, including school readiness data disaggregated by program and by jurisdiction.

[(l)**] (M)** The Department may adopt regulations as necessary to implement the Program.

~~**5–232. RESERVED.**~~

[*5–218.****] 5–232.***

(a) (1) In this section the following words have the meanings indicated.

(2) "Eligible child" means a child:

(i) Whose parent or guardian enrolls the child in a public prekindergarten program; and

(ii) Who is 4 years old on September 1 of the school year in which the parent or legal guardian enrolls the child in a public prekindergarten program.

(3) "Eligible county board" means a county board that makes a full–day public prekindergarten program available for eligible children.

(4) "State share of the per pupil foundation amount" means the quotient of the State share of the foundation program for a county divided by the full–time equivalent enrollment of the county.

(b) For each of fiscal years 2018 through ***[****2021****]*** ***2022****, the State shall provide a supplemental prekindergarten grant to an eligible county board that equals the percentage of the State share of the per pupil foundation amount multiplied by the number of full–time equivalent eligible children enrolled in a public full–day prekindergarten program on September 30 of the previous school year:*

(1) For fiscal year 2018, 50%;

(2) For fiscal year 2019, 75%;

(3) For fiscal year 2020, 100%; and

(4) For ***[****fiscal year****]*** ***EACH OF FISCAL YEARS*** *2021* ***AND 2022****, 100%.*

(c) The State shall distribute the supplemental prekindergarten grant at the same time the State distributes funds to county boards under this subtitle.

5–233. RESERVED.

PART VI. MISCELLANEOUS.

5–234.

(A) (1) ~~FOR~~ EXCEPT AS PROVIDED BY SUBSECTIONS (E) AND (F) OF THIS SECTION, FOR EACH OF THE FOLLOWING PROGRAMS, "MINIMUM SCHOOL FUNDING" MEANS AT LEAST 75% OF THE PER PUPIL AMOUNT APPLICABLE TO EACH OF THE FOLLOWING PROGRAMS:

(I) THE FOUNDATION PROGRAM UNDER § 5–213 OF THIS SUBTITLE;

(II) THE COMPENSATORY EDUCATION PROGRAM UNDER § 5–222 OF THIS SUBTITLE;

(III) THE ENGLISH LEARNER EDUCATION PROGRAM UNDER § 5–224 OF THIS SUBTITLE;

(IV) THE SPECIAL EDUCATION PROGRAM UNDER § 5–225 OF THIS SUBTITLE;

(V) PUBLIC PROVIDERS OF PREKINDERGARTEN UNDER § 5–229 OF THIS SUBTITLE;

(VI) TRANSITIONAL SUPPLEMENTAL INSTRUCTION UNDER § 5–226 OF THIS SUBTITLE;

(VII) THE COMPARABLE WAGE INDEX GRANT UNDER § 5–216 OF THIS SUBTITLE; AND

(VIII) THE COLLEGE AND CAREER READINESS PROGRAM UNDER § 5–217 OF THIS SUBTITLE.

(2) FOR EACH OF THE FOLLOWING PROGRAMS, "MINIMUM SCHOOL FUNDING" MEANS 100% OF THE PER PUPIL AMOUNT APPLICABLE TO EACH OF THE FOLLOWING PROGRAMS:

(I) PRIVATE PROVIDERS OF PREKINDERGARTEN UNDER § 5–229 OF THIS SUBTITLE; AND

(II) THE PER PUPIL GRANT UNDER THE CONCENTRATION OF POVERTY PROGRAM UNDER § 5–223 OF THIS SUBTITLE.

(B) (1) FOR EACH SCHOOL, THE COUNTY BOARD SHALL DISTRIBUTE THE MINIMUM SCHOOL FUNDING AMOUNT FOR THE APPLICABLE PROGRAM MULTIPLIED BY THE SCHOOL ENROLLMENT FOR THE APPLICABLE PROGRAM.

(2) ON OR BEFORE JULY 1, ~~2021~~ 2023, FOR FISCAL YEAR 2024, AND EACH JULY 1 THEREAFTER, EACH COUNTY BOARD SHALL REPORT ON THE COUNTY BOARD'S COMPLIANCE WITH THIS SECTION TO THE DEPARTMENT AND THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER SUBTITLE 4 OF THIS TITLE.

(3) A COUNTY BOARD MAY REQUEST A WAIVER UNDER § 5–406 OF THIS TITLE FROM THIS PROVISION FOR REASONS INCLUDING:

(I) A SIGNIFICANT SHIFT IN TOTAL SCHOOL–LEVEL ENROLLMENT BETWEEN THE PRIOR YEAR AND THE CURRENT YEAR;

(II) A SIGNIFICANT SHIFT IN SCHOOL–LEVEL ENROLLMENT OF AT–PROMISE STUDENTS BETWEEN THE PRIOR YEAR AND THE CURRENT YEAR; AND

(III) A SIGNIFICANT DIFFERENCE IN THE AMOUNT OF FUNDING PROVIDED THROUGH THE FORMULA AND THE AMOUNT OF EXPENDITURES NECESSARY FOR A CATEGORY OF AT–PROMISE STUDENTS.

(C) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL, IN COLLABORATION WITH THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER SUBTITLE 4 OF THIS TITLE:

(1) IMPLEMENT A FINANCIAL MANAGEMENT SYSTEM AND STUDENT DATA SYSTEM CAPABLE OF TRACKING AND ANALYZING THE REQUIREMENTS UNDER THIS SECTION AND INTEGRATING LOCAL SCHOOL SYSTEM DATA; AND

(2) UPDATE THE "FINANCIAL REPORTING MANUAL FOR MARYLAND PUBLIC SCHOOLS" TO ENSURE UNIFORMITY IN REPORTING EXPENDITURES FOR EACH SCHOOL.

(D) FOR FISCAL YEARS 2022 AND 2023, EACH COUNTY BOARD AND THE DEPARTMENT SHALL REPORT TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER SUBTITLE 4 OF THIS TITLE EXPENDITURES FOR EACH SCHOOL IN ACCORDANCE WITH THE FEDERAL EVERY STUDENT SUCCEEDS ACT REQUIREMENTS FOR REPORTING EXPENDITURES.

(E) (1) A COUNTY BOARD MAY EXCLUDE FROM THE REQUIREMENTS OF THIS SECTION, COUNTYWIDE OBLIGATIONS AND CONTRACTS FOR GOODS AND SERVICES THAT CANNOT BE ALLOCATED AT THE SCHOOL LEVEL.

(2) IF A COUNTY BOARD MAKES THE EXCLUSION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY BOARD SHALL REPORT THE REASON FOR THE EXCLUSION TO THE DEPARTMENT.

(F) FOR THE PURPOSES OF THIS SECTION, SUBSECTION (A)(1)(IV) OF THIS SECTION MAY BE REPORTED IN THE AGGREGATE FOR EACH COUNTY.

[5–202.**] 5–235.**

[(d)**] (A)** (1) (i) Subject to **[**§ 5–213.1 of this subtitle,**]** **SUBSECTION (O) OF THIS SECTION,** the county governing body shall levy and appropriate an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the **[**local share of the foundation program**]** **LOCAL SHARE OF MAJOR EDUCATION AID AS ADJUSTED UNDER § 5–239 OF THIS SUBTITLE**.

(II) FOR THE PURPOSES OF CALCULATING THE LOCAL SHARE OF MAJOR EDUCATION AID AND REGARDLESS OF THE SOURCE OF THE FUNDS, ALL FUNDS THAT A COUNTY BOARD ~~OR THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY ARE~~, INCLUDING THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, IS AUTHORIZED TO EXPEND FOR SCHOOLS MAY BE CONSIDERED AS LEVIED BY THE COUNTY COUNCIL, BOARD OF COUNTY COMMISSIONERS, OR THE MAYOR AND CITY COUNCIL OF BALTIMORE EXCEPT FOR:

1. STATE APPROPRIATIONS;

2. FEDERAL EDUCATION AID PAYMENTS; AND

3. THE AMOUNT OF THE EXPENDITURE AUTHORIZED FOR DEBT SERVICE AND CAPITAL OUTLAY.

[(ii) 1.**] (2) (I) [**Except as provided in subsubparagraph 2 of this subparagraph and subject**] SUBJECT** to **[**§ 5–213 of this subtitle,**] SUBSECTION (O) OF THIS SECTION AND EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** the county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county's **[**full–time equivalent**]** enrollment **COUNT** for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year **USING ENROLLMENT COUNT**.

(II) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, IN FISCAL YEARS 2022 AND 2023, IF A COUNTY'S EDUCATION EFFORT, AS DEFINED IN SUBSECTION (J) OF THIS SECTION, IS BELOW 100% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, THE REQUIRED MAINTENANCE OF EFFORT AMOUNT FOR THE COUNTY SHALL BE ADJUSTED BY INCREASING THE PER PUPIL AMOUNT BY THE LESSER OF:

1. THE COUNTY'S INCREASE IN THE LOCAL WEALTH PER PUPIL;

2. THE STATEWIDE AVERAGE INCREASE IN LOCAL WEALTH PER PUPIL; OR

3. 2.5%.

[2. Except as provided in paragraph (3)(ii) of this subsection and subject to subparagraph (iii) of this paragraph, in each fiscal year if a county's education effort, as defined in paragraph (10) of this subsection, is below 100% of the statewide 5–year moving average of education effort, the required maintenance of effort amount for the county shall be adjusted by increasing the per pupil amount by the lesser of:

A. A county's increase in the local wealth per pupil;

B. The statewide average increase in local wealth per pupil; or

C. 2.5%.

(iii) The calculation of local wealth for the purposes of this paragraph and paragraph (10) of this subsection shall use the amount certified for net taxable income under subsection (k)(2)(ii) of this section based on tax returns filed on or before:

1. For fiscal years 2015 through 2017, September 1; and

2. For fiscal year 2018 and each fiscal year thereafter, November 1.**]**

[(2)**] (B)** Except as provided in **[**paragraph (3)(i) of this subsection**] SUBSECTION (C) OF THIS SECTION**, for purposes of this **[**subsection**] SECTION**, the local appropriation on a per pupil basis for the prior fiscal year for a county is derived by dividing the county's highest local appropriation to its school operating budget for the prior fiscal year by the county's **[**full–time equivalent**]** enrollment **COUNT** for the prior fiscal year. For example, the calculation of the foundation aid for fiscal year 2003 shall be based on the highest local appropriation for the school operating budget for a county for fiscal year 2002. Program shifts between a county operating budget and a county school operating budget may not be used to artificially satisfy the requirements of this paragraph.

[(3) (i)**] (C) (1)** For purposes of this **[**subsection, for fiscal year 1997 and each subsequent fiscal year,**] SUBSECTION,** the calculation of the county's highest local appropriation to its school operating budget for the prior fiscal year shall exclude:

[1.**] ~~(1)~~ (I)** A nonrecurring cost that is supplemental to the regular school operating budget, if the exclusion qualifies under regulations adopted by the State Board;

[2.**] ~~(2)~~ (II)** A cost of a program that has been shifted from the county school operating budget to the county operating budget;

[3.**] ~~(3)~~ (III)** The cost of debt service incurred for school construction projects; and

[4.**] ~~(4)~~ (IV)** For a county that shifts the recurring costs associated with providing retiree health benefits for current retirees to the county board, any reduction in those retiree health costs from the amount the county was required to appropriate in the previous year.

~~**[**(ii)~~ **(2)** For purposes of the adjustment required under ~~paragraph (1)(ii)2 of this subsection~~ **SUBSECTION (A)(2)(II) OF THIS SECTION**, a county that dedicates to public school construction any additional State funds received from recurring retiree health costs shifted to the county board may exclude those retiree health costs from the highest local appropriation on a per pupil basis.~~**]**~~

[(4)**] (D)** The county board must present satisfactory evidence to the county government that any appropriation under **[**paragraph (3)(i)1 of this subsection**]**

SUBSECTION (C)(1) OF THIS SECTION is used only for the purpose designated by the county government in its request for approval.

[(5)**] (E)** Any appropriation that is not excluded under **[**paragraph (3)(i)1 of this subsection**] SUBSECTION (C)(1) OF THIS SECTION** as a qualifying nonrecurring cost shall be included in calculating the county's highest local appropriation to its school operating budget.

[(6)**] (F)** Qualifying nonrecurring costs, as defined in regulations adopted by the State Board, shall include but are not limited to:

[(i)**] (1)** Computer laboratories;

[(ii)**] (2)** Technology enhancement;

[(iii)**] (3)** New instructional program start–up costs; and

[(iv)**] (4)** Books other than classroom textbooks.

[(7) (i)**] (G) (1)** Subject to **[**subparagraph (ii) of this paragraph**] PARAGRAPH (2) OF THIS SUBSECTION**, if a county's ability to fund the maintenance of effort requirement in **[**paragraph (1)(ii) of this subsection**] SUBSECTION (A) OF THIS SECTION** is impeded, the county shall apply under **[**paragraph (8) of this subsection**] SUBSECTION (H) OF THIS SECTION** to the State Board for a waiver.

[(ii)**] (2)** If a county fails to apply to the State Board for a waiver from the maintenance of effort requirement and fails to meet the maintenance of effort requirement:

[1.**] (I)** The county shall be assessed in accordance with **[**§ 5–213 of this subtitle;**] SUBSECTION (O) OF THIS SECTION;** and

[2.**] (II)** The minimum appropriation of local funds required under this **[**subsection**] SECTION** for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year in which the county met the maintenance of effort requirement under **[**paragraph (1)(ii) of this subsection**] SUBSECTION (A) OF THIS SECTION**.

[(8) (i)**] (H) (1)** The maintenance of effort requirement in **[**paragraph (1)(ii) of this subsection**] SUBSECTION (A) OF THIS SECTION** does not apply to a county if the county requests and is granted a waiver from the requirement by the State Board based on:

[1.**] (I)** A determination under this **[**paragraph**]** **SUBSECTION** that the county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement;

[2.**] (II)** Subject to **[**paragraph (9) of this subsection**]** **SUBSECTION (I) OF THIS SECTION**, an agreement between the county and the county board to reduce recurring costs;

[3.**] (III)** Subject to **[**paragraph (10) of this subsection**]** **SUBJECT TO SUBSECTION (J) OF THIS SECTION**, a determination that a county's ability to meet the maintenance of effort requirement is permanently impeded; or

[4.**] (IV)** Subject to **[**paragraph (11) of this subsection**]** **SUBSECTION (K) OF THIS SECTION**, a determination that lease payments were made by the county board to a county revenue authority or private entity holding title to property used as a public school by a county board in accordance with § 4–114(c)(1) or (d) of this article.

[(ii)**] (2)** In order to qualify for a waiver for a fiscal year, a county shall make a request for a waiver to the State Board by the earlier of the seventh day following the end of the legislative regular session or April 20 of the prior fiscal year.

[(iii)**] (3)** The State Superintendent shall provide a preliminary assessment of a waiver request to the State Board before a public hearing held in accordance with **[**subparagraph (iv) of this paragraph**]** **PARAGRAPH (4) OF THIS SUBSECTION**.

[(iv)**] (4)** Before acting on a request for a waiver, the State Board shall hold a public hearing in accordance with regulations adopted by the State Board.

[(v)**] (5)** Except as provided in **[**paragraph (9) of this subsection**]** **SUBSECTION (I) OF THIS SECTION**, when considering whether to grant a county's waiver request, the State Board shall consider the following factors:

[1.**] (I)** External environmental factors such as a loss of a major employer or industry affecting a county or a broad economic downturn affecting more than one county;

[2.**] (II)** A county's tax base;

[3.**] (III)** Rate of inflation relative to growth of student population in a county;

[4.**] (IV)** Maintenance of effort requirement relative to a county's statutory ability to raise revenues;

[5.**] (V)** A county's history of exceeding the required maintenance of effort amount under **[**paragraph (1)(ii) of this subsection**]** **SUBSECTION (A)(2) OF THIS SECTION**;

[6.**] (VI)** An agreement between a county and a county board that a waiver should be granted;

[7.**] (VII)** Significant reductions in State aid to a county and municipalities of the county for the fiscal year for which a waiver is requested;

[8.**] (VIII)** The number of waivers a county has received in the past 5 years; and

[9.**] (IX)** The history of compensation adjustments for employees of the county board and county government.

[(vi)**] (6)** The State Board shall inform the county whether the waiver for a fiscal year is approved or denied in whole or in part no later than 30 days after receipt of an application or May 20 of the prior fiscal year, whichever is earlier.

[(vii)**] (7)** Except as provided in **[**paragraphs (9) and (10) of this subsection**]** **SUBSECTIONS (I) AND (J) OF THIS SECTION**, if a county is granted a waiver from the provisions of this **[**subsection**]** **SECTION** by either the State Board or the General Assembly for any fiscal year, the minimum appropriation of local funds required under this **[**subsection**]** **SECTION** for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year in which the county met the maintenance of effort requirement under **[**paragraph (1)(ii) of this subsection**]** **SUBSECTION (A) OF THIS SECTION**.

[(9) (i)**] (I) (1)** This **[**paragraph**]** **SUBSECTION** applies to a county that requests a waiver under **[**paragraph (8)(i)2 of this subsection**]** **SUBSECTION (H)(1)(II) OF THIS SECTION**.

[(ii) 1.**] (2) (I)** The State Board shall grant a waiver request in the amount that has been agreed on by the county and county board that is attributable to reductions in recurring costs.

[2.**] (II)** If the reduction in recurring costs includes reductions in personnel or personnel costs, then the State Board shall grant a waiver request in the amount that has been mutually agreed on by the county, county board, and exclusive employee representative.

[(iii)**] (3)** The amount of the agreed on waiver may be less than the entire amount of the reduction in recurring costs.

[(iv)**] (4)** The amount of the agreed on waiver may not:

[1.**] (I)** Exceed the entire amount of the reduction in recurring costs; or

[2.**] (II)** Reduce a county's education appropriation below the amount required in **[**paragraph (1)(i) of this subsection**] SUBSECTION (A)(1) OF THIS SECTION**.

[(v)**] (5)** The minimum appropriation of local funds required under this **[**subsection**] SECTION** for the next fiscal year shall be calculated based on the per pupil local appropriation for the current fiscal year approved by the State Board under this **[**paragraph**] SUBSECTION**.

[(10) (i)**] (J) (1)** In this **[**paragraph**] SUBSECTION** the following terms have the meanings indicated.

[1.**] (I)** "Education appropriation" includes any money redirected to a county board under **[**§ 5–213 or § 5–213.1 of this subtitle**] SUBSECTION (O) OF THIS SECTION**.

[2.**] (II)** "Education effort" means a county's education appropriation divided by the county's wealth.

[3.**] (III)** "5–year moving average" means the average of the 5 years before the waiver year.

[4.**] (IV)** "Waiver year" means the fiscal year for which a waiver from the maintenance of effort requirement in **[**paragraph (1)(ii) of this subsection**] SUBSECTION (A) OF THIS SECTION** is requested.

[(ii)**] (2)** This **[**paragraph**] SUBSECTION** applies to a county that has:

[1.**] (I)** Received a waiver under **[**paragraph (8)(i)1 of this subsection**] SUBSECTION (H)(1)(I) OF THIS SECTION** from the maintenance of effort requirement; and

[2.**] (II)** A required county education appropriation under **[**paragraph (1)(ii) of this subsection**] SUBSECTION (A) OF THIS SECTION** for the waiver year that exceeds 100% of the statewide 5–year moving average of education effort times a county's local wealth.

[(iii)**] (3)** A county that satisfies the requirements under **[**subparagraph (ii) of this paragraph**] PARAGRAPH (2) OF THIS SUBSECTION** may request a rebasing waiver from the State Board.

[(iv)**] (4)** When considering whether to grant a county's waiver request under this **[**paragraph**] SUBSECTION**, the State Board shall consider the following factors:

[1.**] (I)** Whether a county has submitted sufficient evidence that the factors in **[**paragraph (8)(v) of this subsection**] SUBSECTION (H)(5) OF THIS SECTION** will affect a county's ongoing ability to meet the maintenance of effort requirement;

[2.**] (II)** Whether a county is at its maximum taxing authority under the law;

[3.**] (III)** Whether a county's education appropriation is commensurate with a county's wealth;

[4.**] (IV)** Whether a county's history of exceeding the required maintenance of effort has made meeting the maintenance of effort requirement in future years unsustainable; and

[5.**] (V)** Whether a county has received a rebasing waiver in the past 5 years.

[(v)**] (5)** If the State Board grants a rebasing waiver under this **[**paragraph**] SUBSECTION**, the amount of the waiver for any fiscal year is limited to the lesser of:

[1.**] (I)** An amount that would result in a county's education effort for the waiver year falling below the level established in **[**subparagraph (ii)2 of this paragraph**] PARAGRAPH (2)(II) OF THIS SUBSECTION**; or

[2. A.**] (II) 1.** For a county with a 5–year moving average for education effort that is less than or equal to 110% of the statewide 5–year moving average of education effort, 1% of the county's required maintenance of effort requirement;

[B.**] 2.** For a county with a 5–year moving average for education effort that is more than 110% and less than or equal to 120% of the statewide 5–year moving average of education effort, 2% of the county's required maintenance of effort requirement; or

[C.**] 3.** For a county with a 5–year moving average for education effort that is more than 120% of the 5–year moving statewide average of education effort, 3% of the county's required maintenance of effort requirement.

[(vi) 1.**] (6) (I)** If the State Board grants a rebasing waiver under this **[**paragraph**] SUBSECTION**, the minimum appropriation of local funds required under this **[**subsection**] SECTION** for the next fiscal year shall be calculated based on the per pupil local appropriation for the current fiscal year approved by the State Board under this **[**paragraph**] SUBSECTION**.

[2.**] (II)** If the State Board grants a rebasing waiver to be implemented over a multiyear period, which may not exceed 3 years, in each year the minimum appropriation of local funds required under this **[**subsection**] SECTION** for the next fiscal year shall be calculated based on the per pupil local appropriation for the current fiscal year approved by the State Board under this **[**paragraph**] SUBSECTION**.

[(vii)**] (7)** If the State Board does not grant a waiver under this **[**paragraph**] SUBSECTION**, the minimum appropriation of local funds required under this **[**subsection**] SECTION** for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year in which the county met the maintenance of effort requirement under **[**paragraph (1)(ii) of this subsection**] SUBSECTION (A) OF THIS SECTION**.

[(viii)**] (8)** Nothing in this **[**paragraph**] SUBSECTION** precludes a county from also requesting a waiver from the maintenance of effort requirement under **[**paragraph (9) of this subsection**] SUBSECTION (I) OF THIS SECTION** for the same fiscal year as the waiver requested under this **[**paragraph**] SUBSECTION**.

[(11) (i)**] (K) (1)** This **[**paragraph**] SUBSECTION** applies to a county that requests a waiver under **[**paragraph (8)(i)4 of this subsection**] SUBSECTION (H)(1)(IV) OF THIS SECTION**.

[(ii) 1.**] (2) (I)** The State Board shall grant a waiver request in the amount that has been agreed on by the county and the county board that is attributable to the amount of the lease payment.

[2.**] (II)** The amount of the agreed–on waiver may be less than the entire amount of the lease payment.

[3.**] (III)** The amount of the agreed–on waiver may not:

[A.**] 1.** Exceed the entire amount of the lease payment; or

[B.**] 2.** Reduce a county's education appropriation below the amount required in **[**paragraph (1)(i) of this subsection**]** **SUBSECTION (A)(1) OF THIS SECTION**.

[(iii)**] (3)** If the county and county board have not agreed on an amount, the State Board may grant a waiver on a determination that the lease payments are comparable to the amount of debt service that would otherwise be required if the alternative financing had not been used.

[(iv)**] (4)** If the State Board grants a waiver under this **[**paragraph**]** **SUBSECTION**, the State Board shall determine the number of fiscal years for which the waiver is applicable and the minimum appropriation of local funds required under this **[**subsection**]** **SECTION** for the fiscal year after the expiration of the waiver.

[(12)**] (L)** In making the calculations required under this **[**subsection**]** **SECTION**, the Department shall consult with the Department of Budget and Management and the Department of Legislative Services.

[(13) (i)**] (M) (1)** A county shall submit to the Superintendent the county's approved budget no later than 7 days after approval of the budget or June 30, whichever is earlier.

[(ii)**] (2)** No later than 15 days after receipt of the county's approved budget the Superintendent shall certify whether the county has met the funding requirements established under this **[**subsection**]** **SECTION** and shall notify the county and county board of that certification.

[(14)**] (N)** On or before December 31 of each year the Department shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly, on all waiver requests, maintenance of effort calculations made by the Department and the county, the Department's decisions regarding waiver requests, the Department's certification of whether a county has met the requirement, and any other information relating to a county's request for a waiver and the Department's maintenance of effort decisions.

(O) (1) IF THE SUPERINTENDENT FINDS THAT A COUNTY IS NOT COMPLYING WITH THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THE SUPERINTENDENT SHALL NOTIFY THE COUNTY OF SUCH NONCOMPLIANCE.

(2) IF A COUNTY DISPUTES THE FINDING WITHIN 15 DAYS AFTER THE ISSUANCE OF A NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DISPUTE SHALL BE REFERRED PROMPTLY TO THE STATE BOARD~~, WHICH SHALL MAKE~~ FOR A FINAL DETERMINATION.

(3) (I) WITHIN 15 DAYS OF RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE SUPERINTENDENT OR THE STATE BOARD AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMPTROLLER SHALL, UNDER § 2–608 OF THE TAX – GENERAL ARTICLE, WITHHOLD INCOME TAX REVENUE FROM THE COUNTY SO THAT THE TOTAL AMOUNT WITHHELD IS EQUAL TO THE AMOUNT BY WHICH A COUNTY FAILED TO MEET THE REQUIREMENTS IN SUBSECTION (A) OF THIS SECTION.

(II) THE COMPTROLLER SHALL DISTRIBUTE THE AMOUNT WITHHELD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DIRECTLY TO THE COUNTY BOARD.

5–239.

(A) (1) UNDER THIS SECTION A COUNTY MAY BE ELIGIBLE FOR A REDUCTION IN THE LOCAL SHARE OF MAJOR EDUCATION AID REQUIRED UNDER § 5–235(A)(1) OF THIS SUBTITLE.

(2) A REDUCTION IN THE LOCAL SHARE OF MAJOR EDUCATION AID UNDER THIS SECTION MAY NOT REDUCE THE LOCAL SHARE BELOW THE PER PUPIL APPROPRIATION REQUIRED UNDER § 5–235(A)(2) OF THIS SUBTITLE.

(3) IF A REDUCTION IN THE LOCAL SHARE OF MAJOR EDUCATION AID UNDER THIS SECTION WOULD RESULT IN A LOCAL SHARE THAT IS LESS THAN THE REQUIREMENT UNDER § 5–235(A)(2) OF THIS SUBTITLE, THE STATE DISTRIBUTIONS REQUIRED UNDER THIS SECTION SHALL BE REDUCED.

(4) FOR THE PURPOSES OF § 5–205 OF THIS SUBTITLE, STATE DISTRIBUTIONS REQUIRED UNDER THIS SECTION SHALL BE INCLUDED IN THE STATE SHARE OF MAJOR EDUCATION AID.

(B) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "EDUCATION EFFORT ADJUSTMENT" EQUALS THE LOCAL SHARE OF MAJOR EDUCATION AID MINUS THE MAXIMUM LOCAL SHARE.

(III) "EDUCATION EFFORT INDEX" MEANS LOCAL EDUCATION EFFORT DIVIDED BY THE STATE AVERAGE EDUCATION EFFORT.

(IV) "LOCAL EDUCATION EFFORT" MEANS, FOR EACH COUNTY, THE COUNTY'S LOCAL SHARE OF MAJOR EDUCATION AID DIVIDED BY THE COUNTY'S WEALTH AND ROUNDED TO THE NEAREST SEVEN DECIMAL PLACES.

(V) "MAJOR EDUCATION AID" HAS THE MEANING STATED IN § 5–201(L) OF THIS SUBTITLE MINUS ITEM (9) OF § 5–201(L) OF THIS SUBTITLE.

(VI) "MAXIMUM LOCAL SHARE" EQUALS THE LOCAL WEALTH MULTIPLIED BY THE STATE AVERAGE EDUCATION EFFORT.

(VII) "STATE AVERAGE EDUCATION EFFORT" EQUALS THE LOCAL SHARE OF MAJOR EDUCATION AID FOR ALL COUNTIES DIVIDED BY THE WEALTH OF ALL COUNTIES AND ROUNDED TO THE NEAREST SEVEN DECIMAL PLACES.

(2) (I) A COUNTY IS ELIGIBLE FOR THE EDUCATION EFFORT ADJUSTMENT IF THE EDUCATION EFFORT INDEX IS GREATER THAN 1 FOR 2 CONSECUTIVE FISCAL YEARS.

(II) SUBJECT TO SUBSECTION (A) OF THIS SECTION, THE REQUIRED LOCAL SHARE OF MAJOR EDUCATION AID IS REDUCED BY THE AMOUNT PROVIDED BY THE STATE UNDER THIS SUBSECTION.

(3) FOR EACH COUNTY, IF THE EDUCATION EFFORT INDEX IS GREATER THAN 1 BUT LESS THAN 1.15, THE STATE SHALL DISTRIBUTE TO THE COUNTY BOARD THE FOLLOWING PROPORTION OF THE EDUCATION EFFORT ADJUSTMENT AND THE COUNTY SHALL PROVIDE THE REMAINDER:

(I) FOR FISCAL YEAR 2022, 10%;

(II) FOR FISCAL YEAR 2023, 15%;

(III) FOR FISCAL YEAR 2024, 20%;

(IV) FOR FISCAL YEAR 2025, 25%;

(V) FOR FISCAL YEAR 2026, 30%;

(VI) FOR FISCAL YEAR 2027, 35%;

(VII) FOR FISCAL YEAR 2028, 40%;

(VIII) FOR FISCAL YEAR 2029, 45%; AND

(IX) FOR FISCAL YEAR 2030 AND EACH FISCAL YEAR THEREAFTER, 50%.

(4) FOR EACH COUNTY, IF THE EDUCATION EFFORT INDEX IS AT LEAST 1.15 BUT LESS THAN 1.27, THE STATE SHALL DISTRIBUTE TO THE COUNTY

BOARD THE FOLLOWING PROPORTION OF THE EDUCATION EFFORT ADJUSTMENT AND THE COUNTY SHALL PROVIDE THE REMAINDER:

(I) FOR FISCAL YEAR 2022, 20%;

(II) FOR FISCAL YEAR 2023, 20%;

(III) FOR FISCAL YEAR 2024, 35%;

(IV) FOR FISCAL YEAR 2025, 45%;

(V) FOR FISCAL YEAR 2026, 55%;

(VI) FOR FISCAL YEAR 2027, 65%;

(VII) FOR FISCAL YEAR 2028, 75%;

(VIII) FOR FISCAL YEAR 2029, 85%; AND

(IX) FOR FISCAL YEAR 2030 AND EACH FISCAL YEAR THEREAFTER, 100%.

(5) FOR EACH COUNTY, IF THE EDUCATION EFFORT INDEX IS AT LEAST 1.27, FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE STATE SHALL DISTRIBUTE TO THE COUNTY BOARD 100% OF THE EDUCATION EFFORT ADJUSTMENT.

(C) ***(1)*** ~~**SUBJECT**~~ ***EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT*** **TO THE LIMITATION IN SUBSECTION (A) OF THIS SECTION, THE LOCAL SHARE OF MAJOR EDUCATION AID SHALL BE REDUCED BY THE AMOUNT OF STATE FUNDS PROVIDED TO A COUNTY BOARD UNDER § 5–214 OF THIS SUBTITLE.**

(2) FOR BALTIMORE CITY, THE LOCAL SHARE OF MAJOR EDUCATION AID MAY BE REDUCED ONLY BY THE AMOUNT BY WHICH THE STATE FUNDS PROVIDED UNDER § 5–214 OF THIS SUBTITLE EXCEED $10,000,000.

(D) SUBJECT TO THE LIMITATION IN SUBSECTION (A) OF THIS SECTION, THE LOCAL SHARE OF MAJOR EDUCATION AID SHALL BE REDUCED BY THE SUM OF THE AMOUNT OF STATE FUNDS PROVIDED TO A COUNTY BOARD IN A COUNTY THAT IS ELIGIBLE FOR THE MINIMUM STATE FUNDING UNDER THE FOUNDATION PROGRAM AS DEFINED IN § 5–201(Q)(2) OF THIS SUBTITLE OR UNDER THE AT–PROMISE PROGRAMS AS DEFINED IN § 5–221(C)(2) OF THIS SUBTITLE AND THE DIFFERENCE

BETWEEN THE LOCAL SHARE OF THE FOUNDATION PROGRAM AND THE FOUNDATION PROGRAM.

(E) SUBJECT TO THE LIMITATION IN SUBSECTION (A) OF THIS SECTION, THE LOCAL SHARE OF MAJOR EDUCATION AID FOR COUNTIES WITH AN INDEX OF AT LEAST 0.130 UNDER § 5–216 OF THIS SUBTITLE SHALL BE REDUCED BY THE AMOUNT EQUAL TO 50% OF THE LOCAL SHARE CALCULATED UNDER § 5–216 OF THIS SUBTITLE.

~~5–239~~ 5–240.

(A) (1) BEGINNING IN FISCAL YEAR 2021, THE GOVERNOR SHALL APPROPRIATE IN THE ANNUAL BUDGET $6,500,000 TO THE DEPARTMENT FOR THE PURPOSE OF PROVIDING GRANTS ~~TO LOCAL SCHOOL SYSTEMS~~ TO MAINTAIN OR ESTABLISH SCHOOL BASED HEALTH CENTERS.

(2) (I) 1. THE DEPARTMENT SHALL DESIGNATE A PRIMARY CONTACT EMPLOYEE FOR SCHOOL–BASED HEALTH CENTERS.

2. THE DEPARTMENT'S PRIMARY CONTACT EMPLOYEE SHALL:

A. ASSIST INDIVIDUALS INVOLVED IN SCHOOL–BASED HEALTH CENTERS WHO INTERACT WITH THE DEPARTMENT;

B. PROVIDE TECHNICAL ASSISTANCE TO SUPPORT THE ESTABLISHMENT AND EXPANSION OF SCHOOL–BASED HEALTH CENTERS; AND

C. COORDINATE THE DEPARTMENT'S EFFORTS WITH THOSE OF THE MARYLAND DEPARTMENT OF HEALTH AND OTHER GOVERNMENT AGENCIES TO BUILD A ROBUST NETWORK OF SCHOOL–BASED HEALTH CENTERS IN THE STATE.

(II) 1. THE MARYLAND DEPARTMENT OF HEALTH SHALL DESIGNATE A PRIMARY CONTACT EMPLOYEE FOR SCHOOL–BASED HEALTH CENTERS.

2. THE MARYLAND DEPARTMENT OF HEALTH'S PRIMARY CONTACT EMPLOYEE SHALL:

A. ASSIST INDIVIDUALS INVOLVED IN SCHOOL–BASED HEALTH CENTERS WHO INTERACT WITH THE MARYLAND DEPARTMENT OF HEALTH;

B. PROVIDE TECHNICAL ASSISTANCE TO SUPPORT THE ESTABLISHMENT AND EXPANSION OF SCHOOL–BASED HEALTH CENTERS; AND

C. COORDINATE THE MARYLAND DEPARTMENT OF HEALTH'S EFFORTS WITH THOSE OF THE DEPARTMENT AND OTHER GOVERNMENT AGENCIES TO BUILD A ROBUST NETWORK OF SCHOOL–BASED HEALTH CENTERS IN THE STATE.

(B) THE AMOUNT APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE IN ADDITION TO THE AMOUNT APPROPRIATED IN FISCAL YEAR 2020.

~~**5–240. RESERVED.**~~

~~**5–241. RESERVED.**~~

5–241.

THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL FUNDING SUFFICIENT TO CARRY OUT THE BLUEPRINT FOR MARYLAND'S FUTURE IN ACCORDANCE WITH THE FOLLOWING SECTIONS:

(1) §§ 5–411 AND 5–412 OF THIS TITLE;

(2) §§ 6–122, 6–124, 6–1008, AND 6–1011 OF THIS ARTICLE;

(3) §§ 7–202.1, 7–205.1, AND 7–446 OF THIS ARTICLE; AND

(4) § 21–207 OF THIS ARTICLE.

SUBTITLE 4. ACCOUNTABILITY AND IMPLEMENTATION BOARD.

5–401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BOARD" MEANS THE ACCOUNTABILITY AND IMPLEMENTATION BOARD.

(C) (1) "BLUEPRINT FOR MARYLAND'S FUTURE" MEANS THE PLAN RECOMMENDED BY THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION AND ENACTED BY ~~CH. 361 OF 2018, CH. 771 OF 2019, AND CH. _~~ CHAPTER 361 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2018, CHAPTER 771 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2019, AND CHAPTER __ (S.B. 1000/H.B. 1300) OF THE ACTS OF THE GENERAL ASSEMBLY_ OF 2020.

(2) "BLUEPRINT FOR MARYLAND'S FUTURE" INCLUDES, UNLESS THE CONTEXT PROVIDES OTHERWISE, THE RECOMMENDATIONS MADE BY THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION.

(D) "COMMISSION" MEANS THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION.

(E) "COMPREHENSIVE IMPLEMENTATION PLAN" MEANS THE PLAN ADOPTED BY THE BOARD UNDER § 5–404 OF THIS SUBTITLE.

(F) "NOMINATING COMMITTEE" MEANS THE ACCOUNTABILITY AND IMPLEMENTATION BOARD NOMINATING COMMITTEE.

5–402.

(A) BEGINNING ON JULY 1, 2020, AND CONTINUING UNTIL JUNE 30, 2031, THERE IS AN ACCOUNTABILITY AND IMPLEMENTATION BOARD.

(B) THE BOARD IS AN INDEPENDENT UNIT OF STATE GOVERNMENT.

(C) (1) (I) THE PURPOSE OF THE BOARD IS TO HOLD STATE AND LOCAL GOVERNMENTS, INCLUDING COUNTY BOARDS, ACCOUNTABLE FOR IMPLEMENTING THE BLUEPRINT FOR MARYLAND'S FUTURE AND EVALUATING THE OUTCOMES ACHIEVED AGAINST THE GOALS OF THE BLUEPRINT FOR MARYLAND'S FUTURE AND THE COMMISSION DURING THE IMPLEMENTATION PERIOD.

(II) THE BOARD SHALL STRIVE TO PROVIDE EQUAL ACCESS TO A HIGH–QUALITY EDUCATION WITH EQUITABLE OUTCOMES FOR EACH MARYLAND STUDENT REGARDLESS OF THE STUDENT'S RACE, ETHNICITY, GENDER, ADDRESS, DISABILITY STATUS, SOCIOECONOMIC STATUS, OR THE LANGUAGE SPOKEN IN THE STUDENT'S HOME.

(2) TO ACHIEVE ITS PURPOSE, THE BOARD SHALL:

(I) DEVELOP A COMPREHENSIVE IMPLEMENTATION PLAN FOR THE BLUEPRINT FOR MARYLAND'S FUTURE THAT ALL UNITS OF STATE AND LOCAL GOVERNMENT RESPONSIBLE FOR IMPLEMENTING THE BLUEPRINT FOR MARYLAND'S FUTURE WILL FOLLOW;

(II) HOLD STATE AND LOCAL GOVERNMENTS ACCOUNTABLE FOR IMPLEMENTING THE COMPREHENSIVE IMPLEMENTATION PLAN;

(III) MONITOR IMPLEMENTATION OF THE COMPREHENSIVE IMPLEMENTATION PLAN DURING THE IMPLEMENTATION PERIOD; AND

(IV) EVALUATE THE OUTCOMES ACHIEVED DURING IMPLEMENTATION OF THE BLUEPRINT FOR MARYLAND'S FUTURE.

(D) (1) (I) THE BOARD IS COMPOSED OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, CHOSEN FROM A SLATE PREPARED BY THE NOMINATING COMMITTEE ESTABLISHED UNDER § 5–403 OF THIS SUBTITLE.

(II) WHEN APPOINTING MEMBERS OF THE BOARD, THE GOVERNOR ~~MAY NOT REJECT~~ *SHALL SELECT FROM* THE SLATE OF NOMINEES NOMINATED IN ACCORDANCE WITH § 5–403(C) OF THIS SUBTITLE.

(2) THE BOARD SHALL CONSIST OF INDIVIDUALS WHO COLLECTIVELY ~~HAVE~~:

(I) REFLECT, TO THE EXTENT PRACTICABLE, THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE; AND

(II) HAVE A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE IN:

~~(I)~~ 1. EARLY EDUCATION THROUGH SECONDARY EDUCATION POLICY;

~~(II)~~ 2. POSTSECONDARY EDUCATION POLICY;

~~(III)~~ 3. TEACHING IN PUBLIC SCHOOLS;

~~(IV)~~ 4. STRATEGIES USED BY TOP–PERFORMING STATE AND NATIONAL EDUCATION SYSTEMS IN THE WORLD;

~~(V)~~ 5. LEADING AND IMPLEMENTING SYSTEMIC CHANGE IN COMPLEX ORGANIZATIONS; AND

~~(VI)~~ 6. FINANCIAL AUDITING AND ACCOUNTING.

(3) THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES JOINTLY SHALL APPOINT A CHAIR OF THE BOARD FROM AMONG THE BOARD'S MEMBERS.

(4) A MEMBER OF THE BOARD:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS FOR DUTIES PERFORMED UNDER THIS SUBTITLE.

(5) (I) THE TERM OF A MEMBER IS 6 YEARS.

(II) THE TERMS OF THE MEMBERS ARE STAGGERED AS FOLLOWS:

1. THE TERMS OF 3 INITIAL MEMBERS SHALL TERMINATE ON JULY 1, 2023;

2. THE TERMS OF 2 INITIAL MEMBERS SHALL TERMINATE ON JULY 1, 2024; AND

3. THE TERMS OF 2 INITIAL MEMBERS SHALL TERMINATE ON JULY 1, 2025.

(III) A MEMBER MAY BE RENOMINATED BY THE NOMINATING COMMITTEE.

~~(5)~~ ***(6)*** **A MAJORITY OF BOARD MEMBERS CONSTITUTES A QUORUM.**

~~(5)~~ ~~(6)~~ ***(7)*** **ACTION BY THE BOARD REQUIRES THE AFFIRMATIVE VOTE OF A MAJORITY OF THE *APPOINTED* MEMBERS ~~PRESENT~~.**

(E) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR AND HIRE STAFF SUFFICIENT TO CARRY OUT ITS POWERS AND DUTIES UNDER THIS SUBTITLE.

(2) THE BOARD MAY RETAIN ANY NECESSARY ACCOUNTANTS, FINANCIAL ADVISERS, OR OTHER CONSULTANTS.

(3) (I) FOR FISCAL YEAR 2021, THE GOVERNOR SHALL INCLUDE AN APPROPRIATION OF AT LEAST $1,500,000 IN THE ANNUAL BUDGET FOR THE ESTABLISHMENT OF THE BOARD.

(II) FOR FISCAL YEARS 2022 THROUGH 2031, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST $1,800,000 FOR THE BOARD, WHICH INCLUDES FUNDS TO SUPPORT 15 PROFESSIONAL STAFF.

(III) 1. FOR EACH OF FISCAL YEARS 2022 THROUGH 2024, THE GOVERNOR SHALL INCLUDE AN APPROPRIATION OF AT LEAST $3,000,000 IN THE ANNUAL BUDGET FOR THE BOARD TO BE USED IN ACCORDANCE WITH THIS SUBPARAGRAPH.

2. THE BOARD SHALL USE THE FUNDS PROVIDED UNDER THIS SUBPARAGRAPH TO PROVIDE TECHNICAL ASSISTANCE TO COUNTY BOARDS TO DEVELOP AND IMPLEMENT THE PLAN REQUIRED UNDER ~~THIS SECTION~~ § 5–404 OF THIS SUBTITLE.

3. THE BOARD MAY ALLOCATE A PORTION OF THE FUNDS PROVIDED UNDER THIS SUBPARAGRAPH TO THE CTE COMMITTEE TO PROVIDE TECHNICAL ASSISTANCE TO COUNTY BOARDS TO MEET THE REQUIREMENTS UNDER § 21–207 OF THIS ARTICLE.

(F) THE BOARD MAY:

(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

(2) ADOPT BYLAWS FOR THE CONDUCT OF ITS BUSINESS;

~~(2)~~ (3) MAINTAIN OFFICES AT A PLACE THE BOARD DESIGNATES IN THE STATE;

~~(3)~~ (4) ACCEPT LOANS, GRANTS, OR ASSISTANCE OF ANY KIND FROM ANY ENTITY OF FEDERAL, STATE, OR LOCAL GOVERNMENT, AN INSTITUTION OF HIGHER EDUCATION, OR A PRIVATE SOURCE;

~~(4)~~ (5) ENTER INTO CONTRACTS OR OTHER LEGAL INSTRUMENTS, INCLUDING, AS NECESSARY, CONTRACTS WITH INDEPENDENT EXPERTS TO FULFILL ANY OF ITS DUTIES UNDER THIS SUBTITLE;

~~(5)~~ (6) SUE OR BE SUED; AND

~~(6)~~ (7) SUBPOENA DATA NEEDED TO COMPLETE ITS FUNCTIONS AND DUTIES UNDER THIS SUBTITLE.

(G) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE BOARD IS EXEMPT FROM:

(I) TITLE 10 AND DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(II) THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(2) THE BOARD IS SUBJECT TO THE PUBLIC INFORMATION ACT.

(3) (I) THE BOARD IS SUBJECT TO THE OPEN MEETINGS ACT.

(II) *1.* EACH OPEN BOARD MEETING SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH LIVE ~~AND ARCHIVED~~ VIDEO STREAMING.

2. THE BOARD SHALL MAKE PUBLICLY AVAILABLE ON THE INTERNET A COMPLETE, UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING.

(4) THE BOARD AND ITS OFFICERS AND EMPLOYEES ARE SUBJECT TO THE MARYLAND PUBLIC ETHICS LAW.

(5) THE BOARD AND ITS EMPLOYEES ARE SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(H) *(1)* THE BOARD IS NOT INTENDED TO USURP OR ABROGATE:

~~(1)~~ *(I)* THE OPERATIONAL AUTHORITY OF THE DEPARTMENT, THE GOVERNOR'S WORKFORCE DEVELOPMENT BOARD, THE MARYLAND HIGHER EDUCATION COMMISSION, THE DEPARTMENT OF COMMERCE, OR THE MARYLAND DEPARTMENT OF LABOR; *OR*

~~(2)~~ *(II)* THE DAY–TO–DAY DECISION MAKING OF COUNTY BOARDS, LOCAL SUPERINTENDENTS, INSTITUTIONS OF HIGHER EDUCATION, OR OTHER STAKEHOLDERS WITH A ROLE TO PLAY IN THE IMPLEMENTATION OF THE BLUEPRINT FOR MARYLAND'S FUTURE~~; OR.~~

~~(3)~~ *(2)* THE *BOARD MAY NOT USURP OR ABROGATE THE* LAWFUL COLLECTIVE BARGAINING PROCESS DUE EDUCATORS AND OTHERS IN THE STATE.

5–403.

(A) THERE IS AN ACCOUNTABILITY AND IMPLEMENTATION BOARD NOMINATING COMMITTEE.

(B) (1) THE NOMINATING COMMITTEE IS COMPOSED OF SIX MEMBERS.

(2) THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES EACH SHALL APPOINT TWO MEMBERS TO THE NOMINATING COMMITTEE.

(3) THE TERM OF A MEMBER IS 5 YEARS.

~~(3)~~ *(4)* THE NOMINATING COMMITTEE SHALL CONSIST OF INDIVIDUALS WHO ~~HAVE~~:

(I) COLLECTIVELY REFLECT, TO THE EXTENT PRACTICABLE, THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE; AND

(II) HAVE COLLECTIVE KNOWLEDGE OF:

~~(I)~~ 1. EDUCATION POLICY FOR EARLY CHILDHOOD EDUCATION THROUGH POSTSECONDARY EDUCATION;

~~(II)~~ 2. EDUCATION STRATEGIES USED BY TOP–PERFORMING STATE AND NATIONAL SYSTEMS IN THE WORLD;

~~(III)~~ 3. SYSTEMIC CHANGES IN COMPLEX ORGANIZATIONS; AND

~~(IV)~~ 4. FINANCIAL AUDITING AND ACCOUNTING.

(C) (1) ON INITIAL ESTABLISHMENT AND WHEN THERE IS A VACANCY ON THE BOARD, THE NOMINATING COMMITTEE SHALL NOMINATE A SLATE OF NOMINEES TO FILL THE VACANCY.

(2) *(I)* ~~THE~~ *FOR THE INITIAL ESTABLISHMENT OF THE BOARD, THE* SLATE OF NOMINEES SHALL CONTAIN ~~A SUFFICIENT NUMBER~~ *AT LEAST NINE* ~~OF~~ INDIVIDUALS TO MEET THE BOARD QUALIFICATIONS LISTED IN § 5–402(D) OF THIS SUBTITLE.

(II) FOR A VACANCY, THE SLATE OF NOMINEES SHALL CONTAIN AT LEAST TWO INDIVIDUALS FOR EACH VACANT POSITION ON THE BOARD.

(D) NOMINATIONS FOR THE BOARD MADE BY THE NOMINATING COMMITTEE SHALL BE DECIDED BY A MAJORITY VOTE, *PROVIDED THAT AT LEAST ONE VOTE CAST IN THE MAJORITY IS A VOTE CAST BY EACH OF A MEMBER APPOINTED BY THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE*~~, PROVIDED THAT AT LEAST ONE VOTE CAST IN THE MAJORITY IS A VOTE CAST BY A MEMBER APPOINTED BY THE GOVERNOR~~.

5–404.

(A) (1) THE BOARD SHALL DEVELOP A COMPREHENSIVE IMPLEMENTATION PLAN TO IMPLEMENT THE BLUEPRINT FOR MARYLAND'S FUTURE, CONSIDERING ANY INPUT PROVIDED BY INTERESTED STAKEHOLDERS IN THE STATE.

(2) THE COMPREHENSIVE IMPLEMENTATION PLAN SHALL INCLUDE A TIMELINE FOR IMPLEMENTATION OF ~~THE BLUEPRINT~~ THE BLUEPRINT FOR MARYLAND'S FUTURE WITH KEY MILESTONES TO BE ACHIEVED BY EACH STATE OR LOCAL GOVERNMENT UNIT REQUIRED TO IMPLEMENT AN ELEMENT OF ~~THE BLUEPRINT~~ THE BLUEPRINT FOR MARYLAND'S FUTURE FOR EACH YEAR OF THE IMPLEMENTATION PERIOD.

(3) (I) THE COMPREHENSIVE IMPLEMENTATION PLAN SHALL BE ADOPTED BY THE BOARD NO LATER THAN ~~DECEMBER 15, 2020~~ FEBRUARY 15, 2021.

(II) ANY CHANGES TO THE COMPREHENSIVE IMPLEMENTATION PLAN SHALL BE ADOPTED BY THE BOARD NO LATER THAN AUGUST 1 OF EACH YEAR.

(B) (1) THE BOARD SHALL ADOPT GUIDELINES FOR ENTITIES REQUIRED TO SUBMIT AND CARRY OUT IMPLEMENTATION PLANS UNDER THIS SECTION THAT INCLUDE ESTABLISHING A MAXIMUM PAGE LENGTH, INCLUDING APPENDICES, FOR IMPLEMENTATION PLANS.

(2) STATE AND LOCAL GOVERNMENT UNITS RESPONSIBLE FOR IMPLEMENTING AN ELEMENT OF THE BLUEPRINT FOR MARYLAND'S FUTURE SHALL DEVELOP IMPLEMENTATION PLANS CONSISTENT WITH THE COMPREHENSIVE IMPLEMENTATION PLAN THAT DESCRIBE THE GOALS, OBJECTIVES, AND STRATEGIES THAT WILL BE USED TO IMPROVE STUDENT ACHIEVEMENT AND MEET ~~THE BLUEPRINT~~ THE BLUEPRINT FOR MARYLAND'S FUTURE RECOMMENDATIONS FOR EACH SEGMENT OF THE STUDENT POPULATION.

(3) (I) AFTER ~~DECEMBER 15, 2020~~ FEBRUARY 15, 2021, AND NO LATER THAN ~~FEBRUARY~~ APRIL 1, 2021, THE DEPARTMENT SHALL DEVELOP CRITERIA TO BE USED TO RECOMMEND APPROVAL OR DISAPPROVAL OF LOCAL SCHOOL SYSTEM IMPLEMENTATION PLANS AND RELEASE OF FUNDS UNDER THIS ~~SECTION~~ *SUBTITLE*.

(II) THE CRITERIA SHALL BE SUBMITTED FOR APPROVAL TO THE BOARD.

(C) (1) (I) EACH UNIT RESPONSIBLE FOR DEVELOPING AN IMPLEMENTATION PLAN UNDER THIS SECTION~~,~~ SHALL SUBMIT THE PLAN TO THE BOARD FOR APPROVAL ON OR BEFORE ~~SEPTEMBER~~ JUNE 15, 2021.

(II) EACH LOCAL SCHOOL SYSTEM SHALL SUBMIT A COPY OF ITS PLAN TO THE DEPARTMENT FOR REVIEW AND A RECOMMENDATION OF APPROVAL OR DISAPPROVAL.

