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Proud



2022 90 Day Report

Angela D. Alsobrooks ~ County Executive
www.princegeorgescountymd.gov



July 1, 2022

I am extremely proud to present the *90 Day Report – A Review of the 2022 General Assembly’s Legislative Session*. This report includes breakdowns of the Operating and Capital Budgets for fiscal year 2023, as well as the bills of the House and Senate County Delegations. In addition, included are the statewide bills that impact Prince George’s County categorized by key legislative areas. The summaries of bills contained in the Report seek to provide a cursory explanation of the changes in the law and the relevant background on the changes, as needed.

I am pleased to report that we worked in collaboration with the Prince George’s County Council, the House and Senate delegations, the Presiding Officers and other key members of the legislature to make the recently concluded 2022 Session of the Maryland General Assembly a resounding success for Prince George’s County.

Upon the release of Governor Hogan’s Budget, along with a series of key supplemental budgets, our office was able to secure over \$2.5 Billion dollars in state funding for key operational and capital projects, which not only led all other counties in funding, but also marks the largest allocation the County has ever received from the state in a single year.

Our Administration, the County Council and County Delegation remained committed to ensuring that the County receives its fair share of funding for education, economic development, housing, and transit. We pushed for additional operating and school construction funding, as well as funding for our community college and public libraries. We spearheaded economic development initiatives that have helped us return Prince George’s County as the economic engine for the State of Maryland and the Washington Metropolitan Region.

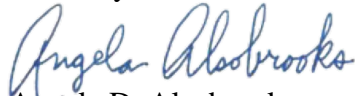
This session saw a 244% increase in capital investment in Prince George’s County over the previous year, and included funding for vital projects, to include \$67M for a state-of-the-art Cancer Center at Capital Region Medical Center in Largo, \$20M for a Sports and Entertainment Center, \$20M for Blue Line Corridor infrastructure, and \$4M to complete the state’s commitment for an Amphitheatre. This was paired with \$200M in preauthorized funds for the possible relocation of the Federal Bureau of Investigation Headquarters, and for the first time in the County’s history, \$400M in bonding authority from the Maryland Stadium Authority for projects along the Blue Line Corridor.

During the 2022 Legislative Session, we were pleased to once again be in the forefront supporting legislation of enormous importance to our residents, including new laws to reform our school board, improve recreation services, investments in affordable housing, and support and protection for tenants. We worked with the State to pass statewide legislation to protect our environment and fight climate change, prohibit ghost guns (untraceable firearms), reform our juvenile justice system, and return vital highway user revenues to local jurisdictions.

The following report highlights some of our most important efforts during the 2022 Legislative Session and cumulates the hard work of the staff of the Office of Intergovernmental Affairs Office (IGA Office) over the ninety-day session. The IGA staff includes Legislative Director Ron Young, Legislative Officer Patrick Gallaher, Budget Specialist David Juppe, County Council Liaison Terry Bell, and Administrative Assistant Nicole Plater. The IGA staff and the many legislative Liaisons throughout the County agencies have collaborated in bringing these historic outcomes to the County this year.

I hope that you find the information contained in this Report helpful and informative.

Sincerely,



Angela D. Alsobrooks
County Executive

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OPERATING AND CAPITAL BUDGET OVERVIEW

Operating Budget (Chapter 484)

As shown in **Exhibit 1**, State aid to Prince George’s County increases by \$33.5 million, or 2.1% in FY 2023 in Chapter 357 (the FY 2023 operating budget, SB 290). Most of this aid is provided to the Board of Education, which grows \$14.4 million or 1.0%. However, this amount is artificially lower due to one-time COVID-19 funding of \$43.3 million that was provided to the County in FY 2022, as well as \$83.8 million in one-time “hold harmless” funds that were included to offset formula funding losses due to lower enrollment counts during the pandemic. Formula-based library aid increases by \$1.0 million, or 10.4%, mainly because the 2020 Census count was higher than prior estimates and the formula provides a per-capita grant.

Exhibit 1 State Operating Budget Aid – Prince George’s County Fiscal 2022-2023

Category	FY 2022	FY 2023	\$ Change	% Change
	Working	Leg. Approp.		
Education	\$1,442,859,876	\$1,457,304,987	\$14,445,111	1.0%
Library	10,045,747	11,091,053	1,045,306	10.4%
Community College	46,441,797	51,081,508	4,639,711	10.0%
General County Aid	111,857,417	125,237,198	13,379,781	12.0%
Total	\$1,611,204,837	1,644,714,746	\$33,509,909	2.1%

Source: Department of Legislative Services

Aid to the community college increased by a net \$4.6 million. Cade formula funding grew by \$5.6 million as part of the final statutory phase-in of aid levels equal to 29% of the Full-Time

Equivalent Student amount for public colleges and universities. Formula-based aid was offset by reductions of \$1.0 million in English to Speakers of Other Languages programs based on enrollment and lower indirect aid for community college retirement. The actuarial amount for pension funding decreased based on better investment performance.

County aid grew by \$13.4 million, or 12.0%, although part of this is due to one-time aid.

- Disparity grant funding increased by \$7.5 million, or 20.5%, because the population numbers used for the FY 2023 calculation were based on actual 2020 Census data (967,201) instead of population estimates.
- \$5.9 million in one-time police aid. The Governor submitted legislation to implement permanent increases in the State Aid for Police Protection formula, but it did not pass. HB 411 would have increased the Supplemental Grant and the Sworn Officers Grant components.
- Provisions in the operating budget bill that directly affect County funding include:
 - Budget bill language requires the State Department of Assessments & Taxation to report by August 1, 2022, on the backlog of property tax appeals in the Prince George's Property Tax Assessment Appeals Board and how the backlog will be addressed.
 - Committee narrative in the Department of Information Technology requires a report by November 18, 2022, on how approximately \$12.8 million in federal Infrastructure Investment and Jobs Act funds will be distributed to local governments for cybersecurity grants.
 - The Maryland Department of Transportation must report by October 1, 2022, on the economic benefits to Prince George's and Montgomery Counties on WMATA's procurement of 8000 series railcars, specifically including building an assembly plant, subcontracting to local businesses, hiring local employees, job training, and supporting local business initiatives.

Supplemental Budget Items

The Governor introduced 5 supplemental budgets which included unallocated appropriations that might provide some level of funding to the County. This included:

- Federal CARES Act funding statewide which might result in funding for the Board of Education:
 - \$35.0 million for the Governor's Emergency Education Relief Initiatives.
 - \$139.6 million for the Maryland Leads Initiative.
 - \$14.7 million for programs supporting African American males.
 - \$586.9 million for local school systems.

- \$37.8 million for schools recovering from the pandemic.
- \$1.3 million in the Department of Commerce budget for cultural arts organizations in Baltimore City, Howard, Prince George's, and the Eastern Shore. Amounts to each County are not specified.
- \$1.0 million grant in the budget of the Governor's Office of Crime Prevention, Youth, and Victim Services to police departments to coordinate task forces that cross jurisdictional boundaries.
- \$5.0 million in the State Police budget for police departments to acquire license plate readers.
- \$1.0 million to the National Capital Strategic Economic Development Fund.
- \$24.2 million in the Maryland Department of Health budget for opioid settlement payments. The County is waiting on clarification from the State because there are different nationwide settlements that dictate how funds can be used. Some funds can compensate the County for prior use of general funds for opioid treatment while some settlements require funds to be used only for future treatment expenses.
- \$5.0 million split between the University of Maryland College Park and the University of Maryland, Baltimore to encourage the development and location of technology companies in Baltimore City and Prince George's County.

Targeted Funding not counted as State aid to the County:

- \$10.0 million in the Department of Housing & Community Development (DHCD) budget for the Housing Investment Trust Fund for new affordable and mixed income rental and homeownership in Transit-Oriented Development areas.
- \$10.0 million in the DHCD budget for the Right of First Refusal program.
- \$300,000 in the Department of Commerce budget for the Financial Services Corporation and \$250,000 for Employ Prince George's Inc., however both are restricted funding items, and the Governor can choose to not release any funds.

Capital Budget (Chapter 344)

The State's capital budget, Chapter 344 (SB 291) includes \$96.1 million for various County entities, excluding State agencies located in the County and bond bills for selected municipalities and non-profit organizations. **Exhibit 2** details projects for the Board of Education, Memorial Library, Community College, Maryland-National Capital Park and Planning Commission, and County Government.

Exhibit 2 State Capital Budget Grants – Prince George's County Fiscal 2023

	Category	FY 2023 Leg. Approp.
Board of Education	Enrollment Growth & Relocatable Classroom Grants	\$17,765,000
	Aging Schools	1,209,426
	School Construction (Unallocated)	30,000,000
	Subtotal	\$48,974,426
Memorial Library	Baden Library Relocation & Renovation	1,549,000
	Subtotal	1,549,000
Community College	Marlboro Hall (PAYGO)	\$10,000,000
	Dukes Student Center*	8,000,000
	Subtotal	\$18,000,000
MNCPPC	Amphitheater	\$4,000,000
	Baysox Stadium	500,000
	Oak Creek West Park	2,000,000
	Dinosaur Park	50,000
	Subtotal	\$6,550,000
County Government	Blue Line Corridor Infrastructure	\$20,000,000
	Blue Line Public Arts Projects	1,000,000
	Subtotal	\$21,000,000
	Grand Total	96,073,426

Source: Department of Legislative Services

Prior Authorizations of State Debt (Chapter 626)

- **SB 1009** (Chapter 626) creates a \$2.0 million General Obligation bond grant to the Redevelopment Authority of Prince George’s County for environmental studies, asbestos and hazardous materials studies, structural studies, and pre-development site development at the former Cheverly Hospital site.

Other Legislation

- **SB 124** (Chapter 205) establishes a Grant Program to Reduce and Compost School Waste. There is approximately \$195,000 in the budget to make grants to local school systems to reduce food waste.
- **SB 191** (Chapter 116) establishes the Purple Line Construction Zone Grant Program for businesses affected by construction and that have fewer than 20 employees. Grants of \$1.0 million are provided for FY 2023 and 2024 to Prince George’s and Montgomery County. The Department of Legislative Services indicated that 54% of impacted businesses are in the County so the County should receive about \$540,000 to administer in both years.
- **SB 259** (Chapter 51) requires payment of the prevailing wage to operating budget contracts for HVAC systems, refrigeration systems, plumbing systems, electrical systems, and elevator systems with a value of at least \$2,500. The fiscal note was unable to estimate the impact to County governments but noted that the cost is likely to be significant.
- **SB 273/HB 275** (Chapters 138 and 139) ban PFAS chemicals by 1/1/24. The Maryland Department of the Environment budget has \$500,000 to take back and dispose of Class B fire-fighting foam from fire departments if requested by the fire department (note the County Fire Department indicated during the session that it would have to spend \$25,000 to dispose of existing foam if the bill passed).
- **SB 448/HB 685** (Chapters 496 and 497) increase State aid for library grants. The County will receive 199,439 in FY 2023 (reflected in the Outside Aid estimate) up to \$1.0 million by FY 2027. The bill requires libraries to provide certain services, but the fiscal note says that County libraries already provide one or more of the listed services.
- **SB 528** (Chapter 38) requires starting in FY 2025 that a County Board of Education must only purchase zero-emission school buses, though the requirement does not apply if MDE determines no vehicle meets the County’s performance requirements, or the County can’t obtain federal, state, or private funding to pay the additional cost of a zero-emission vehicle (relative to a diesel vehicle).
- **SB 633** (Chapter 349) eliminates the cap on local 9-1-1 fees (currently limited to \$1.50 per line).

