

HB0727/664662/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 727
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “Public School Construction – Maryland Stadium Authority – Supplemental Funds” and substitute “Build to Learn Act of 2019”; in line 4, after “of” insert “requiring, on or before a certain date, the Prince George’s County government and the Prince George’s County Board of Education to have a certain public–private partnership agreement reviewed by the Maryland Stadium Authority and approved by the Interagency Commission on School Construction in order for certain provisions of law to apply; requiring the Maryland Stadium Authority to deposit a certain amount into a certain fund under certain circumstances; requiring the Prince George’s County government and the Prince George’s County Board to deposit certain amounts required under a certain public–private partnership agreement into a certain fund under certain circumstances; requiring the Interagency Commission on School Construction to pay a certain private entity from a certain fund under certain circumstances; requiring the Prince George’s County government, the Prince George’s County Board, and the Interagency Commission on School Construction to submit a certain report to the Governor and the fiscal committees of the General Assembly on or before a certain date each year; requiring the Interagency Commission on School Construction to complete a certain evaluation and to submit a report on a certain evaluation on or before a certain date; establishing the Prince George’s County Public–Private Partnership Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Interagency Commission on School Construction 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; providing that the money in the Fund shall be used to supplement and may not supplant money appropriated to Prince George’s County for public school construction under the Public School Construction Program; requiring the Interagency Commission”

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on School Construction to adopt certain regulations; altering the eligibility requirements and the mandated appropriation for a certain capital grant program; providing that contracts to construct a public school facility or for construction on the public school site do not require the prior approval of the Board of Public Works;”; in line 12, after the semicolon insert “prohibiting the debt service for all outstanding bond issues related to improvements to public school facilities from exceeding a certain amount under certain circumstances;”; in line 20, strike “provide certain recommendations regarding” and substitute “approve”; in line 21, after “fund;” insert “requiring the Authority to complete a certain evaluation and requiring the Interagency Commission on School Construction to submit a report on a certain evaluation on or before a certain date; providing for the allocation of a certain percentage of bond proceeds under certain circumstances; providing for the reallocation of bond proceeds under certain circumstances; providing that the allocation of certain bond proceeds represents the State share of eligible public school construction costs; providing that for certain school systems eligible public school construction or capital improvement costs include planning costs under certain circumstances; providing that, at the discretion of the county government and the county board of education, the county board of education or the Authority may take certain actions related to public school facility projects; requiring the Authority and the Interagency Commission on School Construction to enter into a certain program memorandum of understanding before a public school facility project is approved for funding; requiring the Authority, the county government, and the county board of education to enter into a certain project memorandum of understanding before a public school facility project is approved for funding; providing that the provisions of a certain project memorandum of understanding prevail in certain circumstances;”; and in line 23, after “Construction” insert “Facilities”.

On pages 1 and 2, strike beginning with “altering” in line 29 on page 1 down through “fund;” in line 1 on page 2 and substitute “requiring the Authority to deposit a certain amount into a certain fund under certain circumstances; establishing the Public School Facilities Priority Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Interagency Commission on School Construction to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to

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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; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; repealing certain provisions of law;”.

On page 2, in line 3, strike “a certain provision” and substitute “certain provisions”; after line 4, insert:

“BY adding to

Article – Education

Section 4–126.1, 4–126.2, and 5–324

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 5–303(a) and 5–313

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)”;

in line 7, after “10–601,” insert “10–618.”; in line 27, strike “and” and substitute a comma; in the same line, after “115.” insert “, and 116.”; and strike in their entirety lines 30 through 34, inclusive, and substitute:

“BY repealing

Article – Education

Section 5–206 and 5–317

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

(Over)

On pages 2 through 19, strike in their entirety the lines beginning with line 37 on page 2 through line 33 on page 19, inclusive, and substitute:

“Article – Education

4-126.1.

(A) (1) IN THIS SECTION, “PUBLIC-PRIVATE PARTNERSHIP AGREEMENT” MEANS AN AGREEMENT IN WHICH A COUNTY GOVERNMENT AND A COUNTY BOARD OF EDUCATION CONTRACTS WITH A PRIVATE ENTITY FOR THE ACQUISITION, DESIGN, CONSTRUCTION, IMPROVEMENT, RENOVATION, EXPANSION, EQUIPPING, OR FINANCING OF A PUBLIC SCHOOL, AND MAY INCLUDE PROVISIONS FOR OPERATION AND MAINTENANCE OF A SCHOOL AND PROVISIONS FOR COOPERATIVE USE OF THE SCHOOL OR AN ADJACENT PROPERTY AND GENERATION OF REVENUE TO OFFSET THE COST OF CONSTRUCTION OR USE OF THE SCHOOL.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, § 4-126 OF THIS SUBTITLE APPLIES TO A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT ENTERED INTO IN ACCORDANCE WITH THIS SECTION.

(C) (1) THIS SECTION APPLIES ONLY IF, ON OR BEFORE JULY 1, 2020, THE PRINCE GEORGE’S COUNTY GOVERNMENT AND THE PRINCE GEORGE’S COUNTY BOARD ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT WITH A PRIVATE ENTITY TO ENHANCE THE DELIVERY OF PUBLIC SCHOOL CONSTRUCTION IN PRINCE GEORGE’S COUNTY.

(2) BEFORE ENTERING INTO A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT SHALL BE REVIEWED BY THE MARYLAND

STADIUM AUTHORITY AND APPROVED BY THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION.

(D) (1) IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER THROUGH NO LATER THAN FISCAL YEAR 2050, IF THE PRINCE GEORGE'S COUNTY GOVERNMENT, THE PRINCE GEORGE'S COUNTY BOARD, AND THE PRIVATE ENTITY REMAIN IN THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION, THE MARYLAND STADIUM AUTHORITY SHALL DEPOSIT \$25,000,000 FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND ESTABLISHED UNDER § 10-658 OF THE ECONOMIC DEVELOPMENT ARTICLE INTO THE PRINCE GEORGE'S COUNTY PUBLIC-PRIVATE PARTNERSHIP FUND ESTABLISHED UNDER § 4-126.2 OF THIS SUBTITLE.

(2) TO RECEIVE FUNDING UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE PRINCE GEORGE'S COUNTY GOVERNMENT AND THE PRINCE GEORGE'S COUNTY BOARD SHALL AGREE NOT TO RECEIVE REVENUE PROCEEDS FROM BONDS FOR A PUBLIC SCHOOL FACILITY ISSUED UNDER TITLE 10, SUBTITLE 6 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

(II) THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION SHALL INCLUDE:

1. A MINIMUM OF 10 SCHOOLS THAT WILL BE IMPROVED, CONSTRUCTED, OR RENOVATED AND OPERATED AND MAINTAINED UNDER THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT; AND

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2. A COMMITMENT BY THE PRINCE GEORGE'S COUNTY GOVERNMENT AND THE PRINCE GEORGE'S COUNTY BOARD TO PROVIDE THE LOCAL SHARE OF THE TOTAL AVAILABILITY PAYMENT.