(2) GOVERNMENTAL UNITS SHALL SUBMIT IMPLEMENTATION PLANS ON ELEMENTS OF THE BLUEPRINT FOR MARYLAND'S FUTURE UNDER THIS SUBSECTION, INCLUDING:

(I) PLANS FROM EACH LOCAL SCHOOL SYSTEM TO IMPLEMENT EACH ELEMENT OF ~~THE BLUEPRINT~~ THE BLUEPRINT FOR MARYLAND'S FUTURE, INCLUDING HOW TO ~~ADAPT~~:

1. ADAPT CURRICULUM, INSTRUCTION, AND THE ORGANIZATION OF THE SCHOOL DAY TO ENABLE MORE STUDENTS TO ACHIEVE COLLEGE AND CAREER READINESS BY THE END OF 10TH GRADE, TO PROVIDE STUDENTS WITH NEEDED SERVICES INCLUDING COMMUNITY–PARTNERED BEHAVIORAL HEALTH SERVICES IF APPROPRIATE, AND TO IDENTIFY STUDENTS WHO ARE FALLING BEHIND AND DEVELOP A PLAN TO GET THEM BACK ON TRACK;

2. CLOSE STUDENT ACHIEVEMENT GAPS LISTED UNDER § 5–408(A)(2)(I) OF THIS SUBTITLE WITHIN THE LOCAL SYSTEM; ~~AND~~

3. AVOID THE DISPROPORTIONATE PLACEMENT OF STUDENTS WITH PARTICULAR RACIAL, ETHNIC, LINGUISTIC, ECONOMIC, OR DISABILITY STATUS CHARACTERISTICS WITH NOVICE TEACHERS OR TEACHERS PROVIDING INSTRUCTION IN FIELDS IN WHICH THEY LACK EXPERTISE; *AND*

4. USE ADDITIONAL FUNDS FOR TEACHER COLLABORATIVE TIME IN ACCORDANCE WITH TITLE 6, SUBTITLE 10 OF THIS ARTICLE PRIORITIZED BASED ON AVAILABILITY OF A SUFFICIENT NUMBER OF HIGH QUALITY TEACHERS;

(II) THE JOINT PLAN OF THE DEPARTMENT AND THE MARYLAND HIGHER EDUCATION COMMISSION FOR TEACHER PREPARATION AND TRAINING THAT MEETS THE REQUIREMENTS UNDER TITLE 6 OF THIS ARTICLE;

(III) A PLAN FROM THE DEPARTMENT FOR THE EXPANSION AND COORDINATION OF JUDY CENTERS UNDER § 5–230 OF THIS TITLE AND A PLAN FOR THE EXPANSION OF COMMUNITY–BASED FAMILY SUPPORT CENTERS UNDER TITLE 9.5, SUBTITLE 10 OF THIS ARTICLE;

(IV) THE DEPARTMENT'S PLAN FOR SELECTION, ASSEMBLY, AND DEPLOYMENT OF EXPERT REVIEW TEAMS UNDER § 5–411 OF THIS SUBTITLE;

(V) THE DEPARTMENT'S PLAN FOR IMPLEMENTING THE TEACHER CAREER LADDER AND TRAINING MARYLAND TEACHERS, SCHOOL LEADERS, AND ADMINISTRATORS UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE;

(VI) THE CAREER AND TECHNICAL EDUCATION COMMITTEE PLAN FOR DEVELOPING RIGOROUS CTE PATHWAYS UNDER ~~§ 24–706~~ § 21–207 OF THIS ARTICLE; ~~AND~~

(VII) PLANS FROM EACH LOCAL SCHOOL SYSTEM ON PROPOSED MEMORANDA OF UNDERSTANDING FOR PREKINDERGARTEN IN ACCORDANCE WITH § 7–1A–05 OF THIS ARTICLE; AND

(VIII) ANY OTHER IMPLEMENTATION PLANS THE BOARD DETERMINES ARE NECESSARY.

(3) AN IMPLEMENTATION PLAN SUBMITTED TO THE BOARD FOR APPROVAL UNDER THIS SECTION SHALL BE ~~CONSISTENT~~:

(I) CONSISTENT WITH THE DEVELOPED GUIDELINES AND, IF APPLICABLE, THE APPROVED CRITERIA UNDER SUBSECTION (B) OF THIS SECTION; AND

(II) CONCISE AND FOCUSED ON THE MEASURES TAKEN AND THE MEASURES TO BE TAKEN TO IMPLEMENT AND ACHIEVE THE BLUEPRINT'S GOALS.

(4) A RESPONSIBLE GOVERNMENT UNIT SHALL AMEND THE IMPLEMENTATION PLAN UNTIL IT IS APPROVED BY THE BOARD.

(D) THE BOARD SHALL:

(1) REVIEW AND APPROVE IMPLEMENTATION PLANS SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;

(2) MONITOR THE IMPLEMENTATION OF APPROVED PLANS AND WORK IN PARTNERSHIP WITH THE RELEVANT AGENCIES TO:

(I) DISSEMINATE INFORMATION ON BEST PRACTICES, PROGRAMS, AND RESOURCES;

(II) PROVIDE TECHNICAL ASSISTANCE AND TRAINING;

(III) RESOLVE IMPLEMENTATION ISSUES AS THEY ARISE; AND

(IV) PROMOTE INTERAGENCY EFFORTS TO:

1. ACHIEVE THE PURPOSES OF THE BLUEPRINT FOR MARYLAND'S FUTURE; AND

2. REDUCE THE EFFECTS OF SOCIETAL AND ECONOMIC ISOLATION ON STUDENT ACHIEVEMENT AND OPPORTUNITY BY PROMOTING SOCIOECONOMIC DIVERSITY IN COMMUNITIES AND SCHOOLS~~,~~;

(3) RECEIVE PERIODIC UPDATES, IN ACCORDANCE WITH THE BOARD'S GUIDELINES, ON PROGRESS RESPONSIBLE ENTITIES ARE MAKING TOWARDS REACHING THE IMPLEMENTATION PLAN GOALS; AND

(4) REQUEST ANY INFORMATION THE BOARD DETERMINES IS NECESSARY TO CARRY OUT ITS OBLIGATIONS FROM AN ENTITY RESPONSIBLE FOR CARRYING OUT THE IMPLEMENTATION PLANS UNDER THIS SECTION.

(E) A GOVERNMENTAL UNIT RESPONSIBLE FOR DEVELOPING AND CARRYING OUT AN IMPLEMENTATION PLAN SHALL PROVIDE:

(1) PERIODIC UPDATES, WHEN REQUESTED BY THE BOARD, ON ITS PROGRESS TOWARDS MEETING THE IMPLEMENTATION PLAN GOALS; AND

(2) ANY INFORMATION THE BOARD REQUESTS.

(F) THE BOARD SHALL MAINTAIN A PUBLIC WEBSITE ON WHICH IS PUBLISHED:

(1) THE COMPREHENSIVE IMPLEMENTATION PLAN;

(2) THE DEPARTMENT'S CRITERIA, DEVELOPED UNDER SUBSECTION (B)(3) OF THIS SECTION;

(3) PROPOSED IMPLEMENTATION PLANS, SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION; AND

(4) IMPLEMENTATION PLANS APPROVED BY THE BOARD UNDER SUBSECTION (D) OF THIS SECTION.

(G) A UNIT OF STATE GOVERNMENT REQUIRED TO IMPLEMENT AN ELEMENT OF THE BLUEPRINT FOR MARYLAND'S FUTURE SHALL, BEFORE

ADOPTING REGULATIONS RELATING TO THE BLUEPRINT, CONSULT WITH THE BOARD.

(H) FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, THE GOVERNING BODY OF A COUNTY AND THE LOCAL SCHOOL SYSTEM JOINTLY SHALL APPOINT A SINGLE IMPLEMENTATION COORDINATOR RESPONSIBLE FOR THE IMPLEMENTATION OF THE BLUEPRINT FOR MARYLAND'S FUTURE BY ALL GOVERNMENT UNITS OPERATING IN THE COUNTY.

5–405.

(A) SUBJECT TO THE JUDGMENT OF THE BOARD AND IN ACCORDANCE WITH THIS SECTION, EACH FISCAL YEAR A PORTION OF THE INCREASE IN THE STATE SHARE OF MAJOR EDUCATION AID, AS DEFINED IN § 5–201 OF THIS TITLE, OVER THE AMOUNT PROVIDED IN THE PRIOR FISCAL YEAR SHALL BE WITHHELD FROM PUBLIC SCHOOLS AND LOCAL SCHOOL SYSTEMS.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BEGINNING IN FISCAL YEAR 2022, 25% OF THE INCREASE IN THE STATE SHARE OF MAJOR EDUCATION AID OVER THE AMOUNT PROVIDED IN THE CURRENT FISCAL YEAR SHALL BE AUTOMATICALLY WITHHELD FROM A LOCAL SCHOOL SYSTEM FOR THE NEXT FISCAL YEAR.

(C) BEGINNING IN FISCAL YEAR 2022, AND ENDING IN FISCAL YEAR 2024, THE BOARD SHALL RELEASE THESE FUNDS EACH YEAR IF THE BOARD FINDS THAT A LOCAL SCHOOL SYSTEM OR PUBLIC SCHOOL:

(1) HAS DEVELOPED AN INITIAL IMPLEMENTATION PLAN UNDER § 5–404 OF THIS SUBTITLE; AND

(2) HAS RECEIVED APPROVAL FOR ITS INITIAL IMPLEMENTATION PLAN AND FOR ANY SUBSEQUENT MODIFICATIONS.

(D) BEGINNING IN FISCAL YEAR 2025, THE BOARD SHALL CONSIDER RELEASING FUNDS WITHHELD UNDER THIS SECTION TO A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM IF:

(1) THE BOARD RECEIVES A RECOMMENDATION TO RELEASE FUNDS FROM:

(I) THE DEPARTMENT;

(II) THE CAREER AND TECHNICAL EDUCATION COMMITTEE ESTABLISHED UNDER § 21–207 OF THIS ARTICLE; OR

(III) AN EXPERT REVIEW TEAM ESTABLISHED UNDER § 5–411 OF THIS SUBTITLE; OR

(2) THE BOARD DETERMINES THAT A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM HAS MADE SUFFICIENT PROGRESS ON AN IMPLEMENTATION PLAN OR TAKEN APPROPRIATE STEPS TO IMPROVE STUDENT PERFORMANCE.

(E) THE BOARD MAY WITHHOLD MORE THAN 25% OF THE INCREASE IN THE STATE SHARE OF MAJOR EDUCATION AID OVER THE AMOUNT PROVIDED IN THE CURRENT FISCAL YEAR FROM A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM, IF, IN THE JUDGMENT OF THE BOARD:

(1) A LOCAL SCHOOL SYSTEM HAS NOT MADE SATISFACTORY EFFORTS TO DEVELOP OR REVISE THE IMPLEMENTATION PLAN REQUIRED TO BE APPROVED BY THE BOARD UNDER § 5–404 OF THIS SUBTITLE;

(2) A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM HAS NOT MADE SUFFICIENT PROGRESS ON ITS IMPLEMENTATION PLAN; OR

(3) A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM HAS NOT TAKEN APPROPRIATE STEPS TO IMPROVE STUDENT PERFORMANCE.

(F) IN DETERMINING WHETHER TO RELEASE OR WITHHOLD ADDITIONAL FUNDS UNDER THIS SECTION, THE BOARD SHALL CONSIDER WHETHER A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM HAS BEEN RESPONSIVE TO THE RECOMMENDATIONS OF THE DEPARTMENT, THE CAREER AND TECHNICAL EDUCATION COMMITTEE, AN EXPERT REVIEW TEAM, AND THE BOARD'S STAFF.

(G) THE BOARD SHALL NOTIFY THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES OF A DECISION NOT TO RELEASE FUNDS OR TO WITHHOLD ADDITIONAL FUNDS.

(H) (1) IF THE BOARD FINDS THAT FUNDING SHOULD NOT BE RELEASED UNDER SUBSECTION (C) OR SUBSECTION (D) OF THIS SECTION, THE BOARD SHALL, ON OR BEFORE DECEMBER 1, ISSUE AN INITIAL WARNING TO THE PUBLIC SCHOOL PRINCIPAL OR COUNTY SUPERINTENDENT THAT FUNDS MAY NOT BE RELEASED IN THE NEXT FISCAL YEAR.

(2) A WARNING ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INFORM THE LOCAL PRINCIPAL AND COUNTY SUPERINTENDENT OF:

(I) THE FINDINGS BY THE BOARD AND THE REASONING FOR THE FINDINGS; AND

(II) ANY STEPS THAT MAY BE UNDERTAKEN TO REMEDY THE FINDING.

(3) ON OR BEFORE FEBRUARY 1, THE BOARD SHALL MAKE A FINAL DETERMINATION ON WHETHER TO RELEASE FUNDS UNDER THIS SECTION FOR THE NEXT FISCAL YEAR.

(4) IF A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM MAKES PROGRESS IN SOME AREAS BUT NOT IN OTHERS, THE BOARD MAY DETERMINE THAT A PORTION OF THE FUNDS MAY BE RELEASED WHILE A PORTION MAY BE WITHHELD.

(I) THE BOARD SHALL NOTIFY THE STATE SUPERINTENDENT AND THE COMPTROLLER FOR PURPOSES OF § 5–205 OF THIS TITLE BY JUNE 1 OF EACH YEAR OF THE BOARD'S FINAL DECISION TO RELEASE, NOT RELEASE, OR WITHHOLD ADDITIONAL FUNDS UNDER THIS SECTION IN THE NEXT FISCAL YEAR.

(J) (1) THE BOARD MAY DETERMINE IT IS NECESSARY TO RELEASE OR WITHHOLD FUNDS FOR THE CURRENT FISCAL YEAR.

(2) THE BOARD SHALL NOTIFY THE STATE SUPERINTENDENT AND THE COMPTROLLER AS SOON AS PRACTICABLE FOR PURPOSES OF § 5–205 OF THIS TITLE IF IT DECIDES TO RELEASE OR WITHHOLD ADDITIONAL FUNDS DURING THE CURRENT FISCAL YEAR.

(K) THE BOARD SHALL DEVELOP AN APPEALS PROCESS THROUGH WHICH A PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM MAY CONTEST THE WITHHOLDING OF FUNDS UNDER THIS SECTION.

5–406.

(A) THE BOARD SHALL REVIEW THE USE OF FUNDS PROVIDED UNDER SUBTITLE 2 OF THIS TITLE BY THE STATE AND LOCAL GOVERNMENT AGENCIES RESPONSIBLE FOR IMPLEMENTING THE BLUEPRINT FOR MARYLAND'S FUTURE.

(B) (1) ON OR BEFORE JANUARY 1 EACH YEAR IN 2021 THROUGH 2031, THE DEPARTMENT SHALL SUBMIT TO THE BOARD INFORMATION ON THE USE OF SCHOOL–LEVEL EXPENDITURES IN THE CURRENT FISCAL YEAR~~, COLLECTED UNDER § 5–101 OF THIS TITLE,~~ TO AID THE BOARD IN FULFILLING ITS RESPONSIBILITIES UNDER THIS SUBTITLE.

(2) *(I)* ~~EACH~~ *SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH* LOCAL SCHOOL SYSTEM SHALL REPORT TO THE DEPARTMENT,

IN A MANNER DETERMINED BY THE DEPARTMENT, ON SCHOOL–LEVEL SPENDING TO AID THE DEPARTMENT IN FULFILLING ITS OBLIGATIONS UNDER THIS SUBTITLE.

(II) EACH LOCAL SCHOOL SYSTEM THAT INCLUDES PUBLIC CHARTER SCHOOLS SHALL ACCOUNT IN THE REPORT REQUIRED UNDER THIS SUBSECTION FOR THE DISTRIBUTION OF SCHOOL–LEVEL FUNDING TO PUBLIC CHARTER SCHOOLS TO DEMONSTRATE COMPLIANCE WITH § 5–234 OF THIS TITLE.

(C) THE BOARD SHALL MONITOR THE EXPENDITURES OF LOCAL SCHOOL SYSTEMS TO ENSURE THAT MINIMUM SCHOOL–LEVEL FUNDING REQUIREMENTS UNDER § 5–234 OF THIS TITLE ARE MET.

(D) THE BOARD SHALL MONITOR THE EXPENDITURES OF FUNDING PROVIDED TO LOCAL SCHOOL SYSTEMS UNDER § 5–223 OF THIS TITLE TO ENSURE THAT PUBLIC SCHOOLS ARE PROVIDING THE NECESSARY SERVICES.

(E) (1) THE BOARD SHALL MONITOR HOW ADDITIONAL SPECIAL EDUCATION FUNDING PROVIDED UNDER § 5–225 OF THIS TITLE IS BEING USED, INCLUDING:

(I) THE AGGREGATE NUMBER OF CHILDREN IN SPECIAL EDUCATION SERVICES BY SCHOOL; AND

(II) THE SPECIAL EDUCATION SERVICES THAT HAVE BEEN PROVIDED THROUGH FUNDING UNDER § 5–225 OF THIS TITLE.

(2) IF A LOCAL SCHOOL SYSTEM IS NOT SPENDING FUNDING ALLOCATED UNDER § 5–225 IN ADDITION TO SPECIAL EDUCATION SPENDING LEVELS PROVIDED BY STATE AND LOCAL FUNDS ON JUNE 30, 2020, THE SCHOOL SYSTEM SHALL PROVIDE A WRITTEN RESPONSE TO THE BOARD EXPLAINING WHY ADDITIONAL SPENDING ON SPECIAL EDUCATION IS NOT NECESSARY.

(F) THE BOARD ~~MAY~~ SHALL DEVELOP AN APPEALS PROCESS THROUGH WHICH LOCAL SCHOOL SYSTEMS MAY REQUEST GREATER FLEXIBILITY IN MEETING THIS REQUIREMENT FOR REASONS INCLUDING A SIGNIFICANT SHIFT IN TOTAL ENROLLMENT OR AT–PROMISE ENROLLMENT BETWEEN SCHOOLS FROM THE PRIOR SCHOOL YEAR TO THE CURRENT SCHOOL YEAR.

5–407.

(A) BEGINNING IN FISCAL YEAR 2022, THE BOARD MAY DETERMINE TO WITHHOLD APPROPRIATED FUNDS FROM THE DEPARTMENT, THE MARYLAND HIGHER EDUCATION COMMISSION, THE CAREER AND TECHNICAL EDUCATION COMMITTEE, OR ANY OTHER ENTITY OF STATE OR LOCAL GOVERNMENT

RESPONSIBLE FOR DEVELOPING AN IMPLEMENTATION PLAN UNDER § 5–404 OF THIS SUBTITLE IF THE ENTITY:

(1) HAS NOT DEVELOPED AN INITIAL IMPLEMENTATION PLAN, OR HAS NOT HAD ITS IMPLEMENTATION PLAN APPROVED; OR

(2) HAS NOT IMPLEMENTED ITS IMPLEMENTATION PLAN APPROPRIATELY.

(B) THE BOARD SHALL NOTIFY THE COMPTROLLER, THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES REGARDING THE INTENT TO WITHHOLD APPROPRIATED FUNDS UNDER THIS SECTION.

(C) AFTER RECEIVING NOTIFICATION FROM THE BOARD UNDER SUBSECTION (B) OF THIS SECTION, THE COMPTROLLER SHALL WITHHOLD THE AMOUNT OF FUNDING THAT THE BOARD DETERMINES IS NECESSARY TO BE WITHHELD.

5–408.

(A) IN ORDER TO MEET ITS OBLIGATION TO TRACK WHETHER THE BLUEPRINT FOR MARYLAND'S FUTURE IS PROGRESSING ACCORDING TO PLAN, THE BOARD SHALL:

(1) DEVELOP GUIDELINES FOR THE SUBMISSION OF REPORTS BY:

(I) THE DEPARTMENT;

(II) LOCAL SCHOOL SYSTEMS; AND

(III) PUBLIC SCHOOLS;

(2) USING REPORTS SUBMITTED IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION, AND THE BOARD'S ONGOING MONITORING AS A GUIDE, GATHER AND ANALYZE DISAGGREGATED DATA, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, TO MEASURE PROGRESS MADE ON THE IMPLEMENTATION OF THE BLUEPRINT FOR MARYLAND'S FUTURE, BY EXAMINING:

(I) THE EFFECTS ~~OF~~ ON STUDENT PERFORMANCE OVER TIME, WITH SPECIFIC EMPHASIS ON CLOSING ACHIEVEMENT GAPS BETWEEN STUDENT GROUPS OF DIFFERENT:

1. RACE;

2. ETHNICITY;

3. DISABILITY STATUS;

4. HOUSEHOLD INCOME; ~~AND~~

5. LINGUISTIC STATUS; AND

~~5.~~ *6.* ANY OTHER STUDENT GROUP CHARACTERISTICS THAT FEATURE ACHIEVEMENT GAPS AS DETERMINED BY THE BOARD; AND

(II) STUDENT OUTCOMES, SUCH AS:

1. ABSENTEEISM;

2. DISCIPLINARY ACTION;

3. ENRICHMENT OPPORTUNITIES; AND

4. MEANINGFUL FAMILY INVOLVEMENT;

(3) MONITOR AND REVIEW THE PERFORMANCE OF EACH TEACHER PREPARATION PROGRAM AT AN INSTITUTION OF HIGHER EDUCATION AND ALTERNATIVE TEACHER PREPARATION PROGRAM;

(4) MONITOR CHANGES IN THE CONCENTRATION OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS WITHIN PUBLIC SCHOOLS AND LOCAL SCHOOL SYSTEMS;

(5) EXAMINE THE SCHOOL–LEVEL DIVERSITY OF PUBLIC SCHOOL STAFF AND STUDENT BODIES;

(6) MONITOR AND REVIEW THE PLACEMENT AND CONCENTRATION OF STUDENTS IN PARTICULAR RACIAL, ETHNIC, LINGUISTIC, ECONOMIC, AND DISABILITY STATUS GROUPS ASSIGNED TO:

(I) NOVICE TEACHERS;

(II) TEACHERS PROVIDING INSTRUCTION IN FIELDS IN WHICH THEY LACK EXPERTISE;

(III) SUBSTITUTE TEACHERS WHO TEACH THE SAME CLASS FOR MORE THAN 1 WEEK; AND

(IV) EFFECTIVE TEACHERS, INCLUDING TEACHERS AT LEVELS THREE AND FOUR OF THE CAREER LADDER ESTABLISHED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE;

(7) MONITOR AND REVIEW THE PROGRESS OF COMMUNITY SCHOOLS RECEIVING GRANTS UNDER § 5–223 OF THIS ARTICLE;

(8) MONITOR PUBLIC SCHOOLS AND LOCAL SCHOOL SYSTEMS TO ENSURE THAT SUFFICIENT NUMBERS OF TEACHERS ARE PARTICIPATING IN THE CAREER LADDER AND ACHIEVING NATIONAL BOARD CERTIFICATION, AS PROVIDED IN TITLE 6, SUBTITLE 10 OF THIS ARTICLE;

~~(7)~~ (9) EXAMINE THE RACIAL, ETHNIC, DISABILITY–STATUS, AND INCOME MAKEUP OF FULL–DAY PREKINDERGARTEN STUDENTS, DISAGGREGATED BY PROVIDERS, AND MONITOR WHETHER THE MIX OF PUBLIC AND PRIVATE PREKINDERGARTEN PROVIDERS IS EFFECTIVELY MEETING THE NEEDS OF FAMILIES; AND

~~(8)~~ (10) APPROVE THE PLANS FOR DEPLOYMENT OF EXPERT REVIEW TEAMS SUBMITTED BY THE DEPARTMENT AND THE CAREER AND TECHNICAL EDUCATION COMMITTEE UNDER ~~§§ 5–409 AND 5–410~~ §§ 5–411 AND 5–412 OF THIS SUBTITLE.

(B) (1) IN GATHERING AND ANALYZING DATA TO COMPLETE ITS DUTIES UNDER THIS SUBTITLE, THE BOARD MAY COLLECT DATA FROM ANY RELEVANT ENTITIES~~, INCLUDING THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER ESTABLISHED UNDER TITLE 24, SUBTITLE 7 OF THIS ARTICLE~~.

(2) IF ADDITIONAL DATA IS NEEDED FOR THE BOARD TO COMPLETE ITS DUTIES, THE BOARD MAY REQUEST THAT OTHER APPROPRIATE GOVERNMENT AGENCIES AID IN THE COLLECTION OF DATA.

(3) UNLESS OTHERWISE PROHIBITED BY LAW, ~~AN~~ A GOVERNMENT AGENCY SHALL PROVIDE THE BOARD WITH ANY REQUESTED DATA.

(4) UNLESS OTHERWISE PROHIBITED BY LAW, A GOVERNMENT AGENCY WHOSE AID THE BOARD HAS REQUESTED UNDER THIS SUBSECTION SHALL REGULARLY COLLECT THE REQUESTED DATA AND PROVIDE IT TO THE BOARD.

(C) THE BOARD *SHALL WORK WITH THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER TO COLLECT AND ANALYZE DATA NECESSARY TO CARRY OUT THE BOARD'S RESPONSIBILITIES UNDER THIS SUBTITLE AND* MAY DIRECT THE ~~MARYLAND LONGITUDINAL DATA SYSTEM~~ CENTER TO PROVIDE:

(1) A RESEARCHER DESIGNATED BY THE BOARD ACCESS TO THE DATA IN THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE PROCEDURES FOR STAFF AUTHORIZATION AND DATA ACCESS ESTABLISHED BY THE MARYLAND LONGITUDINAL DATA SYSTEM GOVERNING BOARD;

(2) AGGREGATE DATA TABLES; OR

(3) RESEARCH OR EVALUATION.

(D) ANY STUDENT–LEVEL INFORMATION REPORTED TO OR BY THE BOARD SHALL BE DISAGGREGATED BY RACE, ETHNICITY, GENDER, FAMILY INCOME LEVEL, LINGUISTIC STATUS, AND DISABILITY STATUS.

5–409.

(A) IN ADDITION TO ANY OTHER DUTIES ASSIGNED OR DUTIES GRANTED TO THE BOARD UNDER THIS SUBTITLE, THE BOARD HAS THE POWER TO PERFORM THE DUTIES DESCRIBED IN THIS SECTION.

(B) THE BOARD SHALL:

(1) OVERSEE THE WORK OF THE CAREER AND TECHNICAL EDUCATION COMMITTEE ESTABLISHED UNDER § 21–207 OF THIS ARTICLE;

(2) COORDINATE THROUGH THE DEPARTMENT, THE STATE'S PARTICIPATION IN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT'S PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT SURVEY PROGRAM;

(3) ~~REPORT~~ IN ACCORDANCE WITH § 5–408(C) OF THIS SUBTITLE, REPORT ON OR BEFORE NOVEMBER 1 EACH YEAR FOR CALENDAR YEARS 2021 THROUGH 2030, TO THE GOVERNOR, THE PUBLIC, AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON:

(I) PROGRESS MADE ON THE IMPLEMENTATION OF THE BLUEPRINT FOR MARYLAND'S FUTURE;

(II) RECOMMENDED LEGISLATIVE CHANGES, INCLUDING ANY CHANGES NECESSARY TO ENSURE THAT THE IMPLEMENTATIONS HAVE ADEQUATE RESOURCES AND MEASUREMENTS;

(III) THE DEGREE TO WHICH STATE AND LOCAL AGENCIES, AS APPLICABLE, ARE CARRYING OUT THEIR ASSIGNED ROLES IN IMPLEMENTING THE BLUEPRINT FOR MARYLAND'S FUTURE; AND

(IV) WHETHER THE FUNDS PROVIDED BY THE STATE AND LOCAL GOVERNMENTS ARE CONSISTENT WITH THE BOARD'S ESTIMATE OF WHAT IS NECESSARY TO FULLY IMPLEMENT ~~THE BLUEPRINT~~ THE BLUEPRINT FOR MARYLAND'S FUTURE; AND

(4) PROVIDE TRAINING TO EXPERT REVIEW TEAMS ESTABLISHED UNDER § 5–411 OF THIS SUBTITLE.

(C) THE BOARD MAY:

(1) RECOMMEND THAT THE DEPARTMENT AND THE MARYLAND HIGHER EDUCATION COMMISSION REVIEW THE ACCREDITATION OF A PROGRAM REVIEWED UNDER § 5–408(A)(3) OF THIS SUBTITLE THAT WAS FOUND TO BE INEFFECTIVE;

(2) DETERMINE THAT THE CAREER LADDER SYSTEM UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE HAS BEEN WELL ESTABLISHED THROUGHOUT THE STATE FOR THE PURPOSES OF IMPLEMENTING THE BLUEPRINT FOR MARYLAND'S FUTURE;

(3) MAKE GRANTS TO INNOVATIVE PROGRAMS DEVELOPED BY PUBLIC SCHOOLS, INSTITUTIONS OF POSTSECONDARY EDUCATION, NONPROFITS, AND OTHER PERSONS THAT HELP FURTHER THE BOARD'S PURPOSE; AND

(4) PERFORM ANY OTHER DUTIES NECESSARY TO CARRY OUT THE POWERS GRANTED UNDER THIS SUBTITLE.

5–410.

(A) IN ADDITION TO ITS OWN ASSESSMENTS AND TRACKING OF PROGRESS, REQUIRED UNDER § 5–406 OF THIS SUBTITLE, THE BOARD SHALL CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT AN INDEPENDENT EVALUATION OF THE STATE'S PROGRESS IN IMPLEMENTING THE BLUEPRINT FOR MARYLAND'S FUTURE AND ACHIEVING THE EXPECTED OUTCOMES DURING THE IMPLEMENTATION PERIOD.

(B) THE INDEPENDENT EVALUATION SHALL INCLUDE AN ASSESSMENT OF:

(1) THE USE OF ADDITIONAL FUNDING TO MEET THE GOALS OF THE BLUEPRINT FOR MARYLAND'S FUTURE;

(2) PROGRESS TOWARD THE GOALS OF THE BLUEPRINT FOR MARYLAND'S FUTURE AND WHETHER THE GOALS HAVE BEEN ACHIEVED; AND

(3) ANY RECOMMENDATIONS TO ALTER THE GOALS OR STRATEGIES EMPLOYED TO REACH THE GOALS, INCLUDING NEW USES FOR EXISTING FUNDS OR ADDITIONAL FUNDING.

(C) (1) AN ENTITY WITH WHICH THE BOARD CONTRACTS FOR AN INDEPENDENT EVALUATION SHALL REPORT ITS RESULTS TO THE BOARD ON OR BEFORE:

(I) OCTOBER 1, 2024; AND

(II) OCTOBER 1, 2030.

(2) THE BOARD SHALL CONTRACT FOR EACH INDEPENDENT EVALUATION AS SOON AS PRACTICABLE.

(D) (1) (I) ON OR BEFORE DECEMBER 1, 2024, THE BOARD SHALL, USING THE FIRST INDEPENDENT EVALUATION AND ITS OWN JUDGMENT, REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON WHETHER THE BLUEPRINT FOR MARYLAND'S FUTURE IS BEING IMPLEMENTED AS INTENDED AND ACHIEVING THE EXPECTED OUTCOMES.

(II) THE BOARD'S REPORT SHALL INCLUDE AN ASSESSMENT OF THE STATE'S PROGRESS TOWARDS:

1. INCREASING THE NUMBER OF TEACHERS ACHIEVING NATIONAL BOARD CERTIFICATION;

2. PROVIDING FULL–DAY PREKINDERGARTEN PROGRAMS FOR 3– AND 4–YEAR OLDS IN ACCORDANCE WITH TITLE 7, SUBTITLE 1A OF THIS ARTICLE; ~~AND~~

3. IMPROVING BEHAVIORAL HEALTH SERVICES IN ACCORDANCE WITH § 7–446 OF THIS ARTICLE;

4. ENSURING THAT STUDENTS ENROLLED IN PUBLIC SCHOOLS MEET COLLEGE AND CAREER STANDARDS IN ACCORDANCE WITH § 7–205.1 OF THIS ARTICLE.

(III) THE BOARD'S REPORT SHALL INCLUDE ANY LEGISLATIVE OR STRUCTURAL CORRECTIONS NECESSARY TO FULLY IMPLEMENT THE BLUEPRINT.

(2) ON OR BEFORE DECEMBER 1, 2030, THE BOARD SHALL REPORT ON THE RESULTS OF THE FINAL INDEPENDENT EVALUATION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(3) THE BOARD'S REPORTS UNDER THIS SUBSECTION SHALL INCLUDE:

(I) PRACTICES BEING USED TO CLOSE ACHIEVEMENT GAPS BETWEEN STUDENTS OF DIFFERENT GROUPS LISTED IN § 5–408(A)(2)(I) OF THIS SUBTITLE;

(II) PROGRESS MADE IN CLOSING THE ACHIEVEMENT GAPS LISTED UNDER ITEM (I) OF THIS PARAGRAPH; AND

(III) ASSESSMENTS OF STUDENT OUTCOMES LISTED UNDER § 5–408(A)(2)(II) OF THIS SUBTITLE, DISAGGREGATED BY RACE, INCOME, ETHNICITY, AND GENDER.

(E) (1) THE BOARD SHALL DETERMINE:

(I) WHETHER THE BLUEPRINT FOR MARYLAND'S FUTURE IS WORKING AS INTENDED;

(II) WHAT STEPS ARE NECESSARY TO CONTINUE PROVIDING A GLOBALLY COMPETITIVE EDUCATION TO THE CHILDREN OF THE STATE; ~~AND~~

(III) IF ANY CHANGES TO THE STRUCTURE, FUNCTIONING, AND AUTHORITY OF STATE AND LOCAL AGENCIES RESPONSIBLE FOR EDUCATION ARE NECESSARY; AND

(IV) WHETHER THE BOARD SHOULD CONTINUE TO MONITOR IMPLEMENTATION OF THE BLUEPRINT AFTER JUNE 30, 2031.

(2) IN MAKING ITS DETERMINATION, THE BOARD SHALL EXAMINE THE MANNER IN WHICH STATE AND LOCAL GOVERNMENT ENTITIES RESPONSIBLE FOR IMPLEMENTING THE BLUEPRINT FOR MARYLAND'S FUTURE HAVE CONTRIBUTED TO EDUCATING, TRAINING, PROVIDING LEARNING OPPORTUNITIES FOR, AND DEVELOPING THE CAREERS OF STUDENTS AND YOUNG PEOPLE IN THE STATE.

(3) THE BOARD SHALL IDENTIFY WAYS TO FOSTER PARTNERSHIPS BETWEEN LOCAL SCHOOL SYSTEMS, PUBLIC SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION, AND DEVELOP COLLABORATIVE RELATIONSHIPS AMONG THE

ENTITIES EXAMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO CREATE A WORLD–CLASS 21ST–CENTURY EDUCATION SYSTEM IN THE STATE.

(4) THE BOARD SHALL REPORT ITS FINDINGS UNDER THIS SUBSECTION IN THE REPORT REQUIRED UNDER SUBSECTION (D)(2) OF THIS SECTION.

5–411.

(A) IN THIS SECTION, "PROGRAM" MEANS THE EXPERT REVIEW TEAM PROGRAM.

(B) THE DEPARTMENT SHALL ESTABLISH, ADMINISTER, AND SUPERVISE AN EXPERT REVIEW TEAM PROGRAM.

(C) THE PURPOSE OF THE PROGRAM IS FOR TEAMS OF EXPERT EDUCATORS TO:

(1) CONDUCT INTERVIEWS, OBSERVE CLASSES, AND USE OTHER DATA TO ANALYZE THE EXTENT TO WHICH THE BLUEPRINT FOR MARYLAND'S FUTURE IS BEING IMPLEMENTED; AND

(2) COLLABORATE WITH SCHOOL–BASED FACULTY AND STAFF AND LOCAL SCHOOL SYSTEM STAFF TO:

(I) DETERMINE REASONS WHY STUDENT PROGRESS IS INSUFFICIENT; AND

(II) DEVELOP RECOMMENDATIONS, MEASURES, AND STRATEGIES TO ADDRESS THE ISSUES IDENTIFIED BY THE EXPERT REVIEW TEAM.

(D) (1) THE DEPARTMENT SHALL SELECT HIGHLY REGARDED EXPERT REVIEW TEAM MEMBERS ~~IN~~ FOR THE PROGRAM, WHO REFLECT, TO THE EXTENT PRACTICABLE, THE GEOGRAPHIC, RACIAL, ETHNIC, LINGUISTIC, AND GENDER DIVERSITY OF THE POPULATION OF PUBLIC SCHOOL STUDENTS, FROM THE FOLLOWING GROUPS:

(I) TEACHERS WHO ARE REPRESENTED BY TEACHERS' ORGANIZATIONS THAT, FOR PURPOSES OF COLLECTIVE BARGAINING, REPRESENT A MAJORITY OF TEACHERS IN THE STATE OR IN A LOCAL SCHOOL SYSTEM;

(II) SCHOOL LEADERS; AND

(III) OTHER INDIVIDUALS WHO HAVE EXPERTISE DIRECTLY RELEVANT TO THE PURPOSE AND DUTIES OF THE PROGRAM.

(2) AFTER THE CAREER LADDER UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE IS WELL ESTABLISHED THROUGHOUT THE STATE, THE DEPARTMENT SHALL SELECT EXPERT REVIEW TEAM MEMBERS FROM EXPERT TEACHERS AND PRINCIPALS WHO ARE IN SENIOR POSITIONS ON THE CAREER LADDER.

(3) TO THE EXTENT PRACTICABLE, A TEACHER WHO VISITS AN ELEMENTARY, MIDDLE, OR HIGH SCHOOL AS A MEMBER OF AN EXPERT REVIEW TEAM SHALL HAVE EXPERIENCE WORKING IN OR KNOWLEDGE OF THE TYPE OF SCHOOL BEING VISITED.

(E) EACH MEMBER OF AN EXPERT REVIEW TEAM SHALL BE THOROUGHLY TRAINED BY THE BOARD ON THE BLUEPRINT FOR MARYLAND'S FUTURE AND ITS RATIONALE, INCLUDING DETAILED INFORMATION ON THE WAY SIMILAR SYSTEMS WORK IN TOP–PERFORMING SCHOOL SYSTEMS IN THE WORLD.

(F) (1) DURING A SCHOOL VISIT, AN EXPERT REVIEW TEAM SHALL:

(I) CONDUCT COMPREHENSIVE IN–SCHOOL INVESTIGATIONS OF THE CAUSES OF POOR STUDENT PERFORMANCE; AND

(II) MAKE RECOMMENDATIONS TO THE FOLLOWING ENTITIES ON THE MEASURES NEEDED TO IMPROVE THE PERFORMANCE OF LOW–PERFORMING SCHOOLS AND CORRECT IDENTIFIED PROBLEMS:

1. PRINCIPAL AND COUNTY SUPERINTENDENT;

2. SCHOOL FACULTY;

3. COUNTY BOARDS OF EDUCATION; AND

4. THE COMMUNITY.

(2) AN EXPERT REVIEW TEAM MAY, IN THE COURSE OF ITS WORK UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) PERFORM EVALUATIONS OF BEHAVIORAL HEALTH SERVICES PROVIDED IN A SCHOOL; AND

(II) IF THE TEAM DETERMINES THAT POOR STUDENT PERFORMANCE IS DUE, IN PART, TO MISSING OR INADEQUATE BEHAVIORAL HEALTH

SERVICES, MAKE RECOMMENDATIONS TO THE APPROPRIATE ENTITIES TO CORRECT THE IDENTIFIED PROBLEMS.

(3) AFTER A SCHOOL VISIT, AN EXPERT REVIEW TEAM SHALL SUBMIT A REPORT TO THE DEPARTMENT WITHIN THE TIME PERIOD, IN THE MANNER, AND INCLUDING THE INFORMATION REQUIRED BY THE DEPARTMENT.

(G) (1) BEGINNING ON OR BEFORE JULY 1, 2021, AND EACH JULY 1 THROUGH 2030, THE DEPARTMENT SHALL DEVELOP AND SUBMIT TO THE BOARD FOR APPROVAL A PLAN TO DEPLOY THE EXPERT REVIEW TEAMS IN THE FOLLOWING SCHOOL YEAR.

(2) (I) BEGINNING ON JULY 1, 2023, THE DEPARTMENT SHALL SEND EXPERT REVIEW TEAMS TO AT LEAST 10% OF PUBLIC SCHOOLS IN AT LEAST THREE DIFFERENT LOCAL SCHOOL SYSTEMS EACH YEAR.

(II) AN EXPERT REVIEW TEAM SHALL BE SENT AT LEAST ONCE TO EVERY PUBLIC SCHOOL IN THE STATE BY THE END OF THE 2030–2031 SCHOOL YEAR.

(3) (I) THE DEPARTMENT SHALL, IN ACCORDANCE WITH AN APPROVED DEPLOYMENT PLAN AND SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, SEND AN EXPERT REVIEW TEAM TO:

1. EACH SCHOOL DETERMINED TO BE ONE OF THE LOWEST PERFORMING SCHOOLS IN THE STATE ONCE EACH YEAR;

2. SCHOOLS DETERMINED TO BE LOWER PERFORMING SCHOOLS IN THE STATE ON A REGULAR SCHEDULE BUT NOT EVERY YEAR; ~~AND~~

3. SCHOOLS DETERMINED TO BE THE HIGHEST PERFORMING IN THE STATE; AND

~~3.~~ *4.* ALL OTHER SCHOOLS AT INTERVALS DETERMINED BY A RANDOMIZED SELECTION PROCESS.

(II) THE LOWEST *AND HIGHEST* PERFORMING SCHOOLS SHALL BE DETERMINED BY ~~ANALYZING PERFORMANCE DATA OF SCHOOLS WITH~~:

1. A. THE ~~LOWEST~~ OVERALL PERFORMANCE ON STATE ASSESSMENTS; AND

B. ~~SUBGROUPS~~ *THE PERFORMANCE OF SUBGROUPS* OF STUDENTS ~~WHO PERFORMED POORLY~~ ON STATE ASSESSMENTS; OR

2. BASED ON DATA PRODUCED BY THE DATA MONITORING SYSTEM ESTABLISHED UNDER THE FEDERAL EVERY STUDENT SUCCEEDS ACT.

(4) BEGINNING ON JULY 1, 2025, A SCHOOL THAT HAS NOT BEEN SELECTED FOR REVIEW BY AN EXPERT REVIEW TEAM MAY SUBMIT A REQUEST TO THE DEPARTMENT FOR A REVIEW.

(5) THE BOARD MAY REQUEST THAT THE DEPARTMENT SEND AN EXPERT REVIEW TEAM TO A PARTICULAR SCHOOL.

(H) DURING THE PERIOD FROM JULY 1, 2023, THROUGH JUNE 30, 2025, THE REPORT AND RECOMMENDATIONS OF AN EXPERT REVIEW TEAM SHALL BE ADVISORY ONLY AND MAY BE USED BY A SCHOOL AND LOCAL SCHOOL SYSTEM TO STRENGTHEN THE SCHOOL PROGRAM AND THE MANAGEMENT OF THE SCHOOL AND LOCAL SCHOOL SYSTEM.

(I) (1) (I) BEGINNING ON JULY 1, 2025, THE REPORT AND RECOMMENDATIONS OF AN EXPERT REVIEW TEAM SHALL BE USED BY THE DEPARTMENT AS THE BASIS FOR A RECOMMENDATION TO THE BOARD UNDER § ~~5–404~~ 5–405 OF THIS SUBTITLE AS TO WHETHER TO RELEASE A PORTION OF THE ANNUAL INCREASE IN FUNDING FOR THE UPCOMING SCHOOL YEAR BECAUSE THE SCHOOL AND THE LOCAL SCHOOL SYSTEM HAVE DEVELOPED A SATISFACTORY PLAN FOR THE USE OF THE FUNDS CONSISTENT WITH EXPERT REVIEW TEAM'S RECOMMENDATIONS.

(II) IN FULFILLING ITS DUTIES UNDER THIS SUBSECTION, AN EXPERT REVIEW TEAM IN THE PROGRAM MAY MAKE RECOMMENDATIONS ON:

1. REQUIRING STATE ACTION IN ACCORDANCE WITH § 7–203.4 OF THIS ARTICLE; OR

2. PAIRING THE SCHOOL WITH A HIGHER PERFORMING SCHOOL WITH SIMILAR DEMOGRAPHICS FROM WHICH THE SCHOOL LEADERSHIP COLLABORATES AND SHARES EXPERTISE FOR THE BENEFIT OF FACULTY AND STAFF.

(2) IF THE BOARD DETERMINES THAT ALL OR A PORTION OF A SCHOOL'S ANNUAL INCREASE IN FUNDING SHOULD NOT BE RELEASED DUE TO AN UNSATISFACTORY PLAN, THE DEPARTMENT SHALL WORK WITH THE SCHOOL AND LOCAL SCHOOL SYSTEM TO DEVELOP A SATISFACTORY PLAN TO ALLOW RELEASE OF THE WITHHELD FUNDS.

5–412.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CTE COMMITTEE" MEANS THE CAREER AND TECHNICAL EDUCATION COMMITTEE ESTABLISHED UNDER § 21–207 OF THIS ARTICLE.

(3) "PROGRAM" MEANS THE CTE EXPERT REVIEW TEAM PROGRAM.

(B) (1) THE CTE COMMITTEE SHALL ESTABLISH, ADMINISTER, AND SUPERVISE A CTE EXPERT REVIEW TEAM PROGRAM FOR SCHOOLS WITH CAREER AND TECHNICAL EDUCATION PROGRAMS AND PATHWAYS.

(2) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE PROGRAM WILL HAVE THE SAME PURPOSE, STRUCTURE, TRAINING, AND REPORTING REQUIREMENTS AS THE EXPERT REVIEW TEAM PROGRAM ESTABLISHED BY THE DEPARTMENT UNDER ~~§ 5–407~~ § 5–411 OF THIS SUBTITLE.

(3) (I) THE CTE COMMITTEE SHALL SELECT THE MEMBERS OF CTE EXPERT REVIEW TEAMS IN THE PROGRAM.

(II) THE CTE COMMITTEE SHALL SELECT CTE EXPERT REVIEW TEAM MEMBERS WHO, TO THE EXTENT PRACTICABLE, REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, LINGUISTIC, AND GENDER DIVERSITY OF THE POPULATION OF THE PUBLIC SCHOOL STUDENTS, FROM THE FOLLOWING GROUPS:

1. HIGHLY REGARDED CAREER AND TECHNICAL EDUCATION TEACHERS WHO ARE REPRESENTED BY TEACHERS' ORGANIZATIONS THAT, FOR PURPOSES OF COLLECTIVE BARGAINING, REPRESENT A MAJORITY OF TEACHERS IN THE STATE OR IN A LOCAL SCHOOL SYSTEM;

2. SCHOOL LEADERS;

3. EMPLOYERS;

4. TRADE UNIONS; AND

5. APPRENTICESHIP AND INTERNSHIP SPONSORS.

(4) DURING A SCHOOL VISIT, A CTE EXPERT REVIEW TEAM SHALL CONDUCT INTERVIEWS, OBSERVE CLASSES, AND USE OTHER DATA TO:

(I) DETERMINE ~~REASONS WHY~~ WHETHER STUDENT PROGRESS IS INSUFFICIENT TOWARD SUCCESSFUL COMPLETION OF THE CTE PATHWAY; AND

(II) DEVELOP RECOMMENDATIONS, MEASURES, AND STRATEGIES TO ADDRESS THE ISSUES IDENTIFIED BY THE CTE EXPERT REVIEW TEAM.

(5) AFTER A CTE EXPERT REVIEW TEAM ISSUES A REPORT, THE SCHOOL, THE COUNTY BOARD, THE EMPLOYERS, AND APPRENTICESHIP OR INTERNSHIP SPONSORS SHALL:

(I) REVIEW THE REPORT AND RECOMMENDATIONS; AND

(II) IF NECESSARY, SUBMIT A PLAN TO THE CTE COMMITTEE ADDRESSING THE RECOMMENDATIONS IN THE REPORT.

(6) (I) BEGINNING ON JULY 1, 2021, AND ENDING JULY 1, 2030, THE CTE COMMITTEE SHALL DEVELOP AND SUBMIT TO THE BOARD, FOR APPROVAL, A PLAN TO DEPLOY THE CTE EXPERT REVIEW TEAMS IN THE FOLLOWING SCHOOL YEAR.

(II) SUBJECT TO THE BOARD'S APPROVAL, THE CTE COMMITTEE SHALL SCHEDULE CTE EXPERT REVIEW TEAM SCHOOL VISITS IN A MANNER DESIGNED TO PROVIDE THE CTE COMMITTEE AND THE DEPARTMENT WITH SUFFICIENT INFORMATION TO MAKE INFORMED DECISIONS ON THE RELEASE OF SCHOOL FUNDS CONDITIONED ON STUDENT PERFORMANCE, INCLUDING ADEQUATE TIME FOR A SCHOOL TO RESPOND TO AN EXPERT REVIEW TEAM'S REPORT AND RECOMMENDATIONS BEFORE DECISIONS ARE MADE REGARDING THE RETAINING OF SCHOOL FUNDS.

5–413.

(A) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2021, THE ~~DEPARTMENT, IN COORDINATION WITH~~ *MARYLAND LONGITUDINAL DATA SYSTEM CENTER, IN CONSULTATION WITH THE DEPARTMENT AND* THE MARYLAND HIGHER EDUCATION COMMISSION, SHALL SUBMIT A REPORT TO THE BOARD, THE GOVERNOR, AND IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE PROGRESS MADE IN INCREASING THE PREPARATION AND DIVERSITY OF TEACHER CANDIDATES AND NEW TEACHERS IN THE STATE AS REQUIRED BY ~~THE~~ THE BLUEPRINT FOR MARYLAND'S FUTURE.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) DATA TRENDS IN:

(I) THE NUMBER OF APPLICATIONS TO AND ACCEPTANCE BY MARYLAND TEACHER EDUCATION INSTITUTIONS AND ALTERNATIVE PROGRAMS THAT PREPARE EDUCATORS, AS A WHOLE AND DISAGGREGATED BY GENDER, RACIAL, AND ETHNIC BACKGROUND;

(II) TEACHER QUALITY AS MEASURED BY THE GRADES, CLASS STANDING, AND ACCOUNTABILITY TEST PERFORMANCE OF STUDENTS APPLYING TO AND ADMITTED TO INSTITUTIONS AND ALTERNATIVE PROGRAMS;

(III) THE PROPORTION OF GRADUATES OF TEACHER EDUCATION PROGRAMS, INCLUDING THOSE GRADUATES EXPECTING TO TEACH AT THE ELEMENTARY SCHOOL LEVEL, WHO HAVE MAJORED AS UNDERGRADUATES IN THE SUBJECTS THEY PLAN TO TEACH TO THE TOTAL NUMBER OF GRADUATES OF TEACHER EDUCATION PROGRAMS;

(IV) THE PROPORTION OF NEW TEACHERS HIRED IN THE STATE WHO WERE TRAINED OUT OF STATE TO THOSE TRAINED IN THE STATE;

(V) THE SATISFACTION OF SCHOOL DISTRICT OFFICIALS WITH NEWLY HIRED TEACHERS WHO HAVE JUST GRADUATED FROM MARYLAND INSTITUTIONS AS DETERMINED BY THE SCHOOL DISTRICT OFFICIALS' RESPONSES TO QUESTIONS ON A FORM THE OFFICIALS HELPED DEVELOP; AND

(VI) THE PROPORTION OF GRADUATES OF TEACHER EDUCATION PROGRAMS WHO PASS REQUIRED TESTS FOR LICENSURE ON THE FIRST ATTEMPT AND AFTER SUBSEQUENT ATTEMPTS~~.~~;

(2) MEASURES TAKEN TO INCREASE THE PROPORTION OF HIGHLY QUALIFIED INDIVIDUALS FROM ~~MINORITY BACKGROUNDS~~ GROUPS HISTORICALLY UNDERREPRESENTED IN THE TEACHING PROFESSION WHO APPLY TO TEACHER EDUCATION INSTITUTIONS;

(3) MEASURES TAKEN TO INCREASE THE NUMBER OF HIGH SCHOOL GRADUATES WITH VERY STRONG ACADEMIC BACKGROUNDS WHO SELECT TEACHING AS A CAREER;

(4) MEASURES TAKEN TO MAKE TEACHER EDUCATION IN THE UNDERLYING DISCIPLINES MORE RIGOROUS;

(5) MEASURES TAKEN TO BETTER ALIGN THE PROGRAMS OF THE TEACHER EDUCATION INSTITUTIONS WITH STATE CURRICULUM FRAMEWORKS;

(6) MEASURES TAKEN TO IMPROVE THE BACKGROUND OF BEGINNING TEACHERS IN RESEARCH AND RESEARCH TECHNIQUES;

(7) IMPLEMENTATION OF MORE RIGOROUS LICENSING STANDARDS AND MEASURES FOR NEW TEACHERS IN BOTH MASTERY OF THE SUBJECT BEING TAUGHT AND THE METHODS FOR TEACHING IT;

(8) IMPLEMENTATION OF INCENTIVES TO ATTRACT HIGH–QUALITY HIGH SCHOOL GRADUATES INTO CAREERS IN TEACHING;

(9) TRENDS IN THE RATES AT WHICH TEACHERS ARE ACQUIRING THE CREDENTIALS NEEDED TO ADVANCE UP THE CAREER LADDER, ESTABLISHED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, INCLUDING NATIONAL BOARD CERTIFICATION AND HIGHER STEPS ON THE LADDER;

(10) TRENDS IN THE DISTRIBUTION OF TEACHERS ALONG THE STEPS OF THE CAREER LADDER;

(11) TRENDS IN LONGEVITY IN TEACHING IN MARYLAND SCHOOLS AND, IN PARTICULAR, ~~IN SERVICE IN~~ SCHOOLS SERVING HIGH PROPORTIONS OF HISTORICALLY UNDERSERVED STUDENTS;

(12) TRENDS IN THE NUMBER OF TEACHER CANDIDATES OF COLOR HIRED BY LOCAL SCHOOL SYSTEMS DISAGGREGATED BY HIGHER EDUCATION INSTITUTION AND ALTERNATIVE TEACHER PREPARATION PROGRAM AND THE SYSTEMS IN WHICH THOSE NEW TEACHERS WERE HIRED; AND

(13) TRENDS IN THE NUMBER OF TEACHERS CERTIFIED THROUGH ALTERNATIVE PREPARATION PROGRAMS THAT MEET ~~THE~~ THE REQUIREMENTS OF THE BLUEPRINT FOR MARYLAND'S FUTURE RELATED TO A LONGER PRACTICUM BY SCHOOL SYSTEM.