- **SB 724/HB 795** (Chapters 634 and 635) repeals a gross receipts shortage provision related to heavy equipment. (The Office of Finance indicates that the average annual revenue loss is \$750,000).
- **SB 754** (Chapter 241) requires local governments that use the State-operated broadband network to annually certify compliance with minimum cybersecurity standards. It also requires local governments to create or update cybersecurity preparedness and response plans and complete a cybersecurity preparedness assessment. Local governments would also be required to report a cybersecurity incident to the State. It authorizes the Department of Information Technology to leverage State purchasing power to offer favorable rates to local governments to procure IT or cybersecurity services from contractors.
- **SB 812** (Chapter 242) requires local governments to create or update cybersecurity preparedness and response plans and complete a cybersecurity preparedness assessment. Local governments would also be required to report a cybersecurity incident to the State.
- **SB 831/HB 1349** (Chapters 531 and 532) requires local boards of education to report the number of noncertified education support personnel to MSDE. The Governor is required to provide a \$500 bonus in FY 2024 for every noncertified education support position.
- **HB 19** (Chapter 553) requires a local school board to submit a pedestrian safety plan to the Interagency Commission on School Construction (IAC) when requesting State school construction funds.
- **HB 186** (Chapter 291) allows a subtraction modification to the income tax for up to \$100,000 of income for anyone who is at least 100 years old. The fiscal impact is indeterminate, but is likely to result in a small loss of income tax revenue to the County.
- **HB 566** (Chapter 550) requires the IAC to adopt regulations that require a local school system to include waste disposal infrastructure in the design documents that it submits to IAC for State funding approval for construction of a new school building.
- **HB 617** (Chapter 165) authorizes counties to grant a real property tax credit on the dwelling of a surviving spouse of a fallen service member (as defined by the County).
- **HB 897** (Chapter 61) gives the Maryland Stadium Authority additional bonding authority, including:
 - \$400 million for a Blue Line Corridor Facility, defined as:
 - A convention center;
 - An arts & entertainment amphitheater; and
 - Any other functionally related structures, improvements, infrastructure, furnishings, or equipment of the facility including parking garages.
 - 45 days before bonds can be issued the MSA must report to the fiscal committees on the aggregate funding for the facility to be funded with the

- bonds, a description of the facility, the anticipated debt service, and anticipated project costs.
 - \$200 million to upgrade the 5 minor league baseball stadiums in the State (which would include the Bowie Baysox) if:
 - A County or local government submits a request to the MSA with the location, amount, source, and timing of funding, and use of the facility.
 - The County or local government would have to agree to own, market, promote, and operate the facility and maintain and repair the facility to keep it in first-class operating condition.
 - The County would have to report to the budget committees annually by 12/31 on the assessment of maintenance and repair needed to keep the facility in operating order.
- **HB 1187** (Chapter 240) increases the County share of highway user revenues from 3.2% of the Gasoline & Motor Vehicle Revenue Account up to 3.7% in FY 2024, 4.3% in FY 2025, 4.8% in FY 2026 and 2027, then 3.7% in FY 2028 and beyond. It also increases the amount of the Corporate Income Tax to the GMVRA. County revenue should increase about \$3-4 million a year through FY 2027.
- **HB 1205** (Chapter 243) requires a public water system serving 10,000 or more users to assess its vulnerability to cyber attack and if appropriate develop a cybersecurity plan. It also establishes a local cybersecurity support fund to make grants to local governments to improve cybersecurity preparedness. There is \$110.0 million in the budget for the entire Act, but no amount is specified for the local cybersecurity support fund.
- **HB 1391** (Chapter 234) establishes a Medium-Duty and Heavy-Duty zero emission vehicle grant program in the Maryland Energy Administration for FY 2024-2027 to pay 20% of the cost for certain vehicles over 8,500 pounds purchased by a person or unit of local government. There will be grants of \$1.0 million a year for vehicles and \$750,000 a year for construction, earthmoving, or industrial heavy equipment.

Vetoed Legislation

- **SB 926** (vetoed) would have mandated grants to the County to award to a nonprofit entity located in the County to provide workforce development services to at least 2,000 youth and adults in the community. Because it is the last year of the term the veto cannot be overridden at the 2023 session.
 - FY 2024 1,030,030
 - FY 2025 1,106,996
 - FY 2026 1,119,482



TAXES

Property Tax

House Bill 76 - Community Solar Energy Generating Systems - Exemption From Property Taxes

House Bill 76 exempts personal property of specified community solar energy generating systems from county and municipal personal property taxes. Personal property is exempt from county and municipal personal property taxes if the personal property is machinery or equipment that (1) is part of a community solar energy generating system that has a generating capacity that does not exceed 2 megawatts as measured by the alternating current rating of the system's inverter; (2) provides at least 50% of the energy it produces to low- or moderate-income customers at a cost that is at least 20% less than the amount charged by the electric company that serves the area where the community solar energy generating system is located; and (3) is installed on a rooftop, parking facility canopy, or brownfield.

Senate Bill 860/House Bill 1039 - Property Tax - Community Solar Energy Generating Systems - Agrivoltaics

Senate Bill 860/House Bill 1039 provide several tax benefits for community solar energy generating systems that are placed in service after June 30, 2022 and approved on or before

December 31, 2025. First, personal property is exempt from county and municipal taxation if the property is machinery or equipment that is part of a community solar energy generating system that (1) provides at least 50% of the energy it produces to low- or moderate-income customers at a cost that is at least 20% less than the amount charged by the electric company that serves the area where the community solar energy generating system is located and (2) is used for agrivoltaics or is installed on a rooftop, brownfield, parking facility canopy, landfill, or clean fill. Second, State and local governments must grant a 50% real property tax credit for a brownfield, landfill, or clean fill on which a specified community solar energy generating system is installed. Finally, SDAT must assess and qualify land that is used by a community solar energy generating system for agrivoltaics as land that is actively used for farm or agricultural purposes. “Agrivoltaics” is defined as the simultaneous use of areas of land for both solar power generation and agriculture.

House Bill 268/Senate Bill 274 - Property Tax - Exemptions for Business Personal Property - Alterations

Senate Bill 274/House Bill 268 exempt a business from personal property tax if the total original cost of all the business’s personal property is less than \$20,000. The bills also prohibit SDAT from (1) collecting personal property information from these businesses or (2) requiring these businesses to submit a personal property tax return. Under current law, a business is exempt from personal property tax if the total original cost of all the business’s personal property is less than \$2,500. In addition, current law provides a personal property tax exemption to a home business if the total original cost of all the business’s personal property is less than \$10,000.

House Bill 617 - Property Tax – Credit for Surviving Spouses of Fallen Service Members

House Bill 617 authorizes local governments to grant a property tax credit against the county or municipal property tax imposed on the dwelling of a surviving spouse of a fallen service member, if the surviving spouse has not remarried and is ineligible for the existing property tax exemption for the surviving spouse of a disabled veteran and the surviving spouse of an individual who died in the line of duty while in active military, naval, or air service of the United States. Local governments must define who is a fallen service member.

Senate Bill 901/House Bill 1186 - Property Tax Credit - Elderly Individuals and Veterans Tax Credit - Amount and Duration

Current law authorizes local governments to grant, by law, a property tax credit for a dwelling owned by certain individuals who are elderly, veterans, or the surviving spouses of veterans. The amount of the credit is limited to 20% of the property tax imposed on the property, and the duration of the credit is limited to five years. Senate Bill 901/House Bill 1186 alter the local property tax credit by authorizing counties and municipalities to determine the amount and duration of the tax credit.

House Bill 795/Senate Bill 724 - Gross Receipts Tax on Short-Term Lease or Rental of Heavy Equipment – Alterations

Senate Bill 724/House Bill 795 exempt government agencies from the gross receipts tax on short-term leases or rentals of heavy equipment property and repeal certain reporting requirements

House Bill 1097 - Task Force on Property Appraisal and Valuation Equity

House Bill 1097 establishes the Task Force on Property Appraisal and Valuation Equity to study and make recommendations to address the persistent misvaluation and undervaluation of property owned by minorities. The task force must report its findings and recommendations to the Governor and the General Assembly by October 31, 2023.

Income Tax

House Bill 2/Senate Bill 598 - Income Tax – Work Opportunity Tax Credit

The Work Opportunity Tax Credit is a federal income tax credit available to employers for hiring individuals who are considered to face significant barriers to employment. Senate Bill 598/House Bill 2 create a nonrefundable credit against the State income tax for up to 50% of the federal Work Opportunity Tax Credit claimed by an employer with respect to a qualified individual who is employed in the State. It is estimated that the credit will decrease State revenues by about \$30 million annually beginning in fiscal 2023.

House Bill 186 - Income Tax – Subtraction Modification for Centenarians

House Bill 186 creates a subtraction modification against the State income tax for an individual who is at least 100 years of age. The maximum value of the subtraction modification is equal to \$100,000 of the income received by an individual.

Senate Bill 405/House Bill 1468 - Income Tax - Retirement Income Subtraction Modifications and Senior Credit (Retirement Tax Elimination Act of 2022)

Senate Bill 405/House Bill 1468 create a nonrefundable credit against the State income tax for a resident who is at least age 65 and whose federal adjusted gross income does not exceed \$100,000 (\$150,000 if married filing jointly). The amount of the tax credit is equal to (1) \$1,000 for an individual or if only one of the individuals filing a joint return is an eligible individual or (2) \$1,750 if married filing jointly and both individuals are at least age 65. The value of the tax credit is reduced for certain taxpayers if specified revenue estimates are below a certain amount.



PRINCE GEORGE'S COUNTY DELEGATION LEGISLATION

Bi-County Committee

House Bill 1059 - Bi-county Commissions - Ethics - Certification of Compliance PG/MC 103-22

This bill requires each bi-county commission to annually certify with the State Ethics Commission (SEC) that it is in compliance with requirements of the Maryland Public Ethics Law relating to the regulation of conflicts of interest of employees, financial disclosure by employees, and lobbying of the bi-county commission. The bill also specifies that a bi-county commission may modify its lobbying regulations to make the regulations relevant to the bi-county commission. The bill takes effect October 1, 2022.

House Bill 397 - Maryland-National Capital Park and Planning Commission - Montgomery County - County Council and District Council - Voting Thresholds PG/MC 100-22

This bill establishes new voting thresholds for the Montgomery County Council or Montgomery County District Council in matters concerning the Maryland National Capital Park and Planning Commission (M-NCPPC). The bill applies prospectively and may not be applied or

interpreted to have any effect on or application to the voting threshold necessary to take any action by the county council or the county district council before December 5, 2022.

In Montgomery County, the county council must make an appointment to M-NCPPC, as specified. If the county executive does not approve an appointment for a commissioner, the county council may override the county executive's decision. The bill increases, from seven to nine, the number of affirmative votes required for the county council to appoint a commissioner over the disapproval of the county executive.

The Prince George's County Executive, with the approval of a majority of the members of the county council, the Montgomery County Council, and with the approval of the Montgomery County Executive, must designate a commissioner for the position of M-NCPPC chair or vice chair. In Montgomery County, if the county executive does not approve the county council's designee for the position of M-NCPPC chair or vice chair, the bill increases, from six to eight, the number of affirmative votes required for the county council to override the county executive's disapproval. The bill takes effect October 1, 2022.

House Bill 400 - Washington Suburban Sanitary Commission - Hiring and Promotion Preferences - Veterans and Their Spouses PG/MC 106-22

This bill authorizes the Washington Suburban Sanitary Commission (WSSC) to grant a hiring and promotion preference to an eligible veteran, the spouse of an eligible veteran who has a service-connected disability, or the surviving spouse of a deceased eligible veteran. An eligible veteran is a veteran of any branch of the U.S. Armed Forces who has received an honorable discharge or a certificate of satisfactory completion of military service, including the National Guard, the military reserves, the Commissioned Corps of the Public Health Service, and the Commissioned Corps of the National Oceanic and Atmospheric Administration. The bill establishes that granting this preference does not violate any State or local Equal Employment Opportunity law. The bill also repeals the requirement that certain honorably discharged veterans must receive a specified credit in competitive selection processes for appointment. The bill takes effect October 1, 2022.

House Bill 399 - Washington Suburban Sanitary Commission - Minority Business Enterprise Utilization Program - Termination Extension PG/MC 105-22

This bill extends, from July 1, 2022, to July 1, 2023, the authorization of the Washington Suburban Sanitary Commission's (WSSC) minority business enterprise (MBE) utilization programs. The bill takes effect July 1, 2022.

House Bill 526 - Washington Suburban Sanitary Commission - Plumbing and Fuel Gas Services - Licenses and Penalties PG/MC 109-22

This bill prohibits a person from providing, attempting to provide, or offering to provide plumbing services in any area of Montgomery County or Prince George's County under the

regulatory jurisdiction of the Washington Suburban Sanitary Commission (WSSC) without a license from WSSC. The bill prohibits a person from assisting, attempting to assist, or offering to assist in providing fuel gas services in the same areas without a license. Further, the bill authorizes WSSC to deny a license to any applicant, reprimand a licensee, or suspend or revoke a license in circumstances subject to existing procedures related to the revocation or suspension of licenses. Finally, WSSC is authorized by the bill to impose a penalty of up to \$5,000 for each violation, after taking into account certain factors (i.e., the seriousness of the violation, the harm caused, the good faith of the licensee, and any history of previous violations). The bill takes effect October 1, 2022.

HB 535 - Washington Suburban Transit Commission - Montgomery County and Prince George's County Commissioners - Repeal of Term Limit PG/MC 111-22

This bill authorizes the members of the Washington Suburban Transit Commission (WSTC) that are appointed by the County Executive of Montgomery County or the County Executive of Prince George's County, who is not the required member from the Prince George's County Council, to serve more than two consecutive terms. As a result, only the members appointed by the Governor are prohibited from serving more than two consecutive terms. The bill takes effect July 1, 2022.

County Affairs

House Bill 394 - Prince George's County - Municipal Tax Setoff, School Facilities Surcharge, and Public Safety and Behavioral Health Surcharge - Reports PG 402-22

This bill alters the due dates for three annual reports in Prince George's County: municipal property tax setoff report, school facilities surcharge report, and the public safety and behavioral health surcharge report. Each annual report must be submitted on or before October 31. The bill takes effect July 1, 2022.

