

HOUSE BILL 727

C8, F5

9lr1569
CF SB 731

By: **Delegates Dumais, Solomon, Branch, Chang, Glenn, Hill, Jackson, Korman, Krimm, J. Lewis, Patterson, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 ~~Public School Construction—Maryland Stadium Authority—Supplemental~~
3 ~~Funds~~
4 Build to Learn Act of 2019

5 FOR the purpose of requiring, on or before a certain date, the Prince George's County
6 government and the Prince George's County Board of Education to have a certain
7 public-private partnership agreement reviewed by the Maryland Stadium Authority
8 and approved by the Interagency Commission on School Construction in order for
9 certain provisions of law to apply; requiring the Maryland Stadium Authority to
10 deposit a certain amount into a certain fund under certain circumstances; requiring
11 the Prince George's County government and the Prince George's County Board to
12 deposit certain amounts required under a certain public-private partnership
13 agreement into a certain fund under certain circumstances; requiring the
14 Interagency Commission on School Construction to pay a certain private entity from
15 a certain fund under certain circumstances; requiring the Prince George's County
16 government, the Prince George's County Board, and the Interagency Commission on
17 School Construction to submit a certain report to the Governor and the fiscal
18 committees of the General Assembly on or before a certain date each year; requiring
19 the Interagency Commission on School Construction to complete a certain evaluation
20 and to submit a report on a certain evaluation on or before a certain date;
21 establishing the Prince George's County Public-Private Partnership Fund as a
22 special, nonlapsing fund; specifying the purpose of the Fund; requiring the
23 Interagency Commission on School Construction to administer the Fund; requiring
24 the State Treasurer to hold the Fund and the Comptroller to account for the Fund;
25 specifying the contents of the Fund; specifying the purpose for which the Fund may

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 be used; providing for the investment of money in and expenditures from the Fund;
2 providing that the money in the Fund shall be used to supplement and may not
3 supplant money appropriated to Prince George's County for public school
4 construction under the Public School Construction Program; requiring the
5 Interagency Commission on School Construction to adopt certain regulations;
6 altering the eligibility requirements and the mandated appropriation for a certain
7 capital grant program; providing that contracts to construct a public school facility
8 or for construction on the public school site do not require the prior approval of the
9 Board of Public Works; authorizing the Maryland Stadium Authority to issue bonds
10 to finance the construction of or improvements to certain public school facilities
11 subject to certain limitations; specifying that certain expenses incurred by the
12 Authority are payable only from certain funds; specifying that certain bonds issued
13 under this Act are a limited obligation of the Authority payable solely from certain
14 pledged money and are not a debt, liability, moral obligation, or pledge of the faith
15 and credit or taxing power of the State, the Authority, or any other governmental
16 unit; requiring the Authority to obtain approval from the Board of Public Works
17 before each issuance of bonds to finance improvements to public school facilities;
18 prohibiting the debt service for all outstanding bond issues related to improvements
19 to public school facilities from exceeding a certain amount under certain
20 circumstances; requiring the Comptroller to deposit a certain amount into a certain
21 fund until a certain condition is met; requiring the Authority to transfer certain
22 funds under certain circumstances; authorizing the Authority to transfer certain
23 funds under certain circumstances; requiring county boards of education to take
24 certain actions in connection with improvements to public school facilities; providing
25 for the payment of certain costs; requiring the Authority to submit a certain annual
26 report on or before a certain date; requiring the Interagency Commission on School
27 Construction to ~~provide certain recommendations regarding~~ approve projects to be
28 funded from a certain fund; requiring the Authority to complete a certain evaluation
29 and requiring the Interagency Commission on School Construction to submit a report
30 on a certain evaluation on or before a certain date; providing for the allocation of a
31 certain percentage of bond proceeds under certain circumstances; providing for the
32 reallocation of bond proceeds under certain circumstances; providing that the
33 allocation of certain bond proceeds represents the State share of eligible public school
34 construction costs; providing that for certain school systems eligible public school
35 construction or capital improvement costs include planning costs under certain
36 circumstances; providing that, at the discretion of the county government and the
37 county board of education, the county board of education or the Authority may take
38 certain actions related to public school facility projects; requiring the Authority and
39 the Interagency Commission on School Construction to enter into a certain program
40 memorandum of understanding before a public school facility project is approved for
41 funding; requiring the Authority, the county government, and the county board of
42 education to enter into a certain project memorandum of understanding before a
43 public school facility project is approved for funding; providing that the provisions of
44 a certain project memorandum of understanding prevail in certain circumstances;
45 requiring the Authority to take certain actions related to public school facility
46 projects; establishing the Supplemental Public School Construction Financing Fund
47 and the Supplemental Public School Construction Facilities Fund as continuing,

1 nonlapsing funds; specifying the contents of the funds and providing for the uses of
 2 the funds; exempting the funds from a certain provision of law requiring interest on
 3 State money in special funds to accrue to the General Fund of the State; limiting the
 4 amount of debt that may be issued by the Authority to finance certain public school
 5 facilities projects; providing that money deposited in a certain fund may be used as
 6 security for a bond issue; ~~altering the distribution of certain State lottery revenues~~
 7 ~~and requiring the State Comptroller to distribute certain State lottery revenues into~~
 8 ~~a certain fund;~~ requiring the Authority to deposit a certain amount into a certain
 9 fund under certain circumstances; establishing the Public School Facilities Priority
 10 Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the
 11 Interagency Commission on School Construction to administer the Fund; requiring
 12 the State Treasurer to hold the Fund and the Comptroller to account for the Fund;
 13 specifying the contents of the Fund; specifying the purpose for which the Fund may
 14 be used; providing for the investment of money in and expenditures from the Fund;
 15 exempting the Fund from a certain provision of law requiring interest on State
 16 money in special funds to accrue to the General Fund of the State; repealing certain
 17 provisions of law; requiring certain reports and notifications; defining certain terms;
 18 altering certain definitions; making a stylistic change; providing for a delayed
 19 effective date for ~~a certain provision~~ certain provisions of this Act; and generally
 20 relating to public school construction projects in the State.