5–414.

(A) ON OR AFTER JULY 1, 2026, THE BOARD, IN CONSULTATION WITH THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER, SHALL PERFORM AN EVALUATION THAT MEASURES THE EFFECTIVENESS OF EFFORTS TO INCREASE DIVERSITY IN:

(1) ENROLLMENT IN TEACHER PREPARATION PROGRAMS;

(2) TEACHER CANDIDATES WHO SUCCESSFULLY GRADUATE FROM TEACHER PREPARATION PROGRAMS AND SUBSEQUENTLY ENTER THE TEACHING PROFESSION; AND

(3) TEACHERS AND SCHOOL LEADERS IN PRIMARY AND SECONDARY SCHOOLS IN THE STATE.

(B) THE EVALUATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE CONDUCTED IN CONSULTATION WITH AT LEAST ONE INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(C) ON OR BEFORE DECEMBER 31, 2026, THE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE RESULTS OF THE EVALUATION PERFORMED UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING ANY RECOMMENDATIONS FOR ALTERATIONS IN STATE PROGRAMS AND POLICIES AS NEEDED TO ENSURE DIVERSITY IN THE AREAS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.

6–117.

(a) **(1)** The Department shall develop guidelines for the establishment of comprehensive induction programs for new teachers **[**employed by hard–to–staff schools, as that term is defined by the Department**]**.

(2) IN DEVELOPING THE GUIDELINES UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL CONSULT WITH LOCAL SCHOOL SYSTEMS AND THE MARYLAND EDUCATION DEANS AND DIRECTORS COUNCIL.

(b) The guidelines shall**:**

(1) [include**] INCLUDE** provisions concerning the following:

[(1)**] (I)** Mentoring; **AND**

[(2)**] (II)** Professional development training and support; **AND**

[(3) Eligibility criteria for teachers to participate in the program; and

(4) The standards to determine which schools are considered hard–to–staff schools.**]**

(2) INCORPORATE THE FRAMEWORK OF THE TEACHER INDUCTION, RETENTION, AND ADVANCEMENT PILOT PROGRAM.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MENTOR TEACHER FOR A TEACHER IN AN INDUCTION PROGRAM SHALL BE A HIGHLY COMPETENT TEACHER SELECTED BY THE LOCAL SCHOOL SYSTEM WHO WILL WORK

TO INSTILL IN THE TEACHER THE SKILLS AND KNOWLEDGE FOR THE NEXT GENERATION OF TEACHERS.

(2) AFTER THE CAREER LADDER SYSTEM ESTABLISHED UNDER SUBTITLE 10 OF THIS TITLE IS WELL ESTABLISHED, MENTOR TEACHERS WILL BE SELECTED ~~FOR THIS ROLE~~ USING CRITERIA FROM THE CAREER LADDER SYSTEM.

[(c) Funding to support the development of the guidelines required under this section shall be as provided in the State budget.**]**

6–120.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ALTERNATIVE TEACHER PREPARATION PROGRAM" MEANS A PROGRAM ESTABLISHED BY A COUNTY BOARD AND APPROVED BY THE STATE SUPERINTENDENT THAT:

(I) LEADS TO A PARTICIPANT RECEIVING A RESIDENT TEACHER CERTIFICATE ISSUED BY THE DEPARTMENT; AND

(II) INCLUDES TEACHING ASSIGNMENTS WITH SUPERVISION AND MENTORING BY A QUALIFIED TEACHER.

(3) "PARTNER SCHOOL" MEANS A LOCAL SCHOOL SYSTEM, NONPUBLIC SCHOOL, OR NONPUBLIC SPECIAL EDUCATION SCHOOL THAT HAS A WRITTEN PARTNERSHIP AGREEMENT WITH AN INSTITUTION OF HIGHER EDUCATION OR ALTERNATIVE TEACHER PREPARATION PROGRAM TO PROVIDE A TEACHER TRAINING PRACTICUM FOR PARTICIPANTS ENROLLED IN A TEACHER PREPARATION PROGRAM AT THE INSTITUTION OF HIGHER EDUCATION OR ALTERNATIVE TEACHER PREPARATION PROGRAM.

(B) (1) EACH PARTICIPANT IN AN UNDERGRADUATE AND A GRADUATE TEACHER PREPARATION PROGRAM SHALL COMPLETE A TEACHER TRAINING PRACTICUM AS A REQUIREMENT FOR GRADUATION.

(2) AN ALTERNATIVE TEACHER PREPARATION PROGRAM SHALL REQUIRE EACH PARTICIPANT TO SUCCESSFULLY COMPLETE A TEACHER TRAINING PRACTICUM.

(C) (1) A TEACHER TRAINING PRACTICUM FOR A PARTICIPANT IN:

(I) AN UNDERGRADUATE TEACHER PREPARATION PROGRAM SHALL BE:

1. A MINIMUM OF 100 DAYS; AND

2. BEGINNING ON OR BEFORE JULY 1, 2025, EQUIVALENT TO ONE FULL SCHOOL YEAR; AND

(II) A GRADUATE TEACHER PREPARATION PROGRAM:

1. SHALL BE FOR A MINIMUM OF 100 DAYS; OR

2. MAY BE UP TO THE EQUIVALENT OF ONE FULL SCHOOL YEAR, AT THE DISCRETION OF THE INSTITUTION OF HIGHER EDUCATION.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A TEACHER TRAINING PRACTICUM IN AN ALTERNATIVE TEACHER PREPARATION PROGRAM SHALL HAVE A DURATION OF:

1. BEGINNING ON OR BEFORE JULY 1, 2021, A MINIMUM OF 100 DAYS; AND

2. BEGINNING ON JULY 1, 2025, A MINIMUM OF THE EQUIVALENT OF ONE FULL SCHOOL YEAR.

(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO AN ALTERNATIVE TEACHER PREPARATION PROGRAM OPERATING IN THE STATE ON OR BEFORE JULY 1, 2020, THAT PROVIDES EFFECTIVE AND DIVERSE TEACHERS IN SCHOOLS AND LOCAL SCHOOL SYSTEMS, AS APPROVED BY THE STATE SUPERINTENDENT, THAT HAVE HIGH RATES, RELATIVE TO OTHER PUBLIC SCHOOLS IN THE STATE, OF:

A. TEACHER VACANCIES;

B. TEACHER TURNOVER; AND

C. NEW TEACHERS.

2. BEGINNING ON JULY 1, 2025, THE DURATION OF A TEACHER TRAINING PRACTICUM IN AN ALTERNATIVE TEACHER PREPARATION PROGRAM SHALL BE A MINIMUM OF 100 DAYS.

(3) THE MINIMUM DURATION OF A TEACHER TRAINING PRACTICUM MAY BE A COMPLETED CONSECUTIVELY OR OVER THE COURSE OF THE TEACHER PREPARATION PROGRAM.

(D) A TEACHER TRAINING PRACTICUM IN AN ALTERNATIVE TEACHER PREPARATION PROGRAM SHALL INCLUDE, AT MINIMUM, THE FOLLOWING CONTENT:

(1) PREPARING LESSON PLANS;

(2) TEACHING;

(3) DEBRIEFING;

(4) OBSERVATION OF A CLASS OF STUDENTS TO WHICH THE PARTICIPANT IS ASSIGNED AS A STUDENT TEACHER; AND

(5) 40 HOURS OF TEACHING DURING CLASS PERIODS.

(E) (1) ~~A~~ (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A TEACHER TRAINING PRACTICUM SHALL BE ESTABLISHED THROUGH A WRITTEN PARTNERSHIP AGREEMENT BETWEEN A PARTNER SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION OR ALTERNATIVE TEACHER PREPARATION PROGRAM.

(II) IN ESTABLISHING A TEACHER TRAINING PRACTICUM, AN INSTITUTION OF HIGHER EDUCATION OR ALTERNATIVE TEACHER PREPARATION PROGRAM SHALL PRIORITIZE SELECTING PARTNER SCHOOLS IN THE SAME COMMUNITY AS THE INSTITUTION OF HIGHER EDUCATION OR ALTERNATIVE TEACHER PREPARATION PROGRAM.

(2) THE INSTRUCTIONAL PROGRAM AND WORK ORGANIZATION OF A PARTNER SCHOOL SHALL BE DESIGNED TO REFLECT THE CAREER LADDER DEVELOPED UNDER SUBTITLE 10 OF THIS TITLE.

(3) AN INSTITUTION OF HIGHER EDUCATION OR ALTERNATIVE TEACHER PREPARATION PROGRAM AND A PARTNER SCHOOL SHALL SEEK TO PROVIDE TEACHER TRAINING PRACTICUM PLACEMENTS IN A VARIETY OF SCHOOL ENVIRONMENTS WITH DIVERSE STUDENT POPULATIONS THAT PROVIDE PARTICIPANTS WITH THE SAME KIND OF EXPERIENCES AS TEACHERS EMPLOYED IN THE STATE.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A MENTOR TEACHER FOR A PARTICIPANT IN A TEACHER TRAINING PRACTICUM SHALL BE A HIGHLY COMPETENT TEACHER, TRAINED AND SELECTED BY THE PARTNER

SCHOOL, WHO WILL WORK TO INSTILL IN THE PARTICIPANT THE SKILLS, ATTITUDES, VALUES, AND KNOWLEDGE NECESSARY FOR THE NEXT GENERATION OF TEACHERS.

(II) WHEN THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER § 5–402 OF THIS ARTICLE DETERMINES THAT THE CAREER LADDER SYSTEM UNDER SUBTITLE 10 OF THIS TITLE IS WELL ESTABLISHED THROUGHOUT THE STATE, MENTOR TEACHERS ~~WILL SELECTED FOR THIS ROLE~~ WILL BE SELECTED USING CRITERIA FROM THE CAREER LADDER SYSTEM.

(5) A PARTNER SCHOOL SHALL:

(I) ASSIST AN INSTITUTION OF HIGHER EDUCATION OR ALTERNATIVE TEACHER PREPARATION PROGRAM IN FINDING TEACHER TRAINING PRACTICUM PLACEMENTS FOR PARTICIPANTS; AND

(II) 1. ~~COMPENSATE~~ SUBJECT TO ITEM 2 OF THIS ITEM, COMPENSATE MENTOR TEACHERS WHO SUPERVISE PARTICIPANTS IN A TEACHER TRAINING PRACTICUM; AND

2. WHEN THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER § 5–402 OF THIS ARTICLE DETERMINES THAT THE CAREER LADDER SYSTEM UNDER SUBTITLE 10 OF THIS TITLE IS WELL ESTABLISHED THROUGHOUT THE STATE, COMPENSATE MENTOR TEACHERS ACCORDING TO THE CAREER LADDER SYSTEM.

(6) AN INSTITUTION OF HIGHER EDUCATION OR ALTERNATIVE TEACHER PREPARATION PROGRAM SHALL COLLABORATE WITH MENTOR TEACHERS OF A PARTNER SCHOOL TO EVALUATE PARTICIPANTS IN A TEACHER TRAINING PRACTICUM TO ENSURE EACH PARTICIPANT DEMONSTRATES THE COMPETENCIES REQUIRED OF CERTIFIED TEACHERS.

(7) A PARTNER SCHOOL OR A TEACHER PREPARATION PROGRAM MAY APPLY TO THE DEPARTMENT FOR A GRANT FROM THE TEACHER COLLABORATIVE GRANT PROGRAM UNDER § 6–123 OF THIS SUBTITLE FOR DEVELOPMENT OF A TEACHER TRAINING PRACTICUM.

(F) THE DEPARTMENT AND THE MARYLAND HIGHER EDUCATION COMMISSION MAY AUTHORIZE A TEACHER PREPARATION PROGRAM OR AN ALTERNATIVE TEACHER PREPARATION PROGRAM TO ESTABLISH AN APPRENTICESHIP PROGRAM REGISTERED WITH THE MARYLAND DEPARTMENT OF LABOR.

~~(F)~~ *(G)* THE STATE BOARD AND THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD SHALL, IN CONSULTATION WITH THE

ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER § 5–402 OF THIS ARTICLE, ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

6–121.

(A) A TEACHER PREPARATION PROGRAM SHALL:

(1) INCLUDE THE FOLLOWING COMPONENTS OF INSTRUCTION:

(I) BASIC RESEARCH SKILLS AND METHODS AND TRAINING ON THE ROUTINE EVALUATION AND USE OF RESEARCH AND DATA TO IMPROVE STUDENT PERFORMANCE;

(II) DIFFERENTIATION OF INSTRUCTION AND DEMONSTRATION OF CULTURAL COMPETENCE FOR STUDENTS OF DIVERSE RACIAL, ETHNIC, LINGUISTIC, AND ECONOMIC BACKGROUNDS WITH DIFFERENT LEARNING ABILITIES~~.~~;

(III) IMPLEMENTATION OF RESTORATIVE APPROACHES FOR STUDENT BEHAVIORS;

(IV) IDENTIFYING AND ASSESSING, IN THE CONTEXT OF THE CLASSROOM, TYPICAL STUDENT LEARNING DEFICITS AND TECHNIQUES TO REMEDY LEARNING DEFICITS;

(V) RECOGNIZING AND EFFECTIVELY USING HIGH QUALITY INSTRUCTIONAL MATERIALS, INCLUDING DIGITAL RESOURCES AND COMPUTER TECHNOLOGY;

(VI) CORE ACADEMIC SUBJECTS THAT TEACHERS WILL BE TEACHING;

(VII) METHODS AND TECHNIQUES FOR IDENTIFYING AND ADDRESSING THE SOCIAL AND EMOTIONAL NEEDS OF STUDENTS, INCLUDING TRAUMA–INFORMED APPROACHES TO PEDAGOGY; AND

(VIII) SKILLS AND TECHNIQUES FOR EFFECTIVE CLASSROOM MANAGEMENT;

(2) REQUIRE PROGRAM PARTICIPANTS TO DEMONSTRATE COMPETENCY IN EACH OF THE ~~COURSES~~ COMPONENTS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION;

(3) PROVIDE TRAINING IN THE KNOWLEDGE AND SKILLS REQUIRED TO UNDERSTAND AND TEACH THE MARYLAND CURRICULUM FRAMEWORKS; AND

(4) ON OR AFTER JULY 1, 2025, REQUIRE PASSING A ~~PERFORMANCE–BASED ASSESSMENT~~ *NATIONALLY RECOGNIZED, PORTFOLIO–BASED ASSESSMENT OF TEACHING ABILITY* AS A REQUIREMENT FOR GRADUATION.

(B) EACH TEACHER PREPARATION PROGRAM SHALL INCORPORATE CLASSROOM OBSERVATIONS IN WHICH THE PROGRAM PARTICIPANT IS OBSERVED IN DIFFERENT SCHOOL SETTINGS AT THE BEGINNING OF THE TEACHER PREPARATION PROGRAM TO ASSIST A PROGRAM PARTICIPANT IN DETERMINING IF THE PROGRAM PARTICIPANT HAS THE APTITUDE AND TEMPERAMENT FOR TEACHING.

(C) A TEACHER PREPARATION PROGRAM SHALL DEVELOP A METHOD FOR REGULARLY COMMUNICATING AND COLLABORATING WITH LOCAL SCHOOL SYSTEMS, INCLUDING, IF NECESSARY, THROUGH FINANCIAL MEMORANDA OF UNDERSTANDING, TO STRENGTHEN TEACHER PREPARATION, INDUCTION, AND PROFESSIONAL DEVELOPMENT PROGRAMS.

(D) (1) AN INSTITUTION OF HIGHER EDUCATION THAT OFFERS GRADUATE LEVEL COURSES IN SCHOOL ADMINISTRATION SHALL DEVELOP:

(I) A METHOD FOR EVALUATING THE POTENTIAL OF PROGRAM PARTICIPANTS TO BE EFFECTIVE SCHOOL LEADERS; AND

(II) A CURRICULUM TO ENABLE SCHOOL LEADERS TO ORGANIZE AND MANAGE SCHOOLS TO ACHIEVE THE EFFECTIVENESS OF TOP–PERFORMING SCHOOLS OR SCHOOL SYSTEMS, INCLUDING:

1. MANAGEMENT OF HIGHLY SKILLED PROFESSIONALS IN A PROFESSIONAL WORK ENVIRONMENT; AND

2. EFFECTIVE PEER OBSERVATIONS AND EFFECTIVE EVALUATIONS OF OTHER PERSONNEL.

(2) THESE COURSES SHALL INCLUDE CLINICAL EXPERIENCE AND ASSESSMENTS TO DETERMINE WHETHER PARTICIPANTS DEMONSTRATE COMPETENCY IN THESE AREAS.

(E) AN INSTITUTION OF HIGHER EDUCATION:

(1) MAY, IF THE INSTITUTION OF HIGHER EDUCATION SHOWS CAUSE, EXPAND THE TOTAL NUMBER OF CREDIT HOURS REQUIRED TO GRADUATE FROM AN UNDERGRADUATE TEACHER PREPARATION PROGRAM BY UP TO 12 CREDITS; AND

(2) MAY NOT REQUIRE A NUMBER OF CREDIT HOURS IN EXCESS OF 132 TOTAL CREDIT HOURS TO GRADUATE FROM AN UNDERGRADUATE TEACHER PREPARATION PROGRAM.

(F) TO FURTHER SUPPORT AND STRENGTHEN THE PROFESSION OF TEACHING IN THE STATE, THE DEPARTMENT SHALL:

(1) PROVIDE TECHNICAL ASSISTANCE AND OTHER SUPPORTS TO TEACHER PREPARATION PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE; ~~AND~~

(2) DEVELOP A SYSTEMIC METHOD OF PROVIDING FEEDBACK TO TEACHER PREPARATION PROGRAMS TO ENSURE THAT INSTITUTIONS OF HIGHER EDUCATION HAVE THE MOST CURRENT INFORMATION ABOUT THE CONTENT, COMPOSITION, AND EXPECTATIONS FOR TEACHERS OF PREKINDERGARTEN THROUGH 12TH GRADE CLASSES; AND

(3) ASSIST TEACHER PREPARATION PROGRAMS IN SEEKING *AND RETAINING* HIGHLY QUALIFIED INDIVIDUALS, INCLUDING INDIVIDUALS FROM GROUPS HISTORICALLY UNDERREPRESENTED IN THE TEACHING PROFESSION.

(G) THE STATE BOARD AND THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD SHALL, IN CONSULTATION WITH THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER § 5–402 OF THIS ARTICLE, ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

6–122.

(a) Except as provided in § 6–704.1 of this title and beginning on or before July 1, 2018, the State Board shall require all certificated school personnel who have direct contact with students on a regular basis to complete training on or before December 1 each year, by a method determined by each county board, in the skills required to:

(1) Understand and respond to youth suicide risk; **[**and**]**

(2) Identify professional resources to help students in crisis**;**

(3) RECOGNIZE STUDENT BEHAVIORAL HEALTH ISSUES;

(4) RECOGNIZE STUDENTS EXPERIENCING TRAUMA OR VIOLENCE OUT OF SCHOOL AND REFER STUDENTS TO BEHAVIORAL HEALTH SERVICES; AND

(5) IF THE SCHOOL IS A COMMUNITY SCHOOL, SUPPORT ANY STUDENTS NEEDING THE SERVICES AT A COMMUNITY SCHOOL.

(b) The training required under subsection (a) of this section shall be:

(1) Provided to certificated school personnel during an in–service program; or

(2) A professional development requirement that may be met during time designated for professional development.

(c) The State Board shall adopt regulations to implement this section.

(d) (1) This section may not be construed to impose a duty of care on certificated school personnel who complete training under subsection (a) of this section.

(2) Unless the acts or omissions of a certificated school employee who completed training under subsection (a) of this section are willful, wanton, or grossly negligent, a person may not bring an action against the county board for personal injury or wrongful death caused by any act or omission resulting from:

(i) Any training or lack of training of certificated school personnel under subsection (a) of this section; or

(ii) The implementation of the training required under subsection (a) of this section.

6–123.

(f) (1) For each of fiscal years 2020 **[**and 2021**]** **THROUGH 2024**, the State shall distribute at least $2,500,000 to the Department for the Teacher Collaborative Grant Program.

(2) The Department may retain up to 3% of the appropriation required under this subsection to hire staff necessary to administer the Program.

(g) On or before December 1, 2019, and **[**on or before December 1 of 2020 and 2021**]** **ANNUALLY THROUGH DECEMBER 1, 2024**, the Department shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, to the General Assembly on:

(1) The number of grant applications received under the Program;

(2) The number of grants awarded under the Program; and

(3) The current status of each grantee and the grantee's activities funded under the Program.

6–124.

~~**(A) IN THIS SECTION, "PROGRAM" MEANS A SCHOOL LEADERSHIP TRAINING PROGRAM.**~~

~~**(B)**~~ **(A) THE DEPARTMENT SHALL ESTABLISH, IN COLLABORATION WITH THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER § 5–402 OF THIS ARTICLE, SEPARATE SCHOOL LEADERSHIP TRAINING PROGRAMS FOR:**

(1) THE STATE SUPERINTENDENT, LOCAL SCHOOL SUPERINTENDENTS, AND SENIOR, INSTRUCTION–RELATED STAFF; AND

(2) MEMBERS OF THE STATE BOARD, MEMBERS OF COUNTY BOARDS, AND SCHOOL PRINCIPALS.

~~**(C)**~~ **(B) BOTH PROGRAMS SHALL BE:**

(1) FOR A DURATION OF 12 TO 24 MONTHS;

(2) COHORT–BASED TO ENCOURAGE COLLABORATION AND SHARED LEARNING;

(3) JOB–EMBEDDED TO ALLOW FOR APPLICATION OF KNOWLEDGE AND TECHNIQUES;

(4) TAILORED TO PROGRAM PARTICIPANTS USING SELF–DIAGNOSTICS AND SCHOOL–LEVEL DIAGNOSTICS; AND

(5) EVIDENCE–BASED IN ACCORDANCE WITH THE GUIDELINES FOR THE FEDERAL EVERY STUDENT SUCCEEDS ACT.

~~**(D)**~~ **(C) A PROGRAM FOR SCHOOL SUPERINTENDENTS AND SENIOR, INSTRUCTION–RELATED STAFF SHALL INCLUDE:**

(1) A REVIEW OF EDUCATION IN THE UNITED STATES RELATIVE TO COUNTRIES WITH TOP PERFORMING EDUCATION SYSTEMS AND THE IMPLICATIONS OF HIGH PERFORMANCE FOR STUDENTS, THE ECONOMIC SECURITY OF THE UNITED STATES, AND QUALITY OF LIFE;

(2) A MODEL FOR STRATEGIC THINKING THAT WILL ASSIST EDUCATION LEADERS TO TRANSFORM DISTRICTS UNDER THEIR LEADERSHIP;

(3) TRAINING TO PROVIDE A WORKING KNOWLEDGE OF RESEARCH ON HOW STUDENTS LEARN AND THE IMPLICATIONS FOR INSTRUCTIONAL REDESIGN, CURRICULUM PLANS, AND PROFESSIONAL LEARNING;

(4) A RESEARCH–BASED MODEL FOR COACHING SCHOOL LEADERS; AND

(5) LESSONS IN TRANSFORMATIONAL LEADERSHIP.

(E) A PROGRAM FOR BOARD OF EDUCATION MEMBERS AND SCHOOL PRINCIPALS SHALL INCLUDE:

(1) A METHOD FOR ORGANIZING SCHOOLS TO ACHIEVE HIGH PERFORMANCE, INCLUDING:

(I) BUILDING INSTRUCTIONAL LEADERSHIP TEAMS;

(II) IMPLEMENTING CAREER LADDERS FOR TEACHERS;

(III) OVERSEEING TEACHER INDUCTION AND MENTORING SYSTEMS; AND

(IV) IDENTIFYING, RECRUITING, AND RETAINING HIGH–QUALITY SCHOOL LEADERS;

(2) A MODEL FOR STRATEGIC THINKING THAT WILL ASSIST SCHOOL LEADERS ~~DRIVE~~ IN DRIVING REDESIGN EFFORTS IN THEIR SCHOOLS;

(3) TRAINING TO PROVIDE A DEEP UNDERSTANDING OF STANDARDS–ALIGNED INSTRUCTIONAL SYSTEMS;

(4) TRAINING TO PROVIDE A WORKING KNOWLEDGE OF THE RESEARCH ON HOW STUDENTS LEARN AND THE IMPLICATIONS OF THIS RESEARCH FOR INSTRUCTIONAL REDESIGN, CURRICULUM, AND PROFESSIONAL LEARNING;

(5) A RESEARCH–BASED MODEL FOR INSTRUCTIONAL COACHING;

(6) AN OVERVIEW OF ETHICAL LEADERSHIP DIRECTLY TIED TO THE SCHOOL LEADERS' RESPONSIBILITY TO DRIVE EQUITABLE LEARNING IN THEIR SCHOOLS; AND

(7) LESSONS IN TRANSFORMATIONAL LEADERSHIP.

6–125.

(A) (1) THE DEPARTMENT SHALL DETERMINE WHETHER THE BASIC LITERACY SKILLS TEST REQUIRED FOR INITIAL TEACHER CERTIFICATION THAT IS AT LEAST AS RIGOROUS AS THE SIMILAR EXAMINATION ADMINISTERED BY THE COMMONWEALTH OF MASSACHUSETTS.

(2) IF THE DEPARTMENT DETERMINES THE BASIC LITERACY SKILLS TEST IS INSUFFICIENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL DEVELOP A NEW LITERACY EXAMINATION OF SUFFICIENT RIGOR.

(3) THE DEPARTMENT MAY NOT LIMIT THE NUMBER OF TIMES AN INDIVIDUAL MAY TAKE THE LITERACY EXAMINATION DEVELOPED UNDER THIS SUBSECTION IN ORDER TO PASS.

(B) (1) (I) BEGINNING AFTER THE IMPLEMENTATION OF THE LITERACY EXAMINATION UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP AND ADMINISTER CHALLENGING, SUBJECT SPECIFIC EXAMINATIONS TAILORED TO THE SUBJECTS AND GRADE LEVEL AT WHICH TEACHERS WILL TEACH.

(II) SUBJECT SPECIFIC EXAMINATIONS SHALL BE AT LEAST AS RIGOROUS AS SIMILAR EXAMINATIONS ADMINISTERED IN THE COMMONWEALTH OF MASSACHUSETTS.

(III) THE DEPARTMENT MAY NOT LIMIT THE NUMBER OF TIMES AN INDIVIDUAL MAY TAKE A SUBJECT SPECIFIC EXAMINATION TO PASS THE EXAMINATION.

(2) BEFORE A SUBJECT SPECIFIC EXAMINATION DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ADMINISTERED, THE DEPARTMENT SHALL DEVELOP STANDARDS FOR THE SUBJECT SPECIFIC EXAMINATION AND SUBMIT THE STANDARDS TO EACH DEPARTMENT APPROVED TEACHER PREPARATION PROGRAM 1 YEAR BEFORE THE FIRST YEAR IN WHICH THE EXAMINATION IS EXPECTED TO BE ADMINISTERED.

(3) A TEACHER PREPARATION PROGRAM WITH STANDARDS FOR A SUBJECT SPECIFIC EXAMINATION DEVELOPED BY THE DEPARTMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION, SHALL INCORPORATE THE STANDARDS INTO THE CURRICULUM OF THE TEACHER PREPARATION PROGRAM IN A TIMELY MANNER.

6–126.

(A) (1) THIS SUBSECTION APPLIES TO INDIVIDUALS WHO HAVE GRADUATED FROM A TEACHER PREPARATION PROGRAM APPROVED BY THE DEPARTMENT OR AN ALTERNATIVE TEACHER PREPARATION PROGRAM.

(2) BEGINNING ON JULY 1, 2025, TO QUALIFY FOR AN INITIAL CERTIFICATE AN INDIVIDUAL SHALL:

(I) ~~PASS AN EXAMINATION~~ *SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, PASS A NATIONALLY RECOGNIZED, PORTFOLIO–BASED ASSESSMENT* OF TEACHING ABILITY;

(II) PASS A RIGOROUS STATE–SPECIFIC EXAMINATION OF MASTERY OF READING INSTRUCTION AND CONTENT FOR THE GRADE LEVEL THE INDIVIDUAL WILL BE TEACHING; AND

(III) SATISFACTORILY COMPLETE ANY OTHER REQUIREMENTS ESTABLISHED BY THE STATE BOARD.

(3) AN INDIVIDUAL WHO GRADUATES FROM A TEACHER PREPARATION PROGRAM IN THE STATE WHO PASSED A NATIONALLY RECOGNIZED, PORTFOLIO–BASED ASSESSMENT AS A REQUIREMENT TO GRADUATE UNDER § 6–121 OF THIS SUBTITLE, MAY NOT BE REQUIRED TO TAKE THE ASSESSMENT MORE THAN ONE TIME.

(B) IN ADDITION TO ANY OTHER REQUIREMENTS ESTABLISHED BY THE STATE BOARD, TO QUALIFY FOR A CERTIFICATE IN THE STATE, A TEACHER WHO GRADUATED FROM AN INSTITUTION OF HIGHER EDUCATION IN ANOTHER STATE OR HOLDS A PROFESSIONAL LICENSE OR CERTIFICATE FROM ANOTHER STATE SHALL:

(1) PASS AN EXAMINATION OF TEACHING ABILITY WITHIN 18 MONTHS OF BEING HIRED BY A LOCAL SCHOOL SYSTEM; OR

(2) HOLD AN ACTIVE NATIONAL BOARD CERTIFICATION FROM THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

(C) (1) THE DEPARTMENT, AFTER A REASONABLE PERIOD OF REVIEW AND ASSESSMENT, SHALL DETERMINE WHETHER ONE OF THE ASSESSMENTS OF TEACHING SKILL REQUIRED FOR INITIAL TEACHER CERTIFICATION UNDER THIS SECTION MORE ADEQUATELY MEASURES THE SKILLS AND KNOWLEDGE REQUIRED OF A HIGHLY QUALIFIED TEACHER.

(2) IF THE DEPARTMENT MAKES A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT REQUIRES A REVISION TO THE STATUTORY REQUIREMENTS FOR INITIAL TEACHER CERTIFICATION, THE DEPARTMENT SHALL, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, SUBMIT A REPORT TO GENERAL ASSEMBLY ON OR BEFORE THE NEXT SEPTEMBER 1 ON ITS RECOMMENDATIONS FOR REVISING THE QUALIFICATIONS FOR INITIAL TEACHER LICENSURE.

(D) (1) THE DEPARTMENT SHALL ACTIVELY MONITOR AND ASSESS, DURING THEIR IMPLEMENTATION AND DEVELOPMENT, NEW TEACHER STANDARDS AND ASSESSMENTS PRODUCED UNDER THIS SECTION FOR ANY NEGATIVE IMPACT ON THE DIVERSITY OF TEACHER CANDIDATES PASSING THE INITIAL TEACHER CERTIFICATION ASSESSMENTS.

(2) THE DEPARTMENT SHALL REPORT THE RESULTS OF ITS MONITORING AND ASSESSMENT TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER § 5–402 OF THIS ARTICLE.

6–201.

(b) (1) Except as provided in subsection (a) of this section **AND SUBTITLE 10 OF THIS TITLE**, the county superintendent shall nominate for appointment by the county board:

(i) All professional assistants of the office of county superintendent; and

(ii) All principals, teachers, and other certificated personnel.

6–408.

(c) (1) On request a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to:

(i) ~~[~~Salaries,~~]~~ ~~IN ACCORDANCE WITH SUBTITLE 10 OF THIS TITLE, SALARIES,~~ wages, hours, and other working conditions, including procedures regarding employee transfers and assignments; ~~and~~

(ii) The structure, time, and manner of the access of the exclusive representative to a public school employer's new employee processing as required under § 6–407.1 of this subtitle**; AND**

(III) A CAREER LADDER FOR EDUCATORS ESTABLISHED UNDER SUBTITLE 10 OF THIS TITLE.

6–411.

(a) This subtitle does not supersede **[**any**]:**

(1) ANY other provision of the Code or the rules and regulations of public school employers that establish and regulate tenure**; OR**

(2) THE CAREER LADDER ESTABLISHED UNDER SUBTITLE 10 OF THIS TITLE.

6–704.

(a) (1) In accordance with Title 10, Subtitle 1 of the State Government Article, both the State Board and the Board shall develop for consideration rules and regulations for:

(i) Except as provided in item (iii) of this paragraph, the certification of teachers and other professional personnel in accordance with this article;

(ii) Requirements for preparation of teachers and other education personnel; and

(iii) The certification of social workers employed by a local school employer as professional personnel.

(2) Rules and regulations developed by the State Board shall be reviewed by the Board.

(3) Rules and regulations developed by the Board shall be reviewed by the State Board.

(4) Rules and regulations that are initiated by either the State Board or the Board and submitted for review to each other shall be acted upon within 60 days of their receipt by the other party.

~~(5) Recommendations on rules and regulations **[**that are initiated by the Board**]** shall be implemented **[**unless disapproved by three–fourths of the members of the State Board**] IF BOTH THE BOARD AND THE STATE BOARD APPROVE THEM.~~

~~(6) **[**Recommendations on rules and regulations that are initiated by the State Board shall be implemented unless disapproved by the Board.~~

~~(7) If the rules or regulations are disapproved under paragraph (6) of this subsection, the rules or regulations shall be implemented if they are approved by three–fourths of the members of the State Board.~~

~~(8)]~~ ~~An individual who is otherwise qualified may not be denied the right to receive credentials from the Board, to receive training to become a teacher, or to practice teaching in any school because that individual is totally or partially blind.~~

~~[(9)]~~ **~~(7)~~** ~~A county board may not refuse to contract with or engage a teacher because of blindness if the blind teacher is capable of performing the duties of the position for which he has applied.~~

~~[(10)]~~ **~~(8)~~** ~~The right of a school psychologist, who is certified by the Board to practice school psychology consistent with the provisions of that certification, may not be limited by Title 18 of the Health Occupations Article with respect to the practice of school psychology in an educational institution.~~

(5) Recommendations on rules and regulations ***[****that are initiated by the Board****]*** *shall be implemented* ***[****unless disapproved by three–fourths of the members of the State Board****]*** ***IF BOTH THE BOARD AND THE STATE BOARD APPROVE THEM****.*

(6) ***[****Recommendations on rules and regulations that are initiated by the State Board shall be implemented unless disapproved by the Board.*

(7) If the rules or regulations are disapproved under paragraph (6) of this subsection, the rules or regulations shall be implemented if they are approved by three–fourths of the members of the State Board.

*(8)****]*** *An individual who is otherwise qualified may not be denied the right to receive credentials from the Board, to receive training to become a teacher, or to practice teaching in any school because that individual is totally or partially blind.*

[*(9)****]*** ***(7)*** *A county board may not refuse to contract with or engage a teacher because of blindness if the blind teacher is capable of performing the duties of the position for which he has applied.*

[*(10)****]*** ***(8)*** *The right of a school psychologist, who is certified by the Board to practice school psychology consistent with the provisions of that certification, may not be limited by Title 18 of the Health Occupations Article with respect to the practice of school psychology in an educational institution.*

SUBTITLE 10. CAREER LADDER FOR EDUCATORS.

6–1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CAREER LADDER" MEANS THE CAREER LADDER FOR PUBLIC PREKINDERGARTEN, PRIMARY, OR SECONDARY SCHOOL TEACHERS IN THE STATE IMPLEMENTED BY COUNTY BOARDS THAT MEETS THE STANDARDS SET FORTH UNDER THIS SUBTITLE AND THE STANDARDS ADOPTED BY THE DEPARTMENT.

(C) "NBC" MEANS NATIONAL BOARD CERTIFICATION ISSUED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

(D) "NBC TEACHER" MEANS A TEACHER WHO HOLDS AN ACTIVE NATIONAL BOARD CERTIFICATION.

(E) (1) "TEACHER" MEANS A CERTIFIED PUBLIC SCHOOL EMPLOYEE WHO IS PRIMARILY RESPONSIBLE AND ACCOUNTABLE FOR TEACHING THE STUDENTS IN THE CLASS.

(2) "TEACHER" DOES NOT INCLUDE, UNLESS OTHERWISE PROVIDED:

(I) CURRICULUM SPECIALISTS;

(II) INSTRUCTIONAL AIDES;

(III) ATTENDANCE PERSONNEL;

(IV) PSYCHOLOGISTS;

(V) SOCIAL WORKERS;

(VI) CLERICAL PERSONNEL;

(VII) AN INDIVIDUAL WITH A RESIDENT TEACHER CERTIFICATE ~~ISSUED UNDER § 6–120 OF THIS TITLE~~; OR

(VIII) AN INDIVIDUAL WITH A CERTIFICATION FOR CAREER PROFESSIONALS ~~ISSUED UNDER § 6–121 OF THIS TITLE~~.

6–1002.

(A) (1) ON OR BEFORE JULY 1, 2023, EACH COUNTY BOARD SHALL IMPLEMENT A CAREER LADDER THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE REQUIREMENTS OF THIS SUBTITLE SHALL BECOME EFFECTIVE IN A COUNTY ON THE DATE THE COUNTY BOARD ADOPTS A CAREER LADDER UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) (1) THERE IS A CAREER LADDER FOR EDUCATORS IN THE STATE.

(2) THE PURPOSE OF THE CAREER LADDER IS TO:

(I) TRANSFORM TEACHING INTO A HIGH–STATUS PROFESSION IN THE STATE;

(II) ATTRACT HIGH–PERFORMING STUDENTS TO PURSUE THE HIGH–STATUS TEACHING PROFESSION;

(III) RETAIN HIGH–QUALITY TEACHERS WHO GAIN ADDITIONAL RESPONSIBILITY, AUTHORITY, STATUS, AND COMPENSATION AS THEY GAIN ADDITIONAL EXPERTISE;

(IV) TRANSFORM THE EDUCATION SYSTEM IN THE STATE INTO A TOP–PERFORMING SYSTEM IN THE WORLD;

(V) SUPPORT THE RE–ORGANIZATION OF SCHOOLS TO PROVIDE TEACHERS WITH PROFESSIONAL LEARNING AND PEER COLLABORATION TIME DURING THE SCHOOL DAY BY HAVING MORE TEACHERS IN EACH SCHOOL~~; AND~~, INCLUDING TIME *PRIMARILY*:

1. TO WORK IN TEAMS OF TEACHERS BY SUBJECT AND GRADE;

2. TO WORK TOGETHER WITH OTHER TEACHERS TO CONTINUOUSLY IMPROVE INSTRUCTION;

3. TO REVIEW TOGETHER WITH OTHER TEACHERS INDIVIDUAL STUDENT NEEDS, INCLUDING NEEDS RELATED TO BEHAVIORAL ISSUES, AND DEVELOP PLANS TO ADDRESS THOSE NEEDS; AND

4. FOR PROFESSIONAL LEARNING FOR TEACHERS PURSUING NBC;

(VI) DEVELOP AND SUPPORT HIGHLY COMPETENT SCHOOL LEADERS THAT ARE ABLE TO LEAD HIGH PERFORMING SCHOOLS DUE TO THEIR:

1. KNOWLEDGE OF TEACHING AND LEARNING;

2. EXPERIENCE AS TEACHERS, LEADERS, AND MENTORS OF TEACHERS; AND

3. KNOWLEDGE OF AND EXPERIENCE WITH ORGANIZING SCHOOLS SO THAT ALL STUDENTS ARE SUCCESSFUL IN THE GLOBAL ECONOMY; AND

~~(VI)~~ (VII) ABOVE ALL, INSPIRE TEACHERS AND SCHOOL LEADERS TO INSTILL IN THEIR STUDENTS A PASSION FOR LEARNING AND A MASTERY OF THE SKILLS NECESSARY TO SUCCEED IN THE GLOBAL ECONOMY.

(C) EXCEPT AS PROVIDED IN THIS SUBTITLE, THE CAREER LADDER IS SUBJECT TO COLLECTIVE BARGAINING IN ACCORDANCE WITH § 6–408 OF THIS TITLE.

~~(C)~~ (D) THE CAREER LADDER SHALL:

(1) ADEQUATELY COMPENSATE PROFESSIONAL TEACHERS FOR THEIR WORK;

(2) SUPPORT AND ENCOURAGE TEACHERS WORKING IN TEAMS TO SYSTEMATICALLY IMPROVE SCHOOLS AND CURRICULA;

(3) ~~IDENTIFY~~ PROVIDE TEACHERS WITH THE OPPORTUNITY TO IDENTIFY AND WORK WITH STUDENTS WHO NEED EXTRA HELP, INCLUDING BY PROVIDING TEACHERS TIME DURING THE SCHOOL DAY TO TAKE ON THOSE PURSUITS; AND

(4) PROVIDE TEACHERS WITH THE OPPORTUNITY TO DEVELOP THEIR SKILLS AND KNOWLEDGE BY PARTICIPATING IN JOB–EMBEDDED PROFESSIONAL DEVELOPMENT.

~~(D)~~ (E) THE GUIDING PRINCIPLES FOR DEVELOPMENT OF THE CAREER LADDER ARE:

(1) PROGRESSION OF TEACHERS IN A MANNER THAT INCENTIVIZES TEACHERS TO STAY ON THE TEACHER TRACK RATHER THAN MOVING TO THE ADMINISTRATOR TRACK;

(2) A TEACHER SALARY THAT ATTRACTS NEW TEACHERS TO THE PROFESSION;

(3) A TEACHER SALARY THAT INCENTIVIZES EXISTING TEACHERS TO OPT IN TO THE CAREER LADDER;

(4) TEACHER SALARY PROGRESSION AS PERFORMANCE INCREASES AS DEMONSTRATED BY A TEACHER ACHIEVING NBC; AND

(5) INCENTIVES THAT ARE SUCCESSFUL IN ALL LOCAL SCHOOL SYSTEMS.

~~(E)~~ (F) THE LEVELS OF THE CAREER LADDER ARE AS FOLLOWS:

(1) LEVEL ONE IS A STATE CERTIFIED TEACHER;

(2) LEVEL TWO IS A TEACHER PURSUING:

(I) A MASTER'S DEGREE;

(II) 30 CREDITS OF A PROGRAM OF STUDY APPROVED BY THE STATE BOARD, IN CONSULTATION WITH THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD; OR

(III) NBC;

(3) LEVEL THREE IS:

(I) ~~A NBC~~ AN NBC TEACHER;

(II) ~~A~~ IF THERE IS NO ASSESSMENT COMPARABLE TO NBC FOR THE TEACHER'S SUBJECT AREA, A TEACHER WITH ~~AN ADVANCED PROFESSIONAL CERTIFICATE~~ A MASTER'S DEGREE IN THE TEACHER'S SUBJECT AREA; OR

(III) AN ASSISTANT PRINCIPAL; AND

(4) LEVEL FOUR IS:

(I) A TEACHER ON THE TEACHER LEADERSHIP TRACK, IN THE FOLLOWING TIERS:

1. LEAD TEACHER;

2. ~~MASTER~~ DISTINGUISHED TEACHER; OR

3. PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHER; OR

(II) A TEACHER ON THE ADMINISTRATOR TRACK, IN THE FOLLOWING TIERS:

1. LICENSED PRINCIPAL; OR

2. ~~MASTER~~ DISTINGUISHED PRINCIPAL.

(G) IF A TEACHER ACHIEVES LEVEL THREE OR FOUR OF THE CAREER LADDER BY BEING AN NBC TEACHER, THE TEACHER SHALL MAINTAIN AN ACTIVE NATIONAL BOARD CERTIFICATION IN ORDER TO REMAIN ON LEVEL THREE OR FOUR OF THE CAREER LADDER, AS APPLICABLE.

~~(F)~~ (H) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TEACHERS AT EACH LEVEL OR TIER OF THE CAREER LADDER SHALL TEACH IN THE CLASSROOM FOR A MINIMUM PERCENTAGE OF THEIR TOTAL WORKING TIME, AS SPECIFIED IN THIS SUBTITLE.

(2) THE PERCENTAGES REFERENCED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BECOME EFFECTIVE IN PHASES OVER ~~A 5–YEAR~~ *AN 8–YEAR* PERIOD BEGINNING ~~ON~~ JULY 1, 2025, AS SPECIFIED BY ~~THE STATE BOARD~~ *A COUNTY BOARD ON APPROVAL OF THE ACCOUNTABILITY AND IMPLEMENTATION BOARD*.

(3) THE FOLLOWING TEACHERS SHALL BE GIVEN PRIORITY FOR WORKING TIME OUTSIDE THE CLASSROOM AS THE PERCENTAGES REFERENCED IN PARAGRAPH (1) OF THIS SUBSECTION ARE PHASED IN:

(I) NEWLY LICENSED TEACHERS, PARTICULARLY NEW TEACHERS IN LOW–PERFORMING SCHOOLS OR SCHOOLS THAT HAVE A HIGH CONCENTRATION OF STUDENTS LIVING IN POVERTY; AND

(II) TEACHERS IN SCHOOLS THAT:

1. ARE LOW–PERFORMING;

2. HAVE A HIGH CONCENTRATION OF STUDENTS LIVING IN POVERTY; OR

3. HAVE LARGE ACHIEVEMENT GAPS BETWEEN SUBPOPULATIONS OF STUDENTS.

~~(G)~~ (I) THE PERCENTAGE OF TEACHERS WHO ARE PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHERS OR ~~MASTER~~ DISTINGUISHED PRINCIPALS MAY NOT BE MORE THAN 1% OF THE TOTAL NUMBER OF ALL TEACHERS.

~~(H)~~ (J) TEACHERS IN THE UPPER LEVELS OF THE CAREER LADDER SHALL MENTOR TEACHERS IN THE LOWER LEVELS OF THE LADDER, ESPECIALLY THOSE

TEACHERS WHO TEACH IN SCHOOLS WITH HIGH PROPORTIONS OF LOW–PERFORMING STUDENTS.

(K) EACH COUNTY BOARD SHALL STRIVE TO PLACE NBC TEACHERS IN SCHOOLS THROUGHOUT THE COUNTY AND IN A MANNER THAT SUPPORTS EQUITY AND PRIORITIZES LOW PERFORMING SCHOOLS.

~~(I)~~ (L) A COUNTY BOARD MAY NOT RECEIVE FUNDING FROM THE STATE FOR THE IMPLEMENTATION OF THE CAREER LADDER UNDER § 6–1009 OF THIS SUBTITLE UNLESS THE COUNTY BOARD IMPLEMENTS A CAREER LADDER THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.

6–1003.

(A) BEGINNING WITH TEACHERS LISTED UNDER § 6–1002(F)(3) OF THIS SUBTITLE, AS SPECIFIED BY THE STATE BOARD, A TEACHER ON LEVEL ONE, TWO, OR THREE OF THE CAREER LADDER SHALL:

(1) TEACH IN THE CLASSROOM ~~FOR AT LEAST~~ ~~NO MORE THAN~~ *ON AVERAGE* 60% OF ~~THEIR~~ THE TEACHER'S WORKING TIME; AND

(2) SPEND THE REMAINING TIME ON OTHER TEACHER ACTIVITIES, INCLUDING:

(I) IMPROVING INSTRUCTION;

(II) IDENTIFYING, WORKING WITH, AND TUTORING STUDENTS WHO NEED ADDITIONAL HELP;

(III) WORKING WITH THE MOST CHALLENGING STUDENTS;

(IV) WORKING WITH STUDENTS LIVING IN CONCENTRATED POVERTY; AND

(V) ~~PARTICIPATING~~ LEADING OR PARTICIPATING IN PROFESSIONAL LEARNING.

(B) (1) AN ASSISTANT PRINCIPAL IS ON LEVEL THREE OF THE CAREER LADDER AND SHALL:

(I) BE ~~A NBC~~ AN NBC TEACHER; OR

(II) HAVE AN ADVANCED PROFESSIONAL CERTIFICATE FOR ADMINISTRATION.

(2) BEGINNING WITH TEACHERS LISTED UNDER § 6–1002(F)(3) OF THIS SUBTITLE, AS SPECIFIED BY THE STATE BOARD, AN ASSISTANT PRINCIPAL SHALL:

(I) TEACH IN THE CLASSROOM FOR AT LEAST 20% OF THEIR WORKING HOURS; AND

(II) SPEND THE REMAINING TIME ON OTHER TEACHER ACTIVITIES, INCLUDING:

1. SETTING PRIORITIES FOR THE SUBJECT LEVEL DEPARTMENTS OF THE SCHOOL; AND

2. FULFILLING SPECIALIZED ROLES, SUCH AS HEAD OF PROFESSIONAL DEVELOPMENT.

6–1004.

(A) (1) THERE IS A TEACHER LEADERSHIP TRACK ON LEVEL FOUR OF THE CAREER LADDER.

(2) A TEACHER ON THE TEACHER LEADERSHIP TRACK ~~IS~~:

(I) SHALL:

1. BE AN NBC TEACHER; OR

2. IF THERE IS NO ASSESSMENT COMPARABLE TO NBC FOR THE TEACHER'S SUBJECT AREA, HAVE A MASTER'S DEGREE IN THE TEACHER'S SUBJECT AREA; AND

(II) IS RESPONSIBLE FOR MENTORING PEERS AND SERVING AS AN EXPERT RESOURCE ON CONTENT AND PEDAGOGY FOR THEIR SCHOOL, THEIR DISTRICT, AND THE STATE.

(B) (1) THE FIRST TIER OF THE TEACHER LEADERSHIP TRACK IS A LEAD TEACHER.

(2) A LEAD TEACHER SHALL:

(I) MEET ALL SKILL AND CREDENTIAL REQUIREMENTS FOR LEVELS ONE THROUGH THREE ON THE CAREER LADDER;

(II) BE ABLE TO LEAD, IN AN EFFECTIVE AND DISCIPLINED WAY, TEAMS OF TEACHERS WORKING TO IMPROVE THE CURRICULUM, INSTRUCTION, AND ASSESSMENT IN THE SCHOOL;

(III) HAVE THE SKILLS AND KNOWLEDGE TO MENTOR NEW TEACHERS OR LESS SKILLED TEACHERS TO ENABLE THEM TO DEVELOP THEIR SKILLS, INCLUDING MENTORING TEACHERS WHO ARE PURSUING NBC;

(IV) HAVE SUFFICIENT RESEARCH EXPERTISE, INCLUDING EXPERTISE IN ACTION RESEARCH, IN ORDER TO LEAD TEAMS OF TEACHERS THAT WILL USE RESEARCH TO DEVELOP PROGRAMS, CURRICULUM, TEACHING TECHNIQUES, AND OTHER INTERVENTIONS; ~~AND~~

(V) BE ABLE TO CONDUCT FORMAL EVALUATIONS OF THE INTERVENTIONS DEVELOPED UNDER ITEM (IV) OF THIS PARAGRAPH TO DETERMINE THE EXTENT TO WHICH ~~THEY~~ THE INTERVENTIONS ARE SUCCESSFUL AND TO ALTER ~~THEM~~ THE INTERVENTIONS AS NECESSARY TO IMPROVE OUTCOMES FOR STUDENTS; AND

(VI) TEACH STUDENTS USING CULTURALLY RESPONSIVE AND TRAUMA–INFORMED PEDAGOGY.

(3) (I) WHEN A LEAD TEACHER POSITION BECOMES AVAILABLE IN A COUNTY, A LEAD TEACHER SHALL BE SELECTED IN ACCORDANCE WITH THIS PARAGRAPH.

(II) THROUGHOUT THE PROCESS OF SELECTING A LEAD TEACHER UNDER THIS PARAGRAPH, PRIORITY SHALL BE GIVEN TO TEACHERS WHO HAVE EXPERIENCE TEACHING IN SCHOOLS THAT:

1. REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE; OR

2. HAVE RECEIVED A GRANT UNDER § 5–223 OF THIS ARTICLE.

~~(II)~~ (III) ~~MASTER~~ DISTINGUISHED TEACHERS, PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHERS, AND, IF NECESSARY BECAUSE OF A LIMITED NUMBER OF ~~MASTER~~ DISTINGUISHED AND PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHERS, LEAD TEACHERS WHO TEACH IN THE COUNTY SHALL PROVIDE A LIST OF QUALIFIED CANDIDATES TO:

1. THE PRINCIPAL OF THE SCHOOL IN WHICH THE POSITION IS AVAILABLE; AND

2. THE LOCAL SUPERINTENDENT.

~~(III)~~ (IV) THE PRINCIPAL OF THE SCHOOL IN WHICH THE POSITION IS AVAILABLE AND THE LOCAL SUPERINTENDENT SHALL APPOINT A CANDIDATE FROM THE LIST PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(4) BEGINNING WITH TEACHERS LISTED UNDER § 6–1002(F)(3) OF THIS SUBTITLE AS SPECIFIED BY THE STATE BOARD, A LEAD TEACHER SHALL:

(I) TEACH IN THE CLASSROOM ~~FOR AT LEAST~~ ~~NO MORE THAN~~ *ON AVERAGE* 50% OF ~~THEIR~~ THE TEACHER'S WORKING TIME; AND

(II) SPEND THE REMAINING TIME ON OTHER TEACHER ACTIVITIES, INCLUDING:

1. MENTORING NEWER AND STRUGGLING TEACHERS AND TEACHERS WHO ARE PURSUING NBC; AND

2. LEADING WORKSHOPS AND DEMONSTRATIONS AT THE SCHOOL LEVEL.

(C) (1) THE SECOND TIER OF THE TEACHER LEADERSHIP TRACK IS A ~~MASTER~~ DISTINGUISHED TEACHER.