The bill shifts the following dates:

- Municipal tax setoffs report changes from January 31 to October 31
- School facilities surcharge report changes from August 31 to October 31
- Public safety & behavioral health surcharge report changes from March 1 to October 31

House Bill 1057 (Chapter 0218) Prince George's County - Recreation Blue Ribbon Workgroup PG 406-22

This emergency bill establishes the Prince George's County Recreation Blue Ribbon Workgroup for the purpose of conducting a study and providing recommendations to the Prince George's County Council regarding several aspects of providing recreational services in the county. Workgroup recommendations are due by April 11, 2023.

Workgroup Membership

The workgroup is comprised of 15 members:

- Two members appointed by the Prince George's County House Delegation;
- Two members appointed by the Prince George's County Senate Delegation;
- Two members appointed by the county executive;
- Two members appointed by the county council;
- The president of the Prince George's County Boys and Girls Club;
- One representative of the Prince George's County Department of Parks and Recreation designated by the director of the department;
- Prince George's County Parks and Recreation Youth and Countywide Sports Division Chief;
- One representative of the UFCW Local 1994 Municipal and County Government Employees Organization appointed by the county executive;
- The chief executive officer of the Prince George's County Arts and Humanities Council;
- One representative of the National Recreation and Park Association appointed by the county council; and
- One representative of the Prince George's County Aging and Disabilities Services Division appointed by the county executive.

Workgroup Responsibilities

- Improving access to the existing youth sports, arts, and recreation programming available;
- Improving access to publicly owned facilities, fields, and gyms for county-based organizations;
- Improving access to opportunities for county-based minority-owned and small businesses in procurements related to the delivery of recreation projects and programs;
- Potential costs, benefits, advantages, and disadvantages of transferring the responsibility for specific operations of the existing youths sports, arts, and recreation functions from M-NCPPC to a different entity (an authority, county agency, or any other entity); and
- How a different entity could fund the costs of any actuarial deficiency or other adverse financial consequence caused to the plan, participants, or beneficiaries of any existing employment benefit program, retirement plan, or other postemployment benefit provided by M-NCPPC in the event any employee who performed youth sports, arts, or recreation functions is transferred to the new entity.

Workgroup Recommendations

The bill requires that all recommendations made by the workgroup must be affirmed with a majority vote of its membership during a public meeting. Each member of the workgroup may be qualified on the basis of knowledge and experience that is relevant to the purpose of the workgroup, as specified.

Existing Funding for Recreation Programs in Prince George's County

M-NCPPC funds and provides the county recreation program in Prince George's County. Local property taxes account for the vast majority (90.1%) of the total revenues for the county

recreation program. M-NCPPC imposes a 7.8 cent real property tax rate (19.5 cent personal property tax rate) throughout the entire county that generates approximately \$89.3 million in revenues. The Prince George's County Recreation Fund is budgeted at \$99.1 million in fiscal 2022. Exhibit 1 provides a summary of expenditures for the Prince George's County Recreation Fund over a three-year period. In Montgomery County, the county recreation programs are operated by the Montgomery County Department of Recreation

Exhibit 1
Prince George's County Recreation Fund
Summary of Expenditures by Division

	FY 2020 <u>Actual</u>	FY 2021 <u>Budget</u>	FY 2022 <u>Adopted</u>
Administration and Development			
Maintenance-Development	\$784,847	\$1,128,175	\$1,106,418
Facility Operations - Deputy	515,054	733,903	617,369
Support Services	8,480,218	10,154,186	10,162,491
Subtotal	<i>\$9,780,119</i>	<i>\$12,016,264</i>	<i>\$11,886,278</i>
Facility Operations			
Public Affairs and Marketing	\$738,211	\$1,017,835	\$1,002,967
Aquatics	10,676,685	12,081,094	11,532,374
Natural and Historic Resources	1,505,029	1,505,577	1,512,020
Arts and Cultural Heritage	4,059,887	4,410,851	4,416,317
Youth and Countywide Sports	2,247,408	4,365,918	4,353,556
Subtotal	<i>\$19,227,220</i>	<i>\$23,381,275</i>	<i>\$22,817,234</i>
Area Operations			
Area Operations - Deputy	\$496,425	\$485,512	\$456,708
Special Programs	8,283,185	10,016,420	9,760,596
Northern Area Operations	6,892,186	7,972,090	8,044,870
Central Area Operations	6,559,072	7,352,942	7,362,769
Southern Area Operations	8,759,182	10,878,485	10,758,458
Subtotal	<i>\$30,990,050</i>	<i>\$36,705,449</i>	<i>\$36,383,401</i>
Total Expenditures - Division	<i>\$59,997,389</i>	<i>\$72,102,988</i>	<i>\$71,086,913</i>
Non-Departmental			
Grants	\$4,219,295	\$5,117,621	\$6,377,065
Capital Project Fund	509,556	0	0
Enterprise Fund	10,000,000	10,000,000	10,000,000
Budgetary Reserve	8,157,592	8,150,092	11,022,680
Subtotal	<i>\$3,618,700</i>	<i>\$4,268,500</i>	<i>\$4,424,300</i>
Total Fund Expenditures	<i>\$86,502,532</i>	<i>\$99,639,201</i>	<i>\$102,910,958</i>

Source: Maryland-National Capital Park and Planning Commission

Law Enforcement

House Bill 357 - Prince George's County - Alcoholic Beverages - Sunday Off-Sale Permits PG 301-22

This bill repeals the limitation on the number of Sunday off-sale permits (105) issued by the Prince George's County Board of License Commissioners to the holder of any Class A license or the holder of any Class B license with an off-sale privilege.

Generally, in Prince George's County, Sunday off-sale permits can be issued to the holder of any Class A license or any Class B license with an off-sale privilege. The permit authorizes the sale of alcoholic beverages for consumption off the licensed premises on Sunday from 8 a.m. to midnight. Currently, no more than 105 Sunday off-sale permits may be in effect at any one time.

The application fee for a Sunday off-sale permit is \$750. The annual permit fee is \$2,590 for a holder of a Class A license and \$1,080 for a holder of a Class B license with off-sale privileges. These permit fees are in addition to the annual fees for Class A and Class B licenses to which the permit is attached. There are 52 Class A licensees may wish to obtain a Sunday off-sale permit under the bill. County revenues increase by \$2,590 per additional permit issued to a Class A alcoholic beverages license. In addition, there is an initial \$750 application fee for each permit. Assuming 52 additional Class A license holders obtain a Sunday off-sale permit, revenues increase by up to \$173,680 from additional Class A permits issued under the bill in fiscal 2023, and up to \$134,680 annually thereafter. In total, Prince George's County revenues are estimated to increase by up to \$188,320 in fiscal 2023, and up to \$143,320 annually thereafter from Sunday off-sale permits issued under the bill. The bill takes effect June 1, 2022.

House Bill 1050 - Prince George's County - Alcoholic Beverages Licenses - Limits and Renewal Application Deadline for Class B Licenses PG 305-22

This emergency bill increases, from 185 to 215, the maximum number of Class B beer, wine, and liquor licenses that the Prince George's County Board of License Commissioners is authorized to issue. The bill requires the board to accept by May 1, 2022, a license renewal application filed by the holder of a Class B license that is set to expire on May 31, 2022. The bill also authorizes the board to impose a late fee of \$1,000 for each of these license renewal applications filed after April 1, 2022.

Education

Senate Bill 444/ House Bill 1473 - Prince George's County - School Board Districts - Redistricting Plan

This emergency bill adjusts the boundaries of the nine school board districts from which nine members of the Prince George's County Board of Education are elected. Under current law, the boundaries of local board of education districts must be redrawn every 10 years following the

decennial census to adjust for population changes. The 14-member Prince George's County Board of Education includes 9 members elected from nine school board districts. A candidate for election to the county board must be a registered voter of the county and a resident of the school board district the candidate seeks to represent. The elected members serve four-year terms.

House Bill 0355 (Chapter 0217) Prince George's County Board of Education - Workgroup, Alterations, and Orientation Requirement PG 503-22

This bill alters the composition of the Prince George's County Board of Education beginning July 1, 2024, by removing the four appointed members from the board. The bill makes other conforming changes, requires the chair and vice chair of the board to be elected from among the members of the board beginning December 5, 2022, and requires that at the beginning of each term, each member must attend an orientation and be provided with materials that clarify the role of the member. The bill also establishes a Workgroup on the Membership and Operation of the Prince George's County Board of Education staffed by Prince George's County Public Schools in conjunction with Bowie State University.

The workgroup must study and make recommendations regarding specified aspects of the Prince George's County Board of Education. Prince George's County Public Schools, in conjunction with Bowie State University, must provide staff for the workgroup. At least three public meetings must be held in geographically diverse areas of Prince George's County that allow members of the general public and stakeholder organizations to testify on issues being studied by the workgroup. The workgroup must extend an invitation to testify to certain specified organizations.

The workgroup must make recommendations regarding:

- how to implement an electoral process for an all-elected board that best serves the needs of the Prince George's County community by considering specified elements;
- appropriate compensation for board members and appropriate scholarship for the student member, including an assessment of staffing and budget needs for the board;
- an appropriate phase-in period for any recommended changes to the board;
- criteria that improve board results, accountability, transparency, and oversight;
- the establishment and use of advisory committees;
- the appropriate removal authority and mechanisms for board members;
- criteria for establishing and measuring board outcomes;
- a protocol for board audits and addressing audit findings; and any other relevant issues.

Transition to an Elected Board

Effective July 1, 2024, the Prince George's County Board of Education becomes an elected board that consists of nine elected members, each of whom must reside in and be elected from a different school board district, and one student member. The county board must elect a chair and vice chair from among the elected members. The affirmative vote of six members of the board when the student member is voting or five members of the board when the student member is not voting is required for passage of a motion by the board. When there are two or more vacancies on

the board, the affirmative vote of five members of the board when the student member is voting and the affirmative vote of four members of the board when the student member is not voting is required for passage of a motion by the board.

The workgroup must submit a final report by December 30, 2022. The bill takes effect July 1, 2022, except for the provisions altering the composition of the Prince George's County Board of Education, which take effect on July 1, 2024. Provisions relating to the workgroup terminate December 31, 2023.



STATE GOVERNMENT

State Agencies, Offices, and Officials/Regulations

Senate Bill 953/ House Bill 1048 - Commission on African American History and Culture - Alterations (Senator Verda Welcome Act)

Among other powers and duties, the Maryland Commission on African American History and Culture operates the Banneker-Douglass Museum in Annapolis to house and display photographs, objects, oral history tapes, artifacts, and other materials of African American historic and cultural significance. Senate Bill 953/House Bill 1048 make the commission an independent unit in the Executive Branch of State government, rather than a part of the Governor's Office of Community Initiatives. In addition, for each fiscal year, the Governor must include an appropriation of \$1.6 million for the commission in the annual budget bill, which is subject to audit by the State, including by the Legislative Auditor.

Senate Bill 259/ House Bill 611 (Chapter 51) Procurement - Prevailing Wage – Applicability

Senate Bill 259 and House bill 661 (Ch. 51) applies the State’s prevailing wage requirements to mechanical systems service contracts, that are part of public work contracts with a value that exceeds a specified threshold in federal law, which is \$2,500 at the time of this publication. A “mechanical systems service contract” is defined as a contract for (1) heating, ventilation, and air conditioning, including ductwork; (2) refrigeration systems; (3) plumbing systems; (4) electrical systems; and (5) elevator systems. Local operating expenditures for ongoing maintenance of public work projects may similarly increase, as discussed above for State projects.

House Bill 227 (Chapter 64) State Government - Legal and Employee Holiday - Juneteenth National Independence Day

The holiday of “Juneteenth” celebrates the notification on June 19, 1865, to the last slaves in the state of Texas, that President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863. In June 2021, President Joseph R. Biden, Jr. signed into law the Juneteenth National Independence Day Act, which designates June 19 as a federal legal holiday. House Bill 227 (Ch. 64) establishes Juneteenth National Independence Day as a State legal holiday and State employee holiday on June 19 and repeals the requirement that the Governor annually proclaim June 19 as Juneteenth National Freedom Day.

Senate Bill 566/ House Bill 740 (Chapter 24 and 25) State Retirement and Pension System - Investment Climate Risk - Fiduciary Duties

Chapter 769 of 2018 required the Board of Trustees for the State Retirement and Pension System (SRPS), consistent with its fiduciary duties, to adopt policies regarding the management of risk, including climate risks, in the investment of system assets. It also required the SRPS board, beginning January 31, 2019, to submit an annual report to the General Assembly on the risk assessment of the system’s investments. Senate Bill 566/House Bill 740 require a fiduciary of SRPS, when managing assets of the system and in accordance with statutory fiduciary responsibilities, to consider the potential systemic risks of the impact of climate change on the system’s assets. The SRPS board must include risk management policies in the investment policy manual that include consideration of climate risk in the investment of system assets. The policies must address investment principles, guidelines, and the selection and retention of investments, including proxy voting and engagement guidelines.