21 BY adding to

22 Article – Education
 23 Section 4–126.1, 4–126.2, and 5–324
 24 Annotated Code of Maryland
 25 (2018 Replacement Volume and 2018 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – Education
 28 Section 5–303(a) and 5–313
 29 Annotated Code of Maryland
 30 (2018 Replacement Volume and 2018 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article – Economic Development
 33 Section 10–601, ~~10–618~~, 10–620(e) and (f), 10–628(c), 10–634, and 10–658
 34 Annotated Code of Maryland
 35 (2018 Replacement Volume)

36 BY adding to

37 Article – Economic Development
 38 Section 10–649, 10–650, 10–658, and 10–658.1
 39 Annotated Code of Maryland
 40 (2018 Replacement Volume)

41 BY repealing and reenacting, without amendments,

42 Article – State Finance and Procurement

1 Section 6–226(a)(2)(i)
 2 Annotated Code of Maryland
 3 (2015 Replacement Volume and 2018 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article – State Finance and Procurement
 6 Section 6–226(a)(2)(ii)112. and 113.
 7 Annotated Code of Maryland
 8 (2015 Replacement Volume and 2018 Supplement)

9 BY adding to
 10 Article – State Finance and Procurement
 11 Section 6–226(a)(2)(ii)114. ~~and~~, 115., and 116.
 12 Annotated Code of Maryland
 13 (2015 Replacement Volume and 2018 Supplement)

14 ~~BY repealing and reenacting, with amendments,~~
 15 ~~Article – State Government~~
 16 ~~Section 9–120~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2014 Replacement Volume and 2018 Supplement)~~

19 BY repealing
 20 Article – Education
 21 Section 5–206 and 5–317
 22 Annotated Code of Maryland
 23 (2018 Replacement Volume and 2018 Supplement)

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

26 ~~Article – Economic Development~~

27 ~~10–601.~~

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

29 ~~(b) “Authority” means the Maryland Stadium Authority.~~

30 ~~(c) “Authority affiliate” means a for-profit or nonprofit entity in which the~~
 31 ~~Authority directly or indirectly owns any membership interest or equity interest.~~

32 ~~(d) “Baltimore City” means, as the context requires:~~

33 ~~(1) the geographic area of the City of Baltimore; or~~

34 ~~(2) the Mayor and City Council of Baltimore.~~

1 ~~(e) “Baltimore City Board of School Commissioners” means the Baltimore City~~
2 ~~Board of School Commissioners of the Baltimore City Public School System established~~
3 ~~under § 3-108.1 of the Education Article.~~

4 ~~(f) “Baltimore City Public School Construction Facilities Fund” means the~~
5 ~~Baltimore City Public School Construction Facilities Fund established under §~~
6 ~~10-657 of this subtitle.~~

7 ~~(g) “Baltimore City Public School Construction Financing Fund” means the~~
8 ~~Baltimore City Public School Construction Financing Fund established under §~~
9 ~~10-656 of this subtitle.~~

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

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

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

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

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

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

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

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

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

31 ~~(ii) land and facilities that are functionally related to a Baltimore~~
32 ~~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) "COUNTY BOARD OF EDUCATION" MEANS THE BOARD OF EDUCATION OF A COUNTY AND INCLUDES THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.~~

~~(R) "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)] (S) "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.~~

1 ~~[(c)] (T)~~ (1) ~~“Hippodrome Performing Arts facility” means the performing~~
2 ~~arts center facility located at the Hippodrome Performing Arts site.~~

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

5 ~~(i) the Hippodrome theater and offices;~~

6 ~~(ii) food service facilities; and~~

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

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

11 ~~[(u)] (V)~~ ~~“Hippodrome Performing Arts site” means the site of the~~
12 ~~Franco Morrick Performing Arts Center located in Baltimore City at the address generally~~
13 ~~known as:~~

14 ~~(1) 12 North Eutaw Street Building, identified in the State Department of~~
15 ~~Assessments and Taxation Real Property database as tax identification number Ward 04,~~
16 ~~Section 08, Block 0631, Lot 001; and~~

17 ~~(2) 401 West Fayette Street, identified in the State Department of~~
18 ~~Assessments and Taxation Real Property database as tax identification number Ward 04,~~
19 ~~Section 08, Block 0631, Lot 013.~~

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

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

25 ~~[(x)] (Y)~~ ~~“Montgomery County” includes the Montgomery County Revenue~~
26 ~~Authority.~~

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

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

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

3 ~~[(z)] (AA) “Montgomery County Conference Fund” means the Montgomery~~
4 ~~County Conference Financing Fund established under § 10-654 of this subtitle.~~

5 ~~[(aa)] (BB) “Montgomery County Conference site” means the site of the~~
6 ~~Montgomery County Conference Center located in Rockville at the address generally~~
7 ~~known as 5701 Marinelli Road, identified in the State Department of Assessments and~~
8 ~~Taxation Real Property database as tax identification number District 04, Account Number~~
9 ~~03302087.~~

10 ~~[(bb)] (CC) (1) “Ocean City Convention facility” means:~~

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

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

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

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

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

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

25 ~~[(cc)] (DD) “Ocean City Convention Fund” means the Ocean City Convention~~
26 ~~Financing Fund established under § 10-655 of this subtitle.~~

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

1 ~~(FF) "PUBLIC SCHOOL FACILITY" MEANS A BUILDING, A PARKING FACILITY,~~
 2 ~~AN ATHLETIC FACILITY, A TESTING FACILITY, OR ANY OTHER FACILITY RELATED TO~~
 3 ~~EDUCATIONAL INSTRUCTION THAT:~~