(2) A ~~MASTER~~ DISTINGUISHED TEACHER SHALL HAVE DEMONSTRATED EXCEPTIONAL SKILLS IN ALL THE ~~DUTIES REQUIRED OF~~ REQUIREMENTS FOR A LEAD TEACHER, WHICH MAY BE DETERMINED THROUGH AN EVALUATION OF:

(I) THE TEACHING CAPABILITY OF THE TEACHER'S MENTEES;

(II) WHETHER THE TEAMS THE TEACHER LED RESULTED IN EFFECTIVE IMPROVEMENTS IN CURRICULUM, INSTRUCTION, AND ASSESSMENT;

(III) THE QUALITY OF THE TEACHER'S PUBLISHED WORK, INCLUDING PUBLICATION IN REFEREED JOURNALS;

(IV) THE DEMAND FOR THE TEACHER'S COUNSEL AND GUIDANCE, BOTH INSIDE AND OUTSIDE OF THE TEACHER'S SCHOOL;

(V) THE TEACHER'S ETHICAL STANDARDS AND ABILITY TO PROMOTE A SCHOOL CULTURE IN WHICH ALL STUDENTS ARE EXPECTED TO ACHIEVE

AT HIGH LEVELS AND ALL PROFESSIONALS ARE EXPECTED TO WORK TO HELP STUDENTS ACHIEVE AT HIGH LEVELS; AND

(VI) ~~THE ADMIRATION OF THE TEACHER'S PEERS AND SUPERVISORS FOR THE~~ *~~THE~~* TEACHER'S ABILITY TO INSPIRE, GUIDE, AND DEVELOP TEACHERS TO ACHIEVE ~~REAL~~ A HIGH LEVEL OF COMPETENCE.

(3) (I) WHEN A ~~MASTER~~ DISTINGUISHED TEACHER POSITION BECOMES AVAILABLE IN A COUNTY, A ~~MASTER~~ DISTINGUISHED TEACHER SHALL BE SELECTED IN ACCORDANCE WITH THIS PARAGRAPH.

(II) THROUGHOUT THE PROCESS OF SELECTING A DISTINGUISHED TEACHER UNDER THIS PARAGRAPH, PRIORITY SHALL BE GIVEN TO LEAD TEACHERS WHO HAVE EXPERIENCE TEACHING IN CLASSROOMS AND LEADING TEAMS OF TEACHERS IN SCHOOLS THAT:

1. REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE; OR

2. HAVE RECEIVED A GRANT UNDER § 5–223 OF THIS ARTICLE.

~~(II)~~ (III) PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHERS AND, IF NECESSARY BECAUSE OF A LIMITED NUMBER OF PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHERS, ~~MASTER~~ DISTINGUISHED TEACHERS WHO TEACH IN THE COUNTY~~,~~ SHALL PROVIDE A LIST OF QUALIFIED CANDIDATES TO:

1. THE PRINCIPAL OF THE SCHOOL IN WHICH THE POSITION IS AVAILABLE; AND

2. THE LOCAL SUPERINTENDENT.

~~(III)~~ (IV) THE PRINCIPAL OF THE SCHOOL IN WHICH THE POSITION IS AVAILABLE AND THE LOCAL SUPERINTENDENT SHALL APPOINT A CANDIDATE FROM THE LIST PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(4) BEGINNING WITH TEACHERS LISTED UNDER § 6–1002(F)(3) OF THIS SUBTITLE AS SPECIFIED BY THE STATE BOARD, A ~~MASTER~~ DISTINGUISHED TEACHER SHALL:

(I) TEACH IN THE CLASSROOM ~~FOR AT LEAST~~ ~~NO MORE THAN~~ *ON AVERAGE* 40% OF ~~THEIR~~ THE TEACHER'S WORKING TIME; AND

(II) SPEND THE REMAINING TIME ON OTHER TEACHER ACTIVITIES, INCLUDING:

1. MENTORING LEAD TEACHERS; AND

2. LEADING WORKSHOPS AND DEMONSTRATIONS AT THE SCHOOL AND DISTRICT LEVEL.

(D) (1) THE THIRD TIER OF THE TEACHER LEADERSHIP TRACK IS A PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHER.

(2) A PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHER IS A DISTINGUISHED TEACHER WITH EXCEPTIONAL ACCOMPLISHMENTS, WHICH MAY BE DEMONSTRATED BY:

(I) ~~A REPUTATION AS BEING AMONG THE VERY BEST OF TEACHERS, LEADERS OF TEACHERS, AND DEVELOPERS OF TEACHERS;~~

~~(II)~~ THE PUBLICATION OF RESEARCH PAPERS AS A UNIVERSITY PROFESSOR; OR

~~(III)~~ *(II)* BEING QUALIFIED TO TEACH AND ~~LEAD~~ BE A LEADER IN BOTH AN INSTITUTION OF HIGHER EDUCATION AND AN ELEMENTARY OR SECONDARY SCHOOL.

(3) CANDIDATES TO BE A PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHER INCLUDE:

(I) A SENIOR FACULTY MEMBER IN A PROFESSIONAL DEVELOPMENT SCHOOL WHO HOLDS A DOCTORATE AND IS QUALIFIED TO SERVE AS A CLINICAL PROFESSOR; AND

(II) A TEACHER WHO:

1. IS BASED AT AN INSTITUTION OF HIGHER EDUCATION;

2. SERVES AS A MENTOR AND INSTRUCTOR OF TEACHERS IN TRAINING;

3. MENTORS NEW TEACHERS DURING INDUCTION; AND

4. DESIGNS AND LEADS PROFESSIONAL DEVELOPMENT ACROSS THE STATE.

(4) (I) A COUNTY BOARD SHALL APPOINT A PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHER IN CONSULTATION WITH THE APPROPRIATE INSTITUTION OF HIGHER EDUCATION.

(II) THROUGHOUT THE PROCESS OF SELECTING A PROFESSOR DISTINGUISHED TEACHER UNDER THIS PARAGRAPH, PRIORITY SHALL BE GIVEN TO DISTINGUISHED TEACHERS WHO HAVE EXPERIENCE TEACHING, LEADING TEACHERS, AND DEVELOPING TEACHERS IN SCHOOLS THAT:

1. REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE; OR

2. HAVE RECEIVED A GRANT UNDER § 5–223 OF THIS ARTICLE.

(5) BEGINNING WITH TEACHERS LISTED UNDER § 6–1002(F)(3) OF THIS SUBTITLE AS SPECIFIED BY THE STATE BOARD, A PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHER SHALL TEACH IN A CLASSROOM ~~FOR AT LEAST~~ ~~NO MORE THAN~~ *ON AVERAGE* 20% OF ~~THEIR~~ THE TEACHER'S WORKING TIME.

(E) A COUNTY BOARD SHALL SELECT:

(1) A MENTOR TEACHER FOR INDUCTION PROGRAMS AND TEACHER TRAINING PRACTICUMS FROM THE TEACHER LEADERSHIP TRACK; AND

(2) AN EXPERT TO WRITE CURRICULUM AND ASSESSMENT ITEMS AND DEVELOP MODEL LESSONS ~~FOR~~ FROM THE ~~MASTER~~ DISTINGUISHED TEACHER AND PROFESSOR ~~MASTER~~ DISTINGUISHED TEACHER TIERS OF THE TEACHER LEADERSHIP TRACK.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A TEACHER IN THE TEACHER LEADERSHIP TRACK SHALL SPEND A PORTION OF THEIR WORKING TIME TEACHING IN THE CLASSROOM.

(2) A TEACHER IN THE TEACHER LEADERSHIP TRACK MAY BE ASSIGNED NON–TEACHING DUTIES FOR A PERIOD OF TIME, BUT SHALL RETURN TO TEACHING IN THE CLASSROOM AFTER A CERTAIN PERIOD OF TIME, AS DETERMINED BY THE COUNTY BOARD.

6–1005.

(A) EACH COUNTY BOARD MAY CONVENE A LOCAL CAREER LADDER DEVELOPMENT BOARD.

(B) THE MEMBERSHIP OF THE LOCAL CAREER LADDER DEVELOPMENT BOARD SHALL INCLUDE ADVANCED TEACHERS AND STAKEHOLDERS.

(C) THE LOCAL CAREER LADDER DEVELOPMENT BOARD SHALL SET STANDARDS FOR TEACHERS TO ACHIEVE EACH TIER IN THE TEACHER LEADERSHIP TRACK IN THE COUNTY.

6–1006.

(A) (1) THERE IS AN ADMINISTRATOR TRACK ON LEVEL FOUR OF THE CAREER LADDER.

(2) THE PRIMARY PURPOSE OF THE ADMINISTRATOR TRACK IS TO DEVELOP TEACHERS INTO PRINCIPALS.

(3) A TEACHER ON THE ADMINISTRATOR TRACK IS RESPONSIBLE FOR MANAGING ADMINISTRATIVE FUNCTIONS IN THE SCHOOL.

(B) (1) THE FIRST TIER OF THE ADMINISTRATOR TRACK IS A LICENSED PRINCIPAL.

(2) (I) THE STATE BOARD, IN CONSULTATION WITH THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD, SHALL ESTABLISH THE CRITERIA THAT A TEACHER SHALL MEET TO ACHIEVE THE LICENSED PRINCIPAL TIER.

(II) THE CRITERIA UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. ~~SHALL~~ *EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH AND BEGINNING ON JULY 1, 2029, SHALL* INCLUDE A REQUIREMENT THAT A TEACHER BE ~~A NBC~~ AN NBC TEACHER BEFORE THE TEACHER MAY BE A LICENSED PRINCIPAL; AND

2. MAY INCLUDE A REQUIREMENT THAT A TEACHER SHALL COMPLETE AN INDUCTION OR TRAINING PROGRAM FOR NEW PRINCIPALS.

(III) THE STATE BOARD, IN CONSULTATION WITH THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD, SHALL ESTABLISH A PROCESS THROUGH WHICH AN INDIVIDUAL MAY RECEIVE A WAIVER TO SERVE AS A LICENSED PRINCIPAL IF THE INDIVIDUAL:

1. IS NOT AN NBC TEACHER; BUT

2. MEETS OTHER QUALIFYING CRITERIA, AS DETERMINED BY THE STATE BOARD, IN CONSULTATION WITH THE PROFESSIONAL STANDARDS AND EDUCATION BOARD.

(3) BEGINNING WITH TEACHERS LISTED UNDER § 6–1002(F)(3) OF THIS SUBTITLE AS SPECIFIED BY THE STATE BOARD, A LICENSED PRINCIPAL IS ENCOURAGED TO TEACH IN THE CLASSROOM FOR AT LEAST 10% OF ~~THEIR~~ THE PRINCIPAL'S WORKING HOURS.

(4) (I) WHEN A LICENSED PRINCIPAL POSITION BECOMES AVAILABLE IN THE COUNTY, A LICENSED PRINCIPAL SHALL BE SELECTED IN ACCORDANCE WITH THIS PARAGRAPH.

(II) THROUGHOUT THE PROCESS OF SELECTING A LICENSED PRINCIPAL UNDER THIS PARAGRAPH, PRIORITY SHALL BE GIVEN TO TEACHERS WHO HAVE EXPERIENCE TEACHING IN SCHOOLS THAT:

1. REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE; OR

2. HAVE RECEIVED A GRANT UNDER § 5–223 OF THIS ARTICLE.

~~(II)~~ (III) TEACHER LEADERS, OTHER LICENSED PRINCIPALS, AND ~~MASTER~~ DISTINGUISHED PRINCIPALS IN THE COUNTY SHALL PROVIDE A LIST OF QUALIFIED CANDIDATES TO THE LOCAL SUPERINTENDENT.

~~(III)~~ (IV) THE LOCAL SUPERINTENDENT SHALL APPOINT A CANDIDATE FROM THE LIST PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(C) (1) THE SECOND TIER OF THE ADMINISTRATOR TRACK IS ~~MASTER~~ DISTINGUISHED PRINCIPAL.

(2) TO BE A ~~MASTER~~ DISTINGUISHED PRINCIPAL, A TEACHER SHALL DEMONSTRATE THE ABILITY TO:

(I) EFFECTIVELY IDENTIFY, ATTRACT, LEAD, AND RETAIN HIGHLY PROFESSIONAL TEACHERS;

(II) ORGANIZE AND MANAGE A SCHOOL IN A WAY THAT INCENTIVIZES AND SUPPORTS TEACHERS TO DO THEIR BEST WORK;

(III) SET HIGH STANDARDS FOR FACULTY AND STUDENTS AND ~~LIVE UP TO THE STANDARDS SET FOR OTHERS~~ ACHIEVE THE STANDARDS SET BY OTHERS;

(IV) WORK WITH STAKEHOLDERS ON THE TEACHER'S VISION;

(V) IDENTIFY AND HELP CULTIVATE ~~TEACHERS'~~ A TEACHER'S POTENTIAL FOR GROWTH;

(VI) HELP STUDENTS, PARENTS, AND TEACHERS EMBRACE THE GOAL FOR ALL STUDENTS TO ACHIEVE INTERNATIONALLY COMPETITIVE STANDARDS;

(VII) MENTOR AND SUPPORT OTHER PRINCIPALS; AND

(VIII) HELP OTHER PRINCIPALS ACHIEVE HIGHER LEVELS OF PERFORMANCE.

(3) BEGINNING WITH TEACHERS LISTED UNDER § 6–1002(F)(3) OF THIS SUBTITLE AS SPECIFIED BY THE STATE BOARD, A ~~MASTER~~ DISTINGUISHED PRINCIPAL IS ENCOURAGED TO TEACH IN A CLASSROOM FOR AT LEAST 10% OF ~~THEIR~~ THE PRINCIPAL'S WORKING HOURS.

(4) (I) WHEN A ~~MASTER~~ DISTINGUISHED PRINCIPAL POSITION BECOMES AVAILABLE IN THE COUNTY, A ~~MASTER~~ DISTINGUISHED PRINCIPAL SHALL BE SELECTED IN ACCORDANCE WITH THIS PARAGRAPH.

(II) THROUGHOUT THE PROCESS OF SELECTING A DISTINGUISHED PRINCIPAL UNDER THIS PARAGRAPH, PRIORITY SHALL BE GIVEN TO LICENSED PRINCIPALS WHO HAVE EXPERIENCE TEACHING AND SERVING AS PRINCIPALS IN SCHOOLS THAT:

1. REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE; OR

2. HAVE RECEIVED A GRANT UNDER § 5–223 OF THIS ARTICLE.

~~(II)~~ (III) TEACHER LEADERS AND OTHER ~~MASTER~~ DISTINGUISHED PRINCIPALS IN THE COUNTY SHALL PROVIDE A LIST OF QUALIFIED CANDIDATES TO THE LOCAL SUPERINTENDENT.

~~(III)~~ (IV) THE LOCAL SUPERINTENDENT SHALL APPOINT A CANDIDATE FROM THE LIST PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(D) ALL LICENSED AND ~~MASTER~~ DISTINGUISHED PRINCIPALS SHALL:

(1) BE TRAINED IN AND DEMONSTRATE CAPABILITY WITH RACIAL AWARENESS AND CULTURAL COMPETENCE, INCLUDING:

(I) TEACHING STUDENTS AND MANAGING TEACHING FACULTY FROM DIFFERENT RACIAL, ETHNIC, AND SOCIOECONOMIC BACKGROUNDS; AND

(II) IMPLEMENTING RESTORATIVE PRACTICES;

(2) CULTIVATE A SCHOOL ENVIRONMENT IN WHICH TEACHERS:

(I) DEVELOP CULTURAL COMPETENCE;

(II) ENHANCE EMPATHY AND RESPECT FOR STUDENTS;

(III) WORK TO ELIMINATE BIASES AND STEREOTYPES; AND

(IV) PROVIDE INSTRUCTION IN A MANNER THAT ASSUMES THAT ALL STUDENTS REGARDLESS OF THEIR RACE, ETHNICITY, GENDER, OR OTHER CHARACTERISTICS ARE CAPABLE OF THE HIGHEST LEVELS OF ACADEMIC ACHIEVEMENT; AND

(3) BE EVALUATED ON THEIR SUCCESS IN FOSTERING THE SCHOOL ENVIRONMENT IN ITEM (2) OF THIS SUBSECTION.

(E) A COUNTY BOARD MAY ADD A TIER TO THE ADMINISTRATOR TRACK FOR DISTRICT OFFICE DIRECTORS.

6–1007.

(A) (1) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SUBTITLE, MOVEMENT UP THE CAREER LADDER SHALL DEPEND ON:

(I) THE TEACHER'S PERFORMANCE;

(II) THE TEACHER'S EXPERIENCE; AND

(III) THE AVAILABILITY OF POSITIONS.

(2) A TEACHER MAY NOT BE PROMOTED TO THE NEXT LEVEL OR TIER ON THE CAREER LADDER UNLESS:

(I) THE MOST RECENT EVALUATION OF THE TEACHER'S INSTRUCTION BY THE PRINCIPAL OR OTHER INDIVIDUAL, AS DETERMINED BY THE COUNTY BOARD, IS ~~POSITIVE~~ *EFFECTIVE*;

(II) THE TEACHER, PRINCIPAL OR SUPERVISOR, OR ANY OTHER INDIVIDUAL, AS DETERMINED BY THE COUNTY BOARD, AGREE THAT THE TEACHER IS READY TO TAKE ON THE ADDITIONAL RESPONSIBILITIES REQUIRED BY THE POSITION AT THE NEXT LEVEL; AND

(III) THERE IS AN OPEN POSITION AT THE NEXT LEVEL.

(3) PROMOTION UP THE CAREER LADDER IS NOT GUARANTEED.

(B) IN CHOOSING A CANDIDATE FOR AN OPEN POSITION IN THE CAREER LADDER, CONSIDERATION SHALL BE GIVEN TO THE CANDIDATE'S EXPERIENCE IN SCHOOLS THAT REPRESENT THE DEMOGRAPHIC AND ECONOMIC DIVERSITY OF THE SCHOOL SYSTEM.

(C) AS A TEACHER MOVES UP THE CAREER LADDER AND RECEIVES ~~POSITIVE~~ *EFFECTIVE* EVALUATIONS, THE TEACHER SHALL BE GIVEN INCREASED AUTHORITY, RESPONSIBILITY, AND AUTONOMY FOR MAKING SCHOOL–LEVEL DECISIONS.

(D) MOVEMENT FROM ONE LEVEL OR TIER TO A HIGHER LEVEL OR TIER SHALL RESULT IN A SALARY INCREASE CONSISTENT WITH § 6–1009 OF THIS SUBTITLE.

(E) A TEACHER MAY MOVE FROM ONE TRACK OF THE CAREER LADDER TO A DIFFERENT TRACK WITH THE APPROVAL OF THE PRINCIPAL OF THE SCHOOL IN WHICH THEY TEACH.

6–1008.

(A) ~~(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL WHO RECEIVES INITIAL STATE CERTIFICATION ON OR AFTER JULY 1, 2026, AND BEGINS TEACHING IN THE STATE AS A COUNTY BOARD EMPLOYEE:~~

~~(I) SHALL PARTICIPATE IN THE CAREER LADDER; AND~~

~~(II) IS NOT ELIGIBLE FOR SALARY INCREASES BASED ON EXPERIENCE, DEGREES, OR CREDITS.~~

~~(2) PARAGRAPH (1) OF THIS SUBSECTION SHALL BE EFFECTIVE ONLY AFTER THE AVERAGE RATE OF INDIVIDUALS IN MARYLAND WHO PASS THE TEST TO OBTAIN NBC IS EQUAL TO OR GREATER THAN THE NATIONAL AVERAGE.~~

~~(B) (1) AN INDIVIDUAL WHO BECOMES A STATE LICENSED TEACHER ON OR AFTER THE EFFECTIVE DATE OF SUBSECTION (A) OF THIS SECTION SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION IN ORDER TO RETAIN A LICENSE TO TEACH IN THE STATE.~~

~~(2) BY THE END OF THEIR 10TH YEAR OF TEACHING, THE TEACHER SHALL:~~

~~(I) BE A NBC TEACHER; OR~~

~~(II) IF THERE IS NO ASSESSMENT COMPARABLE TO NBC FOR THE TEACHER'S SUBJECT AREA, EARN:~~

~~1. A MASTER'S DEGREE; OR~~

~~2. 30 CREDITS IN AN APPROVED PROGRAM OF STUDY, AS DETERMINED BY THE STATE BOARD, IN CONSULTATION WITH THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD.~~

~~(3) IF A TEACHER DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION BEFORE THE END OF THEIR 10TH YEAR OF TEACHING, THE TEACHER MAY NOT RECEIVE A SALARY INCREASE, EXCEPT FOR A COST-OF-LIVING INCREASE, UNTIL THE TEACHER MEETS THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A NBC TEACHER SHALL RENEW THEIR NBC EVERY 5 YEARS IN ORDER TO:~~

~~1. CONTINUE TO HOLD A LICENSE TO TEACH IN THE STATE; AND~~

~~2. BE ELIGIBLE FOR THE SALARY INCREASE ASSOCIATED WITH NBC RENEWAL.~~

~~(II) A NBC TEACHER WHO DOES NOT RENEW THEIR NBC WITHIN 5 YEARS AFTER BECOMING CERTIFIED OR THE PRIOR RENEWAL OF CERTIFICATION MAY COMPLETE THE CERTIFICATION WITHIN THE 6TH YEAR.~~

~~(III) A TEACHER WHO DOES NOT RENEW CERTIFICATION IN A TIMELY MANNER IN ACCORDANCE WITH THIS PARAGRAPH MAY NOT RECEIVE A SALARY INCREASE, EXCEPT FOR A COST–OF–LIVING INCREASE~~ TEACHERS ARE ENCOURAGED TO OBTAIN AN NBC AND PARTICIPATE IN THE CAREER LADDER.

(B) (1) IN THIS SUBSECTION, "PROGRAM" MEANS THE PROGRAM ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THERE IS A PROGRAM TO:

1. ENCOURAGE AND SUPPORT TEACHERS IN THE STATE IN OBTAINING AND MAINTAINING AN NBC, INCLUDING TEACHERS FROM GROUPS HISTORICALLY UNDERREPRESENTED IN THE TEACHING PROFESSION; AND

2. DEVELOP A CULTURE OF COLLABORATIVE SUPPORT FOR ACCOMPLISHED TEACHING.

(II) THE PROGRAM SHALL INCLUDE:

1. A VIRTUAL COURSE FOR TEACHERS INTERESTED IN PURSUING AN NBC;

2. VIRTUAL AND IN–PERSON SUPPORT TO TEACHERS PURSUING AN NBC; AND

3. TRAINING AND SUPPORT FOR NATIONAL BOARD FACILITATORS.

(3) THE DEPARTMENT SHALL ESTABLISH A NATIONAL BOARD COORDINATOR TO DIRECT THE PROGRAM, INCLUDING BY COORDINATING WITH THE LOCAL NATIONAL BOARD COORDINATORS AND THE NATIONAL BOARD FACILITATORS IN EACH SCHOOL SYSTEM OR REGION.

(4) EACH LOCAL SUPERINTENDENT SHALL SELECT A LOCAL NATIONAL BOARD COORDINATOR TO:

(I) ORGANIZE THE DELIVERY OF THE PROGRAM IN EACH LOCAL SCHOOL SYSTEM BY COLLABORATING WITH:

1. LOCAL TEACHER PREPARATION PROGRAMS AND NONPROFIT ORGANIZATIONS THAT HAVE A RECORD OF SUCCESS IN HELPING TEACHERS OBTAIN NBC;

2. THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, WHICH HAS ESTABLISHED RESOURCES AND TOOLS FOR TEACHERS SEEKING NBC; AND

3. REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY;

(II) RECRUIT, TRAIN, AND SUPPORT NATIONAL BOARD FACILITATORS IN THE REGION; AND

(III) COLLABORATE WITH THE NATIONAL BOARD COORDINATOR.

(5) A LOCAL SUPERINTENDENT MAY CHOOSE TO ENTER INTO A REGIONAL AGREEMENT TO IMPLEMENT THE PROGRAM WITH ONE OR MORE LOCAL SCHOOL SYSTEMS.

(6) (I) NATIONAL BOARD FACILITATORS SHALL PROVIDE TEACHERS IN THE LOCAL SCHOOL SYSTEM OR IN THE REGION WITH VIRTUAL AND IN–PERSON SUPPORT AND COACHING IN OBTAINING AND MAINTAINING AN NBC.

(II) NATIONAL BOARD FACILITATORS SHALL BE SELECTED:

1. BY THE LOCAL SUPERINTENDENT; OR

2. IF THE LOCAL SUPERINTENDENT ENTERED INTO A REGIONAL AGREEMENT UNDER PARAGRAPH (5) OF THIS SUBSECTION, IN A MANNER AS SPECIFIED UNDER THE AGREEMENT.

~~(5)~~ **(C) COUNTY BOARDS SHALL ENCOURAGE TEACHERS~~,~~ ~~INCLUDING BY PROVIDING ADDITIONAL COMPENSATION, AS APPROPRIATE AND THROUGH COLLECTIVE BARGAINING,~~ TO OBTAIN MASTER'S DEGREES IN FIELDS THAT REQUIRE SPECIAL EXPERTISE, HAVE SHORTAGE AREAS, AND ENHANCE THE TEACHER'S PROFESSIONAL SKILLS AND QUALIFICATIONS SO THAT TEACHERS ARE ABLE TO TEACH DUAL–ENROLLMENT COURSES AS ADJUNCT FACULTY AT INSTITUTIONS OF HIGHER EDUCATION INCLUDING BY PROVIDING ADDITIONAL COMPENSATION AS APPROPRIATE AND THROUGH COLLECTIVE BARGAINING.**

~~(C) (1) THE PROVISIONS OF THIS SUBSECTION APPLY ONLY TO AN INDIVIDUAL WHO IS A TEACHER ON THE EFFECTIVE DATE OF SUBSECTION (A) OF THIS SECTION.~~

~~(2) IF THE TEACHER IS A NBC TEACHER OR BECOMES A NBC TEACHER, RECEIVES POSITIVE PERFORMANCE EVALUATIONS, AND RECEIVES A SALARY INCREASE ASSOCIATED WITH NBC, THE TEACHER SHALL:~~

~~(I) ON RECEIPT OF THE SALARY INCREASE, NO LONGER RECEIVE A NBC STIPEND; AND~~

~~(II) BE PLACED IN THE APPROPRIATE POSITION ON THE CAREER LADDER.~~

~~(3) A TEACHER WHO CHOOSES NOT TO PURSUE NBC SHALL HOLD AN ADVANCED PROFESSIONAL CERTIFICATE BY THE END OF THEIR 10TH YEAR OF TEACHING.~~

~~(4) A TEACHER WHO HAS 20 YEARS OR MORE OF EXPERIENCE AND IS NOT A NBC TEACHER AS OF JULY 1, 2020:~~

~~(I) MAY PURSUE NBC; AND~~

~~(II) SHALL BECOME A NBC TEACHER ON OR BEFORE JULY 1, 2025, IN ORDER TO RECEIVE THE ASSOCIATED SALARY INCREASE.~~

6–1009.

(A) ***(1)*** ~~BEGINNING~~ ***SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING*** **ON JULY 1,** ~~2024~~ ***2021*****, TEACHER SALARY INCREASES ASSOCIATED WITH THE CAREER LADDER SHALL AT A MINIMUM INCLUDE THE FOLLOWING:**

~~(1)~~ ***(I)*** **BECOMING** ~~A NBC~~ AN NBC **TEACHER –** ~~$12,000~~ $10,000 **SALARY INCREASE;**

~~(2)~~ ***(II)*** ~~A NBC~~ AN NBC **TEACHER TEACHING AT A LOW–PERFORMING SCHOOL AS IDENTIFIED BY THE COUNTY BOARD –** ~~$5,000~~ $7,000 **SALARY INCREASE;**

~~(3) EARNING A FIRST NBC RECERTIFICATION – $8,000 SALARY INCREASE;~~

~~(4) EARNING A SECOND NBC RECERTIFICATION – $7,000 SALARY INCREASE;~~

~~(5) EARNING A THIRD NBC RECERTIFICATION – $6,000 SALARY INCREASE;~~

~~(6)~~ ~~(3)~~ *(III)* **BECOMING LEAD TEACHER – $5,000 SALARY INCREASE;**

~~(7)~~ ~~(4)~~ *(IV)* **BECOMING** ~~MASTER~~ **DISTINGUISHED TEACHER – $10,000 SALARY INCREASE;**

~~(8)~~ ~~(5)~~ *(V)* **BECOMING PROFESSOR** ~~MASTER~~ **DISTINGUISHED TEACHER – $15,000 SALARY INCREASE; AND**

~~(9)~~ ~~(6)~~ *(VI)* ~~EARNING A MASTER'S DEGREE OR ADVANCED PROFESSIONAL CERTIFICATE – INCREASE EQUAL TO 3% OF CURRENT SALARY~~ **BECOMING A DISTINGUISHED PRINCIPAL – $15,000 SALARY INCREASE.**

(2) THE TEACHER SALARY INCREASES UNDER PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO PARAGRAPH (1)(III) THROUGH (VI) OF THIS SUBSECTION UNTIL § 6–1002(A) OF THIS SUBTITLE BECOMES EFFECTIVE AS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE ACCOUNTABILITY AND IMPLEMENTATION BOARD.

(B) (1) SALARY INCREASES ASSOCIATED WITH MAINTENANCE OF AN NBC ARE SUBJECT TO COLLECTIVE BARGAINING IN ACCORDANCE WITH § 6–408 OF THIS TITLE. ~~BEGINNING ON JULY 1, 2024, SALARY INCREASES ASSOCIATED WITH BECOMING A MASTER PRINCIPAL ON THE CAREER LADDER SHALL BE AT LEAST $15,000~~

(2) THE STATE SHARE FOR THE FOLLOWING SALARY INCREASES PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

(I) EARNING A FIRST MAINTENANCE OF NBC – $8,000 SALARY INCREASE;

(II) EARNING A SECOND MAINTENANCE OF NBC – $7,000 SALARY INCREASE; AND

(III) EARNING A THIRD MAINTENANCE OF NBC – $6,000 SALARY INCREASE.

(C) (1) IF A TEACHER IS ELIGIBLE FOR MORE THAN ONE SALARY INCREASE UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION, THE TEACHER SHALL RECEIVE ALL SALARY INCREASES THAT APPLY.

(2) A TEACHER THAT RECEIVES A SALARY INCREASE UNDER SUBSECTION (A)(2) OF THIS SECTION FOR TEACHING AT A LOW–PERFORMING

SCHOOL MAY NOT LOSE THAT SALARY INCREASE WHILE TEACHING AT THE SCHOOL EVEN IF THE SCHOOL CEASES TO BE LOW–PERFORMING.

~~(C)~~ (D) ON OR BEFORE JULY 1, 2024, EACH COUNTY SHALL DEMONSTRATE TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER § 5–402 OF THIS ARTICLE THAT, DURING THE PERIOD BETWEEN JULY 1, 2019, AND JUNE 30, 2024, TEACHERS IN THE COUNTY RECEIVED A 10% SALARY INCREASE ABOVE THE NEGOTIATED SCHEDULE OF SALARY INCREASES BETWEEN THE PUBLIC SCHOOL EMPLOYER AND EXCLUSIVE REPRESENTATIVE FOR THE EMPLOYEE ORGANIZATION.

~~(D)~~ (E) BEGINNING ON JULY 1, ~~2029,~~ *2026,* THE MINIMUM TEACHER SALARY FOR ALL TEACHERS SHALL BE $60,000.

~~(E)~~ (F) (1) *(I)* IN THIS SUBSECTION, "TOTAL STATE SHARE" MEANS THE ~~PRODUCT OF 0.5 AND THE TOTAL TEACHER SALARY INCREASE UNDER SUBSECTION (A) SUBSECTIONS (A) AND (B)(2) OF THIS SECTION AND THE STATEWIDE NUMBER OF TEACHERS RECEIVING THE SALARY INCREASE AND ROUNDED TO THE NEAREST WHOLE DOLLAR~~ *SUM OF THE CALCULATIONS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.*

(II) FOR EACH ITEM UNDER SUBSECTIONS (A) AND (B)(2) OF THIS SECTION:

1. THE TEACHER SALARY INCREASE MULTIPLIED BY THE NUMBER OF TEACHERS RECEIVING THE SALARY INCREASE;

2. MULTIPLIED BY 0.5; AND

***3. ROUNDED TO THE NEAREST WHOLE DOLLAR*.**

(2) THE INCREASE IN THE SALARY REQUIRED UNDER ~~SUBSECTION (A)~~ SUBSECTIONS (A) AND (B)(2) OF THIS SECTION SHALL BE A SHARED COST BETWEEN THE STATE AND THE COUNTY IN ACCORDANCE WITH THIS SUBSECTION.

(3) THE REQUIRED STATE SHARE FOR EACH COUNTY, *FOR EACH ITEM UNDER SUBSECTIONS (A) AND (B)(2) OF THIS SECTION,* IS THE RESULT OF THE FOLLOWING CALCULATION MULTIPLIED BY 0.5 AND ROUNDED TO THE NEAREST WHOLE DOLLAR:

(I) THE ~~SUM OF THE PRODUCT OF THE AMOUNT OF THE~~ SALARY INCREASE ~~AND~~ *MULTIPLIED BY* THE NUMBER OF TEACHERS ELIGIBLE TO RECEIVE THE SALARY INCREASE IN THE PRIOR FISCAL YEAR ~~FOR EACH ITEM IN SUBSECTION (A) SUBSECTIONS (A) AND (B)(2) OF THIS SECTION~~;

(II) DIVIDE THE RESULT CALCULATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY THE RATIO, ROUNDED TO SEVEN DECIMAL PLACES, OF LOCAL WEALTH PER PUPIL TO STATEWIDE WEALTH PER PUPIL AS DEFINED IN § 5–201 OF THIS ARTICLE; AND

(III) MULTIPLY THE RESULT CALCULATED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH BY THE RESULT, ROUNDED TO SEVEN DECIMAL PLACES, THAT RESULTS FROM DIVIDING THE TOTAL STATE SHARE BY THE SUM OF ALL OF THE RESULTS CALCULATED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR ALL COUNTIES.

(4) THE REQUIRED LOCAL SHARE ~~OF THE TEACHER SALARY INCREASE~~, *FOR EACH ITEM UNDER SUBSECTIONS (A) AND (B)(2) OF THIS SECTION*, IS EQUAL TO THE PRODUCT ~~OF THE SUM~~ OF THE SALARY ~~INCREASES~~ *INCREASE* ~~UNDER SUBSECTION (A)~~ ~~SUBSECTIONS (A) AND (B)(2) OF THIS SECTION~~ AND THE NUMBER OF TEACHERS IN THE COUNTY RECEIVING THE SALARY ~~INCREASES~~ *INCREASE* MINUS THE STATE SHARE AND ROUNDED TO THE NEAREST WHOLE DOLLAR.

~~(F)~~ (G) (1) BEGINNING IN FISCAL YEAR ~~2025~~ *2022*, THE STATE SHALL DISTRIBUTE THE STATE SHARE OF THE TEACHER SALARY INCREASES *AS CALCULATED* UNDER ~~SUBSECTION (A)~~ ~~SUBSECTIONS (A) AND (B)(2)~~ *SUBSECTION (F)* OF THIS SECTION TO EACH COUNTY BOARD.

(2) BEGINNING IN FISCAL YEAR ~~2025~~ *2022*, THE COUNTY SHALL DISTRIBUTE THE LOCAL SHARE OF THE TEACHER SALARY INCREASES ~~UNDER~~ *AS CALCULATED UNDER SUBSECTION (F)* ~~SUBSECTION (A)~~ ~~SUBSECTIONS (A) AND (B)(2)~~ OF THIS SECTION TO EACH COUNTY BOARD.

(3) BEGINNING IN FISCAL YEAR ~~2025~~ *2022*, THE COUNTY BOARD SHALL DISTRIBUTE THE STATE AND THE LOCAL SHARE OF THE TEACHER SALARY INCREASE TO THE SCHOOL IN WHICH THE TEACHER WORKS.

6–1010.

(A) TEACHER EVALUATION SYSTEMS USED IN CONNECTION WITH THE CAREER LADDER SHALL:

(1) BE ALIGNED WITH THE FIVE CORE PROPOSITIONS OF THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS;

(2) INCLUDE A PEER ASSISTANCE AND REVIEW MODEL;

(3) DEFINE THE SYSTEM'S EXPECTATIONS FOR AN EVALUATOR'S LEVEL OF SKILL AND KNOWLEDGE; AND

(4) INCLUDE A CALIBRATED METHOD TO MEASURE PERFORMANCE AND TO PROVIDE PERSONALIZED FEEDBACK THAT IS ALIGNED WITH THE TEACHER'S STRENGTHS, NEEDS, AND PROFESSIONAL LEARNING CONTEXT.

(B) AN EVALUATION SYSTEM USED IN CONNECTION WITH A CAREER LADDER SHALL USE OBSERVATIONS TO EVALUATE A TEACHER THAT:

(1) INCLUDE DOCUMENTED OBSERVABLE EVIDENCE;

(2) ARE LINKED TO STUDENT LEARNING AND NOT SOLELY CONSIST OF SIMPLE CHECKLISTS;

(3) INCLUDE POST OBSERVATION CONFERENCES BETWEEN THE TEACHER AND EVALUATOR TO ENCOURAGE REFLECTION ON THE TEACHER'S TEACHING PRACTICE;

(4) REQUIRE AN ASSESSMENT OF THE COMPETENCY OF THE EVALUATOR;

(5) ARE DEVELOPED WITH STAKEHOLDERS; AND

(6) REQUIRE TEACHERS AND EVALUATORS TO BE FULLY TRAINED TO UNDERSTAND THE EVALUATION PROCESS.

6–1011.

(A) (1) ON OR BEFORE JULY 1, 2023, THE DEPARTMENT SHALL DEVELOP AND DESIGN A NEW SYSTEM OF PROFESSIONAL DEVELOPMENT THAT IS TIED TO THE CAREER LADDER.

(2) THE NEW SYSTEM OF PROFESSIONAL DEVELOPMENT SHALL INCLUDE:

(I) TRAINING ON HOW TO LEAD AND MENTOR TEAMS OF PROFESSIONALS TO PROMOTE PROFESSIONAL LEARNING AMONG COLLEAGUES;

(II) TRAINING ON HOW TO COLLABORATE WITH COLLEAGUES TO IMPROVE STUDENT PERFORMANCE;

(III) TRAINING ON HOW TO DESIGN AND SUPPORT COLLABORATIVE PROFESSIONAL LEARNING FOR TEACHERS PURSUING AN NBC;

~~(III)~~ (IV) A TRAIN–THE–TRAINER MODEL; AND

~~(IV)~~ (V) ADVANCED TRAINING ON THE SCIENCE OF LEARNING SPECIFIC TO INDIVIDUAL DISCIPLINES.

(B) ON OR BEFORE JUNE 30, 2025, EACH COUNTY BOARD SHALL PROVIDE THE SYSTEM OF PROFESSIONAL DEVELOPMENT DESIGNED BY THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION TO EACH TEACHER WHO TEACHES IN THE COUNTY.

(C) BEGINNING ON JULY 1, 2025, EACH COUNTY BOARD SHALL PROVIDE THE SYSTEM OF PROFESSIONAL DEVELOPMENT DESIGNED BY THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION TO EACH TEACHER TEACHING IN THE COUNTY NO LATER THAN 1 YEAR AFTER THE TEACHER BEGINS TEACHING IN THE STATE.

6–1012.

(A) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, EACH TEACHER WHO PURSUES NBC SHALL RECEIVE FROM THE STATE AN AMOUNT EQUAL TO THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS FEES ASSOCIATED WITH THE INITIAL ~~ATTAINMENT~~ COMPLETION AND RENEWAL OF NBC.

(2) EACH TEACHER MAY ONLY RECEIVE PAYMENT UNDER THIS SUBSECTION FOR ONE RETAKE OF EACH ASSESSMENT ON THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

(B) EACH COUNTY SHALL PAY TO THE STATE ONE–THIRD OF THE COST FOR EACH TEACHER WHO RECEIVES FUNDS UNDER SUBSECTION (A) OF THIS SECTION TO PURSUE NBC.

(C) (1) A TEACHER WHO DOES NOT COMPLETE ALL THE REQUIREMENTS FOR ASSESSMENT BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS SHALL REIMBURSE THE STATE THE FULL AMOUNT OF THE FUNDS RECEIVED UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE STATE SHALL REIMBURSE THE COUNTY THE AMOUNT RECEIVED UNDER SUBSECTION (B) OF THIS SECTION ON RECEIPT OF THE REIMBURSEMENT FROM A TEACHER UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO A TEACHER WHO COMPLETES ALL THE REQUIREMENTS FOR

ASSESSMENT BY THE NATIONAL BOARD OF PROFESSIONAL TEACHING STANDARDS BUT DOES NOT OBTAIN NBC.

6–1013.

THE STATE BOARD, IN CONSULTATION WITH THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD AND THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER § 5–402 OF THIS ARTICLE, SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

7–101.2.

(a) (1) In this section the following terms have the meanings indicated.

(2) **"ECONOMICALLY DISADVANTAGED BACKGROUND" MEANS A FAMILY WHOSE INCOME IS NO MORE THAN 300% OF THE FEDERAL POVERTY GUIDELINES.**

(3) ["Additional eligible**] "ELIGIBLE YOUNG** child" means a child:

(i) Who is from an economically disadvantaged background;

(ii) Whose parent or legal guardian seeks to enroll the child in a publicly funded prekindergarten program established under this section; and

(iii) Who is **3 OR** 4 years old on September 1 of the school year in which the parent or legal guardian seeks to enroll the child in a publicly funded prekindergarten program established under this section.

[(3) "Economically disadvantaged background" means a family whose income is no more than 300% of the federal poverty guidelines.**]**

(4) "Fund" means the Prekindergarten Expansion Fund.

(5) **[**"Judy Center" has the same meaning as provided in § 5–217 of this article.

(6)**]** "Program" means the Prekindergarten Expansion Grant Program.

[(7)**] (6)** "Qualified **[**vendor"**] PROVIDER"** means:

(i) If partnering with a county board under a memorandum of understanding, a State accredited or nationally accredited child care ~~center~~ **PROGRAM** or a nonpublic school approved by the Department to provide prekindergarten services; **AND**

(ii) A county board **[**that provides prekindergarten services under § 7–101.1 of this subtitle; and

(iii) A Judy Center or private provider of preschool services that meets the grant requirements under § 5–217 of this article**]**.

(b) (1) There is a grant program known as the Prekindergarten Expansion Grant Program in the State.

(2) The purpose of the Program is to broaden the availability of **HIGH–QUALITY** prekindergarten and school readiness services throughout the State for children and their families in coordination with **THE EXPANSION OF PUBLICLY FUNDED FULL–DAY PREKINDERGARTEN UNDER THE BLUEPRINT FOR MARYLAND'S FUTURE ESTABLISHED UNDER SUBTITLE 1A OF THIS TITLE [**the following programs:

(i) The publicly funded prekindergarten program established under § 7–101.1 of this subtitle; and

(ii) The Judith P. Hoyer Early Childhood Education Enhancement Program established under § 5–217 of this article**]**.

(3) The Department shall administer the Program.

(4) (i) The Program shall be a competitive grant program to provide funds to qualified **[**vendors**] PROVIDERS**.

(ii) The Department shall take measures to achieve geographic diversity among participating qualified **[**vendors**] PROVIDERS**.

(iii) Priority for participation in the Program shall be given to qualified **[**vendors**] PROVIDERS**:

1. That are located in areas of the State that have an unmet need for prekindergarten or comprehensive early childhood education services;

2. That include a plan for long–term sustainability, including community and business partnerships and matching funds to the extent possible; and

3. That incorporate parental engagement and the benefits of educational activities beyond the classroom into the **[**vendors'**] PROVIDERS'** programs.

(iv) Prekindergarten Expansion Grants may be used to expand prekindergarten services, including:

[1. Establishing or expanding existing half–day prekindergarten for additional eligible children as defined in this section;**]**

[2.**]** **1.** Establishing or expanding full–day prekindergarten for eligible **YOUNG** children **[**as defined in § 7–101.1 of this subtitle or additional eligible children as defined in this section**]** ~~**AND;**~~**; AND**

[3. Establishing or expanding existing Judy Centers for the families of eligible children as defined in § 7–101.1 of this subtitle or additional eligible children as defined in this section who are located in Title I school attendance areas; and

4.**]** **2.** Expanding existing half–day prekindergarten programs into full–day prekindergarten programs for eligible **YOUNG** children **[**as defined in § 7–101.1 of this subtitle or additional eligible children as defined in this section**]**.

(v) The Department may establish:

1. Additional eligibility criteria for the selection of qualified **[**vendors**]** **PROVIDERS**;

2. Application and award processes including the submission date for applications, renewal procedures, and application review processes for making awards under the Program; and

3. Any other policies and procedures necessary to implement the Program.

[(5) A qualified vendor that has received a Prekindergarten Expansion Grant in the current year shall be awarded a grant in the next year if the qualified vendor continues to satisfy the requirements established under this section.**]**

(c) Before approving qualified **[**vendors**]** **PROVIDERS** for prekindergarten services to receive a grant under this section, a qualified **[**vendor**]** **PROVIDER** shall certify to the Department that for each classroom funded under this section the **[**vendor**]** **PROVIDER** will:

(1) Maintain a ~~student–to–teacher~~ **STUDENT–TO–CLASSROOM PERSONNEL** ratio of no more than 10 to 1 with ~~an average~~ **A MAXIMUM** of 20 children per classroom;

(2) Provide in each classroom at least one teacher certified in early childhood education by the State and at least one teacher's aide who has at least a high school degree; **[**and**]**

(3) Operate an educational program for:

(i) 5 days per week;

(ii) 180 days per year, in accordance with the public school calendar established by the local school board; and

(iii) 1. For half–day programs, at least 2.5 hours per day; or

2. For full–day programs, at least 6.5 hours per day**; AND**

(4) ~~NO LATER THAN 5 YEARS AFTER RECEIVING~~ TO RECEIVE A GRANT UNDER THIS SECTION, MEET THE REQUIREMENTS OF § 7–1A–04 OF THIS TITLE.

(d) (1) **(I)** Beginning in fiscal year 2020 **[**and for each fiscal year thereafter**]** **THROUGH FISCAL YEAR 2025**, the Governor shall annually appropriate to the Fund an amount that is at least equal to the total amount of all funds received by the Program in the prior fiscal year.

(II) BEGINNING IN FISCAL YEAR 2026, THE FUNDS APPROPRIATED TO THE FUND SHALL BE CONSOLIDATED INTO THE PUBLICLY FUNDED FULL–DAY PREKINDERGARTEN PROGRAM ESTABLISHED IN SUBTITLE 1A OF THIS TITLE.

(2) The Governor may provide funds to the Department to administer the Program.

(e) Grants awarded under this section may not be used:

(1) To supplant existing funding for prekindergarten services; **[**or**]**

(2) For capital improvements**; OR**

(3) TO FUND THE SAME FULL–DAY PREKINDERGARTEN SLOT THAT IS FUNDED UNDER SUBTITLE 1A OF THIS TITLE.

7–103.

(f) Publicly funded **HALF–DAY** prekindergarten programs are not subject to the requirements of subsection (a) of this section.

7–125.

ALL PUBLIC SCHOOLS IN THE STATE ARE ENCOURAGED TO DEVELOP INTRODUCTORY CAREER AND TECHNICAL EDUCATION COURSES WITH THE GOAL OF MAKING CAREER AND TECHNICAL EDUCATION A PART OF ALL ELEMENTARY, MIDDLE SCHOOL, AND HIGH SCHOOL CURRICULA.

7–126.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CTE COMMITTEE" MEANS THE CAREER AND TECHNICAL EDUCATION COMMITTEE ESTABLISHED UNDER § 21–207 OF THIS ARTICLE.

(3) "LOCAL CAREER COUNSELING AGREEMENT" MEANS A MEMORANDUM OF UNDERSTANDING BETWEEN A COUNTY BOARD, A LOCAL WORKFORCE DEVELOPMENT BOARD, A COMMUNITY COLLEGE, AND, IF APPROPRIATE, AN AMERICAN JOB CENTER TO PROVIDE CAREER COUNSELING SERVICES.

(4) "PROGRAM" MEANS THE CAREER COUNSELING PROGRAM FOR MIDDLE AND HIGH SCHOOL STUDENTS.

(B) (1) THERE IS A CAREER COUNSELING PROGRAM FOR MIDDLE AND HIGH SCHOOL STUDENTS.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE EACH MIDDLE SCHOOL AND HIGH SCHOOL STUDENT IN THE COUNTY WITH INDIVIDUALIZED CAREER COUNSELING SERVICES.

(C) (1) EACH COUNTY BOARD SHALL ENTER INTO A LOCAL CAREER COUNSELING AGREEMENT WITH THE LOCAL WORKFORCE DEVELOPMENT BOARD, THE COMMUNITY COLLEGE THAT SERVES THE COUNTY, AND, IF APPROPRIATE, AN AMERICAN JOB CENTER.

(2) COUNSELING PROVIDED UNDER THE LOCAL CAREER COUNSELING AGREEMENT SHALL HELP EACH STUDENT CHOOSE ONE OR MORE POST–COLLEGE AND CAREER READINESS PATHWAYS UNDER § 7–205.1 OF THIS TITLE.

(D) FUNDING RECEIVED BY THE COUNTY BOARD FOR CAREER COUNSELING UNDER SUBTITLE 2 OF THIS TITLE, SHALL BE SPENT IN ACCORDANCE WITH THE AGREEMENT.

(E) THE CTE COMMITTEE SHALL CONDUCT AN EVALUATION OF EACH LOCAL CAREER COUNSELING AGREEMENT FOR BEST PRACTICES AND DISSEMINATE ITS FINDINGS TO ALL COUNTY BOARDS, LOCAL WORKFORCE DEVELOPMENT BOARDS, COMMUNITY COLLEGES, AND IF APPROPRIATE, AMERICAN JOB CENTERS, IN THE STATE.

7–127.

(A) IN THIS SECTION, "NEXT MOST RIGOROUS SUBJECT MATTER COURSE" INCLUDES AN HONOR COURSE, AN ADVANCED PLACEMENT COURSE OFFERED BY THE COLLEGE BOARD, AN INTERNATIONAL BACCALAUREATE COURSE, AND A GIFTED AND TALENTED COURSE.

(B) EACH MIDDLE AND HIGH SCHOOL SHALL, AFTER A STUDENT HAS DEMONSTRATED READINESS IN A SUBJECT MATTER, ENCOURAGE ENROLLMENT IN THE NEXT MOST RIGOROUS SUBJECT MATTER COURSE AVAILABLE IN THE SCHOOL, AND, TO THE EXTENT PRACTICABLE, ENROLL THE STUDENT IN THE NEXT MOST RIGOROUS SUBJECT MATTER COURSE.

(C) EACH MIDDLE AND HIGH SCHOOL SHALL SEEK TO ENROLL EACH STUDENT IN THE NEXT MOST RIGOROUS SUBJECT MATTER COURSE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION WITHOUT REGARD TO THE STUDENT'S RACE, ETHNICITY, GENDER, ADDRESS, DISABILITY STATUS, SOCIOECONOMIC STATUS, OR THE LANGUAGE SPOKEN IN THE STUDENT'S HOME.

SUBTITLE 1A. PUBLICLY FUNDED FULL–DAY PREKINDERGARTEN PROGRAM.

7–1A–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "COST OF QUALITY" MEANS THE PER–PUPIL AMOUNT PROVIDED UNDER § 5–229 OF THIS ARTICLE.

(C) "ELIGIBLE PREKINDERGARTEN PROVIDER" INCLUDES AN:

(1) ELIGIBLE PUBLIC PROVIDER; AND

(2) ELIGIBLE PRIVATE PROVIDER.

(D) "ELIGIBLE PUBLIC PROVIDER" MEANS AN EARLY LEARNING PROGRAM THAT:

(1) IS PROVIDED BY A COUNTY BOARD AT A PUBLIC SCHOOL; AND

(2) MEETS THE REQUIREMENTS UNDER ~~§ 7–1A–05~~ § 7–1A–04 OF THIS SUBTITLE.

(E) (1) "ELIGIBLE PRIVATE PROVIDER" MEANS A COMMUNITY BASED EARLY LEARNING PROGRAM THAT:

(I) IS LICENSED IN THE STATE;

(II) DOES NOT CHARGE MORE TUITION FOR FULL–DAY PREKINDERGARTEN THAN THE COST OF QUALITY; AND

(III) MEETS THE REQUIREMENTS UNDER ~~§ 7–1A–05~~ § 7–1A–04 OF THIS SUBTITLE.

(2) "ELIGIBLE PRIVATE PROVIDER" INCLUDES THE ULYSSES CURRIE HEAD START PROGRAM UNDER ~~§ 5–220~~ § 5–231 OF THIS ARTICLE.

(F) "FULL–DAY PREKINDERGARTEN" MEANS AN EARLY LEARNING PROGRAM WITH A SIX AND ONE–HALF HOUR SCHOOL DAY.

(G) "PREKINDERGARTEN PROGRAM" MEANS AN EARLY LEARNING PROGRAM AT AN ELIGIBLE PREKINDERGARTEN PROVIDER.

(H) "PREKINDERGARTEN SLOT" MEANS THE AVAILABLE SPACE FOR A CHILD TO ATTEND A PREKINDERGARTEN PROGRAM.

(I) "TIER I CHILD" MEANS A CHILD:

(1) WHO IS 3 OR 4 YEARS OLD;

(2) WHOSE FAMILY INCOME IS LESS THAN OR EQUAL TO 300% OF THE FEDERAL POVERTY LEVEL; AND

(3) WHOSE FAMILY CHOOSES TO ENROLL THE CHILD IN FULL–DAY PREKINDERGARTEN ~~PROVIDER~~.

(J) "TIER II CHILD" MEANS A CHILD:

(1) WHO IS 4 YEARS OLD;

(2) WHOSE FAMILY INCOME IS MORE THAN 300% BUT NOT MORE THAN 600% OF THE FEDERAL POVERTY LEVEL; AND

(3) WHOSE FAMILY CHOOSES TO ENROLL THE CHILD IN FULL–DAY PREKINDERGARTEN.