(3) IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER THROUGH NO LATER THAN FISCAL YEAR 2050, IF THE PRINCE GEORGE'S COUNTY GOVERNMENT, THE PRINCE GEORGE'S COUNTY BOARD, AND THE PRIVATE ENTITY REMAIN IN THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION, THE PRINCE GEORGE'S COUNTY GOVERNMENT AND THE PRINCE GEORGE'S COUNTY BOARD EACH SHALL DEPOSIT THE AVAILABILITY PAYMENT AMOUNT REQUIRED UNDER THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT INTO THE PRINCE GEORGE'S COUNTY PUBLIC-PRIVATE PARTNERSHIP FUND ESTABLISHED UNDER § 4-126.2 OF THIS SUBTITLE.

(E) IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER THROUGH NO LATER THAN FISCAL YEAR 2050, IF THE PRINCE GEORGE'S COUNTY GOVERNMENT, THE PRINCE GEORGE'S COUNTY BOARD, AND THE PRIVATE ENTITY REMAIN IN THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION AND THE PRINCE GEORGE'S COUNTY GOVERNMENT AND THE PRINCE GEORGE'S COUNTY BOARD DEPOSIT THE AVAILABILITY PAYMENT IN THE MANNER DESCRIBED UNDER SUBSECTION (D)(3) OF THIS SECTION, THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL PAY THE PRIVATE ENTITY FROM THE PRINCE GEORGE'S COUNTY PUBLIC-PRIVATE PARTNERSHIP FUND ESTABLISHED UNDER § 4-126.2 OF THIS SUBTITLE FOR THE AVAILABILITY PAYMENT REQUIRED UNDER THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT.

(F) ON JANUARY 15, 2021, AND EACH JANUARY 15 THEREAFTER, THE PRINCE GEORGE’S COUNTY GOVERNMENT, THE PRINCE GEORGE’S COUNTY BOARD, AND THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION JOINTLY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE FISCAL COMMITTEES OF THE GENERAL ASSEMBLY, ON THE PROGRESS OF CONSTRUCTION AND RENOVATIONS OF PUBLIC SCHOOL FACILITIES UNDER THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION, INCLUDING ACTIONS:

(1) TAKEN DURING THE PREVIOUS FISCAL YEAR; AND

(2) PLANNED FOR THE CURRENT FISCAL YEAR.

(G) (1) ON OR BEFORE JULY 1, 2025, THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL COMPLETE A 5-YEAR EVALUATION OF THE EFFECTIVENESS OF THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION.

(2) ON OR BEFORE DECEMBER 31, 2025, THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL SUBMIT A REPORT ON THE RESULTS OF THE EVALUATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE FISCAL COMMITTEES OF THE GENERAL ASSEMBLY.

4-126.2.

(A) IN THIS SECTION, “FUND” MEANS THE PRINCE GEORGE’S COUNTY

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PUBLIC-PRIVATE PARTNERSHIP FUND.

(B) THERE IS A PRINCE GEORGE'S COUNTY PUBLIC-PRIVATE PARTNERSHIP FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO PAY A PRIVATE ENTITY FOR THE AVAILABILITY PAYMENT DUE UNDER THE PRINCE GEORGE'S COUNTY PUBLIC-PRIVATE PARTNERSHIP AGREEMENT ENTERED INTO IN ACCORDANCE WITH § 4-126.1 OF THIS SUBTITLE.

(D) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION 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 DEPOSITED INTO THE FUND BY THE PRINCE GEORGE'S COUNTY GOVERNMENT AND THE PRINCE GEORGE'S COUNTY BOARD;

(2) FUNDS TO BE DEPOSITED INTO THE FUND IN ACCORDANCE WITH § 10-658(C)(1)(III) OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR

THE BENEFIT OF THE FUND.

(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) THE FUND MAY BE USED ONLY TO PAY AN AVAILABILITY PAYMENT TO A PRIVATE ENTITY UNDER THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT ENTERED INTO IN ACCORDANCE WITH § 4-126.1 OF THIS SUBTITLE.

(I) THE MONEY IN THE FUND SHALL BE USED TO SUPPLEMENT AND MAY NOT SUPPLANT MONEY APPROPRIATED TO PRINCE GEORGE'S COUNTY FOR PUBLIC SCHOOL CONSTRUCTION UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ESTABLISHED IN TITLE 5, SUBTITLE 3 OF THIS ARTICLE.

5-303.

(a) (1) (i) The Interagency Commission shall define by regulation what constitutes an eligible and ineligible public school construction or capital improvement cost.

(ii) [In] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, IN order for the cost of an item or a system funded with the proceeds of general obligation bonds to be considered an eligible cost, it must have a median useful life of at least 15 years.

(2) (i) The Interagency Commission shall include modular construction as an approved public school construction or capital cost.

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(ii) The Interagency Commission[,] shall adopt regulations that:

1. Define modular construction; and

2. Establish the minimum specifications required for approval of modular construction as a public school construction or capital improvement cost.

(3) The cost of acquiring land may not be considered a construction or capital improvement cost and may not be paid by the State.

(4) THE INTERAGENCY COMMISSION SHALL ADOPT REGULATIONS THAT INCLUDE ARCHITECTURAL, ENGINEERING, CONSULTING, AND OTHER PLANNING COSTS AS ELIGIBLE PUBLIC SCHOOL CONSTRUCTION OR CAPITAL IMPROVEMENT COSTS FOR A PROJECT OR IMPROVEMENT THAT:

(I) IS LOCATED IN A COUNTY THAT HAS LESS THAN 20,000 FULL-TIME EQUIVALENT ENROLLMENT AS DEFINED IN § 5-202 OF THIS TITLE; AND

(II) HAS RECEIVED LOCAL PLANNING APPROVAL FROM THE INTERAGENCY COMMISSION.

5-313.

(a) (1) In this section the following words have the meanings indicated.

(2) “Program” means the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

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(3) “Significant enrollment growth” means full-time equivalent enrollment growth in a local school system that has exceeded 150% of the statewide average over the past 5 years.

(4) “Significant number of relocatable classrooms” means an average of more than [300] 250 relocatable classrooms in a local school system over the past 5 years.

(b) (1) There is a Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

(2) The purpose of the Program is to provide grants for public school construction in local school systems that are experiencing significant enrollment growth or a significant number of relocatable classrooms.

(c) (1) The Program shall be implemented and administered by the Interagency Commission on School Construction in accordance with this section.

(2) Grants awarded by the Interagency Commission under the Program:

(i) Shall be matched by local funds equal to the required local cost-share established in accordance with § 5-303(d)(3) of this subtitle; and

(ii) Shall be approved by the Board of Public Works.

(d) The Interagency Commission shall:

(1) Provide grants from State funds dedicated for the Program to county boards for public school construction in local school systems that are experiencing significant enrollment growth or a significant number of relocatable classrooms;

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(2) Develop a procedure for a county board to apply for a grant under the Program;

(3) Develop eligibility requirements for a county board to receive a grant under the Program, including a requirement for a county board to provide funds to match a grant award; and

(4) Develop a process to allocate grant awards under the Program that allocate funds based on each eligible county board's proportionate share of the total full-time equivalent enrollment of the county boards that are eligible to participate in the Program.