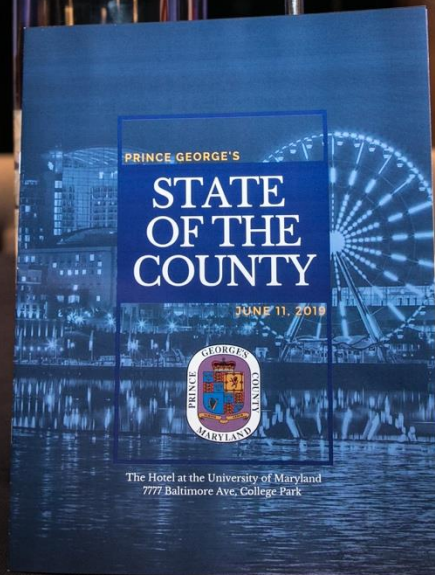
Russia’s invasion of Ukraine in February 2022 precipitated an international response of economic sanctions to communicate disapproval of Russia’s actions. The U.S. government joined other nations to boycott and sanction Russian goods and services. In response, the Governor, Comptroller, and other elected officials made public calls for divestment from SRPS investments in Russian businesses. Senate Bill 1005/House Bill 1482 are emergency bills that require the SRPS board to review its investment holdings to determine the extent to which the system is invested in Russia-restricted investments and to take divestment action with regard to any current investments

in Russia-restricted investments or Russian securities. The bills also prohibit SRPS from making any new investments in a Russia-restricted investment. The requirement to divest does not apply to a company that the U.S. government affirmatively declares to be excluded from federal sanctions and whose divestment cannot be executed for at least fair market value. The SRPS board must act in good faith to implement the bills in compliance with all applicable State and federal laws. The bills do not require the SRPS board to act unless the board determines in good faith that the action is consistent with its fiduciary responsibilities.

The bills do not apply if the U.S. government declares an end to financial sanctions against the Russian Federation related to its invasion of and violation of the sovereignty of Ukraine. Within six months after the end of U.S. sanctions, the SRPS board must recommend appropriate legislation to the Joint Committee on Pensions. By April 1 and October 1 of each year, the SRPS board must report to specified committees of the General Assembly on its divestment actions and related topics.

Senate Bill 777 - Task Force to Study Public Information Act Requests Made to Law Enforcement - Establishment

Senate Bill 777 establishes the Task Force to Study Public Information Act Requests Made to Law Enforcement to review and study (1) costs charged by law enforcement agencies in relation to disclosure of records requested under PIA; (2) procedures applied by law enforcement agencies in the disclosure of records requested under PIA; and (3) the status and operations of the Maryland Public Information Act Compliance Board. The task force is staffed by the Office of the Attorney General and must submit to the General Assembly an interim report on its findings by December 31, 2022, and a final report by December 31, 2023.



LOCAL GOVERNMENT

Local Government - Generally

House Bill 609 (Chapter 53) Local Health Officers - Removal – Process

Chapter House Bill 609 (Ch. 53) repeals the provision that specifies that the health officer for a county serves at the pleasure of the governing body of that county and the Secretary of Health. If the Secretary and the appropriate governing body concur on the removal of a health officer, the Secretary must provide written notification of removal to the health officer that includes the basis for the removal, documentation supporting the removal, and notice of the opportunity to request a hearing with the Secretary of Health within 10 days after receipt of the written notification and information on how to request the hearing. If the health officer requests a hearing with the Secretary, the Secretary must hold the hearing promptly, provide the health officer with an opportunity to be heard, and make a final decision not later than 10 days after the hearing.



COURTS AND CIVIL PROCEEDINGS

Judges and Court Administration

House Bill 176 - Courts – Service of Process – Fees Collected by Sheriff

Local sheriffs' offices are generally responsible for the service of process within the jurisdiction. House Bill 176 increases, from \$40 to \$60, the fees that a sheriff must generally collect (1) for service of a paper not including an execution or attachment and (2) for service of process papers arising out of administrative agency proceedings where the party requesting the service is a nongovernmental entity. However, the bill specifies that, consistent with existing requirements, a sheriff must collect \$40 for service of a paper for (1) a breach of lease; (2) a tenant holdover; (3) a warrant of restitution; (4) a wrongful entry and detainer; or (5) an order of levy in distress. The bill does not alter other existing exceptions to these general fee requirements, nor does it alter the existing \$40 fee for service including an execution or attachment by taking a person into custody or seizing real or personal property.

House Bill 1448 - District Court – Concurrent Civil Jurisdiction – Violation of Ordinances

The District Court generally has exclusive original civil jurisdiction over the adjudication of violations of specified local ordinances for which a civil citation is issued or a civil penalty is provided. The circuit courts have concurrent jurisdiction if the amount in controversy exceeds \$5,000, as specified. In *Angel Enterprises Limited Partnership v. Talbot County, Maryland*, 474 Md. 236 (2021), the Court of Appeals dismissed a lawsuit (and invalidated penalties that had been

imposed) on the basis that the adjudication of civil penalties by a charter county is within the original jurisdiction of the courts and not a local board of appeals established by a charter county under the Express Powers Act (as set forth in the Local Government Article).

House Bill 1448 establishes that the District Court has concurrent civil jurisdiction with a governing body of a county or the Mayor and City Council of Baltimore over a proceeding for adjudication of a violation of an ordinance enacted (1) by a charter county for which a civil penalty is provided under § 10-202 of the Local Government Article; (2) by the Mayor and City Council of Baltimore for which a civil penalty is provided by ordinance; or (3) by a code county for which a civil citation is issued under Title 11, Subtitle 3 of the Local Government Article.

The governing body of a county or the Mayor and City Council of Baltimore may delegate the authority (described above) to a board, commission, agency, or officer under its jurisdiction and control. Correspondingly, the bill amends § 10-305 of the Local Government Article to specify that a county board of appeals may have original jurisdiction or jurisdiction to review the action of an administrative officer or unit of county government over matters arising under any law, ordinance, or regulation of the county council that concerns the adjudication of a violation of an ordinance that has been delegated in the manner authorized under the bill.

Senate Bill 17 - Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges

The Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, as created by Chapter 52 of 2019, met extensively in 2019 and 2020 and developed numerous recommendations related to the State's family court system and its handling of child custody cases. The workgroup's recommendations included expanding training requirements for judges who preside over child custody cases in which child abuse or domestic violence is alleged. Senate Bill 17 stems from these recommendations and requires the Judiciary, in consultation with domestic violence and child abuse organizations, to develop (and update, as appropriate) a training program for judges and magistrates presiding over child custody cases involving child abuse or domestic violence. The training must include numerous specified topics, including (1) the dynamics and effects of child sexual abuse, physical and emotional child abuse, and domestic violence; (2) the impact of exposure to domestic violence on children and the importance of considering this impact when making child custody and visitation decisions; and (3) the potential impacts of explicit and implicit bias on child custody decisions. The Judiciary must adopt procedures to identify custody cases involving child abuse or domestic violence as soon as possible to ensure that only judges who have received the specified training are assigned such cases. Beginning July 1, 2024, within a judge's first year of presiding over child custody cases involving child abuse or domestic violence, the judge must receive at least 20 hours of initial training approved by the Judiciary that meets the requirements of the training program, as established by the bill.

Landlords and Tenants

Senate Bill 6 - Landlord and Tenant – Residential Leases – Tenant Rights and Protections (Tenant Protection Act of 2022)

The Act requires a landlord that uses a “ratio utility billing system” to provide specified information to a tenant in writing and establishes that a lease provision that requires a tenant to pay utility charges under a ratio utility billing system is unenforceable if the information is not provided to the tenant. “Ratio utility billing system” is defined as an allocation of one or more of a landlord’s utility charges, collected via a master meter, among the tenants by any method that does not measure actual per tenant usage for the utility. The Act also alters the existing requirement that a landlord provide a statement of costs if the landlord withholds the return of a security deposit by requiring a landlord to provide the tenant with an itemized statement of costs incurred, along with supporting documentation, which may include estimates of costs incurred, subject to specified additional requirements.

The Act also establishes the right of tenant organizations to assemble in a meeting room within the apartment facility designated for use by tenants for events and community gatherings during reasonable hours and on reasonable notice to the landlord in order to conduct meetings. The landlord may impose reasonable terms and conditions on the use of a meeting room. The Act also authorizes the landlord to charge a reasonable fee for the use of the meeting room, as specified.

Finally, the Act (1) expands numerous statutory provisions under current law for victims of domestic violence and sexual assault and establishes that the provisions are applicable to victims of “abuse” as defined in § 4-501 of the Family Law Article; (2) establishes that a tenant who vacates a leased premises due to being a victim of abuse is only responsible for rent from the tenant’s notice of an intent to vacate until the tenant vacates the leased premises, up to a maximum of 30 days (as opposed to the 30 days under current law); and (3) authorizes a report by a “qualified third party” to be used as documentation that a tenant or legal occupant is entitled to specified relief due to the individual’s status as a victim of abuse. The Act prohibits a landlord from disclosing to a third party any information provided by a tenant under provisions applicable to victims of abuse unless the tenant consents in writing to the disclosure or the disclosure is required by law or a court order. The ratio billing provisions apply prospectively to a lease entered into on or after the Act’s effective date of June 1, 2022.

House Bill 521 - Landlord and Tenant - Repossession for Failure to Pay Rent - Shielding of Court Records

House Bill 521 authorizes a tenant to petition the court to shield court records relating to an action for repossession for failure to pay rent filed on or after March 5, 2020, but before January 1, 2022, if the failure to pay rent was due to a loss of income arising out of the COVID-19 pandemic. A tenant may not file a petition until the appeal period for the action has lapsed. The bill does not apply to any record relating to an action for repossession for failure to pay rent that resulted in a money judgment in favor of a landlord unless the petitioner provides evidence to the court that the judgment has been satisfied.

A court is required to grant a petition to shield records in actions in which there was not a judgment entered in favor of a landlord. For a record in which a judgment was entered in favor of a landlord, the bill requires the petitioner to serve a copy of the petition on the landlord and requires that a hearing take place if the landlord files a timely objection. If the petitioner demonstrates at the hearing that the failure to pay rent was due to a loss of income arising out of the COVID-19 pandemic, the court may grant the petition to shield records relating to that judgment. If a landlord fails to file a timely objection, the court may grant or deny the petition to shield records relating to that judgment but must provide specific reasons for a denial.

Family Law

House Bill 1248/Senate Bill 820 - Child Abuse and Neglect – Investigations – Timeliness

After receiving a report of suspected abuse or neglect of a child who lives in Maryland that is alleged to have occurred in the State, the local department of social services and/or the appropriate law enforcement agency must promptly and thoroughly investigate the report to protect the health, safety, and welfare of the child or children. Within 24 hours after receiving a report of suspected physical or sexual child abuse and within five days after receiving a report of suspected child neglect or mental injury, the local department or law enforcement agency must (1) see the child; (2) attempt to have an onsite interview with the child's caretaker; (3) decide on the safety of the child and of other children in the household; and (4) decide on the safety of the other children in the care or custody of the alleged abuser. The determinations and assessments that are required during an abuse or neglect investigation are specified in statute. To the extent possible, a child abuse or neglect investigation must be completed within 10 days after receiving the notice of the suspected abuse or neglect. An investigation that is not completed within 30 days must be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

A 2021 audit of the Social Services Administration (SSA) within the Department of Human Services (DHS) contained numerous repeat findings, including that SSA had not established an effective monitoring process to ensure the timeliness of child abuse and neglect investigations. Senate Bill 820/House Bill 1248 respond to concerns raised regarding the timeliness of child abuse and neglect investigations by requiring DHS to implement policies to ensure that specified actions are taken if a local department of social services or the appropriate law enforcement agency fails to see a child who is the suspected victim of child abuse or neglect within the timeframes required in statute. Specifically, the policies must ensure that (1) the reason for the delay is documented in the child's case file; (2) a supervisor at the local department is notified of the delay in order to support staff in making initial contact with the child; and (3) a supervisor at the local department reviews the documentation of the reason for the delay during the review of the final investigation report.