4 ~~(1) IS HELD IN TRUST BY A COUNTY BOARD OF EDUCATION FOR THE~~
 5 ~~BENEFIT OF THE COUNTY PUBLIC SCHOOL SYSTEM; AND~~

6 ~~(2) IS DESIGNATED FOR IMPROVEMENT UNDER THE MEMORANDUM~~
 7 ~~OF UNDERSTANDING BETWEEN THE AUTHORITY, THE COUNTY, THE COUNTY BOARD~~
 8 ~~OF EDUCATION, AND THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION~~
 9 ~~ENTERED INTO IN ACCORDANCE WITH § 10-650 OF THIS SUBTITLE.~~

10 ~~(GG) "PUBLIC SCHOOL SITE" MEANS THE SITE OF ANY PUBLIC SCHOOL~~
 11 ~~FACILITY IN THE STATE.~~

12 ~~[(cc)] (HH) (1) "Sports facility" means:~~

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

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

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

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

22 ~~(II) "SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND"~~
 23 ~~MEANS THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND~~
 24 ~~ESTABLISHED UNDER § 10-658 OF THIS SUBTITLE.~~

25 ~~(JJ) "SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND" MEANS THE~~
 26 ~~SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND ESTABLISHED UNDER §~~
 27 ~~10-658.1 OF THIS SUBTITLE.~~

28 ~~[(ff)] (KK) "Tax supported debt" has the meaning stated in § 8-104 of the State~~
 29 ~~Finance and Procurement Article.~~

30 ~~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.~~

~~(e) (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;~~

1 (iii) ~~the Montgomery County Conference facility — \$23,185,000;~~

2 (iv) ~~the Ocean City Convention facility — \$17,340,000; [and]~~

3 (v) ~~Baltimore City public school facilities — \$1,100,000,000; AND~~

4 (VI) ~~PUBLIC SCHOOL FACILITIES IN THE STATE~~
5 ~~— \$1,800,000,000.~~

6 (2) (i) ~~The limitation under paragraph (1)(i) of this subsection applies~~
7 ~~to the aggregate principal amount of bonds outstanding as of June 30 of any year.~~

8 (ii) ~~Refunded bonds may not be included in the determination of an~~
9 ~~outstanding aggregate amount under this paragraph.~~

10 ~~10-634.~~

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

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

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

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

28 ~~10-649.~~

29 (A) (1) ~~THE AUTHORITY MAY NOT USE ANY CURRENT SOURCES OF~~
30 ~~FUNDS, WHETHER APPROPRIATED OR NONBUDGETED, TO PAY FOR ANY COSTS OR~~
31 ~~EXPENSES RELATED TO FINANCING PUBLIC SCHOOL FACILITIES.~~

1 ~~(2) THE SOLE SOURCE OF PAYMENT FOR ANY COSTS OR EXPENSES~~
2 ~~RELATED TO FINANCING PUBLIC SCHOOL FACILITIES SHALL BE THE MONEY ON~~
3 ~~DEPOSIT IN THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND AND THE~~
4 ~~SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND BOND~~
5 ~~PROCEEDS HELD UNDER A TRUST AGREEMENT.~~

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

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

12 ~~(2) A LIST OF THE PUBLIC SCHOOL FACILITIES TO BE CONSTRUCTED~~
13 ~~OR RENOVATED;~~

14 ~~(3) THE ANTICIPATED TOTAL DEBT SERVICE FOR THE PROPOSED~~
15 ~~BOND ISSUE; AND~~

16 ~~(4) THE ANTICIPATED TOTAL DEBT SERVICE WHEN COMBINED WITH~~
17 ~~THE DEBT SERVICE FOR ALL PRIOR OUTSTANDING BOND ISSUES FOR PUBLIC~~
18 ~~SCHOOL FACILITIES.~~

19 ~~(C) (1) A BOND ISSUED TO FINANCE IMPROVEMENTS, CONSTRUCTION, OR~~
20 ~~RENOVATIONS TO A PUBLIC SCHOOL FACILITY:~~

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

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

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

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

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

3 ~~(D) BEFORE EACH ISSUANCE OF BONDS TO FINANCE IMPROVEMENTS TO A~~
4 ~~PUBLIC SCHOOL FACILITY, THE AUTHORITY SHALL OBTAIN THE APPROVAL OF THE~~
5 ~~BOARD OF PUBLIC WORKS OF THE PROPOSED BOND ISSUE.~~

6 ~~(E) THE TOTAL DEBT SERVICE FOR ANY BOND ISSUE, WHEN ADDED TO ALL~~
7 ~~PRIOR OUTSTANDING BOND ISSUES RELATED TO IMPROVEMENTS TO PUBLIC~~
8 ~~SCHOOL FACILITIES, MAY NOT EXCEED THE TOTAL AMOUNT OF THE FUNDS~~
9 ~~PROVIDED UNDER § 9-120(b)(1)(iv) OF THE STATE GOVERNMENT ARTICLE AND~~
10 ~~THE FUNDS PROVIDED UNDER SUBSECTION (G) OF THIS SECTION.~~

11 ~~(F) BEGINNING JULY 1, 2020, AND CONTINUING UNTIL THE BONDS THAT~~
12 ~~HAVE BEEN ISSUED TO FINANCE IMPROVEMENTS TO PUBLIC SCHOOL FACILITIES~~
13 ~~ARE NO LONGER OUTSTANDING AND UNPAID, THE COMPTROLLER SHALL DEPOSIT~~
14 ~~INTO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND THE~~
15 ~~AMOUNT SET FORTH IN § 9-120(b)(1)(iv) OF THE STATE GOVERNMENT ARTICLE.~~

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

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

25 ~~(H) IN CONNECTION WITH IMPROVEMENTS TO PUBLIC SCHOOL FACILITIES,~~
26 ~~A COUNTY BOARD OF EDUCATION SHALL:~~

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

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

~~(3) EXCEPT FOR A TRANSFER OR AN ASSIGNMENT TO THE COUNTY BOARD OF EDUCATION, OBTAIN THE APPROVAL OF THE STATE SUPERINTENDENT OF SCHOOLS AND THE BOARD OF PUBLIC WORKS BEFORE THE SALE, ASSIGNMENT, MORTGAGE, PLEDGE, OR ENCUMBRANCE OF ANY PUBLIC SCHOOL FACILITY OR ANY INTEREST IN THE FACILITY; AND~~