(e) In addition to the annual amount otherwise provided in the capital improvement program of the Public School Construction Program, the Governor annually shall provide an additional amount as follows in the **OPERATING BUDGET OR** capital improvement program of the Public School Construction Program that may be used only to award grants under the Program:

(1) In fiscal year 2016, \$20,000,000; [and]

(2) In **EACH OF** fiscal [year] **YEARS** 2017 [and each fiscal year thereafter,] **THROUGH 2025, \$40,000,000; AND**

(3) **IN FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, \$80,000,000.**

(f) The State funding provided under the Program is supplemental to and is not intended to take the place of funding that would otherwise be appropriated for public school construction purposes to a county board from any other source.

(g) The Interagency Commission shall adopt procedures necessary to implement this section.

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

Article – Economic Development

10–601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Authority” means the Maryland Stadium Authority.
- (c) “Authority affiliate” means a for–profit or nonprofit entity in which the Authority directly or indirectly owns any membership interest or equity interest.
- (d) “Baltimore City” means, as the context requires:
- (1) the geographic area of the City of Baltimore; or
 - (2) the Mayor and City Council of Baltimore.
- (e) “Baltimore City Board of School Commissioners” means the Baltimore City Board of School Commissioners of the Baltimore City Public School System established under § 3–108.1 of the Education Article.
- (f) “Baltimore City Public School Construction Facilities Fund” means the Baltimore City Public School Construction Facilities Fund established under § 10–657 of this subtitle.
- (g) “Baltimore City Public School Construction Financing Fund” means the

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Baltimore City Public School Construction Financing Fund established under § 10–656 of this subtitle.

(h) “Baltimore City public school facility” means a property primarily used for educational instruction that:

(1) is held in trust by Baltimore City or the Baltimore City Board of School Commissioners for the benefit of the Baltimore City Public School System; and

(2) is designated for improvement under the memorandum of understanding between the Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency [Committee] COMMISSION on School Construction entered into in accordance with § 10–646 of this subtitle.

(i) “Baltimore City public school site” means the site of any Baltimore City public school facility.

(j) (1) “Baltimore Convention facility” means:

(i) a convention center, trade show facility, meeting hall, or other structure in Baltimore City used to hold conventions, trade shows, meetings, displays, or similar events; and

(ii) offices, parking lots or garages, access roads, hotels, restaurants, railroad sidings, and any other structures, improvements, equipment, furnishings, or other property functionally related to the facilities described in item (i) of this paragraph.

(2) “Baltimore Convention facility” includes the following, if used, useful, or usable in the future as, or in connection with, a Baltimore Convention facility:

(i) land, structures, equipment, property, property rights,

property appurtenances, rights-of-way, franchises, easements, and other interests in land;

(ii) land and facilities that are functionally related to a Baltimore Convention facility; and

(iii) patents, licenses, and other rights necessary or useful to construct or operate a Baltimore Convention facility.

(k) “Baltimore Convention Fund” means the Baltimore Convention Financing Fund established under § 10–651 of this subtitle.

(l) “Baltimore Convention site” means the site of the Baltimore Convention Center located in Baltimore City at the address generally known as 1 West Pratt Street, identified in the State Department of Assessments and Taxation Real Property database as tax identification number Ward 22, Section 01, Block 0682, Lots 001 and 001A.

(m) “Bond” includes a note, an interim certificate, refunding bond, and any other evidence of obligation issued under this subtitle.

(n) “Camden Yards” means the area comprising approximately 85 acres in Baltimore City bounded by Camden Street on the north, Russell Street on the west, Ostend Street on the south, and Howard Street and Interstate 395 on the east.

(o) “Camden Yards Fund” means the Camden Yards Financing Fund established under § 10–652 of this subtitle.

(p) “Convention facility” means the Baltimore Convention facility, the Montgomery County Conference facility, and the Ocean City Convention facility.

(Q) (1) “COUNTY” MEANS, AS THE CONTEXT REQUIRES:

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(I) THE GEOGRAPHIC AREA OF THE COUNTY; OR

(II) THE GOVERNING BODY OF THE COUNTY.

(2) “COUNTY” INCLUDES BALTIMORE CITY.

[(q)](R) “COUNTY BOARD OF EDUCATION” MEANS THE BOARD OF EDUCATION OF A COUNTY AND INCLUDES THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

(S) “Facility” means:

(1) a structure or other improvement developed at Camden Yards;

(2) a convention facility;

(3) the Hippodrome Performing Arts facility;

(4) a sports facility; [or]

(5) a Baltimore City public school facility; OR

(6) A PUBLIC SCHOOL FACILITY.

[(r)] (T) “Governmental unit” means a county, a municipal corporation, a unit of State or local government, or any other public body created under State or local law.

[(s)] (U) (1) “Hippodrome Performing Arts facility” means the performing arts center facility located at the Hippodrome Performing Arts site.

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(2) “Hippodrome Performing Arts facility” includes, at the Hippodrome Performing Arts site:

(i) the Hippodrome theater and offices;

(ii) food service facilities; and

(iii) any other functionally related property, structures, improvements, furnishings, or equipment.

~~[(t)]~~ (V) “Hippodrome Performing Arts Fund” means the Hippodrome Performing Arts Financing Fund established under § 10–653 of this subtitle.

~~[(u)]~~ (W) “Hippodrome Performing Arts site” means the site of the France–Merrick Performing Arts Center located in Baltimore City at the address generally known as:

(1) 12 North Eutaw Street Building, identified in the State Department of Assessments and Taxation Real Property database as tax identification number Ward 04, Section 08, Block 0631, Lot 001; and

(2) 401 West Fayette Street, identified in the State Department of Assessments and Taxation Real Property database as tax identification number Ward 04, Section 08, Block 0631, Lot 013.

~~[(v)]~~ (X) “Improve” means to add, alter, construct, equip, expand, extend, improve, install, reconstruct, rehabilitate, remodel, or repair.

~~[(w)]~~ (Y) “Improvement” means addition, alteration, construction, equipping, expansion, extension, improvement, installation, reconstruction, rehabilitation, remodeling, or repair.

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[(x)] (Z) “Montgomery County” includes the Montgomery County Revenue Authority.

[(y)] (AA) (1) “Montgomery County Conference facility” means the Conference Center facility located at the Montgomery County Conference site used for conferences, trade shows, meetings, displays, or similar events.

(2) “Montgomery County Conference facility” includes, at the Montgomery County Conference site, offices, parking lots and garages, access roads, food service facilities, and other functionally related property, structures, improvements, furnishings, or equipment.

(3) “Montgomery County Conference facility” does not include the privately owned hotel adjacent to the Montgomery County Conference Center.

[(z)] (BB) “Montgomery County Conference Fund” means the Montgomery County Conference Financing Fund established under § 10–654 of this subtitle.

[(aa)] (CC) “Montgomery County Conference site” means the site of the Montgomery County Conference Center located in Rockville at the address generally known as 5701 Marinelli Road, identified in the State Department of Assessments and Taxation Real Property database as tax identification number District 04, Account Number 03392987.