Additionally, DHS must prepare and issue quarterly reports identifying investigations or reports that are not completed within required timeframes, and the reports must include an

explanation for each delay compiled with input from the local departments. By December 1, 2022, and each December 1 thereafter, DHS must report to the General Assembly on the progress of local departments in complying with the timeframes for conducting investigations and completing reports as required under statute. Provisions requiring the implementation of policies and the quarterly and annual reports terminate September 30, 2027. By December 1, 2023, DHS must (1) assess studies and methodologies related to analyzing workloads in child welfare systems and (2) report to the Joint Audit and Evaluation Committee, the Senate Budget and Taxation Committee, and the House Appropriations Committee on a plan to develop a child welfare workload assessment in the State based on best practices and the required assessments. By December 1, 2024, DHS must (1) complete the required child welfare workload assessment and (2) report to the specified committees on the outcome of the assessment a plan to address understaffing in the State's child welfare system, estimates of the cost to address understaffing in the State's child welfare system, and the benefits to children and families in the State of a properly staffed child welfare system. Finally, the bills establish that a clinical professional counselor licensed under Title 17 of the Health Occupations Article may serve as one of the two individuals who conducts an assessment as part of an investigation if mental injury of a child is suspected (as required under existing provisions).

Senate Bill 203 - Children in Need of Assistance – Custody and Guardianship and Review Hearings

A child in need of assistance (CINA) is a child who requires court intervention because (1) the child has been abused or neglected, has a developmental disability, or has a mental disorder and (2) the child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs. Statutory provisions outline numerous requirements for CINA proceedings, including those related to mandatory hearings. For example, the court must generally conduct a hearing at least every six months to review the permanency plan of a CINA in out-of-home placement until commitment is rescinded or a voluntary placement is terminated. If the court determines that the child is to continue in an out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis, the court must conduct a permanency plan review hearing every 12 months. At the review hearing, the court must take specified actions, including determining the continuing necessity for and appropriateness of the commitment and determining and documenting in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect.

Senate Bill 203 adds additional requirements for hearings to review the permanency plan of a CINA who is in an out-of-home placement in order to bring the State into compliance with federal law. Most significantly, the bill (1) repeals the existing exception for a review hearing every 12 months if the child is continued in an out-of-home placement with a specific caregiver and, instead, requires that a review hearing be held every 6 months and (2) requires the court at review hearings to determine the appropriateness of and the extent of compliance with the case plan for the child. When the permanency plan is another planned permanent living arrangement, the bill also requires the review hearing to include (1) a determination on the adequacy of the steps that the local department is taking to ensure that the child's foster family home or child care

institution is following the reasonable and prudent parent standard; (2) a determination of whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities; and (3) a consultation with the child in an age-appropriate manner regarding the opportunities for the child to participate in such activities.



CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Law Enforcement

House Bill 303 - Public Safety - Maryland Swimming Pool and Spa Standards - Adoption

House Bill 303 requires the Maryland Department of Labor (MDL) to adopt by regulation the International Swimming Pool and Spa Code, after review and consultation with the Maryland Department of Health and with appropriate modifications, as specified. The standards adopted apply to each swimming pool or spa in the State for which an application for a permit is received by a local jurisdiction on or after December 31, 2023, as specified. The bill establishes other related responsibilities for MDL and each local jurisdiction, including that MDL maintain an informational database with specified information about the pool and spa standards and electrical code standards used in the State. MDL must provide local jurisdictions with the hardware and software necessary to access the database.

House Bill 425/Senate Bill 387 - Public Safety - Untraceable Firearms

According to the U.S. Department of Justice, between 2016 and 2020, more than 23,000 ghost guns were recovered by law enforcement from potential crime scenes, including 325 in connection with homicides and attempted homicides. In November 2020, the Baltimore Sun reported that between 2016 and 2019, more than 12,000 build kits were shipped to Maryland, with total sales of the kits exceeding \$1.0 million. The Baltimore Sun further reported that the Baltimore City Police Department recovered 126 privately made firearms in 2020 compared to 29 recovered in 2019, and that nearly one-quarter of such firearms recovered were from individuals under the age of 21.

Eight states (California, Connecticut, Hawaii, Nevada, New Jersey, New York, Rhode Island, and Washington) and the District of Columbia have enacted laws regulating privately made firearms to varying degrees. California and Connecticut have enacted laws that require privately made firearms to be registered and marked with a serial number obtained from a governmental agency within each state. Nevada and New Jersey require serialization of unfinished frames and receivers by federally licensed firearms manufacturers and importers. The District of Columbia passed legislation in 2020 to ban build kits and specifically the possession of unfinished frames and receivers and untraceable firearms.

Some cities and local jurisdictions have also started to implement laws to address privately made firearms. In August 2021, San Diego became the first city in California to prohibit the sale of unsterilized frames and receivers, and San Francisco passed similar legislation shortly thereafter. In Maryland, Montgomery County passed legislation in April 2021 to restrict the access of privately made firearms to minors and in places of public assembly within the county.

Senate Bill 387/House Bill 425 prohibit a person from purchasing, receiving, selling, offering to sell, or transferring an unfinished frame or receiver unless it is required by federal law to be, and has been, imprinted with a serial number by a federally licensed firearms manufacturer or federally licensed firearms importer in compliance with all federal laws and regulations applicable to the manufacture and import of firearms. Except as otherwise authorized, a person may not sell, offer to sell, or transfer a firearm unless it is imprinted with a specified serial number. A violator of the provisions relating to required imprinting is guilty of a misdemeanor and on conviction is subject to imprisonment for up to five years and/or a fine of up to \$10,000. Each violation is a separate crime.

Beginning March 1, 2023, a person may not possess a firearm unless:

- the firearm has been registered with the Secretary of State Police; and (1) the firearm is required by federal law to be, and has been, imprinted by a federally licensed firearms manufacturer or federally licensed firearms importer, or other federal licensee authorized to provide marking services, with a serial number in compliance with all federal laws and regulations applicable to the manufacture and import of firearms; or (2) the firearm has been imprinted by a federally licensed firearms dealer, federal firearms manufacturer, or other federal licensee authorized to provide marking services with specified information.

The prohibition does not apply to:

- possession of a firearm unless a person knew or reasonably should have known that the firearm was not imprinted with a serial number, as specified;
- possession of a firearm that does not comply with the marking requirements by a person who received the firearm through inheritance, and is not otherwise prohibited from possessing the firearm, for up to 30 days after inheriting the firearm; or
- possession of an unfinished frame or receiver by a person that made or manufactured the unfinished frame or receiver, without the use of any prefabricated parts, and who is not otherwise prohibited from possessing the unfinished frame or receiver for up to 30 days after the person made or manufactured the unfinished frame or receiver.

A violator of the provisions of Senate Bill 387/House Bill 425 that begin March 1, 2023, is guilty of a misdemeanor and on conviction is subject to imprisonment for up to two years and/or a fine of up to \$10,000. Each violation is a separate crime.

A federally licensed firearms dealer or other federal licensee authorized to provide marking services who imprints a firearm under the Acts' provisions must imprint the firearm in compliance with all federal laws and regulations applicable to affixing serial numbers to firearms, as specified.

The provisions relating to untraceable firearms do not apply to (1) a firearm that was manufactured before October 22, 1968, or is an antique firearm; (2) a sale, an offer to sell, a transfer, or a delivery of a firearm or an unfinished frame or receiver to, or possession of a firearm or unfinished frame or receiver by, a federally licensed firearms dealer, a federally licensed firearms manufacturer, or a federally licensed firearms importer; or (3) a transfer or surrender of a firearm or an unfinished frame or receiver to a law enforcement agency.

Nothing in Senate Bill 387/House Bill 425 may be construed in a manner that abridges or otherwise limits a person's right against self-incrimination under the U.S. Constitution or the Maryland Declaration of Rights. Registration data provided for registration of a firearm under the Acts' provisions is not open to public inspection. The Secretary of State Police may adopt regulations to carry out the provisions of Senate Bill 387/House Bill 425.

“Unfinished frame or receiver” means a forged, cast, printed, extruded, or machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm.

The Secretary of State Police must suspend a dealer's license if the licensee is charged with a crime under the provisions of Senate Bill 387/House Bill 425 relating to untraceable firearms. The Secretary must revoke a dealer's license if the licensee is convicted of a crime under the same provisions.

House Bill 581/Senate Bill 446 - Public Safety - Fire, Rescue, or Emergency Medical Services Entities - Peer Support Programs

Senate Bill 446/House Bill 129, with specified exceptions, prohibit the disclosure of the contents of any written or oral communication regarding a peer support counseling session by a “peer support specialist” or a peer support participant. By October 1, 2024, the Behavioral Health Administration (BHA), in consultation with the Maryland Institute for Emergency Medical

Services Systems, must develop a report on best practices and professional standards for a “peer support counseling program,” as specified. BHA must make the published report and a list of peer support specialist training programs publicly available on its website.

“Peer support counseling program” means a program provided by a fire, rescue, or emergency medical services (EMS) entity or the International Association of Fire Fighters (IAFF) that provides counseling services from a peer support specialist to a member of a fire, rescue, or EMS entity.

“Peer support specialist” means a member of a fire, rescue, or EMS entity or the IAFF who (1) has received training in peer support counseling and providing emotional and moral support to members of fire, rescue, or EMS entities who have been involved in or exposed to an emotionally traumatic experience in the course of duty as a member of a fire, rescue, or EMS entity and (2) is designated by the fire, rescue, or EMS entity to provide these services.

House Bill 1052 - Public Safety - Natural Gas and Liquefied Propane Piping Systems - Construction Requirements (Flynn and Laird Act)

House Bill 1052 prohibits the use of non-arc-resistant jacketed corrugated stainless steel tubing in (1) the new construction of a customer-owned natural gas or liquefied propane piping system in a building; (2) a natural gas or liquefied propane piping system in a renovated property if the renovation affects more than 50% of the total square footage of the property; or (3) a natural gas or liquefied propane piping system that requires the addition of a new gas line to the gas piping system. The bill applies to any building that uses fuel gas piping systems not subject to Title 49, Part 192 of the Code of Federal Regulations. The bill applies prospectively only and may not be applied or interpreted to have any effect on or application to any new construction for which a building permit is issued before the bill’s effective date (October 1, 2022).

Senate Bill 814/House Bill 1312 - Public Safety – Resilient Maryland Revolving Loan Fund – Alterations

Chapter 644 of 2021 established the Resilient Maryland Revolving Loan Fund within the Maryland Department of Emergency Management (MDEM). The fund is a special, nonlapsing fund with the stated purpose of providing loans for resilience projects that address mitigation of all hazards, including natural disasters. Senate Bill 814/House Bill 1312 make several alterations to the fund. The bills authorize MDEM to issue loans to local governments for the purpose of offering loan funds to private property owners for hazard mitigation projects. Local governments providing loans to private property owners are authorized to establish a specified graduated loan forgiveness program. Loans from the fund may be made directly to local governments, at least in part, to meet federal matching requirements for federal resilience grant programs and to work with the U.S. Army Corps of Engineers Flood Risk Management Program. In addition to established funding sources, the fund may include money received from the Federal Emergency Management Agency. Private funds received for the purpose of hazard mitigation projects for a building must be used only those projects

Senate Bill 38 - Public Safety - Fire and Rescue - Veterinary Care of Retired Fire and Rescue K-9s

Senate Bill 38 requires a State or local fire and rescue entity that removes a publicly owned dog used in fire and rescue work from duty to reimburse an individual who, under a written agreement with the State or local fire and rescue entity, takes possession of the dog on or after October 1, 2022, for reasonable and necessary veterinary treatment provided to the dog. Reimbursement (1) may only be for usual and customary veterinary treatment that is not attributable to abuse or neglect of the dog and is verified by written receipt and (2) may not exceed \$2,500 during a calendar year and \$10,000 over the life of the dog.

A State fire and rescue entity may accept public donations to meet the bill's requirements. The revenue from public donations must be distributed to the K-9 Compassionate Care Fund, a special fund administered by DSP. A local fire and rescue entity may establish a separate fund to accept and manage public donations to meet the bill's requirements.

Senate Bill 134 - Maryland Police Training and Standards Commission - Training Requirements - Electronic Stalking

MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

Senate Bill 134 requires MPTSC to require, for entrance-level police training and at least every three years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of the criminal laws concerning stalking as they pertain to electronic surveillance or tracking, including services available to victims, related prevention methods for victims, and how victims may request additional assistance to identify and preserve digital evidence.

Senate Bill 585 - Public Safety - Warrants and Absconding

Senate Bill 585 requires the Governor, for fiscal 2024 through 2026, to include each year in the annual budget bill an appropriation of \$2 million for local law enforcement agencies to be used as grants for warrant apprehension efforts. The Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) must administer the grant funds. An eligible local law enforcement agency that receives a grant pursuant to the bill must submit, for each fiscal year, specified information to the Executive Director of GOCPYVS. The bill also modifies the definition of "absconding" as it relates to parole and probation to include leaving an inpatient residential treatment facility that an individual was placed in pursuant to a court order for drug or alcohol treatment without the permission of the administrator. The bill's provisions relating to grants for warrant apprehension efforts terminate December 31, 2026.