~~(4) 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.~~

~~(I) (1) SUBJECT TO SUBSECTION (A) OF THIS SECTION, 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) PRIOR TO AVAILABILITY OF FUNDS FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND, THE AUTHORITY SHALL BE ENTITLED TO REIMBURSEMENT FOR ANY COSTS INCURRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND.~~

~~(3) (I) ANY COST OVERRUNS, UNBUDGETED EXPENSES, OR UNFORESEEN COSTS INCURRED IN CONNECTION WITH AN IMPROVEMENT TO A PUBLIC SCHOOL FACILITY SHALL BE PAYABLE SOLELY FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND.~~

~~(II) IF ANY COST OVERRUNS, UNBUDGETED EXPENSES, OR UNFORESEEN COSTS OCCUR AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY STAFF SHALL PROVIDE A DETAILED REPORT TO THE AUTHORITY EXPLAINING THE REASONS FOR THE COST OVERRUNS, UNBUDGETED EXPENSES, OR UNFORESEEN COSTS AND A DESCRIPTION OF THE ACTIONS TAKEN BY THE AUTHORITY TO CONTROL COSTS WITHIN THE BUDGET ESTABLISHED FOR EACH IMPROVEMENT TO A PUBLIC SCHOOL FACILITY.~~

~~(J) 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:~~

1 ~~(1) TAKEN DURING THE PREVIOUS FISCAL YEAR; AND~~

2 ~~(2) PLANNED FOR THE CURRENT FISCAL YEAR.~~

3 ~~10-650.~~

4 ~~(A) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL,~~
5 ~~IN ACCORDANCE WITH THE PROCESS ESTABLISHED IN § 5-304 OF THE EDUCATION~~
6 ~~ARTICLE, PROVIDE RECOMMENDATIONS FOR PUBLIC SCHOOL FACILITY PROJECTS~~
7 ~~TO BE FUNDED FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND.~~

8 ~~(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE~~
9 ~~AUTHORITY SHALL CONTRACT, MANAGE, AND OVERSEE PUBLIC SCHOOL FACILITY~~
10 ~~PROJECTS FUNDED FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION~~
11 ~~FUND.~~

12 ~~(2) BEFORE A PUBLIC SCHOOL FACILITY PROJECT IS APPROVED FOR~~
13 ~~FUNDING FROM THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND, THE~~
14 ~~AUTHORITY SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE~~
15 ~~INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION AND THE COUNTY BOARD~~
16 ~~OF EDUCATION OR THE COUNTY, OR BOTH, FOR THE MANAGEMENT AND OVERSIGHT~~
17 ~~OF A PUBLIC SCHOOL FACILITY PROJECT.~~

18 ~~(3) (I) THE MEMORANDUM OF UNDERSTANDING SHALL~~
19 ~~AUTHORIZE THE AUTHORITY TO DESIGN AND IMPROVE, OR CONTRACT FOR THE~~
20 ~~DESIGN AND IMPROVEMENT OF, A PUBLIC SCHOOL FACILITY.~~

21 ~~(H) THE MEMORANDUM OF UNDERSTANDING SHALL INCLUDE A~~
22 ~~PROVISION THAT THE STATE AND LOCAL COST SHARE FOR THE COUNTY~~
23 ~~ESTABLISHED IN REGULATIONS SHALL APPLY TO THE PUBLIC SCHOOL FACILITY~~
24 ~~PROJECT.~~

25 ~~(C) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION MAY~~
26 ~~GRANT A WAIVER FROM THE MANAGEMENT REQUIREMENT SET FORTH IN~~
27 ~~SUBSECTION (B)(1) OF THIS SECTION IF THE INTERAGENCY COMMISSION~~
28 ~~DETERMINES THAT A COUNTY BOARD OF EDUCATION EMPLOYS STAFF AND~~
29 ~~POSSESSES THE RESOURCES NECESSARY TO MANAGE AND OVERSEE PUBLIC~~
30 ~~SCHOOL FACILITY PROJECTS.~~

31 ~~10-658.~~

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

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

4 ~~(2) THE AUTHORITY SHALL:~~

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

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

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

15 ~~(I) DEBT SERVICE ON AUTHORITY BONDS;~~

16 ~~(II) DEBT SERVICE RESERVES UNDER A TRUST AGREEMENT;~~

17 ~~(III) ALL REASONABLE CHARGES AND EXPENSES RELATED TO~~
18 ~~AUTHORITY BORROWING; AND~~

19 ~~(IV) ALL REASONABLE CHARGES AND EXPENSES RELATED TO~~
20 ~~THE AUTHORITY'S ADMINISTRATION OF THE SUPPLEMENTAL PUBLIC SCHOOL~~
21 ~~CONSTRUCTION FINANCING FUND AND MANAGEMENT OF THE AUTHORITY'S~~
22 ~~OBLIGATIONS.~~

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

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

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

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

1 ~~(3) REVENUES COLLECTED OR RECEIVED FROM ANY SOURCE UNDER~~
2 ~~THIS SUBTITLE RELATED TO PUBLIC SCHOOL BUILDING OPPORTUNITY FACILITIES;~~

3 ~~(4) FUNDS TO BE DEPOSITED IN ACCORDANCE WITH § 10-649 OF THIS~~
4 ~~SUBTITLE; AND~~

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

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

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

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

16 ~~(F) THE MONEY IN THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION~~
17 ~~FINANCING FUND SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, MONEY~~
18 ~~APPROPRIATED TO THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ESTABLISHED~~
19 ~~IN TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE.~~