[(bb)] (DD) (1) “Ocean City Convention facility” means:

(i) a convention center, trade show facility, meeting hall, or other structure in Ocean City used to hold conventions, trade shows, meetings, displays, or similar events; and

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(ii) offices, parking lots or garages, access roads, food service facilities, and any other structures, improvements, equipment, furnishings, or other property functionally related to the facilities described in item (i) of this paragraph.

(2) “Ocean City Convention facility” includes the following, if used, useful, or usable in the future as, or in connection with, an Ocean City Convention facility:

(i) land, structures, equipment, property, property rights, property appurtenances, rights-of-way, franchises, easements, and other interests in land;

(ii) land and facilities that are functionally related to an Ocean City Convention facility; and

(iii) patents, licenses, and other rights necessary or useful to construct or operate an Ocean City Convention facility.

[(cc)] (EE) “Ocean City Convention Fund” means the Ocean City Convention Financing Fund established under § 10–655 of this subtitle.

[(dd)] (FF) “Ocean City Convention site” means the site of the Ocean City Convention Center located in Ocean City at the address generally known as 4001 Coastal Highway, identified in the State Department of Assessments and Taxation Real Property database as tax identification numbers District 10, Account Number 055237; District 10, Account Number 066301; District 10, Account Number 247942; and District 10, Account Number 280346.

(GG) “PUBLIC SCHOOL FACILITY” MEANS A BUILDING, AND MAY INCLUDE A PARKING FACILITY, AN ATHLETIC FACILITY, OR ANY OTHER FACILITY RELATED TO EDUCATIONAL INSTRUCTION THAT:

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(1) IS HELD IN TRUST BY A COUNTY BOARD OF EDUCATION, OR THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY, FOR THE BENEFIT OF THE COUNTY PUBLIC SCHOOL SYSTEM; AND

(2) IS DESIGNATED FOR IMPROVEMENT UNDER A MEMORANDUM OF UNDERSTANDING ENTERED INTO IN ACCORDANCE WITH § 10-650 OF THIS SUBTITLE.

(HH) “PUBLIC SCHOOL SITE” MEANS THE SITE OF ANY PUBLIC SCHOOL FACILITY IN THE STATE.

[(ee)] (II) (1) “Sports facility” means:

(i) a stadium primarily for professional football, major league professional baseball, or both, in the Baltimore metropolitan region, as defined in § 13-301 of this article;

(ii) practice fields or other areas where professional football or major league professional baseball teams practice or perform; and

(iii) offices for professional football and major league professional baseball teams or franchises.

(2) “Sports facility” includes parking lots, garages, and any other property adjacent and directly related to an item listed in paragraph (1) of this subsection.

(JJ) “SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND” MEANS THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND ESTABLISHED UNDER § 10-658 OF THIS SUBTITLE.

(KK) “SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND” MEANS THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND ESTABLISHED UNDER § 10–658.1 OF THIS SUBTITLE.

[(ff)] (LL) “Tax supported debt” has the meaning stated in § 8–104 of the State Finance and Procurement Article.

10–618.

(a) (1) [Contracts] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, CONTRACTS to acquire any facility site, to construct the facility, or for construction on the facility site require the prior approval of the Board of Public Works.

(2) CONTRACTS TO CONSTRUCT A PUBLIC SCHOOL FACILITY OR FOR CONSTRUCTION ON THE PUBLIC SCHOOL SITE DO NOT REQUIRE THE PRIOR APPROVAL OF THE BOARD OF PUBLIC WORKS.

(b) The Authority may:

(1) acquire by any of the means specified in § 10–620(a) of this subtitle:

(i) a site at Camden Yards for a facility;

(ii) a Baltimore Convention site or an interest in the site;

(iii) an Ocean City Convention site or an interest in the site;

(iv) a Montgomery County Conference site or an interest in the site; and

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(v) a Hippodrome Performing Arts site or an interest in the site;
and

(2) construct or enter into a contract to construct a facility on a site it acquires under this subsection.

10-620.

(e) (1) This subsection does not apply to the Camden Yards site, Baltimore Convention site, Ocean City Convention site, Hippodrome Performing Arts site, [or] any Baltimore City public school site, OR ANY PUBLIC SCHOOL SITE.

(2) The Authority and any Authority affiliate is subject to applicable planning, zoning, and development regulations to the same extent as a private commercial or industrial enterprise.

(f) The Authority shall:

(1) in cooperation with Baltimore City, appoint a task force that includes residents and business and institutional representatives from the area adjacent to Camden Yards to review the schematic, preliminary, and final plans for facilities at Camden Yards;

(2) submit schematic plans for development of Camden Yards and the Baltimore Convention site to Baltimore City for review and comment before acquiring any property;

(3) with respect to Camden Yards, the Baltimore Convention facility, and the Hippodrome Performing Arts facility, submit preliminary and final plans to Baltimore City for review and comment;

(4) with respect to Camden Yards, the Baltimore Convention facility,

and the Hippodrome Performing Arts facility, participate in the design review processes of Baltimore City; [and]

(5) with respect to a Baltimore City public school facility, perform the actions required under §§ 10–645, 10–646, 10–656, and 10–657 of this subtitle; AND

(6) WITH RESPECT TO A PUBLIC SCHOOL FACILITY, PERFORM THE ACTIONS REQUIRED UNDER §§ 10–649, 10–650, 10–658, AND 10–658.1 OF THIS SUBTITLE.

10–628.

(c) (1) Unless authorized by the General Assembly, the Board of Public Works may not approve an issuance by the Authority of bonds, whether taxable or tax exempt, that constitute tax supported debt or nontax supported debt if, after issuance, there would be outstanding and unpaid more than the following face amounts of the bonds for the purpose of financing acquisition, IMPROVEMENTS INCLUDING construction[,] AND renovation, and related expenses for construction management, professional fees, and contingencies in connection with:

- (i) the Baltimore Convention facility – \$55,000,000;
- (ii) the Hippodrome Performing Arts facility – \$20,250,000;
- (iii) the Montgomery County Conference facility – \$23,185,000;
- (iv) the Ocean City Convention facility – \$17,340,000; [and]
- (v) Baltimore City public school facilities – \$1,100,000,000; AND

(Over)

(VI) PUBLIC SCHOOL FACILITIES IN THE STATE -
\$2,200,000,000.

10-634.

(a) A pledge by the Authority of revenues or money deposited in the Baltimore City Public School Construction Financing Fund OR THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND as security for an issue of bonds is valid and binding from when the pledge is made.

(b) (1) The revenues or money deposited in the Baltimore City Public School Construction Financing Fund OR THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND that are pledged are immediately subject to the lien of the pledge without any physical delivery or further act.

(2) The lien of any pledge is valid and binding against any person having a claim against the Authority in tort, contract, or otherwise, regardless of whether the person has notice of the lien.

(c) Notwithstanding any other provision of law, in order to perfect a lien on pledged revenues or money deposited in the Baltimore City Public School Construction Financing Fund OR THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND against a third person, it is not necessary to file or record any document adopted or entered into by the Authority in any public record other than in the records of the Authority.

10-649.