Senate Bill 633 - Public Safety - 9-1-1 Emergency Telephone System - Alterations

Senate Bill 633 makes various changes to the statutory framework that governs the State’s 9-1-1 system by, among other things:

- establishing a definition of “first responder” for use in the Public Safety Article;
- establishing specified rights for 9-1-1 specialists related to occupational well-being and requires counties to classify 9-1-1 specialists in a certain manner;
- modifying the Maryland 9-1-1 Board’s procedures for filling vacancies on the board and selecting a chair and vice chair;
- expanding the Maryland 9-1-1 Board’s responsibilities related to the development of training standards and implementation of cybersecurity standards by public safety answering points;
- establishing new reporting requirements for the Comptroller related to audits of surcharge collection and remittance of 9-1-1 fees by telephone companies and commercial mobile radio service providers; and
- repealing the limit on the maximum charge for the county 9-1-1 fee and requiring a county that increases the fee to certify the amount to the Maryland 9-1-1 Board and, no later than 60 days before the implementation of the change, the Comptroller.

Juvenile Justice

House Bill 459/Senate Bill 691 - Juvenile Justice Reform

Senate Bill 691/House Bill 459 make numerous changes to the juvenile justice process in the State by generally implementing the recommendations of the Juvenile Justice Reform Council established by Chapter 253 of 2019. Among other provisions, the Acts (1) limit the circumstances under which a child younger than age 13 is subject to the jurisdiction of the juvenile court; (2) alter the use of informal adjustments; (3) establish limitations on terms of probation imposed by a juvenile court, the use of detention, and out-of-home placements; (4) create a permanent Commission on Juvenile Justice Reform and Emerging and Best Practices; and (5) establish numerous reporting requirements.

- ***Juvenile Court Jurisdiction***
 - Generally, under current law, the juvenile court has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for specified violations. The juvenile court does not have jurisdiction over children at least age 16 who are alleged to have committed specified violent crimes, children age 14 and older charged with a crime punishable by life imprisonment, and children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult. However, a circuit court may transfer a case involving such a child to the juvenile court if such a transfer is believed to be in the interests of the child or society (“reverse waiver”). A reverse waiver is not permitted in limited circumstances related to

specified prior convictions of the child or when the alleged crime is murder in the first degree and the child was 16 or 17 years old at the time that the alleged crime was committed.

- Senate Bill 691/House Bill 459 generally establish that a child younger than 13 years old is not subject to the jurisdiction of the juvenile court for purposes of a delinquency proceeding and may not be charged with a crime. However, the juvenile court has jurisdiction over a child who is at least 10 years old who is alleged to have committed a crime of violence, as defined in § 14-101 of the Criminal Law Article. The jurisdiction of the juvenile court under these circumstances remains subject to the jurisdictional provisions of current law discussed above.
- ***Department of Juvenile Services Intake***
 - Under current law, after a complaint has been received and certain statutory requirements have been satisfied, a Department of Juvenile Services (DJS) intake officer may authorize or deny authorization to file a petition and/or peace order request in the juvenile court. If a complaint is filed that alleges the commission of an act that would be a felony if committed by an adult or a violation of certain firearms-related offenses and the intake officer denies authorization to file a petition or proposes an informal adjustment (as discussed below), the intake officer must immediately forward the complaint and the intake file, as specified, to the State's Attorney. Senate Bill 691/House Bill 459 establish that, if a complaint alleges the commission of an act that would be a felony if committed by an adult, the intake officer is not required to forward the complaint and a copy of the intake file to the State's Attorney if (1) the intake officer proposes the matter for informal adjustment; (2) the act did not involve the intentional causing of, or attempt to cause, the death of or physical injury to another; and (3) the act would not be a crime of violence (as defined under § 14-101 of the Criminal Law Article) if committed by an adult.
- ***Informal Adjustments***
 - An intake officer may propose an informal adjustment if, based on the complaint and the inquiry, the officer concludes that a juvenile court has jurisdiction but that an informal adjustment, rather than judicial action, is in the best interests of the public and the child. Under current law, an intake officer may not proceed with an informal adjustment without notice to and the consent of the victim, the child, and the child's parent or guardian. Senate Bill 691/House Bill 459 authorize an intake officer to proceed with an informal adjustment without the consent of the victim. An intake officer may proceed without informing the victim if the intake officer has made reasonable efforts to contact the victim. The Acts also authorize the court, at any time before an adjudicatory hearing, to hold the proceedings in abeyance for informal adjustment if consented to by the State's Attorney, the child who is the subject of the petition and the child's counsel, and the court. If the child successfully completes the informal adjustment, the court is required to dismiss the petition. If the child does not successfully complete the informal adjustment, the court must resume proceedings against the child.

- ***Authorized Detention***
 - Currently, a child who is taken into custody may be placed in detention or community detention prior to a hearing if such action is required to protect the child or others or the child is likely to leave the jurisdiction of the court. Senate Bill 691/House Bill 459 establish that a child alleged to have committed a delinquent act may not be placed in detention before a hearing if the most serious offense would be a misdemeanor if committed by an adult unless (1) the act involved a handgun and would be a violation under the Criminal Law Article or Public Safety Article if committed by an adult or (2) the child has been adjudicated delinquent at least twice in the preceding 12 months. The Acts also require the court or an intake officer to consider the results of a risk scoring instrument before placing a child in detention.
- ***Detention Stays***
 - Under current law, if a child remains in a facility used for detention for the specific act for which the child has been adjudicated delinquent for more than 25 days after the court has made a disposition on a petition, DJS must (1) on the first available court date after the twenty-fifth day that the child remains in such a facility, appear at a hearing before the court with the child to explain the reasons for continued detention and (2) continue to appear every 25 days thereafter to explain the reasons for continued detention. Senate Bill 691/House Bill 459 alter the applicable timeframes to within 14 days after the child’s initial detention and every 14 days thereafter. The Acts further require that within 10 days after a decision to detain a child in a facility used for detention, DJS must submit a plan to the court for releasing the child into the community.
- ***Juvenile Dispositions – Placements***
 - Generally, a disposition hearing is held to determine whether a child who has been adjudicated delinquent needs or requires the court’s guidance, treatment, or rehabilitation and, if so, the nature of the guidance, treatment, or rehabilitation. Additionally, with limited exception, a child may not be committed to DJS for out-of-home placement if the most serious offense is one of several specified offenses, including use or possession of less than 10 grams of marijuana. Senate Bill 691/House Bill 459 retain the exemption for the marijuana-related offense but repeal the remainder of the specified offenses. The Acts instead prohibit a child from being committed to DJS for out-of-home placement for an offense that would be a misdemeanor if committed by an adult, unless the offense involves a firearm. Further, the Acts prohibit the commitment of a child to DJS for out-of-home placement or the placement of a child in a facility used for detention for a technical violation. A “technical violation” is defined as a violation of probation that does not involve an arrest or summons issued by a commissioner on a statement of charges filed by a law enforcement officer; a violation of a criminal prohibition, or an act that would be a violation of a criminal prohibition if committed by an adult, other than a minor traffic offense; a violation of a no contact or stay-away order; or absconding.

- ***Juvenile Dispositions – Probation***
 - At disposition, among other options, and subject to specified limitations, a juvenile court may place the child on probation or under supervision in the child’s own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention. No limitations on the term of a probation are specified in statute under current law.
 - Senate Bill 691/House Bill 459 establish that if the most serious offense committed by a child would be a misdemeanor if committed by an adult, the court may place the child on probation for a period not exceeding six months. The court may, after a hearing, extend the probation by periods of up to three months if the court finds good cause and the purpose of extending the probation is to ensure that the child completes a treatment or rehabilitative program or service. The total period of probation, including extensions of the probation, may not exceed one year.
 - If the most serious offense committed by a child would be a felony if committed by an adult, the Acts authorize the court to place the child on probation for a period of up to one year. After a hearing, the court may extend the term of probation by periods not exceeding three months if the court finds good cause and the extension’s purpose is to ensure completion of a treatment or rehabilitative program or service. Generally, the total period of probation may not exceed two years. However, probation may exceed two years if, after a hearing, the court finds by clear and convincing evidence that there is good cause to extend the probation and extending the probation is in the best interest of the child. If probation is extended under these conditions, the total period of probation, including extensions, may not exceed three years.
 - If a child is found to have committed a violation of probation, except for a technical violation, a court may, after a hearing, place the child on a new term of probation for a period that is consistent with the period of probation that may be imposed under the above provisions for the delinquent act for which the child was originally placed on probation.
 - The limitations on the term of a probation under the Acts are not applicable to an offense committed by a child that, if committed by an adult, would be a felony and a crime of violence under § 14-101 of the Criminal Law Article.
- ***Commission on Juvenile Justice Reform and Emerging and Best Practices***
 - Senate Bill 691/House Bill 459 establish a Commission on Juvenile Justice Reform and Emerging and Best Practices in order to, among other things, research and report its findings to the Governor and the General Assembly on culturally competent, evidence-based, research-based, and promising practices relating to child welfare; juvenile rehabilitation; mental health services for children; and prevention and intervention services for juveniles. Beginning December 31, 2023, and annually thereafter, the commission is required to report its findings to the Governor and the General Assembly.

Senate Bill 53 - Juvenile Law - Child Interrogation Protection Act

Under current law, if a law enforcement officer takes a child into custody, the officer must immediately notify, or cause to be notified, the child's parents, guardian, or custodian of the action. After making every reasonable effort to give notice, the officer must, with all reasonable speed, (1) deliver the child to the court or a place of detention or shelter care designated by the court or (2) release the child to the child's parents, guardian, or custodian or to any other person designated by the court, under specified circumstances. Additionally, a law enforcement officer who charges a minor with a criminal offense must make a reasonable attempt to notify the child's parent or guardian of the charge. If an officer takes a minor into custody, the law enforcement officer or the officer's designee must make a reasonable attempt to notify the parent or guardian of the minor within 48 hours of the arrest.

Senate Bill 53 specifies that if a law enforcement officer takes a child into custody, the officer must immediately notify, or cause to be notified, the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice of the action. The notice must include the child's location, provide the reason for the child being taken into custody, and instruct the parent, guardian, or custodian on how to make immediate in-person contact with the child. The Act also authorizes the Court of Appeals to adopt rules concerning age-appropriate language to be used in advising a child taken into custody of the child's rights.

The Act prohibits the custodial interrogation of a child by a law enforcement officer until the child has consulted with an attorney who is retained by the child's parent, guardian, or custodian, or provided by the Office of the Public Defender (OPD), and the law enforcement officer has made an effort reasonably calculated to give actual notice to the parent, guardian, or custodian that the child will be interrogated. The required consultation with an attorney must be confidential and conducted in a manner consistent with the Maryland Rules of Professional Conduct and may be in person or by telephone or video conference. To the extent practicable and consistent with the Maryland Rules of Professional Conduct, an attorney providing consultation must communicate and coordinate with the parent, guardian, or custodian of the child in custody. The requirement of consultation with an attorney may not be waived and applies whether the child is proceeded against as a child or is charged as an adult.

An exception to the notice and consultation requirements of Senate Bill 53 authorizes a law enforcement officer to conduct an otherwise lawful custodial interrogation of a child if (1) the law enforcement officer reasonably believes that the information sought is necessary to protect against a threat to public safety and (2) the questions posed to the child by the law enforcement officer are limited to those questions reasonably necessary to obtain the information necessary to protect against the threat to public safety. Unless it is impossible, impracticable, or unsafe to do so, an interrogation under these circumstances must be recorded. If an interrogation is recorded, then the child being interrogated must be informed of it.

The Act also establishes a rebuttable presumption that a statement made by a child during a custodial interrogation is inadmissible in a delinquency proceeding or a criminal prosecution

against that child if a law enforcement officer willfully failed to comply with the Act's requirements regarding custodial interrogation. The State may overcome the presumption by showing, by clear and convincing evidence, that the statement was made knowingly, intelligently, and voluntarily. The provisions of the Act may not be construed to render a statement by that child inadmissible in a proceeding against another individual.

Criminal Law

House Bill 1 - Constitutional Amendment - Cannabis - Adult Use and Possession

House Bill 1 (Ch. 45) is a proposed constitutional amendment, which if approved by the voters at the next general election to be held in November 2022, will authorize an individual at least age 21 to use and possess cannabis in the State beginning July 1, 2023. The provision is subject to a requirement that the General Assembly pass legislation regarding the use, distribution, possession, regulation, and taxation of cannabis.

House Bill 837 - Cannabis Reform

House Bill 837 (Ch. 26) alters various provisions of law applicable to the use, possession, and distribution of cannabis. Most provisions of the Act that alter provisions of criminal law relating to cannabis are subject to the ratification of the constitutional amendment in House Bill 1.