20 ~~10-658.1.~~

21 ~~(A) THERE IS A SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND.~~

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

25 ~~(2) THE AUTHORITY SHALL:~~

26 ~~(i) USE THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION~~
27 ~~FUND AS A REVOLVING FUND FOR CARRYING OUT THIS SUBTITLE CONCERNING~~
28 ~~PUBLIC SCHOOL FACILITIES; AND~~

29 ~~(ii) TO THE EXTENT AUTHORIZED BY FEDERAL TAX LAW, PAY~~
30 ~~ANY AND ALL EXPENSES FROM THE SUPPLEMENTAL PUBLIC SCHOOL~~
31 ~~CONSTRUCTION FUND THAT ARE INCURRED BY THE AUTHORITY RELATED TO ANY~~
32 ~~PUBLIC SCHOOL FACILITIES.~~

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

5 ~~(I) DEBT SERVICE ON AUTHORITY BONDS;~~

6 ~~(II) DESIGN AND CONSTRUCTION COSTS RELATING TO PUBLIC~~
7 ~~SCHOOL FACILITIES;~~

8 ~~(III) TO THE EXTENT AUTHORIZED BY FEDERAL TAX LAW, COSTS~~
9 ~~OF START UP, ADMINISTRATION, OVERHEAD, AND OPERATIONS RELATED TO THE~~
10 ~~MANAGEMENT OF IMPROVEMENTS TO PUBLIC SCHOOL FACILITIES AUTHORIZED~~
11 ~~UNDER THIS SUBTITLE; AND~~

12 ~~(IV) ALL REASONABLE CHARGES AND EXPENSES RELATED TO~~
13 ~~THE AUTHORITY'S ADMINISTRATION OF THE SUPPLEMENTAL PUBLIC SCHOOL~~
14 ~~CONSTRUCTION FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION~~
15 ~~FINANCING FUND AND MANAGEMENT OF THE AUTHORITY'S OBLIGATIONS.~~

16 ~~(2) IN ADDITION TO THE USES AUTHORIZED IN PARAGRAPH (1) OF~~
17 ~~THIS SUBSECTION, THE AUTHORITY MAY TRANSFER MONEY ON DEPOSIT IN THE~~
18 ~~SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND TO THE LOCAL SHARE OF~~
19 ~~SCHOOL CONSTRUCTION COSTS REVOLVING LOAN FUND ESTABLISHED UNDER §~~
20 ~~5-315 OF THE EDUCATION ARTICLE TO PROVIDE LOANS TO LOCAL GOVERNMENTS~~
21 ~~IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN THAT SECTION.~~

22 ~~(D) THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FUND~~
23 ~~CONSISTS OF:~~

24 ~~(1) FUNDS TRANSFERRED FROM THE SUPPLEMENTAL PUBLIC~~
25 ~~SCHOOL CONSTRUCTION FINANCING FUND TO THE SUPPLEMENTAL PUBLIC~~
26 ~~SCHOOL CONSTRUCTION FUND IN ACCORDANCE WITH § 10-649 OF THIS SUBTITLE;~~
27 ~~AND~~

28 ~~(2) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC~~
29 ~~SOURCE FOR THE PURPOSES ESTABLISHED FOR THE SUPPLEMENTAL PUBLIC~~
30 ~~SCHOOL CONSTRUCTION FUND.~~

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

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

~~(3) NO PART OF THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION 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 FUND SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, MONEY APPROPRIATED TO THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ESTABLISHED IN TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE.~~

~~[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 FUND; AND~~

~~115. THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND.~~

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

~~Article State Government~~

~~9-120.~~

1 (a) ~~The Comptroller shall distribute, or cause to be distributed, the State Lottery~~
2 ~~Fund to pay:~~

3 (1) ~~on a pro rata basis for the daily and nondaily State lottery games, the~~
4 ~~expenses of administering and operating the State lottery, as authorized under this subtitle~~
5 ~~and the State budget; and~~

6 (2) ~~then, except as provided in § 10-113.1 of the Family Law Article, §~~
7 ~~11-618 of the Criminal Procedure Article, and § 3-307 of the State Finance and~~
8 ~~Procurement Article, the holder of each winning ticket or share.~~

9 (b) (1) ~~By the end of the month following collection, the Comptroller shall~~
10 ~~deposit or cause to be deposited:~~

11 (i) ~~into the Maryland Stadium Facilities Fund established under §~~
12 ~~7-312 of the State Finance and Procurement Article from the money that remains in the~~
13 ~~State Lottery Fund, after the distribution under subsection (a) of this section, an amount~~
14 ~~not to exceed \$20,000,000 in any fiscal year;~~

15 (ii) ~~after June 30, 2014, into the Maryland Veterans Trust Fund 10%~~
16 ~~of the money that remains in the State Lottery Fund from the proceeds of sales of tickets~~
17 ~~from instant ticket lottery machines by veterans' organizations under § 9-112(d) of this~~
18 ~~subtitle, after the distribution under subsection (a) of this section;~~

19 (iii) ~~after June 30, 2014, into the Baltimore City Public School~~
20 ~~Construction Financing Fund established under § 10-656 of the Economic Development~~
21 ~~Article the money that remains in the State Lottery Fund from the proceeds of all lotteries~~
22 ~~after the distributions under subsection (a) of this section and items (i) and (ii) of this~~
23 ~~paragraph, an amount equal to \$20,000,000 in each fiscal year that bonds are outstanding~~
24 ~~and unpaid, to be paid in two installments with at least \$10,000,000 paid no later than~~
25 ~~December 1 of each fiscal year;~~

26 (iv) ~~after June 30, 2016, into the Racing Special Fund established~~
27 ~~under § 11-401 of the Business Regulation Article from money that remains in the State~~
28 ~~Lottery Fund after the distributions under subsection (a) of this section and items (i), (ii),~~
29 ~~and (iii) of this paragraph, an amount equal to \$500,000;~~