(K) "TIER III CHILD" MEANS A CHILD:

(1) WHO IS 4 YEARS OLD;

(2) WHOSE FAMILY INCOME IS MORE THAN 600% OF THE FEDERAL POVERTY LEVEL; AND

(3) WHOSE FAMILY CHOOSES TO ENROLL THE CHILD IN FULL–DAY PREKINDERGARTEN.

7–1A–02.

(a) (1) A local department of social services or a local health department shall provide a parent or guardian with **[**an**]** oral and written notice that their child may be eligible for publicly funded prekindergarten programs if the parent or guardian:

(i) Applied for economic services with the local department of social services or the local health department; and

(ii) Has a child who will be **3 OR** 4 years old **[**on**]** **BY** September 1 of the next academic year.

(2) The notice required under paragraph (1) of this subsection shall include**:**

(I) [contact**]** **CONTACT** information for the enrollment office of the local school system and the Division of Early Childhood Development in the Department**; AND**

(II) INFORMATION ON THE EXISTENCE OF THE CHILD CARE SCHOLARSHIP FOR BEFORE AND AFTER FULL–DAY PREKINDERGARTEN PROGRAMMING AND THE POSSIBILITY OF ELIGIBILITY FOR STATE AID.

(3) On or before December 1 of each year, each local department of social services and each local health department shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the number of parents who were given a notification and subsequently enrolled their child in a publicly funded prekindergarten program.

(b) The requirements set forth in § 7–101(b) of this **[**subtitle**]** **TITLE** regarding the domicile of a child and the residency of the child's parent or guardian shall apply to prekindergarten programs established by county boards as required by this **[**section**]** **SUBTITLE**.

7–1A–03.

(A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, A COUNTY BOARD SHALL ENSURE THAT:

(1) BEGINNING IN THE ~~2020–2021~~ 2021–2022 SCHOOL YEAR, ELIGIBLE PRIVATE PROVIDERS SHALL ACCOUNT FOR AT LEAST 30% OF ELIGIBLE PREKINDERGARTEN PROVIDERS IN EACH COUNTY;

(2) THE PROPORTION OF ELIGIBLE PRIVATE PROVIDERS IN EACH COUNTY INCREASES BY 5 PERCENTAGE POINTS EVERY SCHOOL YEAR, UNTIL, IN THE ~~2024–2025~~ *2025–2026* SCHOOL YEAR, ELIGIBLE PRIVATE PROVIDERS ACCOUNT FOR AT LEAST 50% OF ELIGIBLE PREKINDERGARTEN PROVIDERS IN EACH COUNTY; AND

(3) IN EACH YEAR AFTER THE ~~2024–2025~~ *2025–2026* SCHOOL YEAR, THE PROPORTION OF ELIGIBLE PRIVATE PROVIDERS IN EACH COUNTY SHALL CONTINUE TO CONSTITUTE AT LEAST 50% OF ELIGIBLE PREKINDERGARTEN PROVIDERS IN EACH COUNTY.

(B) (1) THE DEPARTMENT ~~MAY~~ *SHALL* ISSUE A WAIVER FROM THE REQUIREMENTS OF THIS SECTION TO A COUNTY BOARD IF:

(I) ALL FAMILIES IN THE COUNTY WHO DESIRE TO ENROLL THEIR ELIGIBLE CHILDREN WITH ELIGIBLE PREKINDERGARTEN PROVIDERS ARE ABLE TO DO SO; OR

(II) AFTER REASONABLE CROSS–JURISDICTIONAL OR REGIONAL EFFORTS, THERE ARE TOO FEW ELIGIBLE PRIVATE PROVIDERS TO MEET THE MINIMUM REQUIREMENTS OF THIS SECTION.

(2) THE DEPARTMENT MAY EXCLUDE BY ANNUAL WAIVER ~~TIER~~ TIER I CHILDREN WHO ARE 3 YEARS OLD IN A COUNTY FROM THE CALCULATION ~~OF THE~~ UNDER SUBSECTION (A) OF THIS SECTION UNTIL THE 2029–2030 SCHOOL YEAR.

(3) THE DEPARTMENT MAY EXCLUDE BY ANNUAL WAIVER TIER I CHILDREN WHO ARE 4 YEARS OLD IN A COUNTY FROM THE CALCULATION UNDER SUBSECTION (A) OF THIS SECTION UNTIL THE 2025–2026 SCHOOL YEAR.

(4) THE DEPARTMENT SHALL ESTABLISH WAIVER APPLICATION PROCEDURES TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION.

7–1A–04.

(A) ALL ELIGIBLE PREKINDERGARTEN PROVIDERS SHALL INCLUDE STRUCTURAL ELEMENTS THAT ARE EVIDENCE–BASED AND NATIONALLY RECOGNIZED AS IMPORTANT FOR ENSURING PROGRAM QUALITY, INCLUDING:

(1) *BEGINNING IN THE 2024–2025 SCHOOL YEAR:*

(I) HIGH STAFF QUALIFICATIONS, INCLUDING TEACHERS WHO, AT A MINIMUM, HOLD:

1. STATE CERTIFICATION FOR TEACHING IN EARLY CHILDHOOD EDUCATION; OR

2. A BACHELOR'S DEGREE IN ANY FIELD AND ARE PURSUING RESIDENCY THROUGH THE MARYLAND APPROVED ALTERNATIVE PREPARATION PROGRAM, WHICH INCLUDES EARLY CHILDHOOD COURSEWORK, CLINICAL PRACTICE, AND EVIDENCE OF PEDAGOGICAL CONTENT KNOWLEDGE; AND

(II) TEACHING ASSISTANTS WHO HAVE AT LEAST:

1. A CHILD DEVELOPMENT ASSOCIATE (CDA) CERTIFICATE; OR

2. AN ASSOCIATE'S DEGREE;

(2) PROFESSIONAL DEVELOPMENT FOR ALL STAFF;

(3) A ~~STUDENT–TO–TEACHER~~ STUDENT–TO–CLASSROOM PERSONNEL RATIO OF NO MORE THAN 10 TO 1 IN EACH CLASS;

(4) CLASS SIZES OF NO MORE THAN 20 STUDENTS PER CLASSROOM;

(5) ~~BE A~~ A FULL–DAY PREKINDERGARTEN PROGRAM;

(6) INCLUSION OF STUDENTS WITH DISABILITIES TO ENSURE ACCESS TO AND FULL PARTICIPATION IN ALL PROGRAM OPPORTUNITIES;

(7) FOR AT LEAST 1 YEAR BEFORE A STUDENT'S ENROLLMENT IN KINDERGARTEN, LEARNING ENVIRONMENTS THAT:

(I) ARE ALIGNED WITH STATE EARLY LEARNING AND DEVELOPMENT STANDARDS;

(II) USE EVIDENCE–BASED CURRICULA; AND

(III) USE INSTRUCTION METHODS THAT ARE:

1. DEVELOPMENTALLY APPROPRIATE; AND

2. CULTURALLY AND LINGUISTICALLY RESPONSIVE;

(8) INDIVIDUALIZED ACCOMMODATIONS AND SUPPORTS FOR ALL STUDENTS;

(9) INSTRUCTIONAL STAFF SALARIES AND BENEFITS THAT ARE COMPARABLE TO THE SALARIES AND BENEFITS OF INSTRUCTIONAL STAFF EMPLOYED BY THE COUNTY BOARD OF THE COUNTY IN WHICH THE EARLY LEARNING PROGRAM IS LOCATED;

(10) PROGRAM EVALUATION TO ENSURE CONTINUOUS PROGRAM IMPROVEMENT;

(11) ON–SITE OR ACCESSIBLE COMPREHENSIVE SERVICES FOR STUDENTS;

(12) COMMUNITY PARTNERSHIPS THAT PROMOTE ACCESS TO COMPREHENSIVE SERVICES FOR FAMILIES OF STUDENTS; AND

(13) EVIDENCE–BASED HEALTH AND SAFETY STANDARDS.

(B) IN ADDITION TO THE REQUIREMENTS LISTED IN SUBSECTION (A) OF THIS SECTION, AN ELIGIBLE PREKINDERGARTEN PROVIDER SHALL:

(1) IF THE PROVIDER IS AN ELIGIBLE PRIVATE PROVIDER, ACHIEVE A QUALITY RATING LEVEL OF 3 IN THE MARYLAND EXCELS PROGRAM AND PUBLISH THAT QUALITY RATING IN A PUBLICLY AVAILABLE MANNER, DETERMINED BY THE DEPARTMENT;

(2) IF THE PROVIDER IS AN ELIGIBLE PUBLIC PROVIDER, ACHIEVE A QUALITY RATING LEVEL OF 4 IN THE MARYLAND ~~EXCELS~~ EXCELS PROGRAM AND PUBLISH THAT QUALITY RATING IN A PUBLICLY AVAILABLE MANNER, DETERMINED BY THE DEPARTMENT;

(3) SUBMIT TO THE DEPARTMENT A PLAN TO ACHIEVE A QUALITY RATING LEVEL 5 IN THE MARYLAND EXCELS PROGRAM WITHIN 5 YEARS AFTER BECOMING AN ELIGIBLE PREKINDERGARTEN PROVIDER;

(4) ACHIEVE IN ACCORDANCE WITH THE PLAN A QUALITY RATING LEVEL 5 IN THE MARYLAND EXCELS PROGRAM WITHIN 5 YEARS AFTER BECOMING AN ELIGIBLE PREKINDERGARTEN PROVIDER AND PUBLISH THAT QUALITY RATING IN A PUBLICLY AVAILABLE MANNER, DETERMINED BY THE DEPARTMENT; AND

(5) EXCEPT AS OTHERWISE PROVIDED IN § 7–1A–07 OF THIS SUBTITLE, BE OPEN FOR PUPIL ATTENDANCE IN ACCORDANCE WITH § 7–103 OF THIS TITLE.

(C) (1) AN ELIGIBLE PREKINDERGARTEN PROVIDER MAY NOT ENGAGE IN EXPLICITLY RELIGIOUS ACTIVITIES DURING SCHOOL HOURS.

(2) IF AN ELIGIBLE PREKINDERGARTEN PROVIDER ENGAGES IN AN EXPLICITLY RELIGIOUS ACTIVITY, THE ACTIVITY SHALL BE:

(I) SEPARATE IN TIME AND LOCATION FROM ANY INSTRUCTION OFFERED BY THE ELIGIBLE PREKINDERGARTEN PROVIDER; AND

(II) VOLUNTARY.

(3) *(I) AN ELIGIBLE PREKINDERGARTEN PROVIDER SHALL MAKE REASONABLE EFFORTS TO MAKE THE AREAS WHERE PREKINDERGARTEN CHILDREN SPEND TIME DURING SCHOOL HOURS AS NONSECTARIAN AS POSSIBLE.*

***(II)* AN ELIGIBLE PREKINDERGARTEN PROVIDER MAY NOT BE REQUIRED TO ADOPT ANY RULE, REGULATION, OR POLICY THAT CONFLICTS WITH ITS RELIGIOUS OR MORAL TEACHINGS.**

(4) (I) AN ELIGIBLE PREKINDERGARTEN PROVIDER SHALL COMPLY WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED, TITLE 20, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE, AND NOT DISCRIMINATE IN STUDENT ADMISSIONS, RETENTION, OR EXPULSION OR OTHERWISE DISCRIMINATE AGAINST ANY STUDENT OR PARENT OF A STUDENT ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, DISABILITY, SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION.

(II) IF A STUDENT HAS A DISABILITY, PLACEMENT OF THE STUDENT SHALL BE BASED ON WHERE THE STUDENT WILL BE BEST SERVED.

(III) AN ELIGIBLE PREKINDERGARTEN PROVIDER FOUND TO HAVE VIOLATED THE NONDISCRIMINATION REQUIREMENTS UNDER THIS SECTION:

1. MAY NOT CONTINUE TO BE AN ELIGIBLE PREKINDERGARTEN PROVIDER; AND

2. SHALL REIMBURSE THE DEPARTMENT ALL PUBLIC FUNDS PROVIDED UNDER THIS SUBTITLE MINUS ANY AMOUNT RECEIVED FROM THE CHILD CARE SCHOLARSHIP PROGRAM.

(5) EXCEPT AS PROVIDED IN § 7–305.1 OF THIS TITLE, AN ELIGIBLE PREKINDERGARTEN PROVIDER MAY NOT SUSPEND OR EXPEL A CHILD WHO IS ENROLLED IN A PREKINDERGARTEN PROGRAM.

7–1A–05.

(A) (1) EACH COUNTY BOARD SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT, EACH ELIGIBLE PRIVATE ~~PROVIDERS~~ PROVIDER PARTICIPATING IN PUBLICLY FUNDED PREKINDERGARTEN IN THE COUNTY, AND OTHER APPLICABLE GOVERNMENT AGENCIES.

(2) BEFORE EXECUTING A MEMORANDUM OF UNDERSTANDING UNDER THIS SECTION, EACH COUNTY BOARD SHALL SUBMIT AN IMPLEMENTATION PLAN OF THE PROPOSED MEMORANDUM OF UNDERSTANDING TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD IN ACCORDANCE WITH § 5–404 OF THIS ARTICLE.

(B) THE MEMORANDUM OF UNDERSTANDING SHALL PROVIDE FOR:

(1) SERVICES FOR CHILDREN WITH DISABILITIES;

(2) A PROCESS BY WHICH A PARENT IS ABLE TO INDICATE A PREFERENCE FOR ELIGIBLE PREKINDERGARTEN PROVIDERS;

(3) THE MANNER FOR PROCESSING THE PAYMENT OF THE STATE SHARE, LOCAL SHARE, AND FAMILY SHARE FOR EACH CHILD WHO IS ENROLLED WITH AN ELIGIBLE PREKINDERGARTEN PROVIDER;

(4) ANY AGREED UPON ADMINISTRATIVE COSTS TO BE RETAINED BY AN AGENCY THAT IS PARTY TO THE AGREEMENT;

(5) THE MANNER IN WHICH THE PARTIES WILL MEET THE REQUIREMENTS OF THIS SUBTITLE; ~~AND~~

(6) A PLAN TO ADDRESS RACIAL AND SOCIOECONOMIC INTEGRATION IN PREKINDERGARTEN CLASSROOMS; AND

~~(6)~~ (7) ANY OTHER PROVISIONS NECESSARY TO CARRY OUT THIS SUBTITLE.

(C) A MEMORANDUM OF UNDERSTANDING UNDER THIS SECTION SHALL SEEK TO AVOID, TO THE EXTENT PRACTICABLE, A DISPROPORTIONATE CONCENTRATION OF STUDENTS OF THE SAME RACE, ETHNICITY, DISABILITY STATUS, AND INCOME WITHIN AN ELIGIBLE PROVIDER.

7–1A–06.

~~**(A) BEGINNING IN THE 2021–2022 SCHOOL YEAR, TIER I CHILDREN WHO ARE 3 OR 4 YEARS OLD MAY BE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM UNDER THIS SUBTITLE.**~~

~~**(B) (1) THE PROPORTION OF ENROLLED TIER I CHILDREN WHO ARE 3 YEARS OLD SHALL INCREASE ANNUALLY UNTIL ALL TIER I CHILDREN WHO ARE 3 YEARS OLD ARE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM.**~~

~~**(2) THE PROPORTION OF ENROLLED TIER I CHILDREN WHO ARE 4 YEARS OLD SHALL INCREASE ANNUALLY SO THAT BY THE 2025–2026 SCHOOL YEAR, ALL TIER I CHILDREN WHO ARE 4 YEARS OLD SHALL BE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM.**~~

~~**(C) BEGINNING IN THE 2025–2026 SCHOOL YEAR, TIER II CHILDREN MAY BE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM IF PREKINDERGARTEN SLOTS ARE AVAILABLE IF PREKINDERGARTEN SLOTS ARE AVAILABLE, TIER II CHILDREN MAY BE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM UNTIL ALL TIER II CHILDREN WHO ARE 4 YEARS OLD ARE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM.**~~

~~**(D)**~~ ***(A) BEGINNING IN THE 2022–2023 SCHOOL YEAR, TIER I CHILDREN WHO ARE 3 OR 4 YEARS OLD MAY BE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM UNDER THIS SUBTITLE.***

(B) (1) THE PROPORTION OF ENROLLED TIER I CHILDREN WHO ARE 3 YEARS OLD SHALL INCREASE ANNUALLY UNTIL ALL TIER I CHILDREN WHO ARE 3 YEARS OLD ARE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM.

(2) THE PROPORTION OF ENROLLED TIER I CHILDREN WHO ARE 4 YEARS OLD SHALL INCREASE ANNUALLY SO THAT ALL TIER I CHILDREN WHO ARE 4 YEARS OLD SHALL BE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM.

(C) BEGINNING IN THE 2024–2025 SCHOOL YEAR, TIER II CHILDREN MAY BE ENROLLED IN A FULL–DAY PREKINDERGARTEN PROGRAM IF SPACE IS AVAILABLE TO ENCOURAGE SOCIOECONOMIC DIVERSITY IN PREKINDERGARTEN CLASSROOMS.

(D) ~~**NOTWITHSTANDING SUBSECTION (A) THROUGH (C) OF THIS SECTION, PRIORITY**~~ ***PRIORITY*** **IN EXPANDING PREKINDERGARTEN SLOTS SHALL BE PROVIDED TO 3– AND 4–YEAR OLDS WHO ARE:**

(1) TIER I CHILDREN; ~~**AND**~~

(2) CHILDREN WITH DISABILITIES, REGARDLESS OF INCOME*;*

(3) HOMELESS YOUTH; AND

(4) CHILDREN FROM HOMES IN WHICH ENGLISH IS NOT THE PRIMARY SPOKEN LANGUAGE.

***~~(B)~~ (E) THE ABILITY OF A FAMILY TO CHOOSE THE PREKINDERGARTEN PROVIDER IN WHICH TO ENROLL THEIR CHILD DOES NOT SUPERSEDE LOCAL AUTHORITY TO SET SCHOOL ATTENDANCE BOUNDARIES*.**

7–1A–07.

(A) *(1)* THE ~~STATE~~ *INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION* SHALL PRIORITIZE PUBLIC SCHOOL CONSTRUCTION FUNDING REQUESTS FOR HIGH QUALITY PREKINDERGARTEN CLASSROOMS.

(2) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL CONSIDER THE AVAILABILITY OF PRIVATE ELIGIBLE PREKINDERGARTEN PROVIDERS WHEN DETERMINING PRIORITIES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) A COUNTY BOARD MAY PARTNER WITH THE STATE OR THE COUNTY GOVERNMENT TO ADDRESS PHYSICAL SPACE CONSTRAINTS FOR ELIGIBLE PREKINDERGARTEN PROVIDERS BY UTILIZING EXISTING AVAILABLE SPACE AT A LOCATION THAT IS NOT AN ELIGIBLE PREKINDERGARTEN PROVIDER INCLUDING:

(1) SENIOR CARE FACILITIES; OR

(2) COMMUNITY CENTERS.

7–1A–08.

ON OR BEFORE DECEMBER 1, 2020, AND EACH DECEMBER 1 THEREAFTER, EACH COUNTY BOARD SHALL SUBMIT THE FOLLOWING INFORMATION, DISAGGREGATED BY ELIGIBLE PRIVATE AND ELIGIBLE PUBLIC PROVIDERS, TO THE DEPARTMENT AND THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER TITLE 5, SUBTITLE 4 OF THIS ARTICLE:

(1) THE NUMBER OF ELIGIBLE PREKINDERGARTEN PROVIDERS IN THE COUNTY;

(2) THE NUMBER OF ELIGIBLE PREKINDERGARTEN PROVIDERS IN THE COUNTY THAT, IN THE IMMEDIATELY PRECEDING CALENDAR YEAR, EXPANDED TO OFFER PREKINDERGARTEN PROGRAMS THAT ARE OPEN FOR PUPIL ATTENDANCE A MINIMUM OF 6.5 HOURS DURING EACH SCHOOL DAY;

(3) THE MARYLAND EXCELS PROGRAM QUALITY RATING LEVEL OF EACH ELIGIBLE PREKINDERGARTEN PROVIDER IN THE COUNTY;

(4) THE PARTICIPATION RATE OF ALL COUNTY 3–AND 4–YEAR OLDS IN ELIGIBLE PREKINDERGARTEN PROVIDERS ESTABLISHED OR EXPANDED IN ACCORDANCE WITH THIS SUBTITLE, DISAGGREGATED BY AGE AND TIER, IF APPLICABLE;

(5) THE NUMBER AND PROPORTION OF ELIGIBLE PREKINDERGARTEN PROVIDERS IN THE COUNTY THAT ARE ELIGIBLE PRIVATE PROVIDERS;

(6) A MEASURE OF SCHOOL READINESS IN ACCORDANCE WITH § 7–210 OF THIS TITLE; AND

(7) A DEMONSTRATION THAT THE EXPANSION OF PREKINDERGARTEN PROGRAMS IN THE COUNTY GAVE PRIORITY TO:

(I) CHILDREN IN AREAS WITH LIMITED OR NO ACCESS TO QUALITY CHILD CARE, REGARDLESS OF FAMILY INCOME;

(II) TIER I CHILDREN; AND

(III) STUDENTS WITH DISABILITIES, REGARDLESS OF FAMILY INCOME.

7–1A–09.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

7–202.1.

(A) THE DEPARTMENT SHALL, IN CONSULTATION WITH EXPERIENCED AND HIGHLY EFFECTIVE TEACHERS, INCLUDING TEACHERS ON THE CAREER LADDER UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, DEVELOP CURRICULUM STANDARDS AND CURRICULUM RESOURCES FOR EACH SUBJECT AT EACH GRADE LEVEL, THAT BUILD ON ONE ANOTHER IN LOGICAL SEQUENCE, IN CORE SUBJECTS THAT MAY BE USED BY LOCAL SCHOOL SYSTEMS AND PUBLIC SCHOOL TEACHERS.

(B) (1) THE PURPOSE OF THE CURRICULUM STANDARDS AND CURRICULUM RESOURCES DEVELOPED UNDER THIS SECTION IS TO PROVIDE COUNTY BOARDS WITH TECHNICAL ASSISTANCE TO INFORM HIGH–QUALITY INSTRUCTION THAT WILL ULTIMATELY RESULT IN STUDENTS MEETING THE COLLEGE AND CAREER READINESS STANDARDS IN THE MANNER DESCRIBED UNDER § 7–205.1 OF THIS SUBTITLE.

(2) THE CURRICULUM RESOURCES DEVELOPED UNDER THIS SECTION SHALL INCLUDE, FOR EACH CORE SUBJECT AT EACH GRADE LEVEL:

(I) COURSE SYLLABI;

(II) SAMPLE LESSONS FOR TEACHERS TO USE AS MODELS;

(III) EXAMPLES OF STUDENT WORK THAT MEET STANDARDS FOR PROFICIENCY;

(IV) EXPLANATIONS OF WHY STUDENT WORK EXAMPLES MEET PROFICIENCY STANDARDS SO THAT TEACHERS KNOW WHAT STUDENT KNOWLEDGE IS REQUIRED; AND

(V) CURRICULUM UNITS ALIGNED WITH THE COURSE SYLLABI.

~~(2)~~ (3) IN DEVELOPING THE CURRICULUM RESOURCES UNDER THIS SUBSECTION, THE DEPARTMENT:

(I) MAY USE AS A MODEL A COURSE OR UNIT DEVELOPED BY A TEACHER IN OR OUT OF THE STATE; BUT

(II) SHALL REVIEW EACH MODEL COURSE AND UNIT FOR QUALITY, USING ACCEPTED BENCHMARKS SUCH AS APPROVAL BY EDREPORTS OR TIER 1 AND TIER 2 EVIDENCE–BASED STANDARDS ESTABLISHED BY THE FEDERAL EVERY STUDENT SUCCEEDS ACT.

~~(3)~~ (4) THE DEPARTMENT SHALL COMPILE CURRICULUM UNITS IN SUCH A MANNER THAT:

(I) COMPLETE COURSES ARE FORMED; AND

(II) WHEN TAKEN BY A STUDENT IN SEQUENCE, THE STUDENT CAN ACHIEVE THE COLLEGE AND CAREER READINESS STANDARD ADOPTED UNDER § 7–205.1 OF THIS SUBTITLE BY THE END OF GRADE 10.

(C) THE DEPARTMENT SHALL SUBMIT CURRICULUM RESOURCES AND CURRICULUM STANDARDS DEVELOPED UNDER THIS THIS SECTION TO THE STATE BOARD FOR ADOPTION.

(D) THE STATE BOARD SHALL ESTABLISH A SYSTEM OF ASSESSMENTS TO ENSURE THAT STUDENTS ARE ACQUIRING THE KNOWLEDGE CONTAINED IN THE CURRICULUM STANDARDS IN ENGLISH, MATHEMATICS, SCIENCE, AND HISTORY OR SOCIAL STUDIES.

(E) (1) USING THE ASSESSMENTS ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION, THE DEPARTMENT SHALL IDENTIFY LOW–PERFORMING SCHOOLS.

(2) AN EXPERT REVIEW TEAM~~,~~ ESTABLISHED UNDER § 5–411 OF THIS ARTICLE, UNDER THE SUPERVISION OF THE DEPARTMENT, SHALL VISIT SCHOOLS IDENTIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION ACCORDING TO THE CRITERIA ESTABLISHED UNDER § 5–411 OF THIS ARTICLE.

(3) IF THE *DEPARTMENT, BASED ON A RECOMMENDATION OF AN* EXPERT REVIEW TEAM, DETERMINES THAT A SCHOOL'S LOW PERFORMANCE ON ASSESSMENTS IS, ~~IN PART~~ *LARGELY*, DUE TO CURRICULAR PROBLEMS, THE SCHOOL SHALL ADOPT THE CURRICULUM RESOURCES DEVELOPED UNDER THIS SECTION.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THIS SECTION DOES NOT REQUIRE A PUBLIC SCHOOL OR COUNTY BOARD TO ADOPT THE DEPARTMENT'S CURRICULUM STANDARDS AND CURRICULUM RESOURCES AND MAY NOT BE CONSTRUED TO RESTRICT A COUNTY BOARD'S AUTHORITY TO ADOPT CURRICULA UNDER § 4–111 OF THIS ARTICLE.

7–203.5.

(A) BEGINNING WITH THE 2021–2022 SCHOOL YEAR, EACH SCHOOL SYSTEM SHALL IMPLEMENT A 9TH GRADE TRACKER SYSTEM TO MEASURE EACH STUDENT'S PROGRESS TOWARD GRADUATING ON TIME, INCLUDING CREDIT ACCUMULATION AND THE NUMBER OF SEMESTER CORE COURSE FAILURES DURING THE FIRST YEAR OF HIGH SCHOOL FOR STUDENTS COMPLETING THE 9TH GRADE YEAR.

(B) EACH SCHOOL SYSTEM SHALL PROVIDE A REPORT TO THE SCHOOL WHERE THE STUDENT IS ENROLLED FOR FURTHER ACADEMIC INTERVENTION TO ALLOW THE STUDENT TO GRADUATE ON TIME.

(C) EACH YEAR, EACH COUNTY BOARD SHALL REPORT TO THE DEPARTMENT THE DATA COLLECTED UNDER SUBSECTION (A) OF THIS SECTION.

(D) THE DEPARTMENT SHALL COMPILE AND SUBMIT A STATEWIDE REPORT TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD AND THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER.

7–205.1.

(a) **IN THIS SECTION, "CCR STANDARD" MEANS THE COLLEGE AND CAREER READINESS STANDARDS ESTABLISHED UNDER THIS SECTION.**

(B) (1) The State Board shall establish high school curriculum**, COLLEGE AND CAREER READINESS STANDARDS,** and graduation requirements for all public schools in accordance with this section.

(2) THE STATE BOARD SHALL COORDINATE AND CONSULT WITH THE MARYLAND HIGHER EDUCATION COMMISSION, THE GOVERNOR'S WORKFORCE DEVELOPMENT BOARD, *THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES,* AND THE ACCOUNTABILITY AND IMPLEMENTATION BOARD IN PERFORMING ITS DUTIES UNDER THIS SUBSECTION.

[(b) (1) Beginning with the 2015–2016 school year, all students shall be assessed using acceptable college placement cut scores no later than 11th grade to determine whether the student is ready for college–level credit–bearing course work in English Language Arts, Literacy, and Mathematics.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Department, in collaboration with local school systems and public community colleges, shall develop and implement, by the 2016–2017 school year, transition courses or other instructional opportunities to be delivered in the 12th grade to students who have not achieved college and career readiness by the end of the 11th grade.

(ii) The implementation of transition courses or other instructional opportunities required under subparagraph (i) of this paragraph:

1. Shall include an assessment or reassessment of the student after completion of the course; and

2. May not preclude or replace enrollment in a course otherwise required for graduation from high school.**]**

(C) (1) (I) IT IS THE GOAL OF THE STATE THAT STUDENTS ENROLLED IN PUBLIC SCHOOL SHALL MEET THE CCR STANDARD BEFORE THE END OF THE 10TH GRADE AND NO LATER THAN THE TIME THE STUDENT GRADUATES FROM HIGH SCHOOL.

(II) IT IS THE GOAL OF THE STATE THAT EACH STUDENT ENROLLED IN PUBLIC SCHOOL, REGARDLESS OF THE STUDENT'S RACE, ETHNICITY, GENDER, ADDRESS, SOCIOECONOMIC STATUS, OR THE LANGUAGE SPOKEN IN THE STUDENT'S HOME, SHALL HAVE EQUITABLE ACCESS TO COLLEGE AND CAREER READINESS AND SHALL MEET THE CCR STANDARD AT AN EQUAL RATE.

(2) A STUDENT SHALL MEET THE CCR STANDARD WHEN THE STUDENT MEETS A STANDARD IN ENGLISH LANGUAGE ARTS, MATHEMATICS, AND, WHEN PRACTICABLE, SCIENCE THAT ENABLES THE STUDENT TO BE SUCCESSFUL IN ENTRY LEVEL CREDIT BEARING COURSES OR POSTSECONDARY EDUCATION TRAINING AT A STATE COMMUNITY COLLEGE.

(3) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL DEVELOP AND BEGIN TO IMPLEMENT A COMMUNICATION STRATEGY TO INFORM PARENTS, STUDENTS, EDUCATORS, AND THE WIDER PUBLIC ABOUT THE CCR STANDARD DEVELOPED UNDER THIS SECTION.

(D) (1) BEGINNING WITH THE 2020–2021 SCHOOL YEAR, EACH STUDENT SHALL BE ASSESSED NO LATER THAN THE 10TH GRADE BY A METHOD ADOPTED BY THE STATE BOARD TO DETERMINE WHETHER THE STUDENT MEETS THE CCR STANDARD REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

(2) (I) MEETING THE CCR STANDARD SHALL INITIALLY REQUIRE A STUDENT TO ACHIEVE THE EQUIVALENT OF A SCORE OF 4 OR 5 IN THE MATHEMATICS AND ENGLISH PORTIONS OF THE PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREER ~~READINESS~~ GRADE 10 ASSESSMENTS ~~ON~~ OR THE MARYLAND COMPREHENSIVE ASSESSMENT PROGRAM GRADE 10 ASSESSMENTS OR ANY SUCCESSOR ASSESSMENTS.

(II) AFTER THE EMPIRICAL STUDY REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION IS COMPLETE, THE CCR STANDARD SHALL REFLECT THE RESULTS OF THAT STUDY.

(3) (I) ON OR BEFORE JULY 1, 2021, THE DEPARTMENT SHALL CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO CONDUCT AN EMPIRICAL STUDY OF THE CCR STANDARD REQUIRED UNDER THIS SUBSECTION TO DETERMINE WHETHER THAT STANDARD ADEQUATELY MEETS THE CCR STANDARD REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

(II) 1. AN ENTITY WITH WHOM THE DEPARTMENT CONTRACTS UNDER THIS PARAGRAPH SHALL DETERMINE THE LEVELS AND TYPES OF LITERACY IN READING, WRITING, MATHEMATICS, AND, WHEN PRACTICABLE, SCIENCE, THAT ARE NEEDED TO SUCCEED IN ENTRY–LEVEL COURSES AND POSTSECONDARY TRAINING OFFERED AT COMMUNITY COLLEGES IN THE STATE.

2. IN PERFORMING THE STUDY REQUIRED UNDER THIS SUBPARAGRAPH, THE ENTITY SHALL ~~EXAMINE~~:

A. EXAMINE TOP–PERFORMING EDUCATIONAL SYSTEMS THROUGHOUT THE WORLD, COMPARING THESE SYSTEMS TO THE EDUCATION OFFERED IN THE STATE; AND

B. CONSIDER POTENTIAL SOURCES OF BIAS IN ANY PROPOSED ASSESSMENT AND STRIVE TO ELIMINATE ANY POTENTIAL BIAS IN A PROPOSED CCR MODIFICATION.

(III) ~~IN FISCAL YEAR 2022, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF $500,000 FOR THE STUDY REQUIRED UNDER THIS PARAGRAPH.~~

~~(IV) AFTER THE REQUEST FOR PROPOSAL PROCESS BEGINS, IF THE MONEY APPROPRIATED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS INSUFFICIENT TO FUND THE COST OF THE STUDY, THE GOVERNOR SHALL ALLOCATE ADDITIONAL FUNDING UNTIL THE STUDY IS FULLY FUNDED.~~

~~(IV)~~ AN ENTITY RESPONSIBLE FOR CONDUCTING THE STUDY UNDER THIS PARAGRAPH MAY NOT BE REIMBURSED FOR INTERNATIONAL TRAVEL BUT MAY BE REIMBURSED FOR REASONABLE DOMESTIC TRAVEL.

(IV) ON OR BEFORE SEPTEMBER 1, 2022, THE ENTITY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, AND THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ON THE RESULTS OF ITS STUDY AND RECOMMENDATIONS TO MODIFY THE CCR STANDARD TO ALIGN WITH THE LITERACY STANDARDS NECESSARY TO BE SUCCESSFUL IN STATE COMMUNITY COLLEGES AND, TO THE EXTENT APPLICABLE, COMPARABLE POSTSECONDARY INSTITUTIONS IN TOP PERFORMING SYSTEMS.

(4) AFTER THE STUDY CONDUCTED UNDER PARAGRAPH (3) OF THIS SUBSECTION IS COMPLETE, AND PERIODICALLY THEREAFTER, THE STATE BOARD SHALL:

(I) ADOPT A NEW CCR STANDARD AS REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION;

(II) DETERMINE WHETHER THE ASSESSMENTS REQUIRED UNDER SUBSECTION (3) OF THIS SECTION ARE SUFFICIENT TO DETERMINE

WHETHER HIGH SCHOOL STUDENTS MEET THE CCR STANDARD, INCLUDING WHETHER THE ASSESSMENTS CONTAIN ANY POTENTIAL BIAS; AND

(III) IF THE ASSESSMENTS ARE NOT SUFFICIENT, ADJUST THE ASSESSMENTS ACCORDINGLY.

(E) (1) (I) EACH COUNTY BOARD, IN COLLABORATION WITH THE COMMUNITY COLLEGES, SHALL DEVELOP AND IMPLEMENT BY THE 2021–2022 SCHOOL YEAR, A PROGRAM OF STUDY FOR STUDENTS WHO HAVE NOT MET THE CCR STANDARD BY THE END OF THE 10TH GRADE.

(II) COURSES DEVELOPED UNDER THIS PARAGRAPH SHALL INCLUDE APPLIED, EXPERIENTIAL COURSES THAT ARE HIGHLY ENGAGING AND FOCUS ON THE COMPLETION OF PROJECTS AND SOLUTION OF PROBLEMS AS CORE COURSE COMPONENTS.

(2) COURSES UNDER THIS SUBSECTION SHALL BE DELIVERED:

(I) IN THE 11TH AND 12TH GRADES TO STUDENTS WHO HAVE NOT ACHIEVED THE CCR STANDARD BY THE END OF THE 10TH GRADE; AND

(II) SUBJECT TO THE REQUIREMENTS UNDER PARAGRAPH (4) OF THIS SUBSECTION, BEFORE THE 10TH GRADE FOR A STUDENT WHO IS NOT ON TRACK TO MEET THE CCR STANDARD BY THE END OF THE 10TH GRADE.

(3) (I) THE IMPLEMENTATION OF THE COURSES REQUIRED UNDER THIS SUBSECTION:

1. SHALL INCLUDE AN ASSESSMENT OR REASSESSMENT OF THE STUDENT AFTER COMPLETION OF THE COURSE;

2. MAY NOT PRECLUDE OR REPLACE ENROLLMENT IN A COURSE OTHERWISE REQUIRED FOR GRADUATION FROM HIGH SCHOOL; AND

3. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, BEGINNING WITH THE 2021–2022 SCHOOL YEAR, MAY NOT PRECLUDE ENROLLMENT IN THE INITIAL STAGES OF ONE OR MORE POST–CCR PATHWAYS ESTABLISHED UNDER SUBSECTION (I) OF THIS SECTION, INCLUDING THE OPPORTUNITY TO MAKE PROGRESS TOWARDS A CTE CREDENTIAL.

(II) WHEN THE ACCOUNTABILITY AND IMPLEMENTATION BOARD DETERMINES THAT THE BLUEPRINT FOR MARYLAND'S FUTURE HAS BEEN FULLY IMPLEMENTED, POST–CCR PATHWAYS SHALL BE AVAILABLE ONLY TO

STUDENTS WHO HAVE MET THE CCR STANDARD, EXCEPT UNDER LIMITED CIRCUMSTANCES DETERMINED BY THE BOARD.

(4) (I) A MIDDLE SCHOOL OR HIGH SCHOOL STUDENT WHO IS NOT PROGRESSING IN A MANNER THAT WOULD PREDICTABLY RESULT IN THE STUDENT MEETING THE CCR STANDARD BY THE END OF THE 10TH GRADE SHALL BE ENROLLED IN AN EXTENDED CURRICULUM WITH ALTERNATIVE APPROACHES THAT ARE TAILORED TO THE STUDENT'S SPECIFIC CIRCUMSTANCES AND NEEDS.

(II) THE EXTENDED CURRICULUM MAY INCLUDE CULTURALLY RESPONSIVE LESSONS, ADJUSTMENT IN PEDAGOGY, WITH AN EMPHASIS ON PROJECT–BASED AND PROBLEM–BASED APPLIED LEARNING, AND VARIED INSTRUCTIONAL TIMING.

(III) A STUDENT MAY BE PLACED IN THE EXTENDED CURRICULUM FOR SPECIFIC SUBJECTS.

(IV) A STUDENT WHO IS CLOSE TO MEETING THE CCR STANDARD BY THE END OF THE 10TH GRADE MAY BE ENROLLED IN AN EXTENDED SUMMER CURRICULUM.

(V) A STUDENT WHO IS PLACED IN THE EXTENDED CURRICULUM AND MAKES MORE PROGRESS THAN EXPECTED~~,~~ MAY BE RETURNED TO OTHER COURSES.

(F) (1) EACH STUDENT WHO HAS NOT MET THE CCR STANDARD BY THE END OF THE 10TH GRADE SHALL ~~BE ASSIGNED A TEACHER WHO SHALL HAVE OVERALL RESPONSIBILITY FOR THE STUDENT'S~~ RECEIVE AN INDIVIDUALIZED PLAN DESIGNED TO PREPARE THE STUDENT FOR SUCCESS IN MEETING THE CCR STANDARD.

(2) A TEACHER WORKING WITH A STUDENT UNDER THIS SUBSECTION SHALL:

(I) ASSEMBLE A TEAM OF OTHER TEACHERS TO MONITOR THE STUDENT'S PROGRESS;

(II) MEET WITH THE STUDENT'S PARENTS OR GUARDIANS TO HELP PLAN FOR THE STUDENT'S SUCCESS; AND

(III) WORK WITH PUBLIC AND PRIVATE AGENCIES TO PROVIDE THE STUDENT AND THE STUDENT'S FAMILY WITH SUPPORT NECESSARY TO FOSTER THE STUDENT'S SUCCESS.

(G) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, EACH COUNTY BOARD SHALL PROVIDE ALL STUDENTS WHO MEET THE CCR STANDARD REQUIRED UNDER SUBSECTION (C) OF THIS SECTION WITH ACCESS TO THE FOLLOWING POST COLLEGE AND CAREER READINESS (POST–CCR) PATHWAYS, AT NO COST TO THE STUDENT OR THE STUDENT'S PARENTS, INCLUDING THE COST OF ANY FEES:

(I) A COMPETITIVE ENTRY COLLEGE PREPARATORY PROGRAM, CHOSEN BY THE COUNTY BOARD, CONSISTING OF:

1. THE INTERNATIONAL BACCALAUREATE DIPLOMA PROGRAM;

2. THE CAMBRIDGE AICE DIPLOMA PROGRAM; OR

3. A COMPARABLE PROGRAM CONSISTING OF ADVANCED PLACEMENT COURSES SPECIFIED BY THE COLLEGE BOARD;

(II) A PROGRAM THAT ALLOWS A STUDENT, THROUGH *AN EARLY COLLEGE PROGRAM OR* DUAL ENROLLMENT AT A STUDENT'S HIGH SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION TO EARN:

1. AN ASSOCIATE DEGREE ~~IN ART OR SCIENCE~~; OR

2. AT LEAST 60 CREDITS TOWARD A BACHELOR'S DEGREE ~~IN ART OR SCIENCE~~; AND

(III) A ROBUST SET OF CAREER AND TECHNOLOGY EDUCATION PROGRAMS THAT ARE RECOMMENDED BY THE CTE SKILLS STANDARDS ADVISORY COMMITTEE AND APPROVED BY THE CTE COMMITTEE AND THAT ALLOW STUDENTS TO COMPLETE:

1. A *CREDIT OR NONCREDIT* CERTIFICATE OR LICENSE PROGRAM, COURSE, OR SEQUENCE OF COURSES AT A SECONDARY OR POSTSECONDARY INSTITUTION THAT LEADS TO AN INDUSTRY RECOGNIZED OCCUPATIONAL–CREDENTIAL *OR POSTSECONDARY CERTIFICATE*;

2. A REGISTERED APPRENTICESHIP PROGRAM APPROVED BY THE DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING WITHIN THE MARYLAND DEPARTMENT OF LABOR; OR

3. A YOUTH APPRENTICESHIP PROGRAM, UNDER TITLE 18, SUBTITLE 18 OF THIS ARTICLE.

(2) EACH PUBLIC HIGH SCHOOL SHALL PROVIDE ACCESS TO THE PROGRAMS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION THROUGH THAT PUBLIC SCHOOL OR THROUGH ANOTHER PUBLIC SCHOOL IN THE COUNTY.

(3) (I) EACH STUDENT WHO MEETS THE CCR STANDARD REQUIRED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE ENROLLED IN AT LEAST ONE POST–CCR PATHWAY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(II) EACH STUDENT WHO ENROLLS IN A POST–CCR PATHWAY SHALL REMAIN ENROLLED IN THE STUDENT'S PUBLIC HIGH SCHOOL.

(III) EACH PUBLIC HIGH SCHOOL SHALL PROVIDE TO EVERY STUDENT, REGARDLESS OF WHETHER THE STUDENT IS ENROLLED IN A POST–CCR PATHWAY, THE FULL RANGE OF SERVICES TO WHICH THE STUDENT IS ENTITLED, INCLUDING:

1. PERSONAL, CAREER, AND ACADEMIC ADVISING; AND

2. COUNSELING, IN ACCORDANCE WITH § 7–126 OF THIS TITLE, TO HELP THE STUDENT CHOOSE ONE OR MORE POST–CCR PATHWAYS, OR COURSES WITHIN A POST–CCR PATHWAY, THAT FITS WITH THE STUDENT'S EDUCATIONAL AND CAREER GOALS.

(IV) PRIORITY FOR COUNSELING AND ADVISING SERVICES DESCRIBED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL BE GIVEN TO STUDENTS WHO HAVE NOT MET THE CCR STANDARD BY THE END OF 10TH GRADE.

(V) ANY HIGH SCHOOL GRADUATION REQUIREMENTS THAT A STUDENT DOES NOT MEET BY THE TIME THE STUDENT HAS COMPLETED THE ASSESSMENT REQUIRED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE PROVIDED WITHIN THE POST–CCR PATHWAY THE STUDENT CHOOSES.

(4) (I) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

(II) THE REGULATIONS SHALL INCLUDE STANDARDS THAT:

1. GUARANTEE, TO THE EXTENT PRACTICABLE, STATEWIDE UNIFORMITY IN THE QUALITY OF THE POST–CCR PATHWAYS;

2. MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION; AND

3. REQUIRE HIGH SCHOOL GRADUATION CREDIT TO BE AWARDED FOR ANY PROGRAMS ADMINISTERED IN ACCORDANCE WITH THIS SUBSECTION.

[(c)**] (H)** (1) **(I)** Beginning with the 9th grade class of 2014**,** and subject to paragraph (2) of this subsection and subsection **[**(e)**] (J)** of this section, each student shall enroll in a mathematics course in each year **[**of high school**]** that the student attends high school.

(II) THE REQUIREMENTS OF THIS SUBSECTION MAY BE ACHIEVED UNDER POST–CCR PATHWAYS.

(2) The Department shall adopt regulations that establish the mathematics and math–related courses that fulfill the requirements of this subsection, which may include math–related career and **[**technology**] TECHNICAL** program courses.

[(d)**] (I)** It is the goal of the State that**:**

(1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, all students achieve mathematics competency in Algebra II**; AND**

(2) AFTER THE COMPLETION OF THE STUDY REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, ALL STUDENTS ACHIEVE MATHEMATICS COMPETENCY IN THE STANDARD THE STATE BOARD ADOPTS IN RESPONSE TO THE STUDY.

[(e)**] (J)** A student who is enrolled in a credit–bearing mathematics transition course under subsection **[**(b)(2)**] (E)** of this section:

(1) Subject to item (2) of this subsection, shall be considered to meet the requirements of subsection **[**(c)**] (H)** of this section; and

(2) May not be considered to meet the requirements of subsection **[**(c)**] (H)** of this section if other credit–bearing courses required for graduation have not been met.

[(f)**] (K)** The State Board may only require a passing score on a standardized assessment to evaluate a student for graduation from high school after the assessment has been field–tested and piloted for at least 1 year.

[(g)**] (L) (1)** The Department **[**may**] SHALL** adopt regulations to require the award of credit toward high school graduation requirements **FOR THE TIME STUDENTS SPEND PARTICIPATING IN POST–CCR PATHWAYS UNDER SUBSECTION (H) OF THIS SECTION [**for the time a student spends participating in:

(1) A registered apprenticeship program approved by the Division of Workforce Development and Adult Learning within the Maryland Department of Labor; or

(2) A youth apprenticeship program under Title 18, Subtitle 18 of this article**]**.

(2) THE DEPARTMENT'S REGULATIONS SHALL INCLUDE HIGH SCHOOL CREDIT TOWARDS THE HIGH SCHOOL GRADUATION REQUIREMENTS FOR ANY COLLEGE COURSES THAT ARE APPROVED BY THE DEPARTMENT.

7–210.

(a) **[**Except as provided in subsection (b) of this section, a**] BEGINNING IN THE ~~2020–2021~~ 2021–2022 SCHOOL YEAR, A RACIALLY AND CULTURALLY UNBIASED** statewide kindergarten assessment that is administered with the purpose of measuring school readiness **TO BE USED FOR DIAGNOSTIC PURPOSES, CURRICULUM DEVELOPMENT, AND EARLY DETECTION OF LEARNING CHALLENGES[**:

(1) Shall**] SHALL** be **[**limited to a representative sample, as determined by the Department, of kindergarten**] GIVEN TO ALL INCOMING KINDERGARTEN** students **[**from within each local school system**]** in the **[**State;**] STATE** and**:**

[(2)**] (1)** May include an evaluation of:

(i) Language and literacy skills;

(ii) Academic knowledge in mathematics, science, and social studies;

(iii) Physical development; and

(iv) Social development**; AND**

(2) SHALL BE COMPLETED ON OR BEFORE OCTOBER ~~30~~ 10 WITH THE AGGREGATE RESULTS RETURNED WITHIN 45 DAYS AFTER ADMINISTRATION OF THE ASSESSMENT.

(b) **[**A principal and a teacher who are in mutual agreement, or a county board, may administer a statewide kindergarten assessment with the purpose of measuring school readiness if:

(1) The assessment is completed on or before October 10; and

(2) The aggregate results are returned within 45 days after administration of the assessment.

(c)**]** (1) Except as provided in paragraph (2) of this subsection, a statewide kindergarten assessment may not be administered to an enrolled prekindergarten student.

(2) A statewide kindergarten assessment or early learning assessment may be administered to an enrolled prekindergarten student by a school psychologist or other school–based professional who intends to use the results in order to identify a disability.

[(d)**] (C) [**(1)**]** Subject to **[**paragraph (2) of this subsection**]** **SUBSECTION (D) OF THIS SECTION**, a county board ~~may~~**:**

(1) [administer**]** ~~**ADMINISTER**~~ ***IS ENCOURAGED TO ADMINISTER*** **A PORTION OF** the **[**early learning**]** assessment **TO STUDENTS IN THE COUNTY DURING THE SUMMER MONTHS BEFORE KINDERGARTEN BEGINS [**to enrolled prekindergarten students in the county**]; AND**

(2) ~~**ADMINISTER**~~ ***MAY ADMINISTER*** **THE REMAINING PORTION OF THE ASSESSMENT DURING THE SCHOOL YEAR**.

(D) [(2)**]** Before administering the early learning assessment, a county board shall consult with **[**prekindergarten**]** **KINDERGARTEN** teachers, including teachers nominated by the exclusive bargaining representative, in determining how to implement the assessment.

(E) THE ASSESSMENT IN THIS SECTION SHALL BE THE SOLE DIAGNOSTIC ASSESSMENT FOR MEASURING SCHOOL READINESS.

[(e)**] (F)** The Department shall adopt regulations to implement the requirements of this section.

7–305.1.

(a) (1) In this section the following words have the meanings indicated.

(2) **[**"Public prekindergarten**]** **"PREKINDERGARTEN** program" means:

(i) **[**Any publicly funded prekindergarten program established under § 7–101.1 of this title; or

(ii)**]** Any qualified vendor of prekindergarten services as defined in § 7–101.2(a)(7) of this title**; OR**

(II) A PREKINDERGARTEN PROGRAM AS DEFINED IN § 7–1A–01 OF THIS TITLE.

(3) "Restorative practices" means practices conducted in a whole–school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:

(i) Are conducted by trained staff;

(ii) Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and

(iii) Help build a sense of belonging, safety, and social responsibility in the school community.

(b) (1) Except as provided in paragraph (2) of this subsection, a student enrolled in a **[**public**]** prekindergarten program, kindergarten, first grade, or second grade may not be suspended or expelled from school.

(2) A student described under paragraph (1) of this subsection may only be:

(i) Expelled from school if required by federal law; or

(ii) Suspended for not more than 5 school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

(3) The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled under paragraph (2) of this subsection.

(c) (1) The school shall provide intervention and support to address the student's behavior if the student is:

(i) Suspended under subsection (b) of this section; or

(ii) Enrolled in prekindergarten, kindergarten, first grade, or second grade and:

1. Is disruptive to the school environment; or

2. Commits an act that would be considered an offense subject to suspension but for the student's grade.

(2) Intervention and support provided under paragraph (1) of this subsection includes:

(i) Positive behavior interventions and supports;

(ii) A behavior intervention plan;

(iii) A referral to a student support team;

(iv) A referral to an individualized education program team; and

(v) A referral for appropriate community–based services.

(d) The school system shall remedy the impact of a student's behavior through appropriate intervention methods that may include restorative practices.

(e) On or before May 1, 2018, the Department shall adopt regulations to carry out the requirements of this section.

7–446.

~~**(A) IN THIS SECTION, "BEHAVIORAL HEALTH SERVICES" MEANS**~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

***(2) "BEHAVIORAL HEALTH SERVICES" MEANS TRAUMA–INFORMED* PREVENTION, INTERVENTION, AND TREATMENT SERVICES FOR THE SOCIAL–EMOTIONAL, PSYCHOLOGICAL, *AND* BEHAVIORAL~~, AND PHYSICAL~~ HEALTH OF STUDENTS, INCLUDING ~~BEHAVIORAL~~ *MENTAL* HEALTH AND SUBSTANCE ~~ABUSE~~ *USE* DISORDERS.**

(3) "COORDINATED COMMUNITY SUPPORTS PARTNERSHIP" HAS THE MEANING STATED IN § 7–446.1 OF THIS SUBTITLE.

(B) EACH LOCAL SCHOOL SYSTEM SHALL APPOINT A BEHAVIORAL HEALTH SERVICES COORDINATOR.

(C) IN ADDITION TO THE REQUIREMENTS UNDER SUBTITLE 15 OF THIS TITLE, EACH BEHAVIORAL HEALTH SERVICES COORDINATOR SHALL:

(1) COORDINATE EXISTING BEHAVIORAL HEALTH SERVICES AND REFERRAL PROCEDURES FOR BEHAVIORAL HEALTH SERVICES WITHIN THE LOCAL SCHOOL SYSTEM*, INCLUDING THROUGH A COORDINATED COMMUNITY SUPPORTS PARTNERSHIP*;

(2) WORKING IN COLLABORATION WITH THE LOCAL HEALTH DEPARTMENT, THE LOCAL DEPARTMENT OF SOCIAL SERVICES, AND OTHER LOCAL ENTITIES THAT PROVIDE BEHAVIORAL HEALTH SERVICES, *INCLUDING A COMMUNITY SUPPORTS PARTNERSHIP*, ENSURE THAT A STUDENT WHO IS REFERRED

FOR BEHAVIORAL HEALTH SERVICES OBTAINS THE NECESSARY SERVICES IN A TIMELY MANNER;

(3) MAXIMIZE EXTERNAL FUNDING FOR BEHAVIORAL HEALTH AND WRAPAROUND SERVICES;

(4) HAVE AT A MINIMUM A MASTER'S DEGREE AND BEHAVIORAL HEALTH TRAINING EXPERIENCE IN SCHOOLS;

(5) PROVIDE THE REQUIRED BEHAVIORAL HEALTH TRAINING UNDER § 6–122 OF THIS ARTICLE; AND

(6) DEVELOP AND IMPLEMENT A STANDARDIZED SCREENING TO IDENTIFY STUDENTS WITH BEHAVIORAL HEALTH ~~SERVICE~~ SERVICES NEEDS USING AN EVIDENCE–BASED MEASUREMENT APPROACH.