(A) (1) EXCEPT AS AGREED TO IN A MEMORANDUM OF UNDERSTANDING UNDER § 10-650 OF THIS SUBTITLE, THE AUTHORITY SHALL COMPLY WITH THIS SECTION AND § 5-303 OF THE EDUCATION ARTICLE TO

FINANCE IMPROVEMENTS TO A PUBLIC SCHOOL FACILITY.

(2) THE AUTHORITY AND THE COUNTY BOARD OF EDUCATION, AS AGREED TO IN THE PROJECT MEMORANDUM OF UNDERSTANDING UNDER § 10-650 OF THIS SUBTITLE AND SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, SHALL BE RESPONSIBLE FOR SCHOOL FACILITIES CONSTRUCTION AND IMPROVEMENTS FINANCED WITH THE PROCEEDS OF BONDS ISSUED UNDER THIS SUBTITLE.

(3) (I) EXCEPT AS AGREED TO IN THE MEMORANDA OF UNDERSTANDING UNDER § 10-650 OF THIS SUBTITLE AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A POWER GRANTED TO THE AUTHORITY UNDER THIS SUBTITLE MAY NOT IN ANY WAY INTERFERE WITH THE ENUMERATED POWERS OF A COUNTY BOARD OF EDUCATION UNDER TITLE 3 OF THE EDUCATION ARTICLE.

(II) THE POWERS OF THE COUNTY BOARD OF EDUCATION MAY NOT LIMIT THE ABILITY OF THE AUTHORITY TO CARRY OUT ITS OBLIGATIONS UNDER THIS SUBTITLE WITH RESPECT TO IMPROVEMENTS OF THE PUBLIC SCHOOL FACILITY AND THE FINANCING RELATED TO THE IMPROVEMENTS.

(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (J)(1) OF THIS SECTION, THE AUTHORITY MAY NOT USE ANY CURRENT SOURCES OF FUNDS, WHETHER APPROPRIATED OR NONBUDGETED, TO PAY FOR ANY COSTS OR EXPENSES RELATED TO FINANCING PUBLIC SCHOOL FACILITIES.

(2) THE SOLE SOURCE OF PAYMENT FOR ANY COSTS OR EXPENSES RELATED TO FINANCING PUBLIC SCHOOL FACILITIES SHALL BE THE MONEY ON DEPOSIT IN THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES

(Over)

FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING
FUND AND BOND PROCEEDS HELD UNDER A TRUST AGREEMENT.

(C) AT LEAST 45 DAYS BEFORE SEEKING APPROVAL OF THE BOARD OF
PUBLIC WORKS FOR EACH PUBLIC SCHOOL FACILITIES BOND ISSUE, THE
AUTHORITY SHALL PROVIDE TO THE FISCAL COMMITTEES OF THE GENERAL
ASSEMBLY WRITTEN NOTICE OF:

(1) THE AGGREGATE AMOUNT OF FUNDS NEEDED FOR THE
PUBLIC SCHOOL FACILITIES TO BE FINANCED WITH THE PROPOSED BONDS;

(2) THE ANTICIPATED TOTAL DEBT SERVICE FOR THE PROPOSED
BOND ISSUE; AND

(3) THE ANTICIPATED TOTAL DEBT SERVICE WHEN COMBINED
WITH THE DEBT SERVICE FOR ALL PRIOR OUTSTANDING BOND ISSUES FOR
PUBLIC SCHOOL FACILITIES.

(D) (1) A BOND ISSUED TO FINANCE IMPROVEMENTS,
CONSTRUCTION, OR RENOVATIONS TO A PUBLIC SCHOOL FACILITY:

(I) IS A LIMITED OBLIGATION OF THE AUTHORITY PAYABLE
SOLELY FROM MONEY PLEDGED BY THE AUTHORITY TO THE PAYMENT OF THE
PRINCIPAL OF AND THE PREMIUM AND INTEREST ON THE BOND OR MONEY MADE
AVAILABLE TO THE AUTHORITY FOR THAT PURPOSE;

(II) IS NOT A DEBT, LIABILITY, OR PLEDGE OF THE FAITH
AND CREDIT OR THE TAXING POWER OF THE STATE, THE AUTHORITY, OR ANY
OTHER GOVERNMENTAL UNIT; AND

(III) MAY NOT GIVE RISE TO ANY PECUNIARY LIABILITY OF THE STATE, THE AUTHORITY, OR ANY OTHER GOVERNMENTAL UNIT.

(2) THE ISSUANCE OF A BOND TO FINANCE IMPROVEMENTS TO A PUBLIC SCHOOL FACILITY IS NOT DIRECTLY, INDIRECTLY, OR CONTINGENTLY A MORAL OR OTHER OBLIGATION OF THE STATE, THE AUTHORITY, OR ANY OTHER GOVERNMENTAL UNIT TO LEVY OR PLEDGE ANY TAX OR TO MAKE AN APPROPRIATION TO PAY THE BOND.

(3) EACH BOND SHALL STATE ON ITS FACE THE PROVISIONS OF PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(E) BEFORE EACH ISSUANCE OF BONDS TO FINANCE IMPROVEMENTS TO A PUBLIC SCHOOL FACILITY, THE AUTHORITY SHALL OBTAIN THE APPROVAL OF THE BOARD OF PUBLIC WORKS OF THE AGGREGATE AMOUNT OF THE PROPOSED BOND ISSUE.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TOTAL DEBT SERVICE FOR ANY BOND ISSUE, WHEN ADDED TO ALL PRIOR OUTSTANDING BOND ISSUES RELATED TO IMPROVEMENTS TO PUBLIC SCHOOL FACILITIES, MAY NOT EXCEED THE TOTAL AMOUNT OF THE FUNDS PROVIDED UNDER SUBSECTION (G) OF THIS SECTION.

(2) IF PRINCE GEORGE'S COUNTY ENTERS INTO A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT UNDER § 4-126.1 OF THE EDUCATION ARTICLE, THEN THE TOTAL DEBT SERVICE FOR ALL BOND ISSUES MAY NOT EXCEED \$100,000,000.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BEGINNING JULY 1, 2020, AND CONTINUING UNTIL THE BONDS THAT HAVE BEEN ISSUED TO

(Over)

FINANCE IMPROVEMENTS TO PUBLIC SCHOOL FACILITIES ARE NO LONGER OUTSTANDING AND UNPAID, THE COMPTROLLER SHALL DEPOSIT INTO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND \$125,000,000 OF THE FUNDS IN THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THE STATE GOVERNMENT ARTICLE.

(H) (1) IF THE MONEY DEPOSITED INTO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION IS NOT NEEDED FOR DEBT SERVICE OR DEBT SERVICE RESERVES, THE AUTHORITY MAY TRANSFER THOSE FUNDS TO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.

(2) IF FUNDS ARE NEEDED FOR DEBT SERVICE OR DEBT SERVICE RESERVES, THE AUTHORITY MAY TRANSFER MONEY IN THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND TO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND.