30 (v) ~~after June 30, 2017, into the Racing Special Fund established~~
31 ~~under § 11-401 of the Business Regulation Article from money that remains in the State~~
32 ~~Lottery Fund after the distributions under subsection (a) of this section and items (i), (ii),~~
33 ~~(iii), and (iv) of this paragraph, an amount equal to \$1,000,000 in each fiscal year; [and]~~

34 (VI) ~~AFTER JUNE 30, 2020, INTO THE SUPPLEMENTAL PUBLIC~~
35 ~~SCHOOL CONSTRUCTION FINANCING FUND ESTABLISHED UNDER § 10-658 OF THE~~
36 ~~ECONOMIC DEVELOPMENT ARTICLE THE MONEY THAT REMAINS IN THE STATE~~
37 ~~LOTTERY FUND FROM THE PROCEEDS OF ALL LOTTERIES AFTER THE~~

~~DISTRIBUTIONS UNDER SUBSECTION (A) OF THIS SECTION AND ITEMS (I) THROUGH (V) OF THIS PARAGRAPH, AN AMOUNT EQUAL TO \$125,000,000 IN EACH FISCAL YEAR THAT BONDS ARE OUTSTANDING AND UNPAID, TO BE PAID IN TWO INSTALLMENTS WITH AT LEAST \$62,500,000 PAID NOT LATER THAN DECEMBER 1 EACH FISCAL YEAR; AND~~

~~[(vi)](VII) 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), (iii), (iv), [and] (v), AND (VI) of this paragraph.~~

~~(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.~~

~~(e) The regulations of the Agency shall apportion the money in the State Lottery Fund in accordance with subsection (b) of this section.~~

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

~~SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2019.~~

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.

1 (2) BEFORE ENTERING INTO A PUBLIC-PRIVATE PARTNERSHIP
2 AGREEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PUBLIC-PRIVATE
3 PARTNERSHIP AGREEMENT SHALL BE REVIEWED BY THE MARYLAND STADIUM
4 AUTHORITY AND APPROVED BY THE INTERAGENCY COMMISSION ON SCHOOL
5 CONSTRUCTION.

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

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

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

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

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

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

29 (3) IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER
30 THROUGH NO LATER THAN FISCAL YEAR 2050, IF THE PRINCE GEORGE'S COUNTY
31 GOVERNMENT, THE PRINCE GEORGE'S COUNTY BOARD, AND THE PRIVATE ENTITY
32 REMAIN IN THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED UNDER
33 SUBSECTION (C) OF THIS SECTION, THE PRINCE GEORGE'S COUNTY GOVERNMENT
34 AND THE PRINCE GEORGE'S COUNTY BOARD EACH SHALL DEPOSIT THE
35 AVAILABILITY PAYMENT AMOUNT REQUIRED UNDER THE PUBLIC-PRIVATE
36 PARTNERSHIP AGREEMENT INTO THE PRINCE GEORGE'S COUNTY

1 PUBLIC-PRIVATE PARTNERSHIP FUND ESTABLISHED UNDER § 4-126.2 OF THIS
2 SUBTITLE.

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

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

23 (1) TAKEN DURING THE PREVIOUS FISCAL YEAR; AND

24 (2) PLANNED FOR THE CURRENT FISCAL YEAR.

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

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

35 4-126.2.

1 **(A) IN THIS SECTION, "FUND" MEANS THE PRINCE GEORGE'S COUNTY**
2 **PUBLIC-PRIVATE PARTNERSHIP FUND.**

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

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

9 **(D) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL**
10 **ADMINISTER THE FUND.**

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

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

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

16 **(1) MONEY DEPOSITED INTO THE FUND BY THE PRINCE GEORGE'S**
17 **COUNTY GOVERNMENT AND THE PRINCE GEORGE'S COUNTY BOARD;**

18 **(2) FUNDS TO BE DEPOSITED INTO THE FUND IN ACCORDANCE WITH**
19 **§ 10-658(C)(1)(III) OF THE ECONOMIC DEVELOPMENT ARTICLE; AND**

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

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

24 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
25 **THE FUND.**

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

29 **(I) THE MONEY IN THE FUND SHALL BE USED TO SUPPLEMENT AND MAY**
30 **NOT SUPPLANT MONEY APPROPRIATED TO PRINCE GEORGE'S COUNTY FOR PUBLIC**

1 SCHOOL CONSTRUCTION UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM
2 ESTABLISHED IN TITLE 5, SUBTITLE 3 OF THIS ARTICLE.

3 5-303.

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

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

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

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

13 1. Define modular construction; and

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

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

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

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

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

27 5-313.

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

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

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

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

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

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

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

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

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

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

17 (d) The Interagency Commission shall:

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

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

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

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

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

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

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

4 (3) IN FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER,
5 \$80,000,000.

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

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

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

13 Article – Economic Development

14 10–601.

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

16 (b) “Authority” means the Maryland Stadium Authority.

17 (c) “Authority affiliate” means a for–profit or nonprofit entity in which the
18 Authority directly or indirectly owns any membership interest or equity interest.

19 (d) “Baltimore City” means, as the context requires:

20 (1) the geographic area of the City of Baltimore; or

21 (2) the Mayor and City Council of Baltimore.

22 (e) “Baltimore City Board of School Commissioners” means the Baltimore City
23 Board of School Commissioners of the Baltimore City Public School System established
24 under § 3–108.1 of the Education Article.

25 (f) “Baltimore City Public School Construction Facilities Fund” means the
26 Baltimore City Public School Construction Facilities Fund established under §
27 10–657 of this subtitle.

28 (g) “Baltimore City Public School Construction Financing Fund” means the
29 Baltimore City Public School Construction Financing Fund established under §
30 10–656 of this subtitle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **(I) THE GEOGRAPHIC AREA OF THE COUNTY; OR**

10 **(II) THE GOVERNING BODY OF THE COUNTY.**

11 **(2) “COUNTY” INCLUDES BALTIMORE CITY.**

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

15 **(S) “Facility” means:**

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

17 (2) a convention facility;

18 (3) the Hippodrome Performing Arts facility;

19 (4) a sports facility; [or]

20 (5) a Baltimore City public school facility; OR

21 (6) A PUBLIC SCHOOL FACILITY.