(D) (1) THE DEPARTMENT SHALL DEDICATE STAFF TO COORDINATE WITH BEHAVIORAL HEALTH SERVICES COORDINATORS AND STAFF IN LOCAL EDUCATION AGENCIES.

(2) THE DEPARTMENT SHALL DESIGNATE AN EMPLOYEE TO BE THE PRIMARY CONTACT FOR SCHOOL BEHAVIORAL HEALTH SERVICES TO WORK WITH SCHOOL–BASED BEHAVIORAL HEALTH PROVIDERS AND TO ASSIST IN EXPANDING SERVICES THROUGH COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS.

(3) THE MARYLAND DEPARTMENT OF HEALTH SHALL DESIGNATE AN EMPLOYEE TO BE THE PRIMARY CONTACT FOR SCHOOL BEHAVIORAL HEALTH SERVICES TO WORK WITH SCHOOL–BASED BEHAVIORAL HEALTH PROVIDERS AND TO ASSIST IN EXPANDING SERVICES THROUGH COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS.

***~~(2)~~ (4)* THE STAFF IN THE DEPARTMENT WILL BE RESPONSIBLE FOR CLOSE COLLABORATION WITH OTHER YOUTH–SERVING AGENCIES, *THE MARYLAND CONSORTIUM OF COORDINATED COMMUNITY SUPPORTS, AND THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER* TO ESTABLISH:**

(I) SHARED GOALS;

(II) PROCESSES TO COLLECT AND SHARE DATA; AND

(III) WAYS TO LEVERAGE AND BLEND FUNDING TO SUPPORT BEHAVIORAL HEALTH IN SCHOOLS *AND COMMUNITY–BASED SETTINGS*.

7–446.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BEHAVIORAL HEALTH SERVICES" HAS THE MEANING STATED IN § 7–446 OF THIS SUBTITLE.

(3) "COORDINATED COMMUNITY SUPPORTS" MEANS A HOLISTIC, NONSTIGMATIZED, AND COORDINATED APPROACH, INCLUDING AMONG THE FOLLOWING PERSONS, TO MEETING STUDENTS' BEHAVIORAL HEALTH NEEDS, ADDRESSING RELATED CHALLENGES, AND PROVIDING COMMUNITY SERVICES AND SUPPORTS TO THE STUDENTS:

(I) TEACHERS, SCHOOL LEADERSHIP, AND STUDENT INSTRUCTIONAL SUPPORT PERSONNEL;

(II) LOCAL SCHOOL SYSTEMS;

(III) LOCAL COMMUNITY SCHOOLS;

(IV) BEHAVIORAL HEALTH COORDINATORS APPOINTED UNDER § 7–446 OF THIS SUBTITLE;

(V) LOCAL HEALTH DEPARTMENTS;

(VI) NONPROFIT HOSPITALS;

(VII) OTHER YOUTH–SERVING GOVERNMENTAL ENTITIES;

(VIII) OTHER LOCAL YOUTH–SERVING COMMUNITY ENTITIES;

(IX) COMMUNITY BEHAVIORAL HEALTH PROVIDERS;

(X) TELEMEDICINE PROVIDERS;

(XI) FEDERALLY QUALIFIED HEALTH CENTERS; AND

(XII) STUDENTS, PARENTS, AND GUARDIANS.

(4) "COMMISSION" MEANS THE MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION.

(5) "CONSORTIUM" MEANS THE MARYLAND CONSORTIUM ON COORDINATED COMMUNITY SUPPORTS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(6) "COORDINATED COMMUNITY SUPPORTS PARTNERSHIP" MEANS AN ENTITY FORMED TO DELIVER COORDINATED COMMUNITY SUPPORTS.

(7) "NATIONAL CENTER FOR SCHOOL MENTAL HEALTH" MEANS THE NATIONAL CENTER FOR SCHOOL MENTAL HEALTH AT THE UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS.

(B) (1) THERE IS A MARYLAND CONSORTIUM ON COORDINATED COMMUNITY SUPPORTS IN THE COMMISSION.

(2) THE COMMISSION SHALL PROVIDE STAFF TO THE CONSORTIUM.

(3) TWO ADDITIONAL STAFF SHALL BE ADDED TO THE COMMISSION TO STAFF THE CONSORTIUM.

(C) THE PURPOSES OF THE CONSORTIUM ARE TO:

(1) SUPPORT THE DEVELOPMENT OF COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS TO MEET STUDENT BEHAVIORAL HEALTH NEEDS AND OTHER RELATED CHALLENGES IN A HOLISTIC, NONSTIGMATIZED, AND COORDINATED MANNER;

(2) PROVIDE EXPERTISE FOR THE DEVELOPMENT OF BEST PRACTICES IN THE DELIVERY OF STUDENT BEHAVIORAL HEALTH SERVICES, SUPPORTS, AND WRAPAROUND SERVICES; AND

(3) PROVIDE TECHNICAL ASSISTANCE TO LOCAL SCHOOL SYSTEMS TO SUPPORT POSITIVE CLASSROOM ENVIRONMENTS AND THE CLOSING OF ACHIEVEMENT GAPS SO THAT ALL STUDENTS CAN SUCCEED.

(D) THE CONSORTIUM CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;

(2) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S DESIGNEE;

(3) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;

(4) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;

(5) THE CHAIR OF THE COMMISSION, OR THE CHAIR'S DESIGNEE;

(6) THE DIRECTOR OF COMMUNITY SCHOOLS IN THE STATE DEPARTMENT OF EDUCATION, OR THE DIRECTOR'S DESIGNEE;

(7) ONE MEMBER OF THE MARYLAND COUNCIL ON ADVANCEMENT OF SCHOOL–BASED HEALTH CENTERS, APPOINTED BY THE CHAIR OF THE COUNCIL;

(8) ONE COUNTY SUPERINTENDENT OF SCHOOLS, DESIGNATED BY THE PUBLIC SCHOOL SUPERINTENDENTS ASSOCIATION OF MARYLAND;

(9) ONE MEMBER OF A COUNTY BOARD OF EDUCATION, DESIGNATED BY THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION;

(10) ONE TEACHER WHO IS TEACHING IN THE STATE, DESIGNATED BY THE MARYLAND STATE EDUCATION ASSOCIATION;

(11) ONE SOCIAL WORKER PRACTICING AT A SCHOOL IN THE STATE, DESIGNATED BY THE MARYLAND CHAPTER OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS;

(12) ONE PSYCHOLOGIST PRACTICING IN A SCHOOL IN THE STATE, DESIGNATED BY THE MARYLAND SCHOOL PSYCHOLOGISTS ASSOCIATION;

(13) ONE REPRESENTATIVE OF NONPROFIT HOSPITALS, DESIGNATED BY THE MARYLAND HOSPITAL ASSOCIATION;

(14) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(I) ONE REPRESENTATIVE OF THE COMMUNITY BEHAVIORAL HEALTH COMMUNITY WITH EXPERTISE IN TELEHEALTH;

(II) ONE REPRESENTATIVE OF LOCAL DEPARTMENTS OF SOCIAL SERVICES;

(III) ONE REPRESENTATIVE OF LOCAL DEPARTMENTS OF HEALTH; AND

(15) THE FOLLOWING MEMBERS APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE:

~~(IV)~~ (I) ONE INDIVIDUAL WITH EXPERTISE IN CREATING A POSITIVE CLASSROOM ENVIRONMENT; ~~AND~~

~~*(V)*~~ *(II) ONE INDIVIDUAL WITH EXPERTISE IN EQUITY IN EDUCATION; AND*

~~*(15)*~~ *(III) ~~ONE MEMBER~~ TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE PRESIDENT OF THE SENATE~~; AND~~.*

~~*(16) ONE MEMBER OF THE PUBLIC, APPOINTED BY THE SPEAKER OF THE HOUSE.*~~

(E) (1) THE ~~CHAIR SHALL BE A MEMBER~~ MEMBERS OF THE CONSORTIUM ~~APPOINTED BY THE GOVERNOR UNDER SUBSECTION (D)(14) OF THIS SECTION.~~ SHALL SELECT A CHAIR FROM AMONG THE MEMBERS.

(2) (I) THE NATIONAL CENTER FOR SCHOOL MENTAL HEALTH SHALL PROVIDE TECHNICAL ASSISTANCE.

(II) THE ASSISTANCE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY INCLUDE THE CREATION OF PARTNERSHIP COORDINATORS TO SUPPORT THE WORK OF LOCAL BEHAVIORAL HEALTH SERVICES COORDINATORS APPOINTED UNDER § 7–446 OF THIS SUBTITLE.

(F) A MEMBER OF THE CONSORTIUM:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE CONSORTIUM; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) THE CONSORTIUM MAY USE SUBCOMMITTEES, INCLUDING SUBCOMMITTEES THAT INCLUDE NONMEMBER EXPERTS, AS NECESSARY, TO MEET THE REQUIREMENTS OF THIS SECTION.

(H) THE CONSORTIUM SHALL:

(1) DEVELOP A STATEWIDE FRAMEWORK FOR THE CREATION OF COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS;

(2) ENSURE THAT COMMUNITY SUPPORTS PARTNERSHIPS ARE STRUCTURED IN A MANNER THAT PROVIDES COMMUNITY SERVICES AND SUPPORTS IN A HOLISTIC AND NONSTIGMATIZED MANNER THAT MEETS BEHAVIORAL HEALTH AND OTHER WRAPAROUND NEEDS OF STUDENTS AND IS COORDINATED WITH ANY OTHER YOUTH–SERVING GOVERNMENTAL AGENCIES INTERACTING WITH THE STUDENTS;

(3) DEVELOP A MODEL FOR EXPANDING AVAILABLE BEHAVIORAL HEALTH SERVICES AND SUPPORTS TO ALL STUDENTS IN EACH LOCAL SCHOOL SYSTEM THROUGH:

(I) THE MAXIMIZATION OF PUBLIC FUNDING THROUGH THE MARYLAND MEDICAL ASSISTANCE PROGRAM, INCLUDING BILLING FOR PROGRAM ADMINISTRATIVE COSTS, OR OTHER PUBLIC SOURCES;

(II) COMMERCIAL INSURANCE PARTICIPATION;

(III) THE IMPLEMENTATION OF A SLIDING SCALE FOR SERVICES BASED ON FAMILY INCOME; AND

(IV) THE PARTICIPATION OF NONPROFIT HOSPITALS THROUGH COMMUNITY BENEFIT REQUIREMENTS;

(4) DEVELOP AND IMPLEMENT A GRANT PROGRAM TO AWARD GRANTS TO COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS WITH FUNDING NECESSARY TO DELIVER SERVICES AND SUPPORTS TO MEET THE HOLISTIC BEHAVIORAL HEALTH NEEDS AND OTHER RELATED CHALLENGES FACING THE STUDENTS PROPOSED TO BE SERVED BY THE COORDINATED COMMUNITY SUPPORTS PARTNERSHIP AND THAT SETS REASONABLE ADMINISTRATIVE COSTS FOR THE COORDINATED COMMUNITY SUPPORTS PARTNERSHIP;

(5) EVALUATE HOW A REIMBURSEMENT SYSTEM COULD BE DEVELOPED THROUGH THE MARYLAND DEPARTMENT OF HEALTH OR A PRIVATE CONTRACTOR TO REIMBURSE PROVIDERS PARTICIPATING IN A COORDINATED COMMUNITY SUPPORTS PARTNERSHIP AND PROVIDING SERVICES AND SUPPORTS TO STUDENTS WHO ARE UNINSURED AND FOR THE DIFFERENCE IN COMMERCIAL INSURANCE PAYMENTS AND MARYLAND MEDICAL ASSISTANCE PROGRAM FEE–FOR–SERVICE PAYMENTS;

(6) IN CONSULTATION WITH THE DEPARTMENT, DEVELOP BEST PRACTICES FOR THE IMPLEMENTATION OF AND RELATED TO THE CREATION OF A POSITIVE CLASSROOM ENVIRONMENT FOR ALL STUDENTS USING EVIDENCE–BASED METHODS THAT RECOGNIZE THE DISPROPORTIONALITY OF CLASSROOM MANAGEMENT REFERRALS, INCLUDING BY:

(I) CREATING A LIST OF PROGRAMS AND CLASSROOM MANAGEMENT PRACTICES THAT ARE EVIDENCE–BASED BEST PRACTICES TO ADDRESS STUDENT BEHAVIORAL HEALTH ISSUES IN A CLASSROOM ENVIRONMENT;

(II) EVALUATING RELEVANT REGULATIONS AND MAKING RECOMMENDATIONS FOR ANY NECESSARY CLARIFICATIONS, AS WELL AS DEVELOPING A PLAN TO PROVIDE TECHNICAL ASSISTANCE IN THE IMPLEMENTATION OF THE REGULATIONS BY LOCAL SCHOOL SYSTEMS TO CREATE A POSITIVE CLASSROOM ENVIRONMENT; AND

(III) DEVELOPING A MECHANISM TO ENSURE THAT ALL LOCAL SCHOOL SYSTEMS IMPLEMENT RELEVANT REGULATIONS IN A CONSISTENT MANNER; AND

(7) DEVELOP A GEOGRAPHICALLY DIVERSE PLAN THAT USES BOTH SCHOOL–BASED BEHAVIORAL HEALTH SERVICES AND COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS TO ENSURE THAT EACH STUDENT IN EACH LOCAL SCHOOL SYSTEM HAS ACCESS TO SERVICES AND SUPPORTS THAT MEET THE STUDENT'S BEHAVIORAL HEALTH NEEDS AND RELATED CHALLENGES WITHIN A 1–HOUR DRIVE OF A STUDENT'S RESIDENCE.

(I) A COORDINATED COMMUNITY SUPPORTS PARTNERSHIP SHALL PROVIDE SYSTEMIC SERVICES TO STUDENTS IN A MANNER THAT IS:

(1) COMMUNITY–BASED;

(2) FAMILY–DRIVEN AND YOUTH–GUIDED; AND

(3) CULTURALLY COMPETENT AND THAT PROVIDES ACCESS TO HIGH–QUALITY, ACCEPTABLE SERVICES FOR CULTURALLY DIVERSE POPULATIONS.

(J) (1) THE CONSORTIUM, IN CONSULTATION WITH THE NATIONAL CENTER ON SCHOOL MENTAL HEALTH, SHALL DEVELOP ACCOUNTABILITY METRICS THAT MAY BE USED TO DEMONSTRATE WHETHER THE SERVICES AND SUPPORTS PROVIDED THROUGH A COORDINATED COMMUNITY SUPPORTS PARTNERSHIP THAT RECEIVES A GRANT FROM THE CONSORTIUM ARE POSITIVELY IMPACTING THE STUDENTS SERVED BY THE COORDINATED COMMUNITY SUPPORTS PARTNERSHIP, THEIR FAMILIES, AND THE COMMUNITY, INCLUDING METRICS THAT WOULD MEASURE:

(I) WHETHER THERE HAVE BEEN ANY:

1. INCREASE IN SERVICES PROVIDED;

2. REDUCTIONS IN ABSENTEEISM;

3. REPEAT REFERRALS TO THE COORDINATED COMMUNITY SUPPORTS PARTNERSHIP;

4. REDUCTION IN INTERACTIONS OF THE STUDENTS WITH YOUTH–SERVING AGENCIES; AND

5. INCREASE IN FUNDING THROUGH FEDERAL, LOCAL, AND PRIVATE SOURCES; AND

(II) ANY OTHER IDENTIFIABLE DATA SETS THAT WOULD DEMONSTRATE WHETHER A COORDINATED COMMUNITY SUPPORTS PARTNERSHIP IS SUCCESSFULLY MEETING THE BEHAVIORAL HEALTH NEEDS OF STUDENTS.

(2) THE DEVELOPMENT OF THE METRICS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE COORDINATED WITH THE MARYLAND LONGITUDINAL DATA CENTER AND THE ACCOUNTABILITY AND IMPLEMENTATION BOARD, ESTABLISHED UNDER § 5–402 OF THIS ARTICLE, TO ENSURE CONSISTENCY WITH OTHER DATA COLLECTION EFFORTS.

(K) BEGINNING IN FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE CONSORTIUM SHALL USE THE ACCOUNTABILITY METRICS DEVELOPED UNDER SUBSECTION (J) OF THIS SECTION TO DEVELOP BEST PRACTICES TO BE USED BY A COORDINATED COMMUNITY SUPPORTS PARTNERSHIP IN THE DELIVERY OF SUPPORTS AND SERVICES AND THE MAXIMIZATION OF FEDERAL, LOCAL, AND PRIVATE FUNDING.

(L) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A NONPROFIT HOSPITAL THAT RECEIVES FUNDING FOR COORDINATING OR PARTICIPATING IN A COORDINATED COMMUNITY SUPPORTS PARTNERSHIP MAY INCLUDE THE VALUE OF SERVICES PROVIDED THROUGH THE COORDINATED COMMUNITY SUPPORTS PARTNERSHIP TOWARDS MEETING COMMUNITY BENEFIT REQUIREMENTS UNDER § 19–303 OF THE HEALTH – GENERAL ARTICLE.

(M) (1) IN THIS SUBSECTION, "FUND" MEANS THE COORDINATED COMMUNITY SUPPORTS PARTNERSHIP FUND.

(2) THERE IS A COORDINATED COMMUNITY SUPPORTS PARTNERSHIP FUND.

(3) THE PURPOSE OF THE FUND IS TO SUPPORT THE DELIVERY OF SERVICES AND SUPPORTS PROVIDED TO STUDENTS TO MEET THEIR HOLISTIC BEHAVIORAL HEALTH NEEDS AND ADDRESS OTHER RELATED CHALLENGES.

(4) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(6) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INTEREST EARNINGS; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(7) THE FUND MAY BE USED ONLY BY THE CONSORTIUM FOR:

(I) PROVIDING REIMBURSEMENT, UNDER A MEMORANDUM OF UNDERSTANDING, TO THE NATIONAL CENTER FOR SCHOOL MENTAL HEALTH AND OTHER TECHNICAL ASSISTANCE PROVIDERS TO SUPPORT THE WORK OF THE CONSORTIUM;

(II) PROVIDING GRANTS TO COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS TO DELIVER SERVICES AND SUPPORTS TO MEET STUDENTS' HOLISTIC BEHAVIORAL HEALTH NEEDS AND TO ADDRESS OTHER RELATED CHALLENGES; AND

(III) PAYING ANY ASSOCIATED ADMINISTRATIVE COSTS.

(8) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL THE FOLLOWING APPROPRIATIONS FOR THE FUND:

(I) $25,000,000 IN FISCAL YEAR 2022;

(II) $50,000,000 IN FISCAL YEAR 2023;

(III) $75,000,000 IN FISCAL YEAR 2024;

(IV) $100,000,000 IN FISCAL YEAR 2025; AND

(V) $125,000,000 IN FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER.

(9) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(10) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(N) ANY GRANT FUNDING OR LOCAL SCHOOL SYSTEM IMPLEMENTATION ASSISTANCE PROVIDED UNDER THIS SECTION THROUGH THE CONSORTIUM AND COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS SHALL BE SUPPLEMENTAL TO, AND MAY NOT SUPPLANT, EXISTING FUNDING PROVIDED AS OF FISCAL YEAR 2022 TO LOCAL SCHOOL SYSTEMS THROUGH LOCAL GOVERNMENT EXPENDITURES OR LOCAL SCHOOL SYSTEM EXPENDITURES, OR OTHER FUNDING SOURCES, FOR SCHOOL–BASED BEHAVIORAL HEALTH PERSONNEL, SERVICES, SUPPORTS, OR OTHER SCHOOL–BASED BEHAVIORAL HEALTH PURPOSES.

(O) BEGINNING ON JULY 1, 2022, AND EACH JULY 1 THEREAFTER, THE CONSORTIUM SHALL SUBMIT TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, A REPORT ON:

(1) THE ACTIVITIES OF THE CONSORTIUM;

(2) THE CREATION OF COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS AND THE AREA SERVED BY EACH PARTNERSHIP;

(3) GRANTS AWARDED TO COORDINATED COMMUNITY SUPPORTS PARTNERSHIPS; AND

(4) ALL OTHER ACTIVITIES OF THE CONSORTIUM TO CARRY OUT THE REQUIREMENTS OF § 7–446.1 OF THIS TITLE AS ENACTED BY SECTION 3 OF THIS ACT.

7–1511.

(a) **[**On or before September 1, 2018, each local school system shall appoint a mental health services coordinator.

(b)**]** Each **[**mental**]** **BEHAVIORAL** health services coordinator **UNDER § 7–446 OF THIS ~~ARTICLE~~ TITLE** shall**[**:

(1) Coordinate existing mental health services and referral procedures for mental health services within the local school system;

(2) Working in collaboration with the local health department, the local department of social services, and other local entities that provide mental health services, ensure that a student who is referred for mental health services obtains the necessary services;

(3) Maximize external funding for mental health and wraparound services; and

(4) Develop**]** **DEVELOP** plans for delivering behavioral health and wraparound services to students who exhibit behaviors of concern.

[(c)**] (B)** (1) The Subcabinet may provide grants from the Fund to local school systems to develop plans for delivering behavioral health and wraparound services to students who exhibit behaviors of concern.

(2) In applying for a grant under this subsection, a local school system shall provide evidence of how external funding will be maximized to provide students with behavioral health and wraparound services, including through the submission of claims to health insurance plans, if applicable, for any covered health services.

[(d)**] (C)** The Subcabinet shall adopt regulations to carry out this section.

~~*7–1513.*~~

~~*(A) THE CENTER SHALL ESTABLISH:*~~

~~*(1) A WEBSITE THROUGH WHICH AN INDIVIDUAL MAY ANONYMOUSLY REPORT CLASSROOM DISRUPTIONS AT A PUBLIC SCHOOL; AND*~~

~~*(2) AN OFFICE THAT REVIEWS REPORTS RECEIVED UNDER ITEM (1) OF THIS SUBSECTION AND REFERS THE REPORT TO THE APPROPRIATE COUNTY SUPERINTENDENT AND COUNTY BOARD.*~~

~~*(B) THE CENTER SHALL MAKE GENERAL INFORMATION ABOUT THE NUMBER AND TYPE OF REPORTS AVAILABLE EACH YEAR.*~~

8–201.

(A) In this subtitle, "gifted and talented student" means an elementary or secondary student who is identified by professionally qualified individuals as:

(1) Having outstanding talent and performing, or showing the potential for performing, at remarkably high levels of accomplishment when compared with other students of a similar age, experience, or environment;

(2) Exhibiting high performance capability in intellectual, creative, or artistic areas;

(3) Possessing an unusual leadership capacity; or

(4) Excelling in specific academic fields.

(B) (1) BEGINNING WITH THE 2021–2022 SCHOOL YEAR, A GIFTED AND TALENTED STUDENT IN MIDDLE SCHOOL, 9TH GRADE, OR 10TH GRADE MAY MEET THE COLLEGE AND CAREER READINESS STANDARD UNDER § 7–205.1 OF THIS ARTICLE.

(2) EACH LOCAL SCHOOL SYSTEM SHALL DEVELOP ACCELERATED PATHWAYS AND ENRICHMENT PROGRAMS FOR GIFTED AND TALENTED STUDENTS TO ACHIEVE COLLEGE AND CAREER READINESS BEFORE THE END OF THE 10TH GRADE.

8–416.

(a) (1) There is a Maryland Infants and Toddlers Program in the Department.

(2) The purpose of the Program is to provide a statewide, community–based interagency system of comprehensive early intervention services to eligible infants and toddlers, from birth until the beginning of the school year following a child's 4th birthday, and their families.

(h) **[**(1) For fiscal year 2004, the annual per child cost of the Program is $4,044.

(2) For fiscal year 2005 and each succeeding fiscal year, the annual per child cost of the Program shall be the amount in paragraph (1) of this subsection increased by the same percentage as the increase in the implicit price deflator for State and local government expenditures, as of July of the second fiscal year preceding the year for which the amount is being calculated**] BEGINNING IN FISCAL YEAR 2021, THE GOVERNOR SHALL PROVIDE THE FOLLOWING AMOUNTS FOR THE PROGRAM:**

(1) FOR FISCAL YEAR 2021, $12,389,104;

(2) FOR FISCAL YEAR 2022, $13,531,267;

(3) FOR FISCAL YEAR 2023, $14,673,430;

(4) FOR FISCAL YEAR 2024, $15,815,593;

(5) FOR FISCAL YEAR 2025, $16,957,756;

(6) FOR FISCAL YEAR 2026, $18,099,919;

(7) FOR FISCAL YEAR 2027, $19,242,082;

(8) FOR FISCAL YEAR 2028, $20,384,245;

(9) FOR FISCAL YEAR 2029, $21,526,408;

(10) FOR FISCAL YEAR 2030, $22,668,571; AND

(11) FOR FISCAL YEAR 2031 AND EACH FISCAL YEAR THEREAFTER, THE PRIOR FISCAL YEAR AMOUNT INCREASED BY THE INFLATION ADJUSTMENT AS DEFINED IN § 5–201 OF THIS ARTICLE.

[(3) For each fiscal year, if sufficient funds are not available to provide grants in accordance with the formula under paragraph (4) of this subsection, the Governor shall include in the annual budget bill an appropriation for the Maryland Infants and Toddlers Program in an amount not less than the amount of the appropriation for the Program as approved in the State budget as enacted by the General Assembly for the prior fiscal year.

(4) Subject to the availability of funding for the Program in the State budget, the Department shall distribute a grant to the local lead agency for the Program in each county in an amount equal to the product of:

(i) The annual per child cost multiplied by the number of children in the county who received services under the Program in the second fiscal year preceding the year for which the amount is being calculated; and

(ii) .20 for fiscal year 2007 and each succeeding fiscal year.**]**

[9.5–901.**] 9.5–113.**

(a) In this section, "Program" means the Child Care **[**Subsidy**] SCHOLARSHIP** Program.

(b) The Department shall administer the Program in accordance with federal law.

(c) An individual is eligible to continue to receive a subsidy under the Program:

(1) For at least 90 days in a year if the individual is unemployed and seeking employment; and

(2) If the individual meets any other eligibility criteria determined by the Department.

(d) The Department shall adopt regulations to implement the provisions of this section.

Subtitle 9. Child Care **[**Subsidy Program**]** ~~ACCREDITATION~~ **SUPPORT PROGRAMS**.

9.5–901.

IN THIS SUBTITLE, "OFFICE" MEANS THE OFFICE OF CHILD CARE WITHIN THE DEPARTMENT.

9.5–902.

(A) THERE IS A CHILD CARE ACCREDITATION SUPPORT FUND.

(B) THE FUND MAY ONLY BE USED BY THE OFFICE TO:

(1) PAY FOR THE ACTUAL EXPENSE OF AN APPLICATION FEE FOR AN APPROVED ACCREDITING ORGANIZATION ON BEHALF OF A PROVIDER; OR

(2) REIMBURSE A CHILD CARE PROVIDER FOR A PROGRAM IMPROVEMENT COST.

(C) THE GOVERNOR SHALL APPROPRIATE IN THE ANNUAL BUDGET AT LEAST $1,000,000 FOR THE FUND BEGINNING IN FISCAL YEAR 2021.

9.5–903.

(A) THERE IS A CHILD CARE INCENTIVE GRANT PROGRAM.

(B) THE OFFICE MAY AWARD FUNDING TO A CHILD CARE PROVIDER THROUGH THE PROGRAM FOR THE PURPOSE OF IMPROVING THE CHILD CARE PROVIDER'S QUALITY OF CARE THROUGH THE PURCHASE OF OFFICE APPROVED:

(1) MATERIALS;

(2) EQUIPMENT; OR

(3) SUPPLIES.

(C) FOR EACH OF FISCAL YEARS 2022 THROUGH 2030, FUNDING FOR THE PROGRAM SHALL INCREASE BY 10% OVER THE PRIOR FISCAL YEAR.

9.5–904.

(A) THERE IS A MARYLAND CHILD CARE CREDENTIAL PROGRAM.

(B) AN INDIVIDUAL MAY APPLY TO THE OFFICE FOR A STAFF CREDENTIAL, INCLUDING A CHILD DEVELOPMENT ASSOCIATE CREDENTIAL, OR AN ADMINISTRATOR CREDENTIAL UNDER THIS SUBSECTION.

(C) IF A PERSON PURSUES, OBTAINS, OR ALREADY HOLDS AN OFFICE APPROVED CREDENTIAL, THE OFFICE MAY AWARD TO THE INDIVIDUAL:

(1) AN ACHIEVEMENT BONUS;

(2) ~~TRAINING~~ A TRAINING REIMBURSEMENT; OR

(3) A TRAINING VOUCHER.

(D) (1) THE GOVERNOR SHALL APPROPRIATE $4,000,000 FOR THE PROGRAM FOR FISCAL YEAR 2021.

(2) FOR EACH OF FISCAL YEARS 2022 THROUGH 2024, FUNDING FOR THE PROGRAM SHALL INCREASE BY 10% OVER THE PRIOR FISCAL YEAR.

9.5–905.

(A) THERE IS A CHILD CARE CAREER AND PROFESSIONAL DEVELOPMENT FUND.

(B) THE OFFICE MAY AWARD FUNDING FROM THE FUND TO AN INDIVIDUAL WHO HAS:

(1) OBTAINED AT LEAST A LEVEL 2 IN THE MARYLAND CHILD CARE CREDENTIAL PROGRAM UNDER § 9.5–904 OF THIS SUBTITLE;

(2) DOCUMENTED AT LEAST 1 YEAR OF EXPERIENCE WORKING WITH GROUPS OF CHILDREN IN AN APPROVED SETTING; AND

(3) BEEN ACCEPTED BY AN ACCREDITED COLLEGE OR UNIVERSITY FOR ENROLLMENT IN AT LEAST ONE COURSE FOR CREDIT TOWARD A DEGREE IN EARLY CHILDHOOD EDUCATION OR RELATED FIELD.

(C) AN AWARD UNDER THIS SECTION MAY ONLY BE:

(1) APPLIED TOWARD THE COST OF:

(I) TUITION AND FEES; OR

(II) TEXTBOOKS REQUIRED BY A COURSE IN WHICH THE AWARDEE IS ENROLLED; AND

(2) USED BY THE AWARDEE FOR THE ACTUAL EXPENSE OF COLLEGE COURSEWORK INCURRED SUBSEQUENT TO AN AWARD TOWARD THE COMPLETION OF:

(I) A COLLEGE DEGREE IN EARLY CHILDHOOD EDUCATION OR RELATED FIELD; OR

(II) DEVELOPMENTAL COURSEWORK REQUIRED TO MEET PREREQUISITES FOR A DEGREE PROGRAM IN EARLY CHILDHOOD EDUCATION OR RELATED FIELD.

9.5–906.

(A) **THE OFFICE SHALL AWARD A PROGRAM THAT PARTICIPATES IN THE MARYLAND EXCELS PROGRAM A BONUS:**

(1) ON INITIAL PUBLICATION OF A QUALITY RATING LEVEL 1, 2, 3, OR 4;

(2) ON EACH PUBLICATION OF A HIGHER QUALITY RATING LEVEL AFTER THE INITIAL PUBLICATION;

(3) ON INITIAL PUBLICATION OF A QUALITY RATING LEVEL 5; AND

(4) ANNUALLY ON RENEWAL AND REPUBLICATION OF A QUALITY RATING LEVEL 5.

(B) (1) THE GOVERNOR SHALL APPROPRIATE IN FISCAL YEAR 2021 $5,000,000.

(2) FOR EACH OF FISCAL YEARS 2022 THROUGH 2026, FUNDING FOR THE PROGRAM SHALL INCREASE BY 10% OVER THE PRIOR FISCAL YEAR.

9.5–907.

~~**(A) IN ADDITION TO FUNDING PROVIDED IN THE BUDGET IN FISCAL YEAR 2021, BEGINNING IN FISCAL YEAR 2022, FUNDING FOR EACH PROGRAM OR FUND UNDER THIS SUBTITLE SHALL INCREASE BY 10 PERCENTAGE POINTS EACH FISCAL YEAR UNTIL FISCAL YEAR 2030.~~

~~(B)~~ PRIORITY IN PROVIDING AWARDS UNDER THIS SUBTITLE SHALL BE GIVEN TO CHILD CARE PROVIDERS OR PROGRAMS THAT PUBLISHED A QUALITY RATING LEVEL OF 2 IN THE MARYLAND EXCELS PROGRAM ON OR BEFORE JUNE 30, 2020.

9.5–908.

(A) THE DEPARTMENT SHALL DESIGNATE A PRIMARY CONTACT EMPLOYEE FOR EARLY CHILD CARE IN THE OFFICE.

(B) THE DEPARTMENT'S PRIMARY CONTACT EMPLOYEE SHALL BE APPOINTED BY THE DIRECTOR OF THE OFFICE.

(C) THE DEPARTMENT'S PRIMARY CONTACT EMPLOYEE SHALL:

(1) ASSIST CHILD CARE PROVIDERS AND INDIVIDUALS TO UNDERSTAND THE PROCESS FOR PUBLISHING IN EXCELS AND IMPROVING QUALITY RATING; AND

(2) ACTIVELY ASSIST CHILD CARE PROVIDERS AND INDIVIDUALS TO APPLY FOR ACCREDITATION AND FUNDS PROVIDED BY THIS SUBTITLE.

SUBTITLE 10. *PATRICIA H. KIRWAN* FAMILY SUPPORT SERVICES.

9.5–1001.

(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "APPLICANT" MEANS A PARENT WHO HAS APPLIED TO RECEIVE SERVICES FROM A FAMILY SUPPORT CENTER IN THE NETWORK OF COMMUNITY–BASED FAMILY SUPPORT CENTERS.

(C) "CENTER" MEANS A FAMILY SUPPORT CENTER OPERATED BY A PROVIDER UNDER A CONTRACT WITH THE INTERMEDIARY.

(D) "INTERMEDIARY" MEANS THE DEPARTMENT OR A DESIGNEE OF THE DEPARTMENT THAT PROVIDES MANAGEMENT FOR THE OPERATION OF THE STATE'S NETWORK OF COMMUNITY–BASED FAMILY SUPPORT CENTERS.

(E) (1) "PARENT" MEANS THE BIOLOGICAL OR ADOPTIVE PARENT OF A CHILD.

(2) "PARENT" INCLUDES A LEGAL GUARDIAN OF A CHILD.

(F) "PROVIDER" MEANS AN AGENCY OR INDIVIDUAL WHO CONTRACTS WITH THE INTERMEDIARY TO OPERATE A CENTER.

9.5–1002.

(A) A FAMILY SUPPORT CENTER SHALL BE KNOWN AS A "PATTY CENTER".

~~(A)~~ *(B)* A FAMILY SUPPORT CENTER SHALL PROVIDE PARENTS AND THEIR CHILDREN WITH A HOSPITABLE AND CONSTRUCTIVE ENVIRONMENT AND SERVICES THAT:

(1) IMPROVE PARENTING SKILLS;

(2) DEVELOP THE FAMILY AS A FUNCTIONING UNIT; AND

(3) PROMOTE THE GROWTH AND DEVELOPMENT OF THEIR CHILDREN.

~~(B)~~ *(C)* (1) *(I)* ~~FOR EACH OF FISCAL YEARS 2021 THROUGH 2030~~ *FOR FISCAL YEAR 2021, THE STATE SHALL PROVIDE FUNDING FOR SIX ADDITIONAL CENTERS.*

***(II) FOR EACH OF FISCAL YEARS 2022 THROUGH 2029*, THE STATE SHALL PROVIDE FUNDING FOR 3 ADDITIONAL CENTERS PER FISCAL YEAR.**

(2) THE GOVERNOR SHALL APPROPRIATE IN EACH OF FISCAL YEARS 2021 THROUGH 2030, $330,000 FOR EACH ADDITIONAL CENTER REQUIRED UNDER THIS SUBSECTION.

~~(C)~~ *(D)* THE DEPARTMENT SHALL SELECT THE LOCATION FOR THE CENTERS FUNDED UNDER SUBSECTION (B) OF THIS SECTION.

9.5–1003.

(A) A CENTER SHALL PROVIDE SERVICES INCLUDING:

(1) PARENTAL SKILLS TRAINING, PARENT EDUCATION CLASSES, AND OTHER RELATED ACTIVITIES;

(2) HEALTH CARE COUNSELING;

(3) DIAGNOSTIC AND ASSESSMENT SERVICES TO IDENTIFY A CHILD'S POTENTIAL DEVELOPMENTAL DISABILITIES;

(4) CHILD CARE FOR PARENTS WHILE PARENTS ARE PARTICIPATING IN CENTER–BASED SERVICES;

(5) PEER SUPPORT ACTIVITIES, INCLUDING RECREATIONAL AND SOCIAL ACTIVITIES;

(6) EDUCATIONAL SERVICES SUCH AS GED AND POSTSECONDARY CREDENTIALS; AND

(7) PRE–EMPLOYMENT COUNSELING AND SKILL DEVELOPMENT TO ASSIST THE PARENT IN SECURING AND MAINTAINING EMPLOYMENT.

(B) A CENTER SHALL PROVIDE SERVICES TO A CHILD AND THE CHILD'S PARENTS, GRANDPARENTS, AND OTHER FAMILY MEMBERS TO THE EXTENT POSSIBLE.

(C) A CENTER MAY PROVIDE OTHER SERVICES IF APPROVED BY THE INTERMEDIARY.

9.5–1004.

(A) BEFORE OPERATING A CENTER, THE PROVIDER SHALL SUBMIT TO THE INTERMEDIARY A PLAN THAT DESCRIBES THE:

(1) SERVICES TO BE PROVIDED;

(2) MANNER IN WHICH THE SERVICES ARE PROVIDED; AND

(3) STAFF WHO WILL PROVIDE SERVICES AT THE CENTER AND TRAINING FOR OTHER STAFF.

(B) THE PROVIDER, IN ACCORDANCE WITH THE PLAN:

(1) SHALL EMPLOY STAFF;

(2) MAY RECRUIT, TRAIN, AND SUPERVISE VOLUNTEERS; AND

(3) SHALL OPERATE THE CENTER DURING PERIODS OF TIME, INCLUDING, IF NECESSARY, WEEKENDS AND NIGHTS, TO ACCOMMODATE PARENTS' NEEDS.

(C) THE PLAN SHALL DESCRIBE THE METHODS TO BE USED TO REFER PARENTS TO OTHER ENTITIES THAT PROVIDE SERVICES NOT AVAILABLE AT THE CENTER.

9.9–101.

(a) In this title the following words have the meanings indicated.

(b) "Community school" means a public school that establishes a set of strategic partnerships between the school and other community resources that promote student achievement, positive learning conditions, and the well–being of students, families, and the community **BY PROVIDING WRAPAROUND SERVICES**.

(c) **[**"CSC" means a community school coordinator.

(d)**]** "School–community partnership" means a partnership between a local school system or an existing public school and a community–based organization or agency for the purpose of planning and implementing a community school.

(D) "TRAUMA–INFORMED INTERVENTION" MEANS A METHOD FOR UNDERSTANDING AND RESPONDING TO AN INDIVIDUAL WITH SYMPTOMS OF CHRONIC INTERPERSONAL TRAUMA OR TRAUMATIC STRESS.

(E) "WRAPAROUND SERVICES" ~~**INCLUDES**~~ **MEANS:**

(1) EXTENDED LEARNING TIME, INCLUDING BEFORE AND AFTER SCHOOL, WEEKENDS, SUMMER SCHOOL, AND AN EXTENDED SCHOOL YEAR;

(2) SAFE TRANSPORTATION TO AND FROM SCHOOL *AND OFF–SITE APPRENTICESHIP PROGRAMS*;

(3) VISION AND DENTAL CARE SERVICES;

(4) ESTABLISHING OR EXPANDING SCHOOL–BASED HEALTH CENTER SERVICES;

(5) ADDITIONAL SOCIAL WORKERS, MENTORS, COUNSELORS, PSYCHOLOGISTS, AND RESTORATIVE PRACTICE COACHES;

(6) ENHANCING PHYSICAL WELLNESS, INCLUDING PROVIDING HEALTHY FOOD FOR IN–SCHOOL AND OUT–OF–SCHOOL TIME AND LINKAGES TO COMMUNITY PROVIDERS;

(7) ENHANCING BEHAVIORAL HEALTH SERVICES, INCLUDING ACCESS TO MENTAL HEALTH PRACTITIONERS AND PROVIDING PROFESSIONAL DEVELOPMENT TO SCHOOL STAFF TO PROVIDE TRAUMA–INFORMED INTERVENTIONS;

(8) PROVIDING FAMILY AND COMMUNITY ENGAGEMENT AND SUPPORTS, INCLUDING INFORMING PARENTS OF ACADEMIC COURSE OFFERINGS, LANGUAGE CLASSES, WORKFORCE DEVELOPMENT TRAINING, OPPORTUNITIES FOR CHILDREN, AND AVAILABLE SOCIAL SERVICES AS WELL AS EDUCATING FAMILIES ON HOW TO MONITOR A CHILD'S LEARNING;

(9) ESTABLISHING AND ENHANCING LINKAGES TO JUDY CENTERS AND OTHER EARLY EDUCATION PROGRAMS THAT FEED INTO THE SCHOOL;

(10) ENHANCING STUDENT ENRICHMENT EXPERIENCES, INCLUDING EDUCATIONAL FIELD TRIPS, PARTNERSHIPS, AND PROGRAMS WITH MUSEUMS, ARTS ORGANIZATIONS, AND CULTURAL INSTITUTIONS;

(11) IMPROVING STUDENT ATTENDANCE;

(12) IMPROVING THE LEARNING ENVIRONMENT AT THE SCHOOL; AND

(13) ANY PROFESSIONAL DEVELOPMENT FOR TEACHERS AND SCHOOL STAFF TO QUICKLY IDENTIFY STUDENTS WHO ARE IN NEED OF THESE RESOURCES.

9.9–102.

The purpose of a community school is to help students and families overcome the in–school and out–of–school barriers that prevent children from learning and succeeding over the course of their lives by having an integrated focus on academics, health and social services, youth and community development, and ~~familial~~ **FAMILY** and community engagement.

9.9–103.

(a) There are community schools in the State.

(b) A community school shall:

(1) Promote active family and community engagement, including educational opportunities for adults and family members of students at the school who live in the neighborhood of the school;

(2) Have a **[**dedicated staff member**]** **COMMUNITY SCHOOL COORDINATOR**, as described under § 9.9–104 of this title**[**, to coordinate support programs that address out–of–school learning barriers for students and families that may include:

(i) Tutoring;

(ii) English language learner courses;

(iii) Early childhood development and parenting classes;

(iv) College and career advising;

(v) Employment opportunities;

(vi) Citizenship education;

(vii) Food pantries; and

(viii) School–based mental and physical health services**]**;

(3) Promote expanded and enriched learning time and opportunities provided after school, during weekends, and in the summer that emphasize mastering 21st–century skills through practical learning opportunities and community problem–solving;

(4) Promote collaborative leadership and practices that empower parents, students, teachers, principals, and community partners to build a culture of professional learning, collective trust, and shared responsibility using strategies such as site–based leadership teams and teacher learning communities;

(5) Have a parent teacher organization or a school family council; and

(6) Have a community school leadership team.

(C) (1) THERE SHALL BE A DIRECTOR OF COMMUNITY SCHOOLS IN THE DEPARTMENT.

(2) THE DIRECTOR OF COMMUNITY SCHOOLS IN THE DEPARTMENT SHALL COORDINATE PROFESSIONAL DEVELOPMENT FOR COMMUNITY SCHOOL COORDINATORS AT EACH COMMUNITY SCHOOL.

9.9–104.

(a) **(1)** A community school shall have **[**a**]** **AN EXPERIENCED AND QUALIFIED** community school coordinator **WHO:**

(I) ~~IS~~ IS HIRED AT THE APPROPRIATE ADMINISTRATIVE LEVEL;

(II) UNDERSTANDS, RESPECTS, AND DEMONSTRATES A HIGH DEGREE OF CULTURAL AWARENESS OF AND COMPETENCY IN THE DIVERSITY IN THE COMMUNITY AND IN CROSS–CULTURAL PRACTICE WITH STAKEHOLDERS; AND

(III) ~~TO THE EXTENT PRACTICABLE, IS~~ *MAY BE* EMPLOYED BY THE SCHOOL DISTRICT.

(2) A COMMUNITY SCHOOL COORDINATOR MAY BE A SOCIAL WORKER.

(b) **(1)** A **[**CSC**]** **COMMUNITY SCHOOL COORDINATOR** shall be responsible for**:**

(I) ESTABLISHING A COMMUNITY SCHOOL;

(II) COMPLETING AN ASSESSMENT OF THE NEEDS OF THE STUDENTS IN THE SCHOOL FOR APPROPRIATE WRAPAROUND SERVICES TO ENHANCE THE SUCCESS OF ALL STUDENTS IN THE SCHOOL;

(III) [developing**]** **DEVELOPING** **[**and implementing a**]** **AN IMPLEMENTATION** plan based on **[**an**]** **THE** assessment of needs for the community school, in cooperation with other interested stakeholders**; AND**

(IV) COORDINATING SUPPORT PROGRAMS THAT ADDRESS OUT–OF–SCHOOL LEARNING BARRIERS FOR STUDENTS AND FAMILIES, INCLUDING:

1. WRAPAROUND SERVICES; AND

2. AS APPROPRIATE:

A. TUTORING;

B. ENGLISH LANGUAGE LEARNER COURSES;

C. EARLY CHILDHOOD DEVELOPMENT AND PARENTING CLASSES;

D. COLLEGE AND CAREER ADVISING;

E. EMPLOYMENT OPPORTUNITIES;

F. CITIZENSHIP EDUCATION;

G. FOOD PANTRIES; AND

H. SCHOOL–BASED BEHAVIORAL AND PHYSICAL HEALTH SERVICES.

(2) THE NEEDS ASSESSMENT COMPLETED UNDER THIS SUBSECTION SHALL:

(I) BE ~~DONE~~ COMPLETED IN COLLABORATION WITH:

1. THE PRINCIPAL;

2. A SCHOOL HEALTH CARE PRACTITIONER; AND

3. A PARENT TEACHER ORGANIZATION OR A SCHOOL COUNCIL;

(II) INCLUDE AN ASSESSMENT OF THE PHYSICAL, BEHAVIORAL, AND MENTAL HEALTH NEEDS AND WRAPAROUND SERVICE NEEDS OF STUDENTS, THEIR FAMILIES, AND THEIR COMMUNITIES; AND

(III) BE SUBMITTED TO THE DEPARTMENT AND THE LOCAL SCHOOL SYSTEM WITHIN 1 YEAR OF RECEIVING A PERSONNEL GRANT UNDER § 5–223 OF THIS ARTICLE OR WITHIN 1 YEAR OF BECOMING A COMMUNITY SCHOOL.

(3) THE IMPLEMENTATION PLAN COMPLETED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) A STRATEGY FOR PROVIDING WRAPAROUND SERVICES TO ADDRESS THE NEEDS OF THE STUDENTS, THEIR FAMILIES, AND THEIR COMMUNITIES, BUILDING ON AND STRENGTHENING COMMUNITY RESOURCES NEAR THE SCHOOL;

(II) INCLUSION, IF POSSIBLE AND PRACTICABLE, OF COMMUNITY PARTNERS IN GEOGRAPHIC PROXIMITY TO THE SCHOOL THAT CAN ASSIST IN MEETING THE NEEDS IDENTIFIED IN THE ASSESSMENT;

(III) ENSURE THAT TIME IS MADE AVAILABLE TO TRAIN STAFF ON THE SUPPORTS AVAILABLE, THE NEED FOR THE SUPPORTS, AND HOW TO ENGAGE WITH THE COMMUNITY SCHOOLS COORDINATOR TO ACCESS THESE SUPPORTS; AND

(IV) DEVELOP STRATEGIES TO MAXIMIZE EXTERNAL NON–STATE OR NON–LOCAL EDUCATION FUNDING.

(4) (I) THE IMPLEMENTATION PLAN SHALL BE SUBMITTED TO THE LOCAL SCHOOL SYSTEM FOR APPROVAL WITHIN 1 YEAR OF COMPLETION OF THE NEEDS ASSESSMENT.

(II) AFTER THE IMPLEMENTATION PLAN IS APPROVED BY THE LOCAL SCHOOL SYSTEM IT SHALL BE SUBMITTED TO THE DEPARTMENT.

9.9–105.

(A) Subject to the approval required under § 9.9–106 of this title, a local school system or an existing public school may form a school–community partnership for the planning and implementation of a community school.

(B) A COMMUNITY SCHOOL OR THE SCHOOL'S COMMUNITY SCHOOL COORDINATOR MAY SOLICIT THE ASSISTANCE AND SUPPORT OF COMMUNITY PARTNERS WHEN FULFILLING THE REQUIREMENTS OF THE SUBTITLE, INCLUDING LOCAL MANAGEMENT BOARDS CREATED UNDER TITLE 8, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE.

9.9–106.

(A) THIS SECTION DOES NOT APPLY TO A COMMUNITY SCHOOL THAT RECEIVES FUNDING UNDER § 5–223 OF THIS ARTICLE.

[(a)**] (B)** A local school system shall review and approve a community school.

[(b)**] (C)** A community school may not be implemented without the approval of a local school system.

(D) LOCAL GOVERNMENTS ARE EXPECTED TO DEMONSTRATE SUPPORT FOR A COMMUNITY SCHOOL THROUGH MEANINGFUL PARTNERSHIPS AND SUPPORT THAT IS SUPPLEMENTAL TO AND DOES NOT SUPPLANT EXISTING EFFORTS.

9.9–107.

(A) THIS SECTION DOES NOT APPLY TO A COMMUNITY SCHOOL THAT RECEIVES FUNDING UNDER § 5–223 OF THIS ARTICLE.

[(a)**] (B)** A local school system shall make public school funding available to a community school.

[(b)**] (C)** Eligible interventions for which a community school may receive funding include academic services, parental involvement programs, physical and **[**mental**]** **BEHAVIORAL** health services, and community involvement programs.

[(c)**] (D)** (1) Academic services include:

(i) Academic support and enrichment activities;

(ii) Counseling;

(iii) Job training, internship opportunities, higher education advising, and career, apprenticeship, and employment opportunities;

(iv) Programs that provide assistance to students who are chronically absent, tardy, suspended, or expelled;

(v) Specialized instructional support services; and

(vi) Early childhood education, including Head Start or Early Head Start.

(2) Parental involvement programs include:

(i) Programs that promote and encourage parental involvement and family literacy;

(ii) Parent leadership development and advocacy activities; and

(iii) Parenting education activities.

(3) Physical and mental health services include:

(i) Mentoring and other youth development services, including after school and summer learning opportunities and services;

(ii) Juvenile justice system involvement prevention, reentry, rehabilitation, and restorative practices;

(iii) Home visitation services;

(iv) Developmentally appropriate physical education;

(v) Nutrition services;

(vi) Primary health and dental care; and

(vii) Mental health and counseling services.

(4) Community involvement programs include:

(i) Service and service–learning opportunities;

(ii) Adult education, including English as a second language classes;

(iii) Homelessness prevention and permanent housing services; and

(iv) Other services designed to meet the needs of the community school and the community as identified by the community school leadership team and in accordance with the plan developed under § 9.9–104(b) of this title.

[(d)**] (E)** A community school or the **[**CSC**] COMMUNITY SCHOOL COORDINATOR** may solicit the assistance and support of community partners when fulfilling the requirements of this section.

11–206.3.

(A) (1) AN INSTITUTION OF HIGHER EDUCATION MAY REQUEST TO ESTABLISH A PROGRAM THAT LEADS TO CERTIFICATION OR LICENSURE IN SCHOOL LEADERSHIP, INCLUDING TO BE AN ASSISTANT PRINCIPAL, LICENSED PRINCIPAL, OR ~~MASTER~~ DISTINGUISHED PRINCIPAL.

(2) THE INSTITUTION OF HIGHER EDUCATION MAKING A REQUEST UNDER THIS SUBSECTION SHALL PRESENT EVIDENCE TO THE COMMISSION THAT THE PROGRAM WILL EVALUATE CANDIDATES BASED ON THEIR POTENTIAL TO BE EFFECTIVE SCHOOL LEADERS, INCLUDING BY REVIEWING EVIDENCE THAT THE CANDIDATE:

(I) HAS A RECORD OF SUCCESSFUL TEACHING; AND

(II) HAS PERFORMED WELL IN TEACHER LEADERSHIP ROLES.

(B) (1) AN INSTITUTION OF HIGHER EDUCATION MAY REQUEST TO ESTABLISH A PROGRAM THAT OFFERS GRADUATE LEVEL COURSES IN SCHOOL ADMINISTRATION FOR CONTINUING CERTIFICATION.

(2) THE INSTITUTION OF HIGHER EDUCATION MAKING THE REQUEST UNDER THIS SUBSECTION SHALL PRESENT EVIDENCE TO THE COMMISSION THAT THE PROGRAM'S CURRICULUM WILL ENABLE GRADUATES TO:

(I) SUCCESSFULLY ORGANIZE AND MANAGE SCHOOLS AND SCHOOL SYSTEMS;

(II) MANAGE HIGHLY SKILLED PROFESSIONALS WORKING IN A MODERN PROFESSIONAL WORK ENVIRONMENT; AND

(III) EFFECTIVELY CONDUCT PEER OBSERVATION AND EVALUATION OF OTHER SCHOOL PERSONNEL.

11–701.