- ***Cannabis – Definition***
 - House Bill 837 repeals the term marijuana and replaces it with cannabis. “Cannabis” is defined as the plant *Cannabis sativa* L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol (delta-9-THC) concentration greater than 0.3% on a dry weight basis. “Cannabis” does not include hemp as defined in § 14-101 of the Agriculture Article.
- ***Personal Use and Civil Use Amounts of Cannabis***
 - House Bill 837, beginning January 1, 2023, defines a “personal use amount” as (1) up to 1.5 ounces of usable cannabis; (2) up to 12 grams of concentrated cannabis; (3) cannabis products containing up to 750 milligrams of delta-9-THC; or (4) as of July 1, 2023, up to two cannabis plants.
 - Beginning January 1, 2023, a “civil use amount” is defined as (1) more than 1.5 ounces but not more than 2.5 ounces of usable cannabis; (2) more than 12 grams but not more than 20 grams of concentrated cannabis; or (3) cannabis products containing more than 750 milligrams of delta-9-THC but not more than 1,250 milligrams of delta-9-THC.
 - Effective January 1, 2023, and continuing through June 30, 2023, possession of the personal use amount of cannabis is a civil offense, and violators will be subject to a maximum fine of \$100. Effective July 1, 2023, possession of a personal use amount is legal for an individual who is at least age 21. Possession of a personal use amount of cannabis by an individual who is younger than age 21 is a civil

offense effective July 1, 2023, and violators will be subject to a maximum fine of \$100.

- Effective January 1, 2023, possession of the civil use amount of cannabis, regardless of an individual's age, is a civil offense, and violators will be subject to a maximum fine of \$250. A person who possesses more than the civil use amount of cannabis is guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$1,000 maximum fine.
- ***Charge on Citation and Summons for Trial***
 - Effective January 1, 2023, a police officer must issue a citation for the use or possession of the personal use amount of cannabis or the civil use amount of cannabis, both civil offenses, the adjudication of which does not constitute a criminal conviction for any purpose and does not impose any of the civil disabilities that may result from a criminal conviction. If a citation is issued to a person younger than age 21 for these civil offenses, the court must summon the person for trial. House Bill 837 repeals a requirement that a person at least age 21 be summoned for trial after having been found guilty at least twice previously for the use or possession of minimal amounts of marijuana (currently less than 10 grams).
- ***Possession with the Intent to Distribute and Adult Sharing of Cannabis***
 - Effective January 1, 2023, House Bill 837 prohibits a person from possessing cannabis in sufficient quantity to reasonably indicate, under all circumstances, an intent to distribute or dispense cannabis. However, possession of the personal use amount of cannabis or the civil use amount of cannabis without other evidence of an intent to distribute or dispense does not constitute a violation of this prohibition. A police officer must charge a violation of this prohibition by citation, as specified. A person who violates this prohibition is guilty of a misdemeanor and subject to a maximum penalty of three years imprisonment and/or a \$5,000 fine. With specified exclusions, "adult sharing" is defined as the transfer of cannabis between persons who are at least age 21 without remuneration. Effective July 1, 2023, the prohibition against distributing, dispensing, or possessing with the intent to distribute a controlled dangerous substance (CDS) does not prohibit adult sharing of the personal use amount of cannabis. A civil or criminal penalty may not be imposed for adult sharing of the personal use amount of cannabis.
- ***Growing or Manufacturing Cannabis and Cannabis Products***
 - Effective January 1, 2023, a person may not cultivate or grow cannabis, manufacture a cannabis product, or manufacture, distribute, or possess related equipment. A police officer must charge a violation of this prohibition by citation and a violator is guilty of a misdemeanor and subject to a penalty of imprisonment for up to three years and/or a fine of up to \$5,000.
- ***Smoking Cannabis in Public***
 - Effective January 1, 2023, House Bill 837 alters the penalty for the civil offense of smoking cannabis in a public place from a maximum fine of \$500 to a maximum fine of \$250 for a first finding of guilt and a maximum fine of \$500 for a second or

subsequent finding of guilt. The Act also incorporates cannabis and hemp into specified existing prohibitions under the Clean Indoor Air Act.

- ***Smoking Cannabis in the Passenger Area of a Vehicle***
 - Beginning July 1, 2023, an occupant of a motor vehicle may not smoke cannabis in the passenger area of a motor vehicle on a highway. A violation of this prohibition is a civil offense subject to a maximum fine of \$25. A driver of a motor vehicle may not smoke or consume cannabis in the passenger area of a motor vehicle on a highway. A violation of this prohibition is a misdemeanor subject to a maximum fine of \$500.
- ***Paraphernalia Repeal***
 - Effective January 1, 2023, the definition of “drug paraphernalia” is altered to specifically exclude cannabis from the specified items that, when used with CDS, would constitute drug paraphernalia. House Bill 837 also repeals the list of drug paraphernalia examples that can be used to ingest or inhale a CDS into the human body. In addition, the Act repeals the penalty provisions for controlled paraphernalia related to the use or possession of marijuana.
- ***Criminal Provisions for Personal Cannabis Cultivation***
 - Beginning July 1, 2023, a person age 21 or older may cultivate up to two cannabis plants. A person who cultivates cannabis must (1) cultivate cannabis in a location outside of public view; (2) take reasonable precautions, as specified, to ensure the plants are secure from unauthorized access and access by an underage person; and (3) only cultivate cannabis on property the cultivator lawfully possesses or with the consent of the property’s lawful possessor. An underage person may not cultivate cannabis. A person may not cultivate more than two cannabis plants. Also, if two or more individuals at least age 21 reside at the same residence, no more than two cannabis plants may be cultivated at the residence. A person who violates these provisions is guilty of a misdemeanor and subject to a maximum penalty of three years imprisonment and/or a \$5,000 fine.
- ***Resentencing and Release***
 - Effective January 1, 2023, House Bill 837 authorizes a person incarcerated for a conviction related to cannabis under § 5-601 of the Criminal Law Article to apply to the court for resentencing, and the court must grant the application and resentence the person to time served. If the person is not serving another sentence, the person must be released from incarceration.
- ***Expungements***
 - Beginning January 1, 2023, a person who is convicted of possession of cannabis under § 5-601 of the Criminal Law Article may file a petition for expungement of the conviction after the satisfactory completion of the sentence including probation (rather than the current waiting period of the later of four years after the conviction or the satisfactory completion of the sentence). The “unit rule,” which states that if a person is not entitled to expungement of one charge or conviction in a unit, the person is not entitled to expungement of any other charge or conviction in the unit, does not apply to possession of cannabis under § 5-601 of the Criminal Law Article.

A person who is convicted of possession with the intent to distribute cannabis under § 5-602(b)(1) of the Criminal Law Article may file a petition for expungement of the conviction three years after satisfaction of the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision. By July 1, 2024, the Department of Public Safety and Correctional Services must “expunge” all cases in which the possession of cannabis is the only charge in the case and the charge was issued before July 1, 2023. For purposes of this provision, “expunge” is limited to mean removal of all references to a specified criminal case from the Criminal Justice Information System Central Repository.

- ***Opinion by Attorney General***

- House Bill 837 requires that on or before December 1, 2022, the Attorney General must provide the General Assembly with a formal opinion regarding the impact of cannabis legalization on the authority of police officers to conduct searches of individuals and vehicles based on detection of the odor of burnt or unburnt cannabis, including in cases involving suspicion of possession with intent to distribute cannabis, growing or manufacturing cannabis or cannabis products, or driving under the influence of cannabis.
- The Act also (1) requires certain agencies and entities to complete studies, collect and report data, and develop standards regarding the use of cannabis, the medical cannabis industry, and the adult-use cannabis industry; (2) addresses taxation of business expenses by cannabis establishments; (3) creates a Cannabis Public Health Advisory Council; and (4) establishes various funds relating to business assistance and public health.

House Bill 1078/Senate Bill 788 - Cannabis - Regulation - Delta-8- and Delta-10-Tetrahydrocannabinol

The passage of the federal Agriculture and Nutrition Improvement Act in 2018 legalized Cannabis sativa L. plants that contain less than 0.3% delta-9 THC, which is the primary psychoactive isomer found in cannabis. Under State and federal law, any product derived from these plants is legal as long as delta-9 THC does not exceed the 0.3% limit. According to the Maryland Medical Cannabis Commission, neither the 2018 federal law nor Maryland law address other THC isomers, including delta-8, delta-10, delta-6a10a, and THC-O-acetate, that provide a similar psychoactive effect or “high” to delta-9.

House Bill 1078/Senate Bill 788 prohibit certain persons licensed under the Business Regulation Article from distributing, purchasing for sale, or selling a product containing delta-8- or delta-10-THC to an individual under the age of 21 years. A person who violates this prohibition is guilty of a misdemeanor and on conviction is subject to maximum fines of (1) \$300 for a first violation; (2) \$1,000 for a second violation occurring within two years after the first violation; and (3) \$3,000 for each subsequent violation occurring within two years after the preceding violation.

House Bill 16/Senate Bill 44 - Crimes - Unattended Dogs - Extreme Weather Conditions and Heat

House Bill 16/Senate Bill 44 prohibit a person from leaving a dog outside and unattended for longer than 30 minutes without access to continuous (1) suitable shelter during “extreme weather conditions” and (2) suitable shelter or suitable shade when temperatures are above 90 degrees Fahrenheit.

“Extreme weather conditions” are defined as temperatures below 32 degrees Fahrenheit or conditions during an active winter or cold weather warning or advisory issued by the National Weather Service. “Suitable shelter” is defined as a structure that (1) is properly ventilated; (2) has a solid floor that allows the dog to remain reasonably dry; (3) has a weatherproof roof; (4) is enclosed with an entrance on one side; (5) allows a dog to maintain its normal body temperature; and (6) is suitable for the species, age, condition, size, and type of dog. “Suitable shade” is defined as an area completely protected from the direct sun that is accessible and fully covers a dog.

Violators of the bills’ provisions are guilty of a civil offense punishable by a warning for a first violation, a civil penalty of up to \$500 for a second violation, and a civil penalty of up to \$1,000 for a third or subsequent violation. The prohibition does not apply if the dog is lawfully and actively engaged in hunting, livestock herding or guarding, sledding, sporting, or training.

House Bill 148/Senate Bill 328 - Criminal Law - Stalking - Definition

Current State law prohibits a person from engaging in stalking, which is defined a malicious course of conduct that includes approaching or pursuing another where (1) the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear of serious bodily injury or death, assault in any degree, rape or sexual offense (or attempted rape or sexual offense), false imprisonment, or that a third person likely will suffer any of these acts or (2) the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another.

The prohibition against stalking does not apply to conduct that is (1) performed to ensure compliance with a court order; (2) performed to carry out a specific lawful commercial purpose; or (3) authorized, required, or protected by local, State, or federal law.

House Bill 148/Senate Bill 328 alter the definition of stalking to include conduct currently defined as stalking that occurs in person, by electronic communication, or through the use of a device that can pinpoint or track the location of another without the person’s knowledge or consent.

House Bill 817 - Criminal Law – Violation of a Protective Order – Merger Prohibition and Separate Sentence Authorization

An individual who meets certain relationship requirements under the domestic violence protective order statutes is a “person eligible for relief” and may file a petition for a protective order that seeks relief from abuse. Among other relief, a protective order may order the respondent to (1) refrain from abusing or threatening to abuse any person eligible for relief; (2) refrain from contacting, attempting to contact, or harassing any person eligible for relief; (3) refrain from entering the residence of any person eligible for relief; (4) vacate the home immediately, if the person eligible for relief and the respondent are residing together; and (5) remain away from the

place of employment, school, or temporary residence of a person eligible for relief or home of other family members.

A temporary protective order may also order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for the duration of the protective order; a final protective order must require the surrender of firearms.

In general, a person who violates the above provisions of a protective order is guilty of a misdemeanor and subject to maximum penalties of a \$1,000 fine and/or 90 days imprisonment for a first offense and a \$2,500 fine and/or one year imprisonment for a second or subsequent offense. In general, the established legal principle known as the Rule of Lenity provides that when statutory interpretation is necessary in deciding a criminal case, the defendant is given the benefit of the doubt if the court is uncertain as to the legislature's intent. In *Morgan v. State*, No. 2288, September Term 2019, the Court of Special Appeals examined the Double Jeopardy Clause of the Fifth Amendment to the U.S. Constitution (applicable to the states through the Fourteenth Amendment) and the general protection that it affords against multiple punishments for the same offense. After an incident that occurred during the time in which a protective order was in effect, the appellant (defendant in the underlying case) was found guilty of second-degree assault and violation of a protective order and sentenced to concurrent terms of 10 years imprisonment (with most time suspended) for the assault and 90 days imprisonment for violation of the protective order. On appeal, the appellant argued that the Double Jeopardy Clause required the second-degree assault conviction to merge into the violation of the protective order. The Court of Special Appeals held that the imposition of separate sentences did not violate Double Jeopardy, but that there was uncertainty as to whether the General Assembly intended to authorize multiple punishments for both the assault and protective order violation convictions. Applying the Rule of Lenity in light of this ambiguity, the Court of Special Appeals held that the sentence for the violation of the protective order should merge into the sentence for second-degree assault.