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

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

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

- 1 (i) the Hippodrome theater and offices;
2 (ii) food service facilities; and
3 (iii) any other functionally related property, structures,
4 improvements, furnishings, or equipment.

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

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

10 (1) 12 North Eutaw Street Building, identified in the State Department of
11 Assessments and Taxation Real Property database as tax identification number Ward 04,
12 Section 08, Block 0631, Lot 001; and

13 (2) 401 West Fayette Street, identified in the State Department of
14 Assessments and Taxation Real Property database as tax identification number Ward 04,
15 Section 08, Block 0631, Lot 013.

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

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

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

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

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

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

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

1 [(aa)] (CC) “Montgomery County Conference site” means the site of the
2 Montgomery County Conference Center located in Rockville at the address generally
3 known as 5701 Marinelli Road, identified in the State Department of Assessments and
4 Taxation Real Property database as tax identification number District 04, Account Number
5 03392987.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **(KK) “SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND”**
20 **MEANS THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND**
21 **ESTABLISHED UNDER § 10-658.1 OF THIS SUBTITLE.**

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

24 10-618.

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

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

31 (b) The Authority may:

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

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

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

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

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

6 and

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

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

10 10-620.

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

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

17 (f) The Authority shall:

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

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

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

27 (4) with respect to Camden Yards, the Baltimore Convention facility, and
28 the Hippodrome Performing Arts facility, participate in the design review processes of
29 Baltimore City; [and]

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

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

4 10-628.

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

12 (i) the Baltimore Convention facility – \$55,000,000;

13 (ii) the Hippodrome Performing Arts facility – \$20,250,000;

14 (iii) the Montgomery County Conference facility – \$23,185,000;

15 (iv) the Ocean City Convention facility – \$17,340,000; [and]

16 (v) Baltimore City public school facilities – \$1,100,000,000; AND

17 (VI) PUBLIC SCHOOL FACILITIES IN THE STATE –
 18 \$2,200,000,000.

19 10-634.

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

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

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

31 (c) Notwithstanding any other provision of law, in order to perfect a lien on
 32 pledged revenues or money deposited in the Baltimore City Public School Construction

1 Financing Fund OR THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION
2 FINANCING FUND against a third person, it is not necessary to file or record any document
3 adopted or entered into by the Authority in any public record other than in the records of
4 the Authority.

5 **10-649.**

6 (A) (1) EXCEPT AS AGREED TO IN A MEMORANDUM OF UNDERSTANDING
7 UNDER § 10-650 OF THIS SUBTITLE, THE AUTHORITY SHALL COMPLY WITH THIS
8 SECTION AND § 5-303 OF THE EDUCATION ARTICLE TO FINANCE IMPROVEMENTS TO
9 A PUBLIC SCHOOL FACILITY.

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

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

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

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

29 (2) THE SOLE SOURCE OF PAYMENT FOR ANY COSTS OR EXPENSES
30 RELATED TO FINANCING PUBLIC SCHOOL FACILITIES SHALL BE THE MONEY ON
31 DEPOSIT IN THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES
32 FUND AND THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING
33 FUND AND BOND PROCEEDS HELD UNDER A TRUST AGREEMENT.

34 (C) AT LEAST 45 DAYS BEFORE SEEKING APPROVAL OF THE BOARD OF
35 PUBLIC WORKS FOR EACH PUBLIC SCHOOL FACILITIES BOND ISSUE, THE

1 AUTHORITY SHALL PROVIDE TO THE FISCAL COMMITTEES OF THE GENERAL
2 ASSEMBLY WRITTEN NOTICE OF:

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

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

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

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

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

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

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

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

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

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

32 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
33 THE TOTAL DEBT SERVICE FOR ANY BOND ISSUE, WHEN ADDED TO ALL PRIOR

1 OUTSTANDING BOND ISSUES RELATED TO IMPROVEMENTS TO PUBLIC SCHOOL
2 FACILITIES, MAY NOT EXCEED THE TOTAL AMOUNT OF THE FUNDS PROVIDED UNDER
3 SUBSECTION (G) OF THIS SECTION.

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

7 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BEGINNING JULY
8 1, 2020, AND CONTINUING UNTIL THE BONDS THAT HAVE BEEN ISSUED TO FINANCE
9 IMPROVEMENTS TO PUBLIC SCHOOL FACILITIES ARE NO LONGER OUTSTANDING
10 AND UNPAID, THE COMPTROLLER SHALL DEPOSIT INTO THE SUPPLEMENTAL
11 PUBLIC SCHOOL CONSTRUCTION FINANCING FUND \$125,000,000 OF THE FUNDS IN
12 THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THE STATE
13 GOVERNMENT ARTICLE.

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

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

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

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

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

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

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

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

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

21 **(1) TAKEN DURING THE PREVIOUS FISCAL YEAR; AND**

22 **(2) PLANNED FOR THE CURRENT FISCAL YEAR.**

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

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

31 **10-650.**

32 **(A) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL,**
33 **IN ACCORDANCE WITH THE PROCESS ESTABLISHED IN § 5-304 OF THE EDUCATION**
34 **ARTICLE, APPROVE PUBLIC SCHOOL FACILITY PROJECTS TO BE FUNDED FROM THE**

1 SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND THE
2 SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND.

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

8 (I) ANNE ARUNDEL COUNTY – 11.4%;

9 (II) BALTIMORE CITY – 18.2%;

10 (III) BALTIMORE COUNTY – 18.2%;

11 (IV) FREDERICK COUNTY – 3.4%;

12 (V) HOWARD COUNTY – 4.5%;

13 (VI) MONTGOMERY COUNTY – 18.2%;

14 (VII) PRINCE GEORGE’S COUNTY – 18.2%; AND

15 (VIII) ALL OTHER COUNTIES – 7.9%.