In cooperation with the State's public and private nonprofit institutions of postsecondary education, **[**the Governor's P–20 Leadership Council of Maryland,**]** the Maryland State Department of Education, and the local school systems, the Commission shall establish and administer a College Preparation Intervention Program.

15–126.

(A) THIS SECTION APPLIES IF, AFTER EMPIRICAL REVIEW, THE STATE BOARD DETERMINES THAT THE COLLEGE AND CAREER READINESS ASSESSMENT REQUIRED UNDER § 7–205.1 OF THIS ARTICLE ALIGNS WITH GLOBAL STANDARDS.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH COMMUNITY COLLEGE AND OTHER OPEN–ENROLLMENT PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ACCEPT FOR ENROLLMENT IN CREDIT–BEARING COURSES ANY INDIVIDUAL WHO HAS ACHIEVED COLLEGE AND CAREER READINESS ACCORDING TO THE STANDARD ADOPTED BY THE STATE BOARD UNDER § 7–205.1 OF THIS ARTICLE.

15–127.

(a) **IN THIS SECTION, "DUALLY ENROLLED STUDENT" MEANS A STUDENT WHO IS DUALLY ENROLLED IN:**

(1) A SECONDARY SCHOOL IN THE STATE; AND

(2) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(B) A public institution of higher education may not charge tuition to a dually enrolled student.

[(b)**] (C) [**(1)**]** Subject to subsection (d) of this section, for each dually enrolled student who is enrolled in a public school in the county, the county board shall pay **75% OF THE COST OF TUITION FOR A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE. [**for up to a maximum of four courses in which the student is enrolled while a student in a public secondary school in the State:

(i) For a public senior institution of higher education, 75% of the cost of tuition; and

(ii) For a community college, the lesser of:

1. 5% of the target per pupil foundation amount established under § 5–202(a) of this article; or

2. 75% of the cost of tuition.

(2) For each course in excess of four in which a dually enrolled student is enrolled, the county board shall pay:

(i) For a public senior institution of higher education, 90% of the cost of tuition; and

(ii) For a community college, the lesser of:

1. 5% of the target per pupil foundation amount established under § 5–202(a) of this article; or

2. 90% of the cost of tuition.

(3)**] (D)** ***(1)*** If there is an agreement before July 1, **[**2013**]** **2020**, between a public school and a public institution of higher education in which the public institution of higher education charges less than 75% of the cost of tuition to a dually enrolled student, the county board shall pay the cost of tuition under the existing agreement.

(2) EVERY 2 YEARS, A PUBLIC SCHOOL AND A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY EVALUATE AND MODIFY AN AGREEMENT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

[(c) (1) (i) A county board may charge a dually enrolled student a fee not to exceed 90% of the amount paid under subsection (b)(1) of this section.

(ii) A county board may charge a dually enrolled student a fee not to exceed 100% of the amount paid under subsection (b)(2) of this section.

(2) A county board shall consider the financial ability of students when setting fees.

(3) A county board shall waive the fee for students who are eligible for free and reduced price meals.

(d) If there is an agreement between a public school and a public institution of higher education in which a public school agrees to pay for more than four courses at a public institution of higher education for a dually enrolled student, the public school shall pay for the number of courses under the agreement.**]**

SUBTITLE 4. TEACHER QUALITY AND DIVERSITY PROGRAM.

17–401.

(A) THERE IS A TEACHER QUALITY AND DIVERSITY PROGRAM TO ASSIST INSTITUTIONS OF HIGHER EDUCATION IN ~~TAKING~~*:*

(1) ***TAKING*** **ADVANTAGE OF NATIONAL FOUNDATION EFFORTS TO DEVELOP HIGHLY QUALIFIED TEACHERS AND LEADERS FROM DIVERSE BACKGROUNDS*****; AND***

(2) ***AIDING STUDENTS FROM GROUPS HISTORICALLY UNDERREPRESENTED IN THE TEACHING PROFESSION IN ACHIEVING TEACHER PREPARATION AND CERTIFICATION REQUIREMENTS*****.***

(B) THE MARYLAND HIGHER EDUCATION COMMISSION SHALL IMPLEMENT AND ADMINISTER THE TEACHER QUALITY AND DIVERSITY PROGRAM UNDER THIS SUBTITLE.

(C) THE COMMISSION SHALL GIVE PRIORITY TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND HISPANIC–SERVING INSTITUTIONS WITH A TRACK RECORD OF PREPARING DIVERSE AND HIGH–QUALITY TEACHERS IN MAKING GRANTS UNDER THIS SUBTITLE.

17–402.

(A) IF AN INSTITUTION OF HIGHER EDUCATION RECEIVES GRANT FUNDING FROM A NON–STATE SOURCE TO INCREASE THE QUALITY AND DIVERSITY OF APPLICANTS FOR THE INSTITUTION'S TEACHER TRAINING PROGRAM, THE INSTITUTION MAY RECEIVE ADDITIONAL GRANT FUNDING FROM THE STATE, AS NEEDED, IN AN AMOUNT EQUAL TO OR LESS THAN THE NON–STATE GRANT RECEIVED BY THE INSTITUTION.

(B) IN EACH FISCAL YEAR, THE AMOUNT OF GRANT FUNDING PROVIDED BY THE STATE TO INSTITUTIONS OF HIGHER EDUCATION IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION MAY NOT EXCEED $ 500,000.

17–403.

THE COMMISSION SHALL PROVIDE ASSISTANCE WITH APPLYING FOR GRANTS UNDER THIS SUBTITLE TO INSTITUTIONS OF HIGHER EDUCATION THAT ARE REQUIRED UNDER § 6–123 OF THIS ARTICLE TO SEEK GRANT FUNDING TO INCREASE THE QUALITY AND DIVERSITY OF APPLICANTS FOR THE INSTITUTION'S TEACHER TRAINING PROGRAM.

17–404.

(A) THERE IS A TEACHER QUALITY AND DIVERSITY GRANT PROGRAM WITHIN THE TEACHER QUALITY AND DIVERSITY PROGRAM.

(B) THE PURPOSE OF THE TEACHER QUALITY AND DIVERSITY GRANT PROGRAM IS TO PROVIDE GRANTS TO TEACHER PREPARATION PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION TO ASSIST STUDENTS FROM GROUPS HISTORICALLY UNDERREPRESENTED IN THE TEACHING PROFESSION IN ACHIEVING TEACHER PREPARATION AND CERTIFICATION REQUIREMENTS.

(C) THE MARYLAND HIGHER EDUCATION COMMISSION SHALL ADMINISTER THE TEACHER QUALITY AND DIVERSITY GRANT PROGRAM BY AWARDING GRANTS TOTALING AT LEAST $500,000 EACH YEAR:

(1) TO APPLICANTS ON A COMPETITIVE BASIS; AND

(2) IN A MANNER THAT SERVES THE PURPOSE OF THE GRANT PROGRAM.

(D) THE MARYLAND HIGHER EDUCATION COMMISSION MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

17–405.

(A) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST $1,000,000 TO THE TEACHER QUALITY AND DIVERSITY PROGRAM.

(B) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE MARYLAND HIGHER EDUCATION COMMISSION MAY USE THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION TO AWARD FUNDING TO INSTITUTIONS OF HIGHER EDUCATION UNDER § 17–402 OR § 17–404 OF THIS SUBTITLE.

18–1502.

(c) Subject to the provisions of subsection (b) of this section, the Office shall assist in the repayment of the amount of any higher education loan owed by a public school teacher in the State who:

(1) Has taught in Maryland for at least 2 years:

(i) In science, technology, engineering, ***FINE ARTS,*** or math subjects; ~~or~~

(ii) In a school in which at least **[**75%**]** **THE FOLLOWING PERCENTAGES** of the students are enrolled in the free and reduced price lunch program in the State**:**

1. 75% THROUGH JUNE 30, 2025; ~~**OR**~~ **AND**

2. 55% BEGINNING JULY 1, 2025; OR

(III) IN A SCHOOL THAT:

1. HAD TITLE I STATUS DURING THE 2018–2019 SCHOOL YEAR;

2. LOST TITLE I STATUS AFTER THE 2018–2019 SCHOOL YEAR; AND

3. PARTICIPATES IN THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION; and

(2) Has received the highest performance evaluation rating for the most recent year available in the county in which the teacher taught.

18–1506.

THE OFFICE SHALL PUBLICIZE THE AVAILABILITY OF THE PROGRAM, INCLUDING BY PUBLICIZING THE PROGRAM:

(1) AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES; AND

(2) IN A MANNER THAT FOCUSES ON STUDENTS WHO ARE HISTORICALLY UNDERREPRESENTED IN THE TEACHING FIELD.

18–2203.

(b) (1) Subject to paragraph (2) of this subsection, a recipient of the Teaching Fellows for Maryland scholarship shall:

(i) Be a Maryland resident or have graduated from a Maryland high school;

(ii) Except as provided in subsection (c) of this section, be accepted for admission or currently enrolled at an eligible institution as a full–time or part–time undergraduate or graduate student pursuing a course of study or program in an academic discipline leading to a Maryland professional teacher's certificate;

(iii) 1. Have achieved at least:

*A. For a student currently enrolled in high school, an overall grade point average of 3.3 on a 4.0 scale or its equivalent**, OR AN OVERALL GRADE POINT AVERAGE IN THE TOP 15% OF THE STUDENT'S GRADE,** after completion of the first semester of the senior year;*

B. For a student currently enrolled as a full–time undergraduate student, a cumulative grade point average of 3.3 on a 4.0 scale and satisfactory progress toward a degree in an academic discipline leading to a Maryland professional teacher's certificate;

C. A score of 500 on the reading and math portions of the SAT, with a combined score of at least 1100 on the reading and math portions of the SAT;

D. A composite ACT score of 25; or

E. A score of 50% on the GRE; and

2. Have demonstrated an exceptional dedication to or aptitude for teaching;

(iv) Sign a letter of intent to perform the service obligation upon completion of the recipient's required studies;

(v) Accept any other conditions attached to the award; and

(vi) Satisfy any additional criteria the Commission may establish.

18–2209.

The Governor annually shall include at least **[**$2,000,000**]** **THE FOLLOWING AMOUNTS** in the State budget for the Commission to award scholarships under this subtitle**:**

(1) FOR FISCAL YEAR 2022, $4,000,000;

(2) FOR FISCAL YEAR 2023, $8,000,000;

(3) FOR FISCAL YEAR 2024, $12,000,000; AND

(4) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, $18,000,000.

Subtitle 2. Career and **[**Technology**]** **TECHNICAL** Education.

21–201.

(A) In this subtitle**[**, "federal acts" means:**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) (1) "CTE" MEANS CAREER AND TECHNICAL EDUCATION.

(2) "CTE" INCLUDES:

~~(I)~~ ~~A~~ *A HIGH SCHOOL LEVEL AND POSTSECONDARY* REGISTERED APPRENTICESHIP PROGRAM APPROVED BY THE DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING WITHIN THE MARYLAND DEPARTMENT OF LABOR~~; OR~~

~~(II) A YOUTH APPRENTICESHIP PROGRAM UNDER TITLE 18, SUBTITLE 18 OF THIS ARTICLE~~.

(C) "CTE COMMITTEE" MEANS THE CAREER AND TECHNICAL EDUCATION COMMITTEE ESTABLISHED UNDER § 21–207 OF THIS SUBTITLE.

(D) "FEDERAL ACTS" MEANS:

(1) The Smith–Hughes Act;

(2) The George–Barden Act;

(3) The Carl D. Perkins Career and Technical Education Act;

(4) The Vocational Education Act of 1963;

(5) Any other career and technology education act of the United States Congress; and

(6) Any amendments to any of these acts.

21–202.

(a) The State of Maryland assents to the federal acts.

(b) The State Treasurer shall:

(1) Be the custodian of any money received under the federal acts; and

(2) Disburse this money in accordance with the federal acts.

(c) The State Board of Education shall:

(1) Cooperate with the appropriate federal agencies in administering the federal acts;

(2) Do anything necessary to secure the benefits of the federal acts;

(3) Facilitate the transfer of federal funds to the appropriate operational entity including the Maryland Department of Labor; and

(4) Represent this State in all matters relating to the administration of the federal acts.

(d) ***(1)*** *The State Board of Education shall be the sole State agency responsible for the administration of the Carl D. Perkins Career and Technical Education Act.*

(2) (I) ON OR BEFORE OCTOBER 1, 2020, THE STATE BOARD OF EDUCATION SHALL REQUEST A WAIVER FROM THE U.S. DEPARTMENT OF EDUCATION TO TRANSFER TO THE CTE COMMITTEE RESPONSIBILITY FOR THE ADMINISTRATION OF THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT.

(II) IF THE WAIVER IN THIS PARAGRAPH IS GRANTED, THE CTE COMMITTEE SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT.

21–203.

(A) Career and **[**technology**]** **TECHNICAL EDUCATION** programs in the public schools shall:

(1) Offer a sequence of academic and occupational courses, career development, and work experience to prepare students to begin careers and to pursue lifelong learning; and

(2) Integrate academic knowledge and occupational competence to enable students to develop the critical thinking, problem solving, employability, and technical skills required to meet the workforce preparation and economic development needs of the 21st century.

(B) (1) BEGINNING WITH THE 2023–2024 SCHOOL YEAR, CAREER AND TECHNICAL EDUCATION PROGRAMS SHALL BE ALIGNED WITH *THE REQUIREMENTS OF THIS SECTION AND* THE SYSTEM IMPLEMENTED BY THE CTE COMMITTEE ESTABLISHED UNDER § 21–207 OF THIS SUBTITLE.

(2) BEGINNING IN FISCAL YEAR 2024, THE ADOPTION OF PROGRAMS RELATING TO, AND THE PROVISION OF, CAREER AND TECHNICAL EDUCATION BY COUNTY BOARDS, THE STATE BOARD, AND COMMUNITY COLLEGES SHALL BE CONSISTENT WITH THE SYSTEM IMPLEMENTED BY THE CTE COMMITTEE.

[21–204.

(a) On or before December 1, 2017, the State Board, in consultation with the Department of Labor, Licensing, and Regulation and the Governor's Workforce Development Board, shall establish, for each year for 2018 through 2024, inclusive, statewide goals that reach 45% by January 1, 2025, for the percentages of high school students who, prior to graduation:

(1) Complete a career and technical education (CTE) program;

(2) Earn industry–recognized occupational or skill credentials; or

(3) Complete a registered youth or other apprenticeship.

(b) On or before December 1, 2017, the Maryland Longitudinal Data System Center and the Governor's Workforce Development Board shall develop annual income earnings goals for high school graduates who have not earned at least a 2–year college degree by age 25.

(c) On or before December 1, 2017, the State Board shall develop a method to consider a student's attainment of a State–approved industry credential or completion of an apprenticeship program as equivalent to earning a score of 3 or better on an Advanced Placement examination for purposes of the Maryland Accountability Program established by the Department if the student:

(1) (i) Was enrolled in the State–approved CTE program at the concentrator level or higher; and

(ii) Successfully earned the credential aligned with the State–approved CTE program; or

(2) Successfully completed a youth or other apprenticeship training program approved by the Maryland Apprenticeship Training Council in accordance with § 11–405 of the Labor and Employment Article.

(d) On or before December 1, 2017, and December 1 of each year thereafter, the State Board shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the progress, by high school and community college, toward attaining the goals established by the State Board in accordance with subsection (a) of this section and the goals established under subsection (b) of this section.**]**

21–204.

(A) (1) ON OR BEFORE DECEMBER 1, 2021, THE CTE COMMITTEE SHALL ESTABLISH, FOR EACH YEAR FOR 2022 THROUGH 2030, INCLUSIVE, STATEWIDE GOALS THAT REACH 45% BY THE 2029–2030 SCHOOL YEAR, FOR THE PERCENTAGE OF HIGH SCHOOL STUDENTS WHO, PRIOR TO GRADUATION, COMPLETE *THE HIGH*

SCHOOL LEVEL OF A REGISTERED APPRENTICESHIP OR **AN INDUSTRY–RECOGNIZED OCCUPATIONAL CREDENTIAL.**

(2) TO THE EXTENT PRACTICABLE, THE CTE COMMITTEE SHALL ENSURE THAT THE LARGEST NUMBER OF STUDENTS ACHIEVE THE REQUIREMENT OF THIS SUBSECTION BY COMPLETING:

~~**(I) A YOUTH APPRENTICESHIP PROGRAM UNDER TITLE 18, SUBTITLE 18 OF THIS ARTICLE; OR**~~

~~**(II) A**~~ ***A HIGH SCHOOL LEVEL OF A*** **REGISTERED APPRENTICESHIP PROGRAM APPROVED BY THE DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING WITHIN THE MARYLAND DEPARTMENT OF LABOR.**

(B) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2021, THE CTE COMMITTEE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, AND THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ON THE PROGRESS, BY HIGH SCHOOL, TOWARD ATTAINING THE GOALS ESTABLISHED BY THE CTE COMMITTEE IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

21–205.

(a) **[**(1)**]** In this section**, [**the following words have the meanings indicated.

(2) "CTE" means Career and Technology Education.

(3) "Grant"**] "GRANT"** means the Career and **[**Technology**] TECHNICAL** Education Innovation Grant.

(b) (1) There is a Career and **[**Technology**] TECHNICAL** Education Innovation Grant.

(c) (1) (i) A county board or a community college may submit a proposal to the Department to receive a grant for a CTE pathway that is in furtherance of the purpose of the Grant.

(ii) To be eligible for a grant, an application shall identify a partnership with at least one county board, one community college, and one industry partner to develop an innovative CTE pathway that:

1. Is of high quality;

2. Is aligned with the skills needed by employers;

3. Will lead to an industry–recognized license or certificate;

4. Creates internship or apprenticeship opportunities; and

5. Prepares students to successfully compete in a global economy.

(2) An application shall include:

(i) A description of the proposed curriculum framework and pathway that is articulated between secondary and postsecondary education or training;

(ii) A business plan that includes the estimated total cost, including any one–time or capital equipping costs, of implementing the proposed curriculum framework and pathway; and

(iii) Any other information required by the Department.

(3) The Department shall establish processes and procedures for accepting and evaluating applications.

(4) The Department shall make awards in a timely fashion.

(d) (1) **[**The**]** **FOR EACH FISCAL YEAR THROUGH FISCAL YEAR 2024, THE** Governor shall annually appropriate at least $2,000,000 in the operating budget of the Department for the grant program.

(2) The Department may retain up to 3% of the appropriation required under this subsection to hire staff necessary to administer the grant program.

21–207.

(A) THERE IS A CAREER AND TECHNICAL EDUCATION (CTE) COMMITTEE.

(B) (1) THE CTE COMMITTEE IS A UNIT WITHIN THE GOVERNOR'S WORKFORCE DEVELOPMENT BOARD.

(2) THE CTE COMMITTEE SHALL OPERATE UNDER THE OVERSIGHT OF THE ACCOUNTABILITY AND IMPLEMENTATION BOARD, ESTABLISHED UNDER TITLE 5, SUBTITLE 4 OF THIS ARTICLE.

(C) (1) THE PURPOSE OF THE CTE COMMITTEE IS TO BUILD AN INTEGRATED, GLOBALLY COMPETITIVE FRAMEWORK FOR PROVIDING CTE TO MARYLAND STUDENTS IN PUBLIC SCHOOLS, INSTITUTIONS OF POSTSECONDARY EDUCATION, AND THE WORKFORCE.

(2) THE CTE COMMITTEE SHALL STRIVE TO INTEGRATE CTE IN SECONDARY AND POSTSECONDARY INSTITUTIONS IN THE STATE.

(3) THE CTE COMMITTEE SHALL CONSIST OF INDIVIDUALS WHO COLLECTIVELY REFLECT, TO THE EXTENT PRACTICABLE, THE GEOGRAPHICAL, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.

(D) THE CTE COMMITTEE IS COMPOSED OF THE FOLLOWING MEMBERS OF THE GOVERNOR'S WORKFORCE DEVELOPMENT BOARD:

(1) THE STATE SUPERINTENDENT;

(2) THE SECRETARY OF HIGHER EDUCATION;

(3) THE SECRETARY OF LABOR;

(4) THE SECRETARY OF COMMERCE;

(5) THE CHAIR OF THE SKILLS STANDARDS ADVISORY COMMITTEE, ESTABLISHED UNDER § 21–208 OF THIS SUBTITLE; AND

(6) THE FOLLOWING ~~FOUR~~ *SIX* MEMBERS, JOINTLY SELECTED BY THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES, WHO *COLLECTIVELY* REPRESENT:

(I) EMPLOYERS;

(II) INDUSTRY *OR TRADE* ASSOCIATIONS;

(III) LABOR ORGANIZATIONS; ~~AND~~

(IV) COMMUNITY COLLEGES*;*

(V) THE AGRICULTURAL COMMUNITY; AND

***(VI) EXPERTS IN CTE PROGRAMMING*.**

(E) THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES JOINTLY SHALL APPOINT A CHAIR OF THE CTE COMMITTEE FROM AMONG THE COMMITTEE'S MEMBERS ~~WHO ARE BUSINESS REPRESENTATIVES~~.

(F) A MEMBER OF THE CTE COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE CTE COMMITTEE; AND

(2) IS NOT ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS FOR DUTIES PERFORMED UNDER THIS SECTION.

~~(F)~~ **(G) THE CTE COMMITTEE MAY EMPLOY ADDITIONAL STAFF NECESSARY TO CARRY OUT THE COMMITTEE'S FUNCTIONS AS PROVIDED IN THE STATE BUDGET.**

~~(G)~~ **(H) THE CTE COMMITTEE SHALL PERFORM THE FOLLOWING DUTIES:**

(1) DEVELOP A STATEWIDE FRAMEWORK FOR CTE THAT PREPARES STUDENTS FOR EMPLOYMENT IN A DIVERSE, MODERN ECONOMY;

(2) ALLOCATE ROLES AND RESPONSIBILITIES TO STATE AGENCIES FOR THE CREDENTIALING OF STUDENTS ENGAGED IN CTE PROGRAMS;

(3) ADOPT~~,~~ AND, WHERE APPROPRIATE, DEVELOP AND REGULARLY UPDATE A COMPREHENSIVE AND COHESIVE SYSTEM OF OCCUPATIONAL SKILLS STANDARDS TO DRIVE THE STATE'S CTE SYSTEM;

(4) WORK WITH THE BUSINESS COMMUNITY, *INCLUDING NONPROFIT ENTITIES AND APPRENTICESHIP SPONSORS*, TO DEVELOP CTE LEARNING OPPORTUNITIES;

(5) BRING TOGETHER REPRESENTATIVES FROM PUBLIC SCHOOLS, INSTITUTIONS OF POSTSECONDARY EDUCATION, AND THE BUSINESS COMMUNITY, *INCLUDING NONPROFIT ENTITIES AND APPRENTICESHIP SPONSORS*, TO ENSURE THAT CTE PROGRAMS ARE ALIGNED WITH THE STATE'S ECONOMIC DEVELOPMENT AND WORKFORCE GOALS AND OPERATE WITH BEST GLOBAL PRACTICES;

(6) SET *CONTENT* QUALIFICATION *AND RECRUITMENT* STANDARDS FOR CTE INSTRUCTORS;

(7) DETERMINE WHICH PROGRAMS SHOULD BE APPROVED FOR CREDIT TOWARDS HIGH SCHOOL GRADUATION REQUIREMENTS;

(8) APPROVE, REJECT, OR MODIFY THE PROPOSALS MADE BY THE CTE SKILLS STANDARDS ADVISORY COMMITTEE~~,~~ ESTABLISHED UNDER § 21–208 OF THIS SUBTITLE TO ESTABLISH CTE PROGRAMS FOR PUBLIC SCHOOL STUDENTS;

(9) ADDRESS OPERATIONAL ISSUES ASSOCIATED WITH DELIVERING CTE PROGRAMS TO STUDENTS, INCLUDING TRANSPORTATION TO AND FROM JOB SITES;

(10) REVIEW AGENCY BUDGET PROPOSALS INVOLVING CTE AND MAKE RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 15 EACH YEAR;

(11) MONITOR THE PROGRESS OF CTE IN THE STATE, INCLUDING PROGRESS ON IMPLEMENTING THE CTE GOALS IN THE BLUEPRINT FOR MARYLAND'S FUTURE;

(12) DEVELOP YEARLY GOALS FOR EACH COUNTY BOARD TO REACH THE STATEWIDE GOAL UNDER § 21–204 OF THIS SUBTITLE THAT 45% OF PUBLIC SCHOOL STUDENTS ACHIEVE AN INDUSTRY–RECOGNIZED OCCUPATIONAL CREDENTIAL BEFORE THEY GRADUATE;

(13) TRACK PROGRESS TOWARD AND PERFORM ANY TASKS NECESSARY TO ACHIEVE THE STATEWIDE GOAL UNDER § 21–204 OF THIS SUBTITLE THAT 45% OF PUBLIC HIGH SCHOOL STUDENTS ACHIEVE A YOUTH APPRENTICESHIP OR ANY OTHER INDUSTRY–RECOGNIZED OCCUPATIONAL CREDENTIAL BEFORE THEY GRADUATE;

(14) ESTABLISH, ADMINISTER, AND SUPERVISE THE CTE EXPERT REVIEW TEAMS ESTABLISHED UNDER § 5–412 OF THIS ARTICLE;

(15) ~~IDENTIFY~~ USING STATE ACCOUNTABILITY DATA, IDENTIFY SCHOOLS TO BE INVESTIGATED BY CTE EXPERT REVIEW TEAMS~~, USING STATE ACCOUNTABILITY DATA, IN WHICH INSUFFICIENT~~ SUFFICIENT NUMBERS OF STUDENTS OR GROUPS OF DEMOGRAPHICALLY DISTINCT STUDENTS ARE NOT MAKING ADEQUATE PROGRESS TOWARDS THE COMPLETION OF THE CTE PATHWAY;

(16) SUBMIT PLANS FOR DEPLOYING CTE EXPERT REVIEW TEAMS TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD, AND DEPLOY THE TEAMS IN ACCORDANCE WITH APPROVED PLANS;

(17) SHARE INFORMATION ON CTE EDUCATION WITH THE ACCOUNTABILITY AND IMPLEMENTATION BOARD; AND

(18) PERFORM ANY OTHER DUTIES ASSIGNED BY THE GOVERNOR'S WORKFORCE DEVELOPMENT BOARD.

~~(II)~~ (I) THE CTE COMMITTEE MAY:

(1) MAKE GRANTS TO INNOVATIVE PROGRAMS DEVELOPED BY PUBLIC SCHOOLS, INSTITUTIONS OF POSTSECONDARY EDUCATION, *APPRENTICESHIP SPONSORS*, NONPROFITS, AND OTHER PERSONS THAT HELP FURTHER THE CTE COMMITTEE'S PURPOSE;

(2) CONTRACT WITH A PUBLIC OR PRIVATE ENTITY TO RESEARCH AND ANALYZE THE PROVISION OF CTE TO STUDENTS;

(3) CREATE ADVISORY STRUCTURES NECESSARY TO ENSURE ESSENTIAL INPUT FROM EDUCATORS, PARENTS, *UNIONS, EMPLOYERS, APPRENTICESHIP SPONSORS*, COMMUNITY ORGANIZERS, LOCAL WORKFORCE BOARDS, AND OTHER KEY STAKEHOLDERS; AND

(4) ADOPT ANY REGULATIONS NECESSARY TO CARRY OUT THE COMMITTEE'S DUTIES AND ADMINISTER CTE IN THE STATE.

~~(H)~~ (J) (1) A MAJORITY OF CTE COMMITTEE MEMBERS CONSTITUTES A QUORUM.

(2) ACTION BY THE CTE COMMITTEE REQUIRES THE AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMITTEE MEMBERS PRESENT.

~~(J)~~ (K) (1) EACH YEAR, THE CTE COMMITTEE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, AND THE ACCOUNTABILITY AND IMPLEMENTATION BOARD.

(2) THE CTE COMMITTEE'S REPORT SHALL INCLUDE:

(I) AN ANNUAL ASSESSMENT OF THE STATE OF CTE WITHIN THE STATE; AND

(II) STATUTORY, REGULATORY, BUDGETARY, AND STRUCTURAL CHANGES NEEDED TO ADDRESS THE CHALLENGES OF THE EVOLVING CTE SYSTEM.

(3) ANY STUDENT–LEVEL INFORMATION IN THE CTE COMMITTEE'S REPORT SHALL BE DISAGGREGATED BY RACE, ETHNICITY, GENDER, FAMILY INCOME LEVEL, LINGUISTIC STATUS, AND DISABILITY STATUS.

21–208.

(A) IN THIS SECTION, "ADVISORY COMMITTEE" MEANS THE CTE SKILLS STANDARDS ADVISORY COMMITTEE.

(B) THE CTE COMMITTEE SHALL CREATE A CTE SKILLS STANDARDS ADVISORY COMMITTEE.

(C) (1) THE PURPOSE OF THE ADVISORY COMMITTEE IS TO MAKE RECOMMENDATIONS AND PROVIDE ADVICE TO THE CTE COMMITTEE ON SETTING THE OCCUPATIONAL STANDARDS NECESSARY FOR A STRONG CTE SYSTEM.

(2) THE RECOMMENDATIONS MADE BY THE ADVISORY COMMITTEE SHALL FORM THE BASIS FOR THE POST–CCR CTE PATHWAY REQUIRED UNDER § 7–205.1 OF THIS ARTICLE.

(D) (1) THE ADVISORY COMMITTEE SHALL BE COMPOSED OF MEMBERS APPOINTED BY THE CHAIR OF THE CTE COMMITTEE THAT INCLUDE EMPLOYERS, *UNIONS*, APPRENTICESHIP SPONSORS, AND OTHER EXPERTS ON OCCUPATIONAL SKILLS, *INCLUDING AGRICULTURAL SKILLS*.

(2) TO THE EXTENT PRACTICABLE, THE ADVISORY COMMITTEE SHALL BE COMPOSED OF MEMBERS OF THE GOVERNOR'S WORKFORCE DEVELOPMENT BOARD WHO DO NOT SERVE ON THE CTE COMMITTEE.

(E) A MEMBER OF THE ADVISORY COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY COMMITTEE; AND

(2) IS NOT ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS FOR DUTIES PERFORMED UNDER THIS SECTION.

~~(E)~~ (F) (1) THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE CTE COMMITTEE CONCERNING:

(I) A COMPREHENSIVE ARRAY OF CAREER ADVANCEMENT GUIDELINES, INCLUDING STANDARDS FOR EACH OCCUPATION IN A PROFESSION~~,~~ AND CONCRETE STEPS AND ACCOMPLISHMENTS NEEDED TO PROGRESS TO A GREATER SKILLED OCCUPATION IN A GIVEN FIELD;

(II) CREDENTIALS TO BE ISSUED AT EACH STAGE OF ADVANCEMENT~~,~~ AND CRITERIA NECESSARY TO BE AWARDED A PARTICULAR CREDENTIAL; AND

(III) NECESSARY ADJUSTMENTS TO ENSURE THAT THE STATE'S CTE SYSTEM REMAINS GLOBALLY COMPETITIVE AND ADMINISTERED ACCORDING TO BEST GLOBAL PRACTICES.

(2) IN MAKING RECOMMENDATIONS UNDER THIS SUBSECTION, THE ADVISORY COMMITTEE SHALL STRIVE TO CREATE A COMPREHENSIVE, UNIFIED SYSTEM OF CAREER PROGRESSION THAT:

(I) IS ATTUNED TO THE STATE'S WORKFORCE NEEDS;

(II) FEATURES INTEGRATION AMONG AS MANY INDUSTRIES AS POSSIBLE;

(III) FEATURES PERFORMANCE ASSESSMENTS ADMINISTERED BY INDUSTRY PRACTITIONERS WHENEVER POSSIBLE;

(IV) ALLOWS A STUDENT TRAINED IN ONE CAREER TO SEAMLESSLY TRANSFER THE STUDENT'S SKILLS AND EDUCATION TO A NEW CAREER IN A DIFFERENT FIELD;

(V) SEEKS TO INCORPORATE AS MUCH EDUCATION ~~OUTSIDE THE SCHOOL IN AN AUTHENTIC~~ *IN A* JOB SETTING AS IS PRACTICABLE; ~~AND~~

(VI) INCORPORATES PROFESSIONAL WORKPLACE SOFT SKILLS, INCLUDING INTERPERSONAL AND COMMUNICATION SKILLS, TIME MANAGEMENT, BUSINESS ETIQUETTE, AND USE OF COMMON BUSINESS TOOLS; AND

(VII) INCORPORATES EDUCATION IN HIGH SCHOOL, COMMUNITY COLLEGE, AND OTHER POSTSECONDARY OCCUPATION PROGRAMS INTO A SEAMLESS WHOLE THAT WILL PROVIDE STUDENTS WITH CREDENTIALS AT VARIOUS POINTS THAT BUILD ON PREVIOUS CREDENTIALS.

~~(F)~~ (G) THE TERMS, MEETING TIMES, PROCEDURES, AND POLICIES GUIDING REMOVAL OF MEMBERS FOR THE ADVISORY COMMITTEE SHALL BE DETERMINED BY THE CTE COMMITTEE.

24–703.

(a) There is a Maryland Longitudinal Data System Center.

(b) The Center is an independent unit within State government.

(c) The organizational placement and location of the Center shall be determined by the Governing Board.

(d) (1) The head of the Center is the Executive Director, who shall be appointed by the Governing Board.

(2) The Center may employ the additional staff necessary to carry out the Center's functions as provided in the State budget.

(e) The Center shall be considered an authorized representative of the State Department of Education and the Maryland Higher Education Commission under applicable federal and State statutes for purposes of accessing and compiling student record data for research purposes.

(f) The Center shall perform the following functions and duties:

(1) Serve as a central repository of student data and workforce data in the Maryland Longitudinal Data System, including data sets provided by:

(i) The State Department of Education;

(ii) Local education agencies;

(iii) The Maryland Higher Education Commission;

(iv) Institutions of higher education;

(v) The Maryland Department of Labor; and

(vi) The Department of Juvenile Services;

(2) Oversee and maintain the warehouse of the Maryland Longitudinal Data System data sets;

(3) Ensure routine and ongoing compliance with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies, including:

(i) The required use of de–identified data in data research and reporting;

(ii) The required disposition of information that is no longer needed;

(iii) Providing data security, including the capacity for audit trails;

(iv) Providing for performance of regular audits for compliance with data privacy and security standards; and

(v) Implementing guidelines and policies that prevent the reporting of other potentially identifying data;

(4) Conduct research using timely and accurate student data and workforce data to improve the State's education system and guide decision making by State and local governments, educational agencies, institutions, teachers, and other education professionals;

(5) Conduct research relating to:

(i) The impact of State and federal education programs;

(ii) The performance of educator preparation programs; and

(iii) Best practices regarding classroom instruction, education programs and curriculum, and segment alignment;

(6) ~~SHARE DATA WITH~~ AT THE DIRECTION OF THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ~~TO HELP THE BOARD FULFILL ITS DUTIES~~ ESTABLISHED IN TITLE 5, SUBTITLE 4 OF THIS ARTICLE PROVIDE:

(I) A RESEARCHER DESIGNATED BY THE BOARD ACCESS TO THE DATA IN THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE PROCEDURES FOR STAFF AUTHORIZATION AND DATA ACCESS ESTABLISHED BY THE MARYLAND LONGITUDINAL DATA SYSTEM GOVERNING BOARD;

(II) AGGREGATE DATA TABLES; OR

(III) RESEARCH OR EVALUATION;

(7) ANALYZE SOCIAL DETERMINANTS FROM THE FOLLOWING STATE AGENCIES AND APPROPRIATE LOCAL AGENCIES THAT IMPACT THE EDUCATION PERFORMANCE OF STUDENTS AND INDICATE THE NEED FOR WRAPAROUND SERVICES OF STUDENTS:

(I) THE MARYLAND DEPARTMENT OF HEALTH;

(II) THE DEPARTMENT OF JUVENILE SERVICES; AND

(III) THE DEPARTMENT OF HUMAN SERVICES;

(8) TO THE EXTENT PRACTICABLE, CONDUCT LONGITUDINAL STUDIES OF THE ITEMS UNDER THIS SECTION TO EVALUATE THE IMPACT OF THE BLUEPRINT FOR MARYLAND'S FUTURE ON THE STATE;

[(6)**]** ***~~(7)~~ (9)*** Fulfill information and data requests to facilitate State and federal education reporting with existing State agencies as appropriate; and

[(7)**]** ~~(8)~~ ***(10)*** Fulfill approved public information requests.

(G) THE CENTER SHALL SUBMIT A REPORT TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ON THE INFORMATION DETERMINED UNDER SUBSECTION (F)(7) AND (8) OF THIS SECTION.

~~(g)~~ ***(H)*** (1) Direct access to data in the Maryland Longitudinal Data System shall be restricted to authorized staff of the Center ~~AND THE ACCOUNTABILITY AND IMPLEMENTATION BOARD~~.

(2) The Center may only use de–identified data in the analysis, research, and reporting conducted by the Center.

(3) The Center may only use aggregate data in the release of data in reports and in response to data requests.

(4) Data that may be identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the Center.

(5) The Center may not release or sell information that may not be disclosed under the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies.

~~(h)~~ ***(I)*** The Center may receive funding from the following sources:

(1) State appropriations;

(2) Grants or other assistance from local education agencies and institutions of higher education;

(3) Federal grants; and

(4) Any other grants or contributions from public or private entities received by the Center.

Article – Labor and Employment

11–105.

(A) IN THIS SECTION, "ACCOUNTABILITY AND IMPLEMENTATION BOARD" MEANS THE ACCOUNTABILITY AND IMPLEMENTATION BOARD ESTABLISHED UNDER § 5–402 OF THE EDUCATION ARTICLE.

(B) FOR FISCAL YEARS 2021 THROUGH 2030, THE DIVISION SHALL PURSUE FEDERAL GRANT MONEY FOR APPRENTICESHIP PROGRAMS TO BE USED:

(1) FOR GRANTS TO APPRENTICE SPONSORS TO CREATE, EXPAND, AND IMPROVE REGISTERED APPRENTICESHIP PROGRAMS; AND

(2) TO COVER THE COST OF THE STATE APPRENTICESHIP TAX CREDIT UNDER § 10–742 OF THE TAX – GENERAL ARTICLE.

(C) ON OR BEFORE DECEMBER 31, 2020, THE DIVISION SHALL PRESENT A 10–YEAR PLAN TO PURSUE FEDERAL GRANT MONEY UNDER SUBSECTION (B) OF THIS SECTION TO THE GOVERNOR'S WORKFORCE DEVELOPMENT BOARD, THE ACCOUNTABILITY AND IMPLEMENTATION BOARD, AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS.

11–702.

(a) ***IN THIS SECTION, "CTE COMMITTEE" MEANS THE CAREER AND TECHNICAL EDUCATION COMMITTEE ESTABLISHED UNDER § 21–207 OF THE EDUCATION ARTICLE.***

(B) *There is a Maryland Employment Advancement Right Now (EARN) Program in the Department.*

[*(b)****] (C)*** *The purpose of the Maryland EARN Program is to create industry–led partnerships to advance the skills of the State's workforce, grow the State's economy, and increase sustainable employment for working families.*

[*(c)****] (D)*** *The Department, in consultation with the Department of Commerce,* ***THE CTE COMMITTEE,*** *and the Governor's Workforce Development Board, shall establish and administer the Maryland EARN Program to provide grants on a competitive basis for:*

(1) an approved strategic industry partnership for development of a plan consistent with the purpose of the Maryland EARN Program;

(2) workforce training programs and other qualified programs that provide industry valued skills training to individuals that result in a credential or identifiable skill consistent with an approved strategic industry partnership plan; ***[****and****]***

*(3) job readiness training and skills training that results in a credential or an identifiable skill****; AND***

(4) COLLECTIVELY BARGAINED, REGISTERED APPRENTICESHIPS THAT:

(I) ARE WORKING TO INCORPORATE THE APPRENTICESHIP'S CURRICULUM INTO HIGH SCHOOL CAREER AND TECHNICAL EDUCATION PROGRAMS;

(II) ARE WORKING TO ENSURE THAT COMMUNITY COLLEGE CREDITS ARE AVAILABLE FOR INSTRUCTION PROVIDED BY AN APPRENTICESHIP SPONSOR; OR

(III) OFFER APPRENTICESHIPS TO HIGH SCHOOL STUDENTS.

11–703.

*~~(a)~~ An application for a strategic industry partnership grant under § **[***11–702(c)***]** **11–702(D)** of this subtitle shall:*

(1) include:

(i) evidence of shortages in skilled employment within the target industry over a sustained period of time;

(ii) a description of specific high–demand occupations or sets of occupations within the target industry; and

(iii) the specifics of training programs that would result in individuals obtaining credentials or identifiable skills to facilitate their employment or advancement in the targeted industry; and

(2) identify members participating in the strategic industry partnership and include identification of the target industry and the participating local board.

*~~(b) Grants may be awarded for skills training consistent with an approved strategic industry partnership plan developed under § **[**11–702(c)**]** 11–702(D) of this subtitle to:~~*

~~(1) industries with identified positions and a demonstrated need for incumbent worker training that can be accessed by employees at their place of employment or other location;~~

~~(2) industries with an identified workforce shortage that will be seeking to hire individuals to train to meet a specific skill need;~~

~~(3) a member of a strategic industry partnership that can provide job readiness training to qualified individuals directly or through accounts held at local boards on behalf of the individual; and~~

~~(4) educational providers that offer training consistent with the goals of the plan.~~

~~*(c) The competitive grant process shall give priority to [strategic industry partnerships that maximize the potential of the collaboration through direct financial or in–kind contributions by members of the target industry] REGISTERED APPRENTICESHIPS AS DESCRIBED IN § 11–702(D) OF THIS SUBTITLE WHILE MAINTAINING EXISTING INDUSTRY PARTNERSHIPS ESTABLISHED UNDER THE MARYLAND EARN PROGRAM.*~~

Article – State Finance and Procurement

6–226.

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

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

*121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; **[**and**]***

*122. the Federal Government Shutdown Employee Assistance Loan Fund**; AND***

***123. THE COORDINATED COMMUNITY SUPPORTS PARTNERSHIP FUND**.*

Article – Tax – Property

2–218.1.

THE DEPARTMENT SHALL PROVIDE THE DATA REQUIRED TO MAKE ANY CALCULATIONS RELATED TO REAL PROPERTY AND PERSONAL PROPERTY UNDER TITLE 5, SUBTITLE 2 OF THE EDUCATION ARTICLE TO THE DEPARTMENT OF BUDGET AND MANAGEMENT, THE STATE DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF LEGISLATIVE SERVICES BY DECEMBER 1 OF EACH YEAR.

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 13 of Chapter 771 of the Acts of the General Assembly of 2019 be repealed.

SECTION 5. AND BE IT FURTHER ENACTED, That:

~~(a)~~ On or before July 1, 2021, each county board of education shall evaluate its hiring practices to determine if those practices are contributing to a lack of diversity in Maryland's teaching staff, make changes as appropriate, and report its findings and proposed changes to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly, and the Accountability and Implementation Board established under Section 3 of this Act.

~~(b) On or before July 1, 2022, the State Board of Education shall:~~

~~(1) study whether the college and career readiness literacy and numeracy standards set by the National Center on Education and the Economy's 2013 report "What Does It Really Mean to Be College and Work Ready?: The Mathematics and English Literacy Required of First Year Community College Students" are comparable to the global standard in top–performing countries for the same–age cohort as in Maryland and whether the standards align with the workforce needs of Maryland, including by:~~

~~(i) completing an equating study in which a sample of Maryland students take the assessments of top–performing jurisdictions as well as Maryland assessments and the results are compared; and~~

~~(ii) coordinating with Maryland employers and with the bodies charged with economic and workforce development; and~~

~~(2) report its findings to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly, and the Accountability and Implementation Board established under Section 3 of this Act.~~

SECTION 6. AND BE IT FURTHER ENACTED, That on or before September 30, 2021:

(a) The State Department of Education, the Maryland Higher Education Commission, and each institution of higher education that offers a teacher preparation program jointly shall review State requirements for teacher preparation programs to determine whether the requirement align with the recommendations of the Commission on Innovation and Excellence in Education established under Chapters 701 and 702 of the Acts of the General Assembly of 2016.

(b) If a requirement of a teacher preparation program is determined to be unaligned with the recommendations under subsection (a) of this section and are also extraneous, redundant, or unnecessary, the requirement shall be eliminated to allow for completion of the teacher training practicum required under § 6–704.2 of the Education Article as enacted by Section 3 of this Act within the 120 credit hours requirement.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) Each local school systems shall develop a plan to:

(1) enhance and expand school behavioral health service availability to ensure that all students have some exposure and access to behavioral health programming and services, taking into account the needs assessment in § 9.9–104 of the Education Article, as enacted by Section 3 of this Act; and

(2) ensure that schools without a school based health center will organize response plans to connect all students to community–based behavioral health and other services, as needed.

(b) On or before November 1, ~~2020~~ 2021, each school system shall report their plan under subsection (a) of this section to the~~,~~ Accountability and Implementation Board, Governor, and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on English Language Learners in Public Schools.

(b) The Workgroup consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the State Superintendent's designee; and

(4) the following members, appointed by the State Superintendent:

(i) at least one advocate for English language learners;

(ii) at least one multilingual leader in the education field;

(iii) at least one expert in education from a diverse area of the State; and

(iv) any other member that the State Superintendent determines is necessary.

(c) The State Superintendent shall designate the chair of the Workgroup.

(d) The State Department of Education shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) collect data on:

(i) the number of English language learners at each public early childhood, primary, and secondary school in the State;

(ii) the percent of English language learners in the total student population at each public early childhood, primary, and secondary school in the State;

(iii) the services available to English language learners in public early childhood, primary, and secondary schools throughout the State and the effectiveness of those services; and

(iv) the accessibility of public early childhood, primary, and secondary school teachers, administrators, and staff to English language learners and their families, including whether:

1. bilingual front office staff are available to assist parents;

2. security personnel at the school are able to assist English language learners, especially in the event of a safety concern;

3. guidance counselors at the school are able to work effectively with English language learners; and

4. teachers and classroom aides at the school are able to effectively teach and work with English language learners;

(2) review methods of teaching and providing other services to English language learners in public early childhood, primary, or secondary schools, including methods used:

(i) in the State, other states, and other countries;

(ii) for recruiting and retaining bilingual teachers and staff, including security and administrative staff who speak Spanish; and

(iii) for recruiting teachers from other countries who speak Spanish or other languages and only need to obtain a Maryland teaching certificate to teach in the State; and

(3) make recommendations on improving the education of English language learners in public early childhood, primary, or secondary schools in the State, including whether additional funding should be provided.

(g) (1) On or before December 1, 2020, the Workgroup shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(2) On or before December 1, 2021, the Workgroup shall submit a final report of any additional findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION ~~8.~~ *9.* AND BE IT FURTHER ENACTED, That the Governor shall appropriate from The Blueprint for Maryland's Future Fund under § 5–206 of the Education Article, as enacted by Section 3 of this Act, $2,500,000 in each of fiscal years 2021 and 2022 to the State Department of Education for the purpose of developing and implementing a modern financial management system and student data system to carry out the Department's responsibilities under The Blueprint for Maryland's Future as enacted by this Act.

SECTION ~~9.~~ *10.* AND BE IT FURTHER ENACTED, That, on or before November 1, 2021, the State Department of Education shall submit to the Governor, and in accordance with § 2–1257 of the State Government Article, the General Assembly, a report on the impact on school funding if § 5–235(a)(2)(ii) of Article – Education was repealed.

SECTION ~~9.~~ ~~10.~~ *11.* AND BE IT FURTHER ENACTED, That*, unless otherwise provided,* the provisions of Title 5, Subtitle 2 of the Education Article enacted by this Act and in effect on July 1, 2020, shall be used to calculate State education aid beginning in fiscal year 2022.

SECTION ~~11.~~ *12.* AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that developing a CTE pathway in agricultural science shall be a priority for the CTE Committee.

SECTION ~~10.~~ ~~12.~~ *13.* AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 14. AND BE IT FURTHER ENACTED, That, on or before July 1, 2022, the State Department of Education shall review and revise COMAR 13A.08.01.11 as necessary after considering the recommendations created in coordination with the Maryland Consortium on Coordinated Community Supports established under § 7–446.1 of the Education Article, as enacted under Section 3 of this Act.

SECTION 15. AND BE IT FURTHER ENACTED, That:

(a) New position identification numbers shall be created in the annual State budget to implement the Blueprint for Maryland's Future as required under this Act.

(b) The personal identification numbers created under subsection (a) of this section are in addition to, and may not supplant, existing personal identification numbers in the agencies in which they are created.

SECTION 16. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section the following words have the meanings indicated.

(2) "Major ~~State Aid~~ education aid" has the meaning stated in § 5–201(l) of the Education Article as enacted by this Act.

(3) "Projected Education Aid Funding Deficit" means the calculation by the Department of Legislative Services after the December Board of Revenue Estimates report required under § 6–106 of the State Finance and Procurement Article of the amount by which additional ~~funding necessary to implement the requirements of the Blueprint for Maryland's Future~~ major education aid under this Act exceeds the amount of estimated funding dedicated to public education.

(b) On or before December 20, 2023, the Department of Legislative Services shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on whether a Projected Education Aid Funding Deficit for fiscal year 2026 exists and the amount, if any, of the Projected Education Aid Funding Deficit for fiscal year 2026 and each year thereafter through fiscal year 2030.

(c) On or before December 20, 2024, the Department of Legislative Services shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly whether a Projected Education Aid Funding Deficit for fiscal year 2026 exists and the amount, if any, of the Projected Education Aid Funding Deficit for fiscal year 2026 and each year thereafter through fiscal year 2030.

(d) In the independent evaluation and report to be submitted to the Governor and the General Assembly on or before December 1, 2024, as required under § 5–410(d)(1) of the Education Article as enacted by this Act, the Accountability and Implementation Board shall report whether the Blueprint for Maryland's Future is being implemented as intended and is achieving expected outcomes.

(e) (1) If ~~either a Projected Education Aid Funding Deficit in excess of $100,000,000 exists as reported by the Department of Legislative Services in accordance with subsection (c) of this section or if~~ the Accountability and Implementation Board does not report that the Blueprint for Maryland's Future is being implemented as intended and is achieving expected outcomes in accordance with subsection (d) of this section, then:

~~(1)~~ *(i) notwithstanding any other provision of law, per pupil increases in ~~Major State Aid~~ major education aid required under this Act for fiscal year 2026 and each year thereafter shall be limited to ~~2%~~ the rate of inflation as defined in § 5–201(h) of the Education Article as enacted by this Act; ~~and~~*

(ii) notwithstanding any other provision of law, any additional funding increases required under this Act shall be limited to the rate of inflation as defined in § 5–201(h) of the Education Article as enacted by this Act; and

~~(2)~~ *(iii) subject to subsection (f) of this section and notwithstanding any other provision of law, local school systems are not required to meet the additional requirements of this Act that begin in fiscal year 2026 and each fiscal year thereafter.*

(2) If the Accountability and Implementation Board reports that the Blueprint for Maryland's Future is not being implemented as intended and is not achieving expected outcomes, it is the intent of the General Assembly that the General Assembly shall take immediate action to adjust the formula and policies under this Act to achieve the goals of the Blueprint for Maryland's Future in order to fulfill the General Assembly's commitment to provide the resources, supports, and funding to fully implement the Blueprint for Maryland's Future.

(f) A local school system shall continue to fund the requirements of this Act in effect prior to fiscal year 2026.

~~SECTION 13. AND BE IT FURTHER ENACTED, That § 7–101.1(a), (b), and (c) of Article – Education of the Annotated Code of Maryland be repealed.~~

SECTION ~~14.~~ *17.* AND BE IT FURTHER ENACTED, That §§ 7–2001 through 7–2006 and the subtitle "Subtitle 20. Learning in Extended Academic Programs (LEAP)" of Article – Education of the Annotated Code of Maryland be repealed.

~~SECTION 15. AND BE IT FURTHER ENACTED, That Section 13 of this Act shall take effect June 30, 2025.~~

SECTION 18. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that as the Blueprint for Maryland's Future is implemented, the student–to–teacher ratio in public schools will be reduced through the adoption of new policies and the allocation of additional resources including additional teachers and additional time for teachers to work together with other teachers to continuously improve instruction and identify and work with students who need extra help in order to get back on track to college and career readiness.

SECTION 19. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section the following words have the meanings indicated.

(2) "General Fund estimate" means the estimate of General Fund revenues for fiscal year 2022 by the Board of Revenue Estimates as required under § 6–106 of the State Finance and Procurement Article.

(3) "Major education aid" has the meaning stated in § 5–201(l) of the Education Article as enacted by this Act.

(b) Beginning December 1, 2020, and each December 1 thereafter, if the December General Fund estimate in the December Board of Revenue Estimates report is more than 7.5% below the March General Fund estimate in the March Board of Revenue Estimates report of that year:

(1) notwithstanding any other provision of law, per pupil increases in major education aid required under this Act shall be limited to the rate of inflation, as defined in § 5–201(h) of the Education Article as enacted by this Act; and

(2) notwithstanding any other provision of law, any additional funding increases required under this Act shall be limited to the rate of inflation, as defined in § 5–201(h) of the Education Article as enacted by this Act.

SECTION ~~16.~~ ~~*18.*~~ ~~*19.*~~ *20.* AND BE IT FURTHER ENACTED, That Section ~~14~~ *17* of this Act shall take effect June 30, 2021.

SECTION ~~11.~~ ~~17.~~ ~~*19.*~~ ~~*20.*~~ *21.* AND BE IT FURTHER ENACTED, That, subject to ~~Sections 15 and 16~~ *Section ~~18~~ ~~19~~ 20* of this Act, this Act shall take effect July 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

Last year, 348 people were murdered in the streets of Baltimore City, making 2019 the second deadliest year on record, and the fifth consecutive year with more than 300 murders in our state's largest city. Since before the start of the legislative session, I made it very

clear that my highest priority was to hold violent criminals accountable and stop the shootings and the murders in Baltimore City. "If you do not consider any other legislation, and if you accomplish nothing else in the next 61 days, pass the Violent Firearm Offenders Act of 2020 … pass the Witness Intimidation Prevention Act … and the Judicial Transparency Act," I said in my State of the State address.