(I) IF A COUNTY AND COUNTY BOARD OF EDUCATION CHOOSE TO HAVE THE AUTHORITY CONTRACT, MANAGE, AND OVERSEE PUBLIC SCHOOL FACILITY PROJECTS FUNDED FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND, THEN THE COUNTY BOARD OF EDUCATION SHALL:

(1) DELIVER TO THE AUTHORITY BUILDABLE SITES, READY FOR IMPROVEMENT AND FREE FROM ANY RESTRICTIONS, EASEMENTS, IMPEDIMENTS, HAZARDS, OR CONDITIONS THAT WOULD AFFECT THE AUTHORITY'S SCHEDULE OR BUDGET FOR THE IMPROVEMENT TO A PUBLIC SCHOOL FACILITY;

(2) DELIVER TO THE AUTHORITY A PUBLIC SCHOOL FACILITY WITH TITLE THAT HAS VESTED IN THE COUNTY BOARD OF EDUCATION OR IN AN ENTITY APPROVED BY THE COUNTY BOARD OF EDUCATION OTHER THAN THE AUTHORITY; AND

(3) ENSURE THAT NO PUBLIC SCHOOL FACILITY IS SOLD, ASSIGNED, MORTGAGED, PLEDGED, OR ENCUMBERED WITHOUT THE CONSENT OF THE AUTHORITY IF THERE ARE PROCEEDS OF BONDS STILL OUTSTANDING OR UNPAID THAT WERE USED IN THE CONSTRUCTION OF OR RENOVATIONS TO THE PUBLIC SCHOOL FACILITY.

(J) (1) BEFORE ANY BONDS ARE ISSUED TO FINANCE IMPROVEMENTS TO A PUBLIC SCHOOL FACILITY, THE AUTHORITY MAY PAY FOR ANY COSTS OF START-UP, ADMINISTRATION, OVERHEAD, AND OPERATIONS OF THE AUTHORITY OR COSTS OF ENGINEERING, ARCHITECTURAL, AND OTHER DESIGN PROFESSIONALS.

(2) BEFORE THE AVAILABILITY OF FUNDS FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND, THE AUTHORITY SHALL BE ENTITLED TO REIMBURSEMENT FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND FOR ANY COSTS INCURRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(K) ON JANUARY 15, 2021, AND EACH JANUARY 15 THEREAFTER, THE AUTHORITY SHALL REPORT TO THE GOVERNOR, THE BOARD OF PUBLIC WORKS, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE FISCAL COMMITTEES OF THE GENERAL ASSEMBLY ON THE PROGRESS OF CONSTRUCTION AND RENOVATIONS OF PUBLIC SCHOOL FACILITIES, INCLUDING ACTIONS:

(Over)

(1) TAKEN DURING THE PREVIOUS FISCAL YEAR; AND

(2) PLANNED FOR THE CURRENT FISCAL YEAR.

(L) (1) ON OR BEFORE JULY 1, 2030, THE AUTHORITY SHALL COMPLETE A 10-YEAR EVALUATION OF THE EFFECTIVENESS OF THE ISSUANCE OF BONDS TO FINANCE CONSTRUCTION AND RENOVATIONS OF PUBLIC SCHOOL FACILITIES.

(2) ON OR BEFORE DECEMBER 31, 2030, THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL SUBMIT A REPORT ON THE RESULTS OF THE EVALUATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE FISCAL COMMITTEES OF THE GENERAL ASSEMBLY.

10-650.

(A) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL, IN ACCORDANCE WITH THE PROCESS ESTABLISHED IN § 5-304 OF THE EDUCATION ARTICLE, APPROVE PUBLIC SCHOOL FACILITY PROJECTS TO BE FUNDED FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PERCENTAGE OF THE PROCEEDS OF THE BONDS AUTHORIZED IN § 10-628 OF THIS SUBTITLE SHALL BE ALLOCATED TO PROJECTS APPROVED BY THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION IN THE FOLLOWING AMOUNTS:

- (I) ANNE ARUNDEL COUNTY – 11.4%;
- (II) BALTIMORE CITY – 18.2%;
- (III) BALTIMORE COUNTY – 18.2%;
- (IV) FREDERICK COUNTY – 3.4%;
- (V) HOWARD COUNTY – 4.5%;
- (VI) MONTGOMERY COUNTY – 18.2%;
- (VII) PRINCE GEORGE’S COUNTY – 18.2%; AND
- (VIII) ALL OTHER COUNTIES – 7.9%.

(2) THE PERCENTAGE OF BOND PROCEEDS SPECIFIED FOR BALTIMORE CITY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A PROJECT AT A SCHOOL WITHIN AN AREA DESIGNATED FOR GRANT FUNDING THROUGH THE CHOICE NEIGHBORHOOD PROGRAM ADMINISTERED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND COORDINATED LOCALLY BY THE HOUSING AUTHORITY OF BALTIMORE CITY IN AN AMOUNT EQUAL TO NOT MORE THAN 5% OF THE TOTAL ALLOCATION FOR BALTIMORE CITY.

(3) THE PERCENTAGE OF BOND PROCEEDS SPECIFIED FOR PRINCE GEORGE’S COUNTY UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE ALLOCATED ONLY IF PRINCE GEORGE’S COUNTY DOES NOT ENTER INTO A

PUBLIC-PRIVATE PARTNERSHIP AS AUTHORIZED UNDER § 4-126.1 OF THE EDUCATION ARTICLE.

(4) ANY ALLOCATIONS NOT UTILIZED BY A COUNTY OR COUNTY BOARD OF EDUCATION WITHIN 10 YEARS AFTER THE ALLOCATION SHALL BE SUBJECT TO REALLOCATION.

(C) THE ALLOCATION OF BOND PROCEEDS AUTHORIZED IN § 10-628 OF THIS SUBTITLE REPRESENTS THE STATE SHARE OF ELIGIBLE PUBLIC SCHOOL CONSTRUCTION OR CAPITAL IMPROVEMENT COSTS AS ESTABLISHED BY REGULATION IN ACCORDANCE WITH § 5-303 OF THE EDUCATION ARTICLE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AT THE DISCRETION OF THE COUNTY AND THE COUNTY BOARD OF EDUCATION, THE COUNTY BOARD OF EDUCATION OR THE AUTHORITY SHALL CONTRACT, MANAGE, AND OVERSEE PUBLIC SCHOOL FACILITY PROJECTS FUNDED FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.

(2) IN BALTIMORE CITY, THE AUTHORITY SHALL CONTRACT, MANAGE, AND OVERSEE PUBLIC SCHOOL FACILITY PROJECTS FUNDED FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.

(3) IF THE COUNTY BOARD OF EDUCATION CHOOSES TO CONTRACT, MANAGE, AND OVERSEE A PUBLIC SCHOOL FACILITY PROJECT FUNDED FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION

FACILITIES FUND, THEN THE PUBLIC SCHOOL FACILITY PROJECT SHALL BE SUBJECT TO THE SAME REQUIREMENTS AND PROCEDURES THAT GOVERN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM.

(E) (1) BEFORE A PUBLIC SCHOOL FACILITY PROJECT IS APPROVED FOR FUNDING FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND OR THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND, THE AUTHORITY AND THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL ENTER INTO A PROGRAM MEMORANDUM OF UNDERSTANDING.