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

23 (3) THE PERCENTAGE OF BOND PROCEEDS SPECIFIED FOR PRINCE
24 GEORGE’S COUNTY UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE
25 ALLOCATED ONLY IF PRINCE GEORGE’S COUNTY DOES NOT ENTER INTO A
26 PUBLIC-PRIVATE PARTNERSHIP AS AUTHORIZED UNDER § 4-126.1 OF THE
27 EDUCATION ARTICLE.

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

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

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

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

15 (3) IF THE COUNTY BOARD OF EDUCATION CHOOSES TO CONTRACT,
16 MANAGE, AND OVERSEE A PUBLIC SCHOOL FACILITY PROJECT FUNDED FROM THE
17 SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND AND THE
18 SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND, THEN THE
19 PUBLIC SCHOOL FACILITY PROJECT SHALL BE SUBJECT TO THE SAME
20 REQUIREMENTS AND PROCEDURES THAT GOVERN THE PUBLIC SCHOOL
21 CONSTRUCTION PROGRAM.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 4. INCLUDE A PROVISION THAT THE STATE AND LOCAL
33 COST-SHARE FOR THE COUNTY ESTABLISHED IN REGULATIONS SHALL APPLY TO A
34 COUNTY PUBLIC SCHOOL FACILITY APPROVED FOR FUNDING FROM THE

1 SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND OR THE
2 SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES FUND; AND

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

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

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

9 C. WITH A HIGH NUMBER OF RELOCATABLE
10 CLASSROOMS.

11 (2) FOR BALTIMORE CITY, IF A PROVISION OF THE MEMORANDUM OF
12 UNDERSTANDING ENTERED INTO IN ACCORDANCE WITH § 10-646 OF THIS SUBTITLE
13 CONFLICTS WITH A PROVISION OF THE PROJECT MEMORANDUM OF
14 UNDERSTANDING, THE PROVISION OF THE PROJECT MEMORANDUM OF
15 UNDERSTANDING SHALL PREVAIL.

16 10-658.

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

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

22 (2) THE AUTHORITY SHALL:

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

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

29 (III) IF PRINCE GEORGE'S COUNTY HAS A PUBLIC-PRIVATE
30 PARTNERSHIP AGREEMENT UNDER § 4-126.1 OF THE EDUCATION ARTICLE,
31 BEGINNING IN FISCAL YEAR 2021, DEPOSIT INTO THE PRINCE GEORGE'S COUNTY
32 PUBLIC-PRIVATE PARTNERSHIP FUND ESTABLISHED UNDER § 4-126.2 OF THE

1 EDUCATION ARTICLE AN AMOUNT EQUAL TO \$25,000,000 IN EACH FISCAL YEAR
2 THAT PRINCE GEORGE'S COUNTY, THE PRINCE GEORGE'S COUNTY BOARD OF
3 EDUCATION, AND THE PRIVATE ENTITY REMAIN IN THE PUBLIC-PRIVATE
4 PARTNERSHIP AGREEMENT UNDER § 4-126.1 OF THE EDUCATION ARTICLE, UNTIL
5 NOT LATER THAN FISCAL YEAR 2050.

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

10 (I) DEBT SERVICE ON AUTHORITY BONDS;

11 (II) DEBT SERVICE RESERVES UNDER A TRUST AGREEMENT;

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

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

24 (V) ALL REASONABLE CHARGES AND EXPENSES RELATED TO
25 THE AUTHORITY'S ADMINISTRATION OF THE SUPPLEMENTAL PUBLIC SCHOOL
26 CONSTRUCTION FINANCING FUND AND MANAGEMENT OF THE AUTHORITY'S
27 OBLIGATIONS.

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

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

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

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

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

6 **(4) ANY INTEREST EARNINGS OF THE FUND; AND**

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

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

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

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

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

22 **10-658.1.**

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

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

28 **(2) THE AUTHORITY SHALL:**

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

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

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

9 (1) DEBT SERVICE ON AUTHORITY BONDS;

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

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

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

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

25 (D) THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FACILITIES
26 FUND CONSISTS OF:

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

31 (2) ANY INTEREST EARNINGS OF THE FUND; AND

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

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

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

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

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

13 **[10-658.] 10-659.**

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

15 **Article – State Finance and Procurement**

16 **6-226.**

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

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

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

26 **113. the Veteran Employment and Transition Success Fund;**

27 **114. THE SUPPLEMENTAL PUBLIC SCHOOL**
 28 **CONSTRUCTION FACILITIES FUND;**

29 **115. THE SUPPLEMENTAL PUBLIC SCHOOL**
 30 **CONSTRUCTION FINANCING FUND; AND**

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

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

5 Article – Education

6 5-324.

7 (A) IN THIS SECTION, "FUND" MEANS THE PUBLIC SCHOOL FACILITIES
8 PRIORITY FUND.

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

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

15 (D) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL
16 ADMINISTER THE FUND.

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

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

21 (F) THE FUND CONSISTS OF:

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

23 (2) ANY INTEREST EARNINGS OF THE FUND; AND

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

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

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

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

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

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

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

11 **(K) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT**
 12 **INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**
 13 **APPROPRIATED IN THE ANNUAL STATE OPERATING OR CAPITAL BUDGET BILL TO**
 14 **PRIMARY AND SECONDARY SCHOOLS UNDER THIS ARTICLE.**

15 **Article – State Finance and Procurement**

16 **6–226.**

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

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

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

26 **113. the Veteran Employment and Transition Success Fund;**

27 **AND**

28 **114. THE PUBLIC SCHOOL FACILITIES PRIORITY FUND.**

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

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

1 shall be consolidated into the Public School Facilities Priority Fund established in Section
2 3 of this Act beginning in fiscal year 2026.

3 SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take
4 effect July 1, 2021.

5 SECTION 7. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take
6 effect July 1, 2025.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.