I expressed my strong willingness to consider other proposals, including some of those passed by the legislature, if they were included as part of a comprehensive crime package which included my proposals. Each of my proposals had the support of an overwhelming majority of Marylanders — and support for the proposals was strongest of all in Baltimore City, the community most directly impacted by the violence.

While the Senate approved the package by a wide margin, the House failed to act upon it, and thus failed to meaningfully address violent crime. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, for the above reasons I have vetoed:

Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together Program)
House Bill 4/Senate Bill 208 – Public Safety – Rifles and Shotguns – Sales, Rentals, and Transfers
Senate Bill 314 – Juveniles Charged as Adults – Confidentiality of Records
House Bill 1336 – Criminal Procedure – Partial Expungement, Maryland Judiciary Case Search, and Expungement of Misdemeanor Conviction
House Bill 83 – Criminal Procedure – Charge of Possession of Marijuana – Removal From Case Search
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1336

AN ACT concerning

Criminal Procedure – Partial Expungement, *Maryland Judiciary Case Search,* and Expungement of Misdemeanor Conviction

FOR the purpose of ~~authorizing a person to file a petition for a partial expungement of certain criminal records under certain circumstances; authorizing a court to authorize a certain person to maintain certain records and limit inspection of certain records under certain circumstances; requiring a court to order that certain records may not be included on a certain website or within certain records; repealing a~~

~~provision of law establishing that, if a person is not entitled to expungement of one charge or conviction in a certain unit, the person is not entitled to expungement of any other charge or conviction in the unit; establishing procedures for the filing of a petition for partial expungement; authorizing a person to file a petition for expungement of certain records if the person is convicted of fourth degree burglary; making this Act subject to a certain contingency; requiring the State Court Administrator to report to certain committees of the General Assembly and the Department of Legislative Services on or before a certain date; requiring the State Court Administrator to issue a status report under certain circumstances with a certain frequency; defining a certain term; and generally relating to expungement of criminal records~~ *authorizing a person to file a petition for expungement of certain records if the person is convicted of fourth degree burglary; prohibiting the Maryland Judiciary Case Search from in any way referring to the existence of certain records relating to certain charges under certain circumstances; establishing the Partial Expungement Workgroup; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to study, develop a plan, and make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations to the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to expungement of criminal records and the Maryland Judiciary Case Search*.

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Procedure~~
~~Section 10–105~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2019 Supplement)~~

~~BY repealing~~
~~Article – Criminal Procedure~~
~~Section 10–107~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2019 Supplement)~~

~~BY adding to~~
~~Article – Criminal Procedure~~
~~Section 10–105.1~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2019 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–110(a)(1)(ix)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Criminal Procedure
Section 10–401 to be under the new subtitle "Subtitle 4. Maryland Judiciary Case Search Records"
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Criminal Procedure

~~10–105.~~

~~(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if:~~

~~(1) the person is acquitted;~~

~~(2) the charge is otherwise dismissed;~~

~~(3) a probation before judgment is entered, unless the person is charged with a violation of § 21–902 of the Transportation Article or Title 2, Subtitle 5 or § 3–211 of the Criminal Law Article;~~

~~(4) a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment is entered;~~

~~(5) the court indefinitely postpones trial of a criminal charge by marking the criminal charge "stet" or stet with the requirement of drug or alcohol abuse treatment on the docket;~~

~~(6) the case is compromised under § 3–207 of the Criminal Law Article;~~

~~(7) the charge was transferred to the juvenile court under § 4–202 of this article;~~

~~(8) the person:~~

~~(i) is convicted of only one criminal act, and that act is not a crime of violence; and~~

~~(ii) is granted a full and unconditional pardon by the Governor;~~

~~(9) the person was convicted of a crime or found not criminally responsible under any State or local law that prohibits:~~

~~(i) urination or defecation in a public place;~~

~~(ii) panhandling or soliciting money;~~

~~(iii) drinking an alcoholic beverage in a public place;~~

~~(iv) obstructing the free passage of another in a public place or a public conveyance;~~

~~(v) sleeping on or in park structures, such as benches or doorways;~~

~~(vi) loitering;~~

~~(vii) vagrancy;~~

~~(viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or~~

~~(ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7–705(b)(6) of the Transportation Article, any of the acts specified in § 7–705 of the Transportation Article;~~

~~(10) the person was found not criminally responsible under any State or local law that prohibits misdemeanor:~~

~~(i) trespass;~~

~~(ii) disturbing the peace; or~~

~~(iii) telephone misuse;~~

~~(11) the person was convicted of a crime and the act on which the conviction was based is no longer a crime; or~~

~~(12) the person was convicted of possession of marijuana under § 5–601 of the Criminal Law Article.~~

~~(a–1) A person's attorney or personal representative may file a petition, on behalf of the person, for expungement under this section if the person died before disposition of the charge by nolle prosequi or dismissal.~~

~~(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition in the court in which the proceeding began.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, if the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.~~

~~(ii) If the proceeding began in one court and was transferred to the juvenile court under § 4–202 or § 4–202.2 of this article, the person shall file the petition in the court of original jurisdiction from which the order of transfer was entered.~~

~~(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.~~

~~(ii) The appellate court may remand the matter to the court of original jurisdiction.~~

~~(c) (1) Except as provided in paragraph (2) of this subsection, a petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may not be filed within 3 years after the disposition, unless the petitioner files with the petition a written general waiver and release of all the petitioner's tort claims arising from the charge.~~

~~(2) A petition for expungement based on a probation before judgment or a stet with the requirement of drug or alcohol abuse treatment may not be filed earlier than the later of:~~

~~(i) the date the petitioner was discharged from probation or the requirements of obtaining drug or alcohol abuse treatment were completed; or~~

~~(ii) 3 years after the probation was granted or stet with the requirement of drug or alcohol abuse treatment was entered on the docket.~~

~~(3) A petition for expungement based on a nolle prosequi with the requirement of drug or alcohol treatment may not be filed until the completion of the required treatment.~~

~~(4) A petition for expungement based on a full and unconditional pardon by the Governor may not be filed later than 10 years after the pardon was signed by the Governor.~~

~~(5) Except as provided in paragraph (2) of this subsection, a petition for expungement based on a stet or a compromise under § 3–207 of the Criminal Law Article may not be filed within 3 years after the stet or compromise.~~

~~(6) A petition for expungement based on the conviction of a crime under subsection (a)(9) of this section may not be filed within 3 years after the conviction or satisfactory completion of the sentence, including probation, that was imposed for the conviction, whichever is later.~~

~~(7) A petition for expungement based on a finding of not criminally responsible under subsection (a)(9) or (10) of this section may not be filed within 3 years after the finding of not criminally responsible was made by the court.~~

~~(8) A petition for expungement based on the conviction of a crime under subsection (a)(12) of this section may not be filed within 4 years after the conviction or satisfactory completion of the sentence, including probation, that was imposed for the conviction, whichever is later.~~

~~(9) A court may grant a petition for expungement at any time on a showing of good cause.~~

~~(d) (1) WHEN TWO OR MORE CHARGES ARISE FROM THE SAME INCIDENT, TRANSACTION, OR SET OF FACTS, AND ONE OR MORE OF THE CHARGES ARE NOT ELIGIBLE FOR EXPUNGEMENT UNDER THIS SECTION, A PERSON MAY FILE A PETITION FOR PARTIAL EXPUNGEMENT FOR THE CHARGES ELIGIBLE FOR EXPUNGEMENT UNDER THIS SECTION.~~

~~(2) IF THE PARTIAL EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IS IMPRACTICABLE DUE TO THE NARRATIVE OF THE STATEMENT OF CHARGES THAT INCLUDES BOTH THE CHARGES THAT ARE ELIGIBLE FOR EXPUNGEMENT AND THE CHARGES THAT ARE NOT ELIGIBLE FOR EXPUNGEMENT, THE COURT:~~

~~(I) SHALL ORDER THAT THE OFFICIAL RECORD OF THE COURT REGARDING THE CHARGES ELIGIBLE FOR PARTIAL EXPUNGEMENT MAY NOT BE INCLUDED:~~

~~1. ON THE PUBLIC WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY; AND~~

~~2. WITHIN RECORDS SUBMITTED TO THE CENTRAL REPOSITORY; AND~~

~~(II) MAY AUTHORIZE THE STATE OR POLITICAL SUBDIVISION OF THE STATE TO:~~

~~1. MAINTAIN THE WRITTEN RECORD WITHOUT CHANGE; AND~~

~~2. LIMIT INSPECTION OF THE WRITTEN RECORD TO A CRIMINAL JUSTICE UNIT, AS DEFINED IN § 10–201 OF THIS TITLE, FOR LEGITIMATE CRIMINAL JUSTICE PURPOSES.~~

~~**(E)** (1) The court shall have a copy of a petition for expungement served on the State's Attorney.~~

~~(2) Unless the State's Attorney files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.~~

~~**[**(e)**] (F)** (1) If the State's Attorney files a timely objection to the petition, the court shall hold a hearing.~~

~~(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.~~

~~(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.~~

~~(4) The person is not entitled to expungement if:~~

~~(i) the petition is based on the entry of probation before judgment, except a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, and the person within 3 years of the entry of the probation before judgment has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime; or~~

~~(ii) the person is a defendant in a pending criminal proceeding.~~

~~**[**(f)**] (G)** Unless an order is stayed pending an appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement shall advise in writing the court and the person who is seeking expungement of compliance with the order.~~

~~**[**(g)**] (H)** (1) The State's Attorney is a party to the proceeding.~~

~~(2) A party aggrieved by the decision of the court is entitled to appellate review as provided in the Courts Article.~~

~~**[**10–107.~~

~~(a) (1) In this subtitle, if two or more charges, other than one for a minor traffic violation, arise from the same incident, transaction, or set of facts, they are considered to be a unit.~~

~~(2) A charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit is not a part of the unit.~~

~~(b) (1) If a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge or conviction in the unit.~~

~~(2) The disposition of a charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit does not affect any right to expungement of a charge or conviction in the unit.~~]

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.~~

~~10–105.1.~~

~~(A) IN THIS SECTION, "PARTIAL EXPUNGEMENT" MEANS THE REMOVAL OF AN INDIVIDUAL CRIMINAL CHARGE FROM THE MARYLAND JUDICIARY CASE SEARCH WEBSITE.~~

~~(B) WHEN TWO OR MORE CHARGES ARISE FROM THE SAME INCIDENT, TRANSACTION, OR SET OF FACTS, AND ONE OR MORE OF THE CHARGES ARE NOT ELIGIBLE FOR EXPUNGEMENT UNDER § 10–105 OF THIS SUBTITLE, A PERSON MAY FILE A PETITION UNDER THIS SECTION FOR PARTIAL EXPUNGEMENT OF THE OTHER CHARGE OR CHARGES IN THE UNIT THAT OTHERWISE WOULD BE ELIGIBLE FOR EXPUNGEMENT.~~

~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON SHALL FILE A PETITION IN THE COURT IN WHICH THE PROCEEDING BEGAN.~~

~~(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO ANOTHER COURT, THE PERSON SHALL FILE THE PETITION IN THE COURT TO WHICH THE PROCEEDING WAS TRANSFERRED.~~

~~(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO THE JUVENILE COURT UNDER § 4–202 OR § 4–202.2 OF THIS ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.~~

~~(3) (I) IF THE PROCEEDING IN A COURT OF ORIGINAL JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION, THE PERSON SHALL FILE THE PETITION IN THE APPELLATE COURT.~~

~~(II) THE APPELLATE COURT MAY REMAND THE MATTER TO THE COURT OF ORIGINAL JURISDICTION.~~

~~(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PETITION FOR PARTIAL EXPUNGEMENT BASED ON AN ACQUITTAL, A NOLLE PROSEQUI, OR A DISMISSAL MAY BE FILED IMMEDIATELY.~~

~~(2) A PETITION FOR PARTIAL EXPUNGEMENT BASED ON A PROBATION BEFORE JUDGMENT OR A STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT MAY NOT BE FILED EARLIER THAN THE LATER OF:~~

~~(I) THE DATE THE PETITIONER WAS DISCHARGED FROM PROBATION OR THE REQUIREMENTS OF OBTAINING DRUG OR ALCOHOL ABUSE TREATMENT WERE COMPLETED; OR~~

~~(II) 3 YEARS AFTER THE PROBATION WAS GRANTED OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT WAS ENTERED ON THE DOCKET.~~

~~(3) A PETITION FOR PARTIAL EXPUNGEMENT BASED ON A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT MAY NOT BE FILED UNTIL THE COMPLETION OF THE REQUIRED TREATMENT.~~

~~(4) A PETITION FOR PARTIAL EXPUNGEMENT BASED ON A FULL AND UNCONDITIONAL PARDON BY THE GOVERNOR MAY NOT BE FILED LATER THAN 10 YEARS AFTER THE PARDON WAS SIGNED BY THE GOVERNOR.~~

~~(5) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PETITION FOR PARTIAL EXPUNGEMENT BASED ON A STET OR A COMPROMISE UNDER § 3–207 OF THE CRIMINAL LAW ARTICLE MAY NOT BE FILED WITHIN 3 YEARS AFTER THE STET OR COMPROMISE.~~

~~(6) A PETITION FOR PARTIAL EXPUNGEMENT BASED ON THE CONVICTION OF A CRIME UNDER § 10–105(A)(9) OF THIS SUBTITLE MAY NOT BE FILED WITHIN 3 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION, WHICHEVER IS LATER.~~

~~(7) A PETITION FOR PARTIAL EXPUNGEMENT BASED ON A FINDING OF NOT CRIMINALLY RESPONSIBLE UNDER § 10–105(A)(9) OR (10) OF THIS SUBTITLE MAY NOT BE FILED WITHIN 3 YEARS AFTER THE FINDING OF NOT CRIMINALLY RESPONSIBLE WAS MADE BY THE COURT.~~

~~(8) A PETITION FOR PARTIAL EXPUNGEMENT BASED ON THE CONVICTION OF A CRIME UNDER § 10–105(A)(12) OF THIS SUBTITLE MAY NOT BE FILED WITHIN 4 YEARS AFTER THE CONVICTION OR SATISFACTORY COMPLETION OF~~

~~THE SENTENCE, INCLUDING PROBATION, THAT WAS IMPOSED FOR THE CONVICTION, WHICHEVER IS LATER.~~

~~(9) A COURT MAY GRANT A PETITION FOR PARTIAL EXPUNGEMENT AT ANY TIME ON A SHOWING OF GOOD CAUSE.~~

~~(E) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR PARTIAL EXPUNGEMENT SERVED ON THE STATE'S ATTORNEY.~~

~~(2) UNLESS THE STATE'S ATTORNEY FILES AN OBJECTION TO THE PETITION FOR PARTIAL EXPUNGEMENT WITHIN 30 DAYS AFTER THE PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE PARTIAL EXPUNGEMENT OF THE CHARGE OR CHARGES.~~

~~(F) (1) IF THE STATE'S ATTORNEY FILES A TIMELY OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.~~

~~(2) IF THE COURT AT THE HEARING FINDS THAT THE PERSON IS ENTITLED TO PARTIAL EXPUNGEMENT, THE COURT SHALL ORDER THE PARTIAL EXPUNGEMENT OF THE CHARGE OR CHARGES.~~

~~(3) IF THE COURT FINDS THAT THE PERSON IS NOT ENTITLED TO PARTIAL EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.~~

~~(4) THE PERSON IS NOT ENTITLED TO PARTIAL EXPUNGEMENT IF:~~

~~(I) THE PETITION IS BASED ON THE ENTRY OF PROBATION BEFORE JUDGMENT, EXCEPT A PROBATION BEFORE JUDGMENT FOR A CRIME WHERE THE ACT ON WHICH THE CONVICTION IS BASED IS NO LONGER A CRIME, AND THE PERSON WITHIN 3 YEARS OF THE ENTRY OF THE PROBATION BEFORE JUDGMENT HAS BEEN CONVICTED OF A CRIME OTHER THAN A MINOR TRAFFIC VIOLATION OR A CRIME WHERE THE ACT ON WHICH THE CONVICTION IS BASED IS NO LONGER A CRIME; OR~~

~~(II) THE PERSON IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.~~

~~(G) (1) THE STATE'S ATTORNEY IS A PARTY TO THE PROCEEDING.~~

~~(2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS ENTITLED TO APPELLATE REVIEW AS PROVIDED IN THE COURTS ARTICLE.~~

10–110.

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if the person is convicted of:

(1) a misdemeanor that is a violation of:

(ix) § 6–105, § 6–108, **§ 6–205 (FOURTH DEGREE BURGLARY),** § 6–206, § 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;

SECTION 2. AND BE IT FURTHER ENACTED, That *the Laws of Maryland read as follows*:

~~(a) Section 1 of this Act is contingent on a determination by the State Court Administrator that the technical capabilities of the Judicial Information System and Case Search 2.0 are sufficient to comply with the requirements of Section 1 of this Act and funding for the required technical improvements is available in the State budget.~~

~~(b) The State Court Administrator shall notify the Department of Legislative Services and, in accordance with § 2–1257 of the State Government Article, the Senate Judicial Proceedings Committee and the House Judiciary Committee within 5 days after the State Court Administrator makes a determination that the contingencies under subsection (a) of this section have been satisfied.~~

~~(c) If notification under subsection (b) of this section is not made by October 1, 2022, the State Court Administrator shall issue a status report on October 1 and every 6 months thereafter until the contingencies under subsection (a) of this section have been satisfied.~~

SUBTITLE 4. MARYLAND JUDICIARY CASE SEARCH RECORDS.

10–401.

THE MARYLAND JUDICIARY CASE SEARCH MAY NOT IN ANY WAY REFER TO THE EXISTENCE OF RECORDS OF A CHARGE IN A CASE WITH ELECTRONIC RECORDS IF THE CHARGE RESULTED IN:

(1) ACQUITTAL;

(2) DISMISSAL; OR

(3) NOLLE PROSEQUI, EXCEPT NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Partial Expungement Workgroup.

(b) The Workgroup consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Public Defender, or the Public Defender's designee;

(4) one representative of the Administrative Office of the Courts; and

(5) the President of the Maryland State's Attorneys' Association, or the President's designee.

(c) The Workgroup shall designate the chair of the Workgroup.

(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall study and develop a plan and legislative recommendations for enabling the expungement of criminal charges that are currently not eligible for expungement because of the requirements of § 10–107 of the Criminal Procedure Article.

(g) On or before January 5, 2021, the Workgroup shall report its plan and legislative recommendations to the General Assembly, in accordance with § 2–1257 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2021.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2020.

SECTION ~~3.~~ *6.* AND BE IT FURTHER ENACTED, That, subject to ~~Section 2~~ *Sections 4 and 5* of this Act, this Act shall take effect ~~October~~ *June* 1, 2020. *Section 3 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of June 30,*

2021, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal

impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1488

AN ACT concerning

Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment

FOR the purpose of establishing the Office for the Certified Local Farm Enterprise Program in the Department of Agriculture; stating the purpose of the Office; establishing the Certified Local Farm Enterprise Program in the Office; requiring the Department to create a certain number of positions to provide staff for the Office; establishing a certain goal for a unit's procurement contracts for food; ~~prohibiting a certain procurement contract from being counted in a certain manner;~~ authorizing a unit to achieve a certain goal in a certain manner; requiring a unit to award a contract conducted in a certain manner to a certain responsible bidder or offeror that submits a bid or offer that meets certain qualifications; requiring the Office, in consultation with the Secretary of Agriculture, to establish certain guidelines; requiring each unit to take certain actions to implement and comply with the Program; requiring the Office to establish certain procedures in consultation with the Secretary; providing for the waiver of certain goals under certain circumstances; requiring the Office to submit a certain report regarding waivers to the Board of Public Works on or before a certain date each year; requiring the Board to keep certain records regarding certain waivers and submit a copy of the records to certain committees of the General Assembly on or before a certain date each year; requiring the Office to adopt certain regulations; authorizing the Office to take certain actions regarding certification and decertification of certified local farm enterprises; authorizing a certain court to pass a certain order under certain circumstances; requiring the Office to make available a certain fraud hotline; requiring each unit to report certain information within a certain time frame to the Office in accordance with certain requirements; requiring certain policies for certain universities to require, to the maximum extent practicable, the purchasing of food in accordance with the Program; providing that the Program applies to certain universities; requiring the Department to develop and maintain a certain directory of all certified local farm enterprises and make the directory available to the public in a certain manner; ~~providing that the directory contains certain information and be maintained in a certain manner;~~ establishing the Certified Local Farm Enterprise Food Aggregation Grant Fund ~~as a special, nonlapsing fund~~; specifying the purpose of the Fund; requiring the Maryland Agricultural and Resource–Based Industry Development Corporation to administer the Fund; ~~requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund;~~ specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and

expenditures from the Fund; ~~requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State;~~ defining certain terms; and generally relating to the Certified Local Farm Enterprise Program.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section ~~6–226(a)(2)(i) and~~ 11–203(e)(1), (2), and (7)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section ~~6–226(a)(2)(ii)121. and 122. and~~ 11–203(e)(4) and (5)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section ~~6–226(a)(2)(ii)123.; and~~ 14–701 through 14–708 to be under the new subtitle "Subtitle 7. Certified Local Farm Enterprise Program"
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – State Finance and Procurement

~~6–226.~~

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

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

~~121. the Markell–Hendricks Youth Crime Prevention and Diversion Parole Fund; [and]~~

~~122. the Federal Government Shutdown Employee Assistance Loan Fund; AND~~

~~123. THE CERTIFIED LOCAL FARM ENTERPRISE FOOD AGGREGATION GRANT FUND.~~

11–203.

(e) (1) In this subsection, "University" means the University System of Maryland, Morgan State University, or St. Mary's College of Maryland.

(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, or St. Mary's College of Maryland.

(4) A University's policies shall:

(i) to the maximum extent practicable, require the purchasing of supplies and services in accordance with Title 14, Subtitle 1 of this article;

(ii) promote the purposes of the regulations adopted by the Department of General Services governing the procurement of architectural and engineering services;

(iii) promote the purposes of § 13–402 of the State Personnel and Pensions Article; **[**and**]**

(iv) to the maximum extent practicable, be similar to § 13–218.1 of this article**; AND**

(V) TO THE MAXIMUM EXTENT PRACTICABLE, REQUIRE THE PROCUREMENT OF FOOD IN ACCORDANCE WITH TITLE 14, SUBTITLE 7 OF THIS ARTICLE.

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University:

1. § 11–205 of this subtitle ("Collusion");

2. § 11–205.1 of this subtitle ("Falsification, concealment, etc., of material facts");

3. § 13–219 of this article ("Required clauses – Nondiscrimination clause");

4. § 13–225 of this article ("Retainage");

5. Title 14, Subtitle 3 of this article ("Minority Business Participation");

6. **TITLE 14, SUBTITLE 7 OF THIS ARTICLE ("CERTIFIED LOCAL FARM ENTERPRISE PROGRAM");**

7. Title 15, Subtitle 1 of this article ("Procurement Contract Administration");

[7.**]** **8.** § 15–226 of this article ("Policy established; timing of payments; notice upon nonpayment; disputes; appeals"); and

[8.**]** **9.** Title 16 of this article ("Suspension and Debarment of Contractors").

(ii) If a procurement violates the provisions of this subsection or policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11–204 of this subtitle.

(7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

(i) procurement by a University from:

1. another unit;

2. a political subdivision of the State;

3. an agency of a political subdivision of the State;

4. a government, including the government of another state, of the United States, or of another country;

5. an agency or political subdivision of a government; or

6. a bistate, multistate, bicounty, or multicounty governmental agency;

(ii) procurement by a University in support of enterprise activities for the purpose of:

1. direct resale;

2. remanufacture and subsequent resale; or

3. procurement by the University for overseas programs; or

(iii) procurement by the University System of Maryland for:

1. services of managers to invest, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article; or

2. expenditures to manage, maintain, and enhance, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, the value of gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article.

SUBTITLE 7. CERTIFIED LOCAL FARM ENTERPRISE PROGRAM.

14–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CERTIFIED LOCAL FARM ENTERPRISE" MEANS A LOCAL FARM ENTERPRISE THAT:

(1) MEETS THE NUTRIENT MANAGEMENT REQUIREMENTS ESTABLISHED UNDER TITLE 8, SUBTITLE 8 OF THE AGRICULTURE ARTICLE; AND

(2) IS CERTIFIED BY THE DEPARTMENT IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(C) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

(D) "OFFICE" MEANS THE OFFICE FOR THE CERTIFIED LOCAL FARM ENTERPRISE PROGRAM.

(E) "PROGRAM" MEANS THE CERTIFIED LOCAL FARM ENTERPRISE PROGRAM.

14–702.

(A) (1) THERE IS AN OFFICE FOR THE CERTIFIED LOCAL FARM ENTERPRISE PROGRAM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE OFFICE IS TO ADMINISTER THE PROGRAM AND FACILITATE THE PARTICIPATION OF CERTIFIED LOCAL FARM ENTERPRISES IN THE PROGRAM.

(B) (1) THERE IS A CERTIFIED LOCAL FARM ENTERPRISE PROGRAM IN THE OFFICE.

(2) THE PURPOSE OF THE PROGRAM IS TO ENCOURAGE EACH UNIT TO TRY TO ACHIEVE AN OVERALL PERCENTAGE GOAL OF 20% OF THE UNIT'S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS FOR FOOD FROM CERTIFIED LOCAL FARM ENTERPRISES.

(C) THE DEPARTMENT SHALL CREATE TWO POSITIONS TO PROVIDE STAFF FOR THE OFFICE.

14–703.

(A) (1) EACH UNIT SHALL STRUCTURE PROCUREMENT PROCEDURES, CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE, TO TRY TO ACHIEVE AN OVERALL PERCENTAGE GOAL OF 20% OF THE UNIT'S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS FOR FOOD BEING MADE DIRECTLY OR INDIRECTLY TO CERTIFIED LOCAL FARM ENTERPRISES.

~~**(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A PROCUREMENT CONTRACT AWARDED IN ACCORDANCE WITH SUBTITLE 1 OF THIS TITLE MAY NOT BE COUNTED AS PART OF A UNIT'S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS FOR FOOD.**~~

~~**(3)**~~ **(2) A UNIT MAY ACHIEVE THE 20% GOAL THROUGH:**

(I) COMPETITIVE SEALED BIDS AND PROPOSALS; AND

(II) SMALL PROCUREMENT IN ACCORDANCE WITH § 13–109 OF THIS ARTICLE.

(3) FOR PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED BIDDING, A UNIT SHALL AWARD THE CONTRACT TO THE RESPONSIBLE BIDDER THAT SUBMITS THE RESPONSIVE BID THAT:

(I) 1. HAS THE LOWEST BID PRICE;

2. HAS THE LOWEST EVALUATED BID PRICE; OR

3. FOR PROCUREMENTS SUBJECT TO § 11–202(3) OF THIS ARTICLE, IS THE BID MOST FAVORABLE TO THE STATE; AND

(II) MEETS OR MAKES A GOOD FAITH EFFORT TO MEET ANY APPLICABLE GOAL ESTABLISHED UNDER THIS SUBTITLE.

(4) FOR PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED PROPOSALS, A UNIT SHALL AWARD THE CONTRACT TO THE RESPONSIBLE OFFEROR:

(I) PROPOSING THE MOST ADVANTAGEOUS OFFER; AND

(II) THAT MEETS OR MAKES A GOOD FAITH EFFORT TO MEET ANY APPLICABLE GOAL ESTABLISHED UNDER THIS SUBTITLE.

(B) THE OFFICE, IN CONSULTATION WITH THE SECRETARY OF AGRICULTURE, SHALL ESTABLISH GUIDELINES FOR EACH UNIT TO CONSIDER WHEN DETERMINING THE APPROPRIATE LOCAL FARM ENTERPRISE PARTICIPATION PERCENTAGE GOAL FOR A PROCUREMENT CONTRACT FOR FOOD IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(C) EACH UNIT SHALL:

(1) CONSIDER THE PRACTICAL SEVERABILITY OF ALL PROCUREMENT CONTRACTS FOR FOOD AND, IN ACCORDANCE WITH § 11–201 OF THIS ARTICLE, MAY NOT BUNDLE CONTRACTS;

(2) IMPLEMENT A PROGRAM THAT WILL ENABLE THE UNIT TO EVALUATE EACH PROCUREMENT CONTRACT FOR FOOD TO DETERMINE THE APPROPRIATE LOCAL FARM ENTERPRISE PARTICIPATION GOALS, IF ANY, FOR THE CONTRACT BASED ON:

(I) THE AVAILABILITY OF CERTIFIED LOCAL FARM ENTERPRISES TO RESPOND COMPETITIVELY TO CONTRACT OPPORTUNITIES; AND

(II) THE CONTRACT GOAL GUIDELINES ESTABLISHED UNDER SUBSECTION (B) OF THIS SUBSECTION;

(3) MONITOR AND COLLECT DATA WITH RESPECT TO A UNIT'S COMPLIANCE WITH CONTRACT GOALS, INCLUDING EXPLANATIONS FOR FAILING TO MEET CONTRACT GOALS; AND

(4) INSTITUTE CORRECTIVE ACTION WHEN A UNIT DOES NOT MAKE GOOD FAITH EFFORTS TO COMPLY WITH CONTRACT GOALS.

(D) THE OFFICE SHALL, IN CONSULTATION WITH THE SECRETARY OF AGRICULTURE, ESTABLISH PROCEDURES GOVERNING HOW THE PARTICIPATION OF CERTIFIED LOCAL FARM ENTERPRISES IS COUNTED TOWARD CONTRACT GOALS UNDER THE PROGRAM.

(E) (1) (I) IF A UNIT DOES NOT ACHIEVE THE CERTIFIED LOCAL FARM ENTERPRISE PARTICIPATION GOALS ON A PROCUREMENT CONTRACT FOR FOOD, THE UNIT SHALL DEMONSTRATE TO THE OFFICE THAT THE UNIT TOOK ALL NECESSARY AND REASONABLE STEPS TO ACHIEVE THE GOALS.

(II) A WAIVER OF ANY PART OF THE CERTIFIED LOCAL FARM ENTERPRISE GOALS FOR A PROCUREMENT CONTRACT FOR FOOD SHALL BE GRANTED IF A UNIT PROVIDES TO THE OFFICE A REASONABLE DEMONSTRATION OF GOOD FAITH EFFORTS TO ACHIEVE THE GOALS.

(2) THE OFFICE MAY WAIVE ANY OF THE REQUIREMENTS OF THIS SUBSECTION RELATING TO THE ESTABLISHMENT, USE, AND WAIVER OF CERTIFIED LOCAL FARM ENTERPRISE GOALS FOR A SOLE SOURCE, EXPEDITED, OR EMERGENCY PROCUREMENT IN WHICH THE PUBLIC INTEREST CANNOT REASONABLY ACCOMMODATE USE OF THOSE REQUIREMENTS.

(3) EXCEPT FOR WAIVERS GRANTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, WHEN A WAIVER DETERMINATION IS MADE, THE OFFICE SHALL ISSUE THE DETERMINATION IN WRITING.

(4) ON OR BEFORE JULY 31 EACH YEAR, THE OFFICE SHALL SUBMIT DIRECTLY TO THE BOARD AN ANNUAL REPORT OF WAIVERS REQUESTED AND WAIVERS GRANTED UNDER THIS SUBSECTION.

(5) THE REPORT REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION SHALL CONTAIN THE FOLLOWING INFORMATION ON THOSE PROCUREMENT CONTRACTS FOR FOOD WHERE THE OFFICE CONSIDERED A UNIT'S REQUEST FOR WAIVER OF ALL OR A PORTION OF THE LOCAL FARM ENTERPRISE GOALS:

(I) THE CONTRACT TITLES, NUMBERS, AND DATES;

(II) THE NUMBER OF WAIVER REQUESTS RECEIVED;

(III) THE NUMBER OF WAIVER REQUESTS GRANTED; AND

(IV) ANY OTHER INFORMATION SPECIFICALLY REQUESTED BY THE BOARD.

(F) THE BOARD SHALL KEEP A RECORD OF INFORMATION REGARDING ANY WAIVERS REQUESTED IN ACCORDANCE WITH THIS SECTION AND SUBMIT A COPY OF THE RECORD TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS

COMMITTEE ON OR BEFORE OCTOBER 1 EACH YEAR, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE.

14–704.

(A) IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE, THE OFFICE SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

(B) THE REGULATIONS SHALL ESTABLISH PROCEDURES TO BE FOLLOWED BY UNITS, CERTIFIED LOCAL FARM ENTERPRISES, AND SUCCESSFUL BIDDERS OR OFFERORS TO MAXIMIZE NOTICE TO, AND THE OPPORTUNITY TO PARTICIPATE IN THE FOOD PROCUREMENT PROCESS BY, A BROAD RANGE OF LOCAL FARM ENTERPRISES.

(C) THE REGULATIONS SHALL INCLUDE PROVISIONS:

(1) DESIGNATING THE OFFICE TO CERTIFY AND DECERTIFY LOCAL FARM ENTERPRISES FOR ALL UNITS THROUGH A SINGLE PROCESS, INCLUDING PROVISIONS THAT PROMOTE AND FACILITATE THE SUBMISSION OF SOME OR ALL OF THE CERTIFICATION APPLICATION THROUGH AN ELECTRONIC PROCESS;

~~**(2) DEFINING THE TERM "LOCAL" FOR THE PURPOSE OF IDENTIFYING LOCAL FARM ENTERPRISES FOR PARTICIPATION IN THE PROGRAM;**~~

~~**(3)**~~ **(2) SPECIFYING THAT A UNIT MAY NOT ALLOW A LOCAL FARM ENTERPRISE TO PARTICIPATE AS IF IT WERE A CERTIFIED LOCAL FARM ENTERPRISE IF THE LOCAL FARM ENTERPRISE'S CERTIFICATION IS PENDING;**

~~**(4)**~~ **(3) CONSISTENT WITH THIS SUBTITLE, RELATING TO ANY CIRCUMSTANCES UNDER WHICH THE OFFICE MAY WAIVE OBLIGATIONS OF A UNIT RELATING TO CERTIFIED LOCAL FARM ENTERPRISE PARTICIPATION GOALS; AND**

~~**(5)**~~ **(4) THAT THE OFFICE CONSIDERS NECESSARY OR APPROPRIATE TO:**

(I) ENCOURAGE PARTICIPATION BY LOCAL FARM ENTERPRISES; AND

(II) PROTECT THE INTEGRITY OF THE PROCUREMENT PROCESS.

14–705.

(A) IN THE SAME MANNER AND WITH THE SAME FEES AS PROVIDED BY LAW IN CIVIL CASES, IN A MATTER REGARDING THE DECERTIFICATION OF A CERTIFIED LOCAL FARM ENTERPRISE, THE OFFICE MAY:

(1) SUBPOENA WITNESSES;

(2) ADMINISTER OATHS; AND

(3) COMPEL THE PRODUCTION OF RECORDS, BOOKS, PAPERS, AND OTHER DOCUMENTS.

(B) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (A) OF THIS SECTION, OR FAILS TO PRODUCE DOCUMENTS OR OTHER EVIDENCE, ON PETITION OF THE OFFICE, A COURT OF COMPETENT JURISDICTION MAY PASS AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR COMPELLING THE PRODUCTION OF DOCUMENTS OR OTHER EVIDENCE.

(C) THE OFFICE SHALL MAKE AVAILABLE A FRAUD HOTLINE FOR REPORTING VIOLATIONS OF THIS SECTION.

14–706.

(A) WITHIN 90 DAYS AFTER THE END OF THE FISCAL YEAR, EACH UNIT SHALL REPORT TO THE OFFICE.

(B) A REPORT UNDER THIS SECTION FOR THE PRECEDING FISCAL YEAR SHALL:

(1) STATE THE TOTAL NUMBER AND VALUE OF PROCUREMENT CONTRACTS FOR FOOD BETWEEN THE UNIT AND CERTIFIED LOCAL FARM ENTERPRISES;

(2) INDICATE THE PERCENTAGE THAT THOSE PROCUREMENT CONTRACTS FOR FOOD REPRESENT OF THE TOTAL NUMBER AND VALUE OF PROCUREMENT CONTRACTS FOR FOOD AWARDED BY A UNIT;

(3) STATE THE TOTAL NUMBER AND THE NAMES OF CERTIFIED LOCAL FARM ENTERPRISES THAT PARTICIPATED IN PROCUREMENT CONTRACTS FOR FOOD AWARDED BY A UNIT;

(4) FOR EACH CERTIFIED LOCAL FARM ENTERPRISE INCLUDED IN THE REPORT UNDER ITEM (3) OF THIS SUBSECTION, LIST ALL PROCUREMENT CONTRACTS FOR FOOD AWARDED BY A UNIT TO THE CERTIFIED LOCAL FARM ENTERPRISE, INCLUDING A DESCRIPTION OF THE CONTRACT; AND

(5) CONTAIN OTHER SUCH INFORMATION AS REQUIRED BY THE OFFICE, SUBJECT TO APPROVAL BY THE BOARD.

(C) A REPORT UNDER THIS SECTION SHALL BE:

(1) IN A FORM PRESCRIBED BY THE OFFICE; AND

(2) APPROVED BY THE BOARD.

14–707.

(A) (1) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A DIRECTORY OF ALL CERTIFIED LOCAL FARM ENTERPRISES.

(2) THE DIRECTORY SHALL BE ACCESSIBLE TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.

(B) THE DEPARTMENT SHALL INCLUDE THE FOLLOWING INFORMATION FOR EACH CERTIFIED LOCAL FARM ENTERPRISE INCLUDED IN THE DIRECTORY:

(1) ALL CONTRACT INFORMATION AVAILABLE TO THE DEPARTMENT FOR THE CERTIFIED LOCAL FARM ENTERPRISE;

(2) THE CERTIFICATION NUMBER OF THE CERTIFIED LOCAL FARM ENTERPRISE; AND

(3) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS NECESSARY OR APPROPRIATE TO ENCOURAGE PARTICIPATION IN THE PROCUREMENT PROCESS BY LOCAL FARM ENTERPRISES.

(C) THE DEPARTMENT SHALL:

(1) UPDATE THE DIRECTORY AT LEAST ONCE A YEAR; AND

(2) IDENTIFY AS RECENTLY CERTIFIED IN THE DIRECTORY EACH LOCAL FARM ENTERPRISE THAT HAS OBTAINED CERTIFICATION DURING THE CALENDAR YEAR~~; AND~~

~~(3) INCLUDE IN THE DIRECTORY A LIST OF ALL CERTIFIED LOCAL FARM ENTERPRISES THAT HAVE BECOME INELIGIBLE TO PARTICIPATE IN THE PROGRAM BECAUSE THE CERTIFIED LOCAL FARM ENTERPRISE NO LONGER MEETS THE NUTRIENT MANAGEMENT REQUIREMENTS ESTABLISHED UNDER TITLE 8, SUBTITLE 8 OF THIS ARTICLE~~.

14–708.

(A) THERE IS A CERTIFIED LOCAL FARM ENTERPRISE FOOD AGGREGATION GRANT FUND.

(B) THE PURPOSE OF THE FUND IS TO SUPPORT THE CREATION OF FOOD AGGREGATION, STORAGE, PROCESSING, AND DISTRIBUTION SITES ACROSS THE STATE THROUGH GRANTS AND NEAR–EQUITY INVESTMENTS.

(C) THE MARYLAND AGRICULTURAL AND RESOURCE–BASED INDUSTRY DEVELOPMENT CORPORATION SHALL ADMINISTER THE FUND.

~~**(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**~~

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

~~**(E)**~~ **(D) THE FUND CONSISTS OF:**

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

(2) ~~**INTEREST EARNINGS**~~ **PRINCIPAL THAT IS REPAID FROM NEAR–EQUITY INVESTMENTS; AND**

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

~~**(F)**~~ **(E) THE FUND MAY BE USED ONLY FOR ESTABLISHING AND OPERATING FOOD AGGREGATION, STORAGE, PROCESSING, AND DISTRIBUTION SITES ACROSS THE STATE THROUGH GRANTS AND NEAR–EQUITY INVESTMENTS.**

~~**(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**~~

~~**(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation

House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
House Bill 1658 and Senate Bill 1065 – Economic Development – Baltimore Symphony Orchestra – Funding and Reporting
Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding
Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1658

AN ACT concerning

Economic Development – Baltimore Symphony Orchestra – Funding and Reporting

FOR the purpose of requiring the Governor to appropriate certain amounts of money to the Baltimore Symphony Orchestra in certain fiscal years; requiring the Baltimore Symphony Orchestra to submit certain reports to the Governor and certain committees of the General Assembly on or before certain dates; repealing the termination of a certain provision of law requiring the Governor to appropriate a certain amount of money to the Baltimore Symphony Orchestra in certain fiscal years; and generally relating to the Baltimore Symphony Orchestra.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–513
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Chapter 743 of the Acts of the General Assembly of 2019
Section 3

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

Article – Economic Development

4–513.

(A) For each of fiscal years 2020 and 2021, the Governor shall include in the State budget an annual appropriation to the Baltimore Symphony Orchestra of $1,600,000.

(B) FOR EACH OF FISCAL YEARS 2022 THROUGH 2026, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE BALTIMORE SYMPHONY ORCHESTRA AS FOLLOWS:

(1) FOR FISCAL YEAR 2022, $1,500,000;

(2) FOR FISCAL YEAR 2023, $1,300,000;

(3) FOR FISCAL YEAR 2024, $1,100,000;

(4) FOR FISCAL YEAR 2025, $900,000; AND

(5) FOR FISCAL YEAR 2026, $700,000.

(C) (1) ON OR BEFORE OCTOBER 15 EACH YEAR, BEGINNING IN 2022 AND FOR THE FOLLOWING 4 YEARS, THE BALTIMORE SYMPHONY ORCHESTRA SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE EFFECTIVENESS OF THE FUNDING PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

(2) THE REPORT SHALL INCLUDE:

(I) A COMPLETE STATEMENT ON THE FINANCIAL CONDITION OF THE BALTIMORE SYMPHONY ORCHESTRA; AND

(II) AN ACCOUNTING OF ALL FINANCIAL RECEIPTS AND EXPENDITURES.

Chapter 743 of the Acts of 2019

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. **[**Section 1 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2021, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.**]** Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

May 7, 2020

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the Maryland House of Delegates
H–101 State House

Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

The COVID–19 pandemic wrought unprecedented and long–lasting damage to our national and state economies in just a matter of weeks. The pressures on state and local budgets from COVID–19 and the resulting economic fallout may be significantly worse than any experienced since the Great Depression.

Due to the early and unprecedented actions my Administration has taken, we are slowing the spread of the virus, saving lives, and moving towards beginning our economic recovery. However, it is increasingly clear that we will be facing significant fiscal and economic challenges for the foreseeable future as we recover from this global pandemic and the massive economic crash it caused.

The State Board of Revenue estimates Maryland will lose $2.8 billion dollars, including nearly $1 billion in income tax revenue in just three months, because of this virus. This represents a 50% decrease in revenue over the next 90 days. The total loss amounts to 15% of the state's entire general fund for fiscal year 2020. Revenue projections have the potential to fall even further. In addition to this grim forecast, the State will be spending much of the Rainy Day Fund.

In response to these projections, I immediately implemented a budget freeze, and instructed all agencies to stop discretionary purchases of items or services unrelated to addressing the COVID–19 pandemic. I also imposed a hiring freeze, and directed the Department of Budget and Management to determine options and make recommendations for budget cuts in all state agencies.

The economic fallout from this pandemic simply makes it impossible to fund any new programs, impose any new tax hikes, nor adopt any legislation having any significant fiscal impact, regardless of the merits of the legislation.

For these reasons, I am vetoing the following legislation:

House Bill 1260 – Historically Black Colleges and Universities – Funding
House Bill 1300 – Blueprint for Maryland's Future – Implementation
House Bill 737 – Local Government – Income Tax Disparity Grant – Amounts
House Bill 1000 and Senate Bill 524 – Building Lifelong Library Learners Act
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Senate Bill 465 – Maryland E–Nnovation Initiative Program and Admissions and Amusement Tax Distributions – Extensions and Alterations
House Bill 310 and Senate Bill 184 – University of Maryland, Baltimore – Study on the Health Effects on Air Traffic Noise
Senate Bill 493 – Small Business Development Center Network Fund – Minimum Appropriation
House Bill 498 – Department of Aging – Grants for Aging–in–Place Programs – Funding

Senate Bill 452 – Family Investment Program – Temporary Cash Assistance – Funding
Senate Bill 845 – Higher Education – Maryland Corps Program Fund – Alterations
Senate Bill 907 – Public Safety – Crime Plan and Law Enforcement Councils (Maryland State Crime Plan)
Senate Bill 929 – Public Safety – Baltimore City – P.R.O.T.E.C.T. (Public Resources Organizing to End Crime Together) Program
House Bill 1488 and Senate Bill 985 – Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund – Establishment
House Bill 1659 – Maryland Stadium Authority – Youth and Amateur Sports Grant Program and Michael Erin Busch Sports Fund
Senate Bill 407 – Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery Unit
Senate Bill 708 – Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations
House Bill 1121 – Maryland Mental Health and Substance Use Disorder Registry and Referral System
House Bill 514 and Senate Bill 398 – Maryland Small Business Innovation Research and Technology Transfer Incentive Program
Senate Bill 684 – Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender–Responsive Prerelease Act)
Senate Bill 796 – Developmental Disabilities Administration – Program Changes and Required Reports
Senate Bill 877 – Underground Facilities Damage Prevention – Revision

We can and will continue our dialogue about these important issues in the years ahead once our economy recovers.

As we unite to face this crisis, we are making difficult choices. I look forward to working together with the Maryland General Assembly to develop a fiscally responsible path to recovery.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1659

AN ACT concerning

Maryland Stadium Authority – Youth and Amateur Sports Grants Program and <u>Michael Erin Busch Sports</u> Fund

FOR the purpose of repealing a certain provision of law requiring a certain annual grant from the Racing Special Fund to the Maryland Office of Sports Marketing in the Maryland Stadium Authority for incentive grants for youth and amateur sporting events; establishing the Youth and Amateur Sports Grants Program; specifying the

purpose of the Program; requiring Maryland Sports to implement and administer the Program in a certain manner; authorizing Maryland Sports to award grants to certain entities to assist with certain costs of bringing youth and amateur sporting events to the State; requiring Maryland Sports, in awarding grants, to give priority to applicants that have demonstrated certain financial support or provided assurance of certain funding; limiting the amount of grant money that may be received by a certain entity in a fiscal year, subject to a certain exception; authorizing the use of certain funds to pay certain administrative and operating costs of the Program; authorizing the Authority to adopt certain regulations; establishing the ~~Youth and Amateur~~ Michael Erin Busch Sports Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Authority to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; requiring the Comptroller to distribute a certain amount of money from the State Lottery Fund to the ~~Youth and Amateur~~ Michael Erin Busch Sports Fund each fiscal year; defining certain terms; and generally relating to the Youth and Amateur Sports Grants Program and Michael Erin Busch Sports Fund.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–403(a)(9)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–601(a) and (b)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Economic Development
Section 10–612.1 and 10–612.2
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)121. and 122.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)123.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–120(b)(1)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

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

Article – Business Regulation

11–403.

(a) The Comptroller shall pay from the Special Fund an annual grant of:

(9) beginning July 1, 2017, from the money distributed under § 9–120(b) of the State Government Article:

(i) up to $500,000 to a purse for the Maryland International thoroughbred race under § 11–522.1 of this title; **AND**

(ii) **[**$350,000 to the Maryland Office of Sports Marketing in the Maryland Stadium Authority for incentive grants for youth and amateur sporting events; and

(iii)**]** $150,000 to the Maryland Humanities Council for Maryland History Day and other programming.

Article – Economic Development

10–601.

(a) In this subtitle the following words have the meanings indicated.

(b) "Authority" means the Maryland Stadium Authority.

10–612.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FUND" MEANS THE ~~YOUTH AND AMATEUR~~ MICHAEL ERIN BUSCH SPORTS FUND ESTABLISHED UNDER § 10–612.2 OF THIS SUBTITLE.

(3) "PROGRAM" MEANS THE YOUTH AND AMATEUR SPORTS GRANTS PROGRAM.

(B) (1) THERE IS A YOUTH AND AMATEUR SPORTS GRANTS PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS FROM THE FUND TO:

(I) BRING NEW YOUTH AND AMATEUR SPORTING EVENTS TO THE STATE; AND

(II) ATTRACT SPORTS FANS, PARTICIPANTS, AND TOURISTS.

(C) MARYLAND SPORTS SHALL IMPLEMENT AND ADMINISTER THE PROGRAM IN ACCORDANCE WITH THIS SECTION.

(D) (1) MARYLAND SPORTS MAY AWARD GRANTS FROM THE FUND TO NONPROFIT ORGANIZATIONS, COUNTIES, BUSINESS ENTITIES, OR INDIVIDUALS TO ASSIST WITH THE COSTS OF BRINGING YOUTH AND AMATEUR SPORTING EVENTS TO THE STATE, INCLUDING THE COSTS OF CAPITAL PROJECTS OR MAINTENANCE.

(2) IN AWARDING GRANTS, MARYLAND SPORTS SHALL GIVE PRIORITY TO AN APPLICANT FOR A SPORTING EVENT THAT:

(I) HAS DEMONSTRATED FINANCIAL SUPPORT FROM A COUNTY; OR

(II) HAS PROVIDED ASSURANCE THAT A MAJORITY OF THE NEEDED FUNDING HAS BEEN RAISED FROM PRIVATE SOURCES.

(3) TO THE EXTENT PRACTICABLE, MARYLAND SPORTS SHALL MAKE AWARDS TO GRANTEES THAT REFLECT:

(I) THE GEOGRAPHIC DIVERSITY OF THE STATE;

(II) SPORTS PROGRAMS THAT ARE GENDER–SPECIFIC AND NONSPECIFIC; AND

(III) DIVERSE TYPES OF SPORTS.

(4) UNLESS THE AUTHORITY EXPRESSLY APPROVES OTHERWISE, THE TOTAL AMOUNT OF GRANTS AWARDED TO EACH NONPROFIT ORGANIZATION, COUNTY, BUSINESS ENTITY, OR INDIVIDUAL MAY NOT EXCEED $75,000 IN A FISCAL YEAR.

(5) IN ACCORDANCE WITH A BUDGET APPROVED BY THE AUTHORITY, MARYLAND SPORTS MAY USE MONEY IN THE FUND TO PAY ADMINISTRATIVE AND OPERATING COSTS OF THE PROGRAM, INCLUDING COSTS TO MARKET AND ADVERTISE THE PROGRAM.

(E) THE AUTHORITY MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

10–612.2.

(A) IN THIS SECTION, "FUND" MEANS THE ~~YOUTH AND AMATEUR~~ MICHAEL ERIN BUSCH SPORTS FUND.

(B) THERE IS A ~~YOUTH AND AMATEUR~~ MICHAEL ERIN BUSCH SPORTS FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE YOUTH AND AMATEUR SPORTS GRANTS PROGRAM ESTABLISHED UNDER § 10–612.1 OF THIS SUBTITLE.

(D) THE AUTHORITY SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 9–120(B)(1)(IV) OF THE STATE GOVERNMENT ARTICLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(3) INTEREST EARNINGS OR OTHER INCOME EARNED FROM THE INVESTMENT OF ANY MONEY IN THE FUND; AND

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

(G) THE FUND MAY BE USED ONLY TO:

(1) MAKE GRANTS UNDER THE YOUTH AND AMATEUR SPORTS GRANTS PROGRAM; AND

(2) PAY THE COSTS NECESSARY TO ADMINISTER AND OPERATE THE YOUTH AND AMATEUR SPORTS GRANTS PROGRAM, INCLUDING MARKETING AND ADVERTISING COSTS.

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

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

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

Article – State Finance and Procurement

6–226.

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

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

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; **[**and**]**

122. the Federal Government Shutdown Employee Assistance Loan Fund**; AND**

123. THE ~~YOUTH AND AMATEUR~~ MICHAEL ERIN BUSCH SPORTS FUND.

Article – State Government

9–120.

(b) (1) By the end of the month following collection, the Comptroller shall deposit or cause to be deposited:

(i) into the Maryland Stadium Facilities Fund established under § 7–312 of the State Finance and Procurement Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed $20,000,000 in any fiscal year;

(ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets from instant ticket lottery machines by veterans' organizations under § 9–112(d) of this subtitle, after the distribution under subsection (a) of this section;

(iii) after June 30, 2014, into the Baltimore City Public School Construction Financing Fund established under § 10–656 of the Economic Development Article the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) and (ii) of this paragraph, an amount equal to $20,000,000 in each fiscal year that bonds are outstanding and unpaid, to be paid in two installments with at least $10,000,000 paid no later than December 1 of each fiscal year; **[**and**]**

(IV) AFTER JUNE 30, 2020, INTO THE ~~YOUTH AND AMATEUR~~ MICHAEL ERIN BUSCH SPORTS FUND ESTABLISHED UNDER § 10–612.2 OF THE ECONOMIC DEVELOPMENT ARTICLE FROM THE MONEY THAT REMAINS IN THE STATE LOTTERY FUND FROM THE PROCEEDS OF ALL LOTTERIES AFTER THE DISTRIBUTIONS UNDER SUBSECTION (A) OF THIS SECTION AND ITEMS (I), (II), AND (III) OF THIS PARAGRAPH, AN AMOUNT EQUAL TO $1,000,000 IN EACH FISCAL YEAR; AND

[(iv)**] (V)** into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i), (ii), **[**and**]** (iii)**, AND (IV)** of this paragraph.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.