(2) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE PROGRAM MEMORANDUM OF UNDERSTANDING UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) AUTHORIZE THE AUTHORITY TO REVIEW AND APPROVE PROJECT BUDGETS;

(II) PROVIDE FOR THE AUTHORITY'S RIGHT TO ASSUME A PROJECT UNDERTAKEN UNDER CERTAIN CIRCUMSTANCES;

(III) NOTWITHSTANDING THE PROVISIONS UNDER SUBSECTION (D) OF THIS SECTION, PROVIDE FOR THE AUTHORITY REVIEW AND COMMENT OF PROJECT BUDGETS;

(IV) PROVIDE, GENERALLY, FOR THE ORDER AND CONTROL OF ALL FUNDING FOR PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECTS UNDER THIS SUBTITLE; AND

(Over)

(V) AUTHORIZE THE AUTHORITY TO MAKE FINAL DECISIONS INVOLVING DISPUTES THAT MAY IMPACT ANY AUTHORITY OBLIGATIONS UNDER THIS SUBTITLE.

(3) IF THE COUNTY BOARD OF EDUCATION CHOOSES TO CONTRACT, MANAGE, AND OVERSEE PUBLIC SCHOOL FACILITY PROJECTS FUNDED FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND, THEN THE PROGRAM MEMORANDUM OF UNDERSTANDING MAY NOT INCLUDE THE PROVISIONS UNDER PARAGRAPH (2)(I) AND (II) OF THIS SUBSECTION.

(F) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE A PUBLIC SCHOOL FACILITY PROJECT IS APPROVED FOR FUNDING FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND OR THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND, THE AUTHORITY, THE COUNTY, AND THE COUNTY BOARD OF EDUCATION SHALL ENTER INTO A PROJECT MEMORANDUM OF UNDERSTANDING THAT SHALL BE SUBJECT TO APPROVAL BY THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION.

(II) THE PROJECT MEMORANDUM OF UNDERSTANDING REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

1. BE SUBJECT TO THE APPLICABLE TERMS AND CONDITIONS SET FORTH IN THE PROGRAM MEMORANDUM OF UNDERSTANDING UNDER SUBSECTION (E)(2) OF THIS SECTION;

2. IDENTIFY SPECIFIC PARAMETERS REGARDING THE ROLES AND RESPONSIBILITIES OF EACH PARTY WITH RESPECT TO BUDGET REVIEW AND APPROVAL, PROCUREMENT, DESIGN, SCHEDULE, CONSTRUCTION ADMINISTRATION, AND CONTRACT COMPLIANCE AND REPORTING;

3. RESERVE THE RIGHT OF THE AUTHORITY TO ASSUME A PROJECT UNDER CERTAIN CIRCUMSTANCES;

4. INCLUDE A PROVISION THAT THE STATE AND LOCAL COST-SHARE FOR THE COUNTY ESTABLISHED IN REGULATIONS SHALL APPLY TO A COUNTY PUBLIC SCHOOL FACILITY APPROVED FOR FUNDING FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND OR THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND; AND

5. REQUIRE THE COUNTY BOARD OF EDUCATION TO GIVE PRIORITY IN FUNDING PROJECTS TO SCHOOLS:

A. THAT ARE THE OLDEST BUILDINGS IN THE SCHOOL SYSTEM WITH SIGNIFICANT FACILITY DEFICIENCIES;

B. WITH HIGH CONCENTRATIONS OF STUDENTS ELIGIBLE FOR FREE OR REDUCED PRICE MEALS; OR

C. WITH A HIGH NUMBER OF RELOCATABLE CLASSROOMS.

(2) FOR BALTIMORE CITY, IF A PROVISION OF THE MEMORANDUM OF UNDERSTANDING ENTERED INTO IN ACCORDANCE WITH § 10-646 OF THIS SUBTITLE CONFLICTS WITH A PROVISION OF THE PROJECT

(Over)

MEMORANDUM OF UNDERSTANDING, THE PROVISION OF THE PROJECT
MEMORANDUM OF UNDERSTANDING SHALL PREVAIL.

10-658.

(A) THERE IS A SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION
FINANCING FUND.

(B) (1) THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION
FINANCING FUND IS A CONTINUING, NONLAPSING FUND THAT SHALL BE
AVAILABLE TO IMPLEMENT THIS SUBTITLE CONCERNING PUBLIC SCHOOL
FACILITIES.

(2) THE AUTHORITY SHALL:

(I) USE THE SUPPLEMENTAL PUBLIC SCHOOL
CONSTRUCTION FINANCING FUND AS A REVOLVING FUND FOR CARRYING OUT
THIS SUBTITLE CONCERNING PUBLIC SCHOOL FACILITIES;

(II) PAY ANY AND ALL EXPENSES FROM THE SUPPLEMENTAL
PUBLIC SCHOOL CONSTRUCTION FINANCING FUND THAT ARE INCURRED BY
THE AUTHORITY RELATED TO ANY PUBLIC SCHOOL FACILITIES; AND

(III) IF PRINCE GEORGE'S COUNTY HAS A PUBLIC-PRIVATE
PARTNERSHIP AGREEMENT UNDER § 4-126.1 OF THE EDUCATION ARTICLE,
BEGINNING IN FISCAL YEAR 2021, DEPOSIT INTO THE PRINCE GEORGE'S
COUNTY PUBLIC-PRIVATE PARTNERSHIP FUND ESTABLISHED UNDER § 4-
126.2 OF THE EDUCATION ARTICLE AN AMOUNT EQUAL TO \$25,000,000 IN EACH
FISCAL YEAR THAT PRINCE GEORGE'S COUNTY, THE PRINCE GEORGE'S
COUNTY BOARD OF EDUCATION, AND THE PRIVATE ENTITY REMAIN IN THE

PUBLIC-PRIVATE PARTNERSHIP AGREEMENT UNDER § 4-126.1 OF THE EDUCATION ARTICLE, UNTIL NOT LATER THAN FISCAL YEAR 2050.

(C) (1) TO THE EXTENT CONSIDERED APPROPRIATE BY THE AUTHORITY, THE MONEY ON DEPOSIT IN THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND SHALL BE PLEDGED TO AND USED TO PAY THE FOLLOWING RELATING TO PUBLIC SCHOOL FACILITIES:

(I) DEBT SERVICE ON AUTHORITY BONDS;

(II) DEBT SERVICE RESERVES UNDER A TRUST AGREEMENT;

(III) IF PRINCE GEORGE'S COUNTY HAS A PUBLIC-PRIVATE PARTNERSHIP APPROVED BY THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION UNDER § 4-126.1 OF THE EDUCATION ARTICLE, BEGINNING IN FISCAL YEAR 2021, DEPOSITS MADE INTO THE PRINCE GEORGE'S COUNTY PUBLIC-PRIVATE PARTNERSHIP FUND ESTABLISHED UNDER § 4-126.2 OF THE EDUCATION ARTICLE AN AMOUNT EQUAL TO \$25,000,000 IN EACH FISCAL YEAR THAT PRINCE GEORGE'S COUNTY, THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION, AND THE PRIVATE ENTITY REMAIN IN THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT UNDER § 4-126.1 OF THE EDUCATION ARTICLE, UNTIL NOT LATER THAN FISCAL YEAR 2050;

(IV) ALL REASONABLE CHARGES AND EXPENSES RELATED TO AUTHORITY BORROWING; AND

(V) ALL REASONABLE CHARGES AND EXPENSES RELATED TO THE AUTHORITY'S ADMINISTRATION OF THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND MANAGEMENT OF THE

(Over)

AUTHORITY'S OBLIGATIONS.