House Bill 817 prohibits a conviction for the violation of specified provisions of a protective order from merging with a conviction for any other crime based on the act establishing the violation. Under the bill, a sentence imposed for a violation of a protective order may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation.

House Bill 645/Senate Bill 151 - Hate Crimes - False Statement to a Law Enforcement Officer

House Bill 645/Senate Bill 151 clarify that it is a hate crime for a person to make or cause to be made a false statement, report, or complaint that the person knows to be false, either as a whole or in material part, to a specified law enforcement officer, in violation of § 9-501 of the Criminal Law Article, about a group or person with the intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint when the perpetrator's actions were motivated in whole or in substantial part by the subject's race, color,

religious beliefs, sexual orientation, gender, gender identity, disability, national origin, or homeless status. Violators are subject to existing penalties for violations of the State's hate crimes statute.

House Bill 1062 - Criminal Law - Animal Cruelty - Petition for Costs for Care of Seized Animal

House Bill 1062 establishes procedures for an officer or authorized agent of a humane society, or a police officer or other public official required to protect animals, to petition the District Court to order the owner or custodian of an animal that has been seized to protect it from cruelty or for its health to pay for the reasonable costs of caring for the animal. Among its provisions, the bill establishes requirements for filing petitions for reasonable costs of care and related court hearings. The bill's provisions may not be construed to prevent individuals from seeking restitution as part of sentencing if a person does not seek costs of care as authorized in the bill. The bill also modifies existing provisions authorizing the removal or seizure of an animal to protect it from cruelty or for its health.

Criminal Procedure

Senate Bill 704 - Conditions of Pretrial Release - Home Detention Monitoring - Alterations and Extension

Generally, in accordance with eligibility criteria, conditions, and procedures required under statute and the Maryland Rules, the court may require as a condition of a defendant's pretrial release that the defendant be monitored by a private home detention monitoring agency (PHDMA). Among other provisions, Chapter 597 of 2021 established that a pretrial defendant may not be required to pay a PHDMA monitoring fee or pay for a home detention monitoring device or global positioning system device under specified circumstances, instead requiring the State to pay any associated fees or costs for eligible defendants. As enacted, these provisions of Chapter 597 would have terminated August 15, 2022. Senate Bill 704 (1) repeals the termination date for the payment-related provisions of Chapter 597; (2) adds language specifying that State payments for PHDMA costs and fees are subject to the availability of federal funding; and (3) requires the State to use available federal funds to pay for PHDMA costs and fees. The bill also extends (to December 31, 2023) the termination date of the Workgroup on Home Detention Monitoring, adds additional reporting requirements for the workgroup, and specifies that the PHDMA representatives on the workgroup are nonvoting members.

House Bill 1018 - Governor's Office of Crime Prevention, Youth, and Victim Services - Required Performance Data and Scorecard

House Bill 1018 requires the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) to ensure that all reports issued by the office related to grant programs include a summary of all collected performance measure data and information necessary to provide transparency in the results of competitive grant awards. GOCPYVS must also create, for inclusion

in its annual report, a scorecard of quantifiable safety indicators. In addition to the appropriate indicators, the scorecard must include (1) crime statistics for violent crime and property crime as reported in the Uniform Crime Report or the National Incident-based Reporting System, as specified, and the crime clearance rates for those crimes; (2) the portion of committed crimes not reported to law enforcement as estimated based on the National Crime Victimization Survey or other sources; (3) indicators of safety and fairness in the criminal justice system in the State, as specified; and (4) indicators of the underlying factors and conditions affecting progress toward a safer State, as specified. Beginning in fiscal 2024, the Governor must include in the annual budget bill an appropriation of \$500,000 for the Maryland Behavioral Health and Public Safety Center of Excellence within GOCPYVS for the center to enter into contracts for the purposes of carrying out its mission.

Senate Bill 763 - Public Safety and Criminal Justice - Transparency and Accountability

Senate Bill 763 modifies requirements relating to the disciplinary process for police officers established by Chapter 59 of 2021. Specifically, the bill:

- requires all complaints of police misconduct involving a member of the public to be forwarded to the appropriate administrative charging committee regardless of whether the complaint originated from within the law enforcement agency or from an external source;
- requires each law enforcement agency to adopt the uniform State disciplinary matrix for all matters that may result in discipline of a police officer;
- modifies the composition of a trial board for a statewide or bi-county law enforcement agency, except for the Baltimore Police Department, to require a trial board to be composed of (1) an actively serving or retired administrative law judge appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings; (2) a civilian who is not a member of an administrative charging committee or the Maryland Police Training and Standards Commission (MPTSC), as specified; and (3) a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency;
- requires that the actively serving or retired administrative law judge or retired judge of the District Court or circuit court who serves on a trial board be the chair of the trial board, be responsible for ruling on all motions before the trial board, and prepare the written decision of the trial board, as specified;
- requires a trial board to issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board within 45 days after the final hearing by the trial board;
- modifies the appeal process after a decision of a trial board to authorize the decision of a trial board for a statewide or bi-county law enforcement agency to be appealed by the police officer to a circuit court in a county in which the incident that gave rise to the disciplinary proceeding occurred; and
- prohibits the use of collective bargaining to establish or alter any aspect of the disciplinary process for police officers.

Chapter 132 of 2021 established the Independent Investigative Unit within the Office of the Attorney General (OAG) to investigate all alleged or potential police-involved deaths of a civilian. Senate Bill 763 also (1) renames the Independent Investigative Unit as the “Independent Investigations Division”; (2) specifies that the division is the primary investigative unit for police-involved incidents that result in the death of civilians or injuries likely to result in death; and (3) specifies that OAG must determine whether an incident is police-involved and whether an injury is likely to result in death. Additionally, for the limited purpose of furthering an ongoing criminal investigation, the bill also grants the Attorney General (or a deputy Attorney General or assistant Attorney General, as specified) the authority to issue in any court in the State a subpoena to a person to produce telephone, business, government, or corporate records or documents. A subpoena issued under these provisions may be served in the same manner as a subpoena issued by a circuit court. The bill further specifies requirements relating to a person’s right to counsel in connection with a subpoena. The Attorney General may report a person’s failure to obey a lawfully served subpoena to the circuit court with jurisdiction over the matter, and after a hearing with an opportunity to be heard and represented by counsel, the court may grant appropriate relief. The bill’s subpoena provisions do not allow the contravention, denial, or abrogation of a privilege or right recognized by law.

The bill also establishes a Task Force to Study Transparency Standards for State’s Attorneys to study the possibility of establishing minimum transparency standards for State’s Attorneys. In conducting the study, the task force must (1) develop processes by which prosecutors can collect information and determine what information should be made public and what

Finally, the bill requires the Division of Parole and Probation (DPP) to submit to the Senate Judicial Proceedings Committee and the House Judiciary Committee an annual report on (1) measures DPP will take to improve oversight of offenders under its supervision who are involved in homicides and (2) the number of offenders supervised by DPP that were victims of or charged with certain crimes. The bill also requires the Maryland State Commission on Criminal Sentencing Policy to include in its annual report specified information regarding sentences involving crimes of violence (disaggregated by judicial circuit) and conspicuously post such information publicly on its website. The bill also repeals a statutory provision that excludes criminal records from the types of records that the Maryland Longitudinal Data System Center, which collects and facilitates the exchange of specified student data for analysis, may collect.



TRANSPORTATION AND MOTOR VEHICLES

Transportation - Generally

Senate Bill 874/ House Bill 254 (Chapters 153 and 154) State Highway Administration - Pedestrian and Bicyclist Fatalities - Infrastructure Review (Vision Zero Implementation Act of 2022)

The federal Infrastructure Investment and Jobs Act (IIJA) requires states to complete vulnerable road user safety assessment to help in improving road safety within two years of enactment of the IIJA. The assessment must include (1) a quantitative analysis of vulnerable road user fatalities and serious injuries that includes specified data, considers the demographics of the locations of fatalities and injuries, and identifies areas as ‘high-risk’ to vulnerable road users and (2) a program of projects or strategies to reduce safety risks to vulnerable road users in areas identified as high-risk.

Senate Bill 874/House Bill 254 require SHA to conduct an infrastructure review of each pedestrian or bicyclist fatality that occurs on a State highway or intersection of a State highway and another highway or municipal street. The bills establish requirements for SHA in conducting the infrastructure reviews and require that reviews be completed within six months after SHA is notified by law enforcement of a fatality and be published on SHA’s website. Additionally, SHA must publish the vulnerable road user safety assessment required by the IIJA on its website by December 1, 2023.

House Bill 1433 (Chapter 160) State Highways - Designations - Piscataway Highway

House Bill 1433 (passed) requires SHA to designate Maryland Route 210 as the Piscataway Highway. Maryland Route 210 is currently named “Indian Head Highway.” Maryland Route 210 is known as Indian Head Highway. According to the Department of Legislative Service, if the intent of the bill is to officially rename the highway, costs increase by a significant but indeterminate amount to the state.

House Bill 1187 - Transportation - Highway User Revenues - Revenue and Distribution

House Bill 1187 (passed) increases the amount of funds from the Gasoline and Motor Vehicle Revenue Account (GMVRA) that the Maryland Department of Transportation (MDOT) must annually provide to local governments beginning in fiscal 2024. Additionally, also beginning in fiscal 2024, the bill increases (1) the portion of the corporate income tax revenue that must be distributed to a special fund for distribution to GMVRA and an administrative cost account within the Comptroller’s Office; and (2) the portion of that special fund that must be distributed to the administrative cost account.

Under the bill, general fund revenues decrease by \$52 million in fiscal 2024, \$73 million in fiscal 2025, \$97 million in fiscal 2026, and \$104 million in fiscal 2027.

The bill increases the portion of the corporate income tax revenue that must be distributed to a special fund to then be distributed to GMVRA and an administrative cost account within the Comptroller’s Office, after other required distributions, from 17.2% to:

- 20% for fiscal 2024;
- 21% for fiscal 2025;
- 22% for fiscal 2026 and 2027; and
- 20% for fiscal 2028 and each fiscal year thereafter.

The bill also increases the portion of the special fund that must be distributed to the administrative cost account before the remainder is remitted to GMVRA, from 17.2% of the “cost to administer the income tax on corporations” to the same percentages in the same years as described above.

Current Law:

Gasoline and Motor Vehicle Revenue Account

TTF provides local transportation aid through GMVRA. Currently, the revenues dedicated to the account include all or some portion of the motor vehicle fuel tax, vehicle titling tax, vehicle registration fees, short-term vehicle rental tax, and State corporate income tax. Chapters 330 and 331 of 2018 altered the manner in which GMVRA revenues are shared with local governments, beginning in fiscal 2020. Instead of directly sharing the revenue with local governments, the Acts

require 100% of the funds in GMVRA to be retained by TTF and distributed to local governments through capital transportation grants. This change allows MDOT to issue bonds backed by the GMVRA revenues that are ultimately issued to local governments; MDOT was unable to do so prior to the enactment of Chapters 330 and 331.

**Select Local Government Increase and Total – Highway User Revenues
Fiscal 2023-2027 (\$ in Millions)**

Fiscal Year Changes		County			
		Prince George's	Baltimore	Anne Arundel	Montgomery
FY 2023	<i>Increase</i>	0.0	0.0	0.0	0.0
	<i>Total Increase</i>	15.7	9.6	8.7	15.3
FY 2024	<i>Increase</i>	3.3	1.8	1.7	3.2
	<i>Total Increase</i>	19.3	11.6	10.6	18.8
FY 2025	<i>Increase</i>	17.3	9.1	8.8	16.4
	<i>Total Increase</i>	22.5	13.8	12.5	22
FY 2026	<i>Increase</i>	20.3	11	10.5	19.4
	<i>Total Increase</i>	25.6	15.7	14.3	25.1
FY 2027	<i>Increase</i>	20.7	11.2	10.7	19.7
	<i>Total Increase</i>	26	16	14.5	25.5

Senate Bill 838 - Transportation - Elderly and Handicapped Transportation Service - County Funding

This bill establishes minimum funding requirements for the Maryland Department of Transportation (MDOT) for elderly and handicapped transportation service in each county (including Baltimore City) beginning in fiscal 2024. The bill also requires the Secretary of Transportation, by December 1 each year, to report to specified committees of the General Assembly on the amount of such funding distributed to each county and municipality during the prior fiscal year; the bill establishes requirements for the report. The Secretary must identify separately within MDOT’s annual budget the following amounts for elderly and handicapped transportation service in each county:

- for fiscal 2024, at least \$4,305,908; and
- for fiscal 2025 and each fiscal year thereafter, an amount that is equal to at least the amount in the immediately preceding fiscal year adjusted for inflation, as specified. The annual report must include an estimate of the number of

- (1) individuals receiving transportation services supported by the distributions under the bill during the prior fiscal year;
- (2) individual trips provided to individuals supported