(2) THE PLEDGE SHALL BE EFFECTIVE AS PROVIDED IN § 10-634 OF THIS SUBTITLE AND ANY APPLICABLE AUTHORITY RESOLUTION.

(D) THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND CONSISTS OF:

(1) MONEY DEPOSITED INTO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND;

(2) TO THE EXTENT THAT THE PROCEEDS ARE NOT UNDER A TRUST AGREEMENT, PROCEEDS FROM THE SALE OF BONDS CONCERNING PUBLIC SCHOOL FACILITIES;

(3) REVENUES COLLECTED OR RECEIVED FROM ANY SOURCE UNDER THIS SUBTITLE RELATED TO PUBLIC SCHOOL FACILITY PROJECTS;

(4) ANY INTEREST EARNINGS OF THE FUND; AND

(5) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC SOURCE FOR THE PURPOSES ESTABLISHED FOR THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND.

(E) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND IN THE SAME MANNER AS OTHER STATE FUNDS.

(2) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND.

(3) NO PART OF THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND MAY REVERT OR BE CREDITED TO THE GENERAL FUND OR ANY SPECIAL FUND OF THE STATE.

(F) THE MONEY IN THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND SHALL BE USED TO SUPPLEMENT, AND MAY NOT SUPPLANT, MONEY APPROPRIATED TO THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ESTABLISHED IN TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE.

10-658.1.

(A) THERE IS A SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.

(B) (1) THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND IS A CONTINUING, NONLAPSING FUND THAT SHALL BE AVAILABLE TO IMPLEMENT THIS SUBTITLE CONCERNING PUBLIC SCHOOL FACILITIES.

(2) THE AUTHORITY SHALL:

(I) USE THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND AS A REVOLVING FUND FOR CARRYING OUT THIS SUBTITLE CONCERNING PUBLIC SCHOOL FACILITIES; AND

(II) TO THE EXTENT AUTHORIZED BY FEDERAL TAX LAW, PAY ANY AND ALL EXPENSES FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND THAT ARE INCURRED BY THE AUTHORITY

(Over)

RELATED TO ANY PUBLIC SCHOOL FACILITIES.

(C) TO THE EXTENT CONSIDERED APPROPRIATE BY THE AUTHORITY, THE MONEY ON DEPOSIT IN THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND SHALL BE USED TO PAY THE FOLLOWING RELATING TO PUBLIC SCHOOL FACILITIES:

(1) DEBT SERVICE ON AUTHORITY BONDS;

(2) DESIGN AND CONSTRUCTION COSTS RELATED TO PUBLIC SCHOOL FACILITIES;

(3) TO THE EXTENT AUTHORIZED BY FEDERAL TAX LAW, COSTS OF START-UP, ADMINISTRATION, OVERHEAD, AND OPERATIONS RELATED TO THE MANAGEMENT OF IMPROVEMENTS TO PUBLIC SCHOOL FACILITIES AUTHORIZED UNDER THIS SUBTITLE;

(4) ALL REASONABLE CHARGES AND EXPENSES RELATED TO THE AUTHORITY'S ADMINISTRATION OF THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND MANAGEMENT OF THE AUTHORITY'S OBLIGATIONS; AND

(5) IF PRINCE GEORGE'S COUNTY SUBMITS A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT TO THE AUTHORITY FOR REVIEW UNDER § 4-126.1 OF THE EDUCATION ARTICLE, ALL REASONABLE EXPENSES RELATED TO THE AUTHORITY'S REVIEW OF THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT.

(D) THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES

FUND CONSISTS OF:

(1) FUNDS TRANSFERRED FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND TO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND IN ACCORDANCE WITH § 10-649 OF THIS SUBTITLE;

(2) ANY INTEREST EARNINGS OF THE FUND; AND

(3) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC SOURCE FOR THE PURPOSES ESTABLISHED FOR THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.

(E) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND IN THE SAME MANNER AS OTHER STATE FUNDS.

(2) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.

(3) NO PART OF THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND MAY REVERT OR BE CREDITED TO THE GENERAL FUND OR ANY SPECIAL FUND OF THE STATE.

(F) THE MONEY IN THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND SHALL BE USED TO SUPPLEMENT, AND MAY NOT SUPPLANT, MONEY APPROPRIATED TO THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ESTABLISHED IN TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE.

(Over)

[10-658.] 10-659.

This subtitle may be cited as the Maryland Stadium Authority Act.

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:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund;

114. THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND;

115. THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND; AND

116. THE PRINCE GEORGE'S COUNTY PUBLIC-PRIVATE PARTNERSHIP FUND.

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

Article – Education

5-324.

(A) IN THIS SECTION, “FUND” MEANS THE PUBLIC SCHOOL FACILITIES PRIORITY FUND.

(B) THERE IS A PUBLIC SCHOOL FACILITIES PRIORITY FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE STATE FUNDS TO ADDRESS THE FACILITY NEEDS OF THE HIGHEST PRIORITY SCHOOLS AROUND THE STATE AS IDENTIFIED BY THE STATEWIDE FACILITIES ASSESSMENT COMPLETED BY THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION UNDER § 5-310(E) OF THIS SUBTITLE.

(D) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION 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:

(Over)

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

(2) ANY INTEREST EARNINGS OF THE FUND; AND

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

(G) THE FUND MAY BE USED ONLY FOR THE PURPOSE ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.

(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) (1) IN FISCAL YEARS 2022 THROUGH 2025, THE GOVERNOR SHALL APPROPRIATE IN THE ANNUAL STATE OPERATING OR CAPITAL BUDGET BILL AT LEAST \$40,000,000 TO THE FUND.

(2) IN FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL APPROPRIATE IN THE ANNUAL STATE OPERATING OR CAPITAL BUDGET BILL AT LEAST \$80,000,000 TO THE FUND.

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

(K) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE

APPROPRIATED IN THE ANNUAL STATE OPERATING OR CAPITAL BUDGET BILL
TO PRIMARY AND SECONDARY SCHOOLS UNDER THIS ARTICLE.

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(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:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund; AND

114. THE PUBLIC SCHOOL FACILITIES PRIORITY FUND.

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 5–206 and 5–317 of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that funding for the Aging Schools Program and the School Safety

(Over)

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Grant Program shall be consolidated into the Public School Facilities Priority Fund established in Section 3 of this Act beginning in fiscal year 2026.

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 Section 4 of this Act shall take effect July 1, 2025.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in Sections 6 and 7 of this Act, this Act shall take effect July 1, 2019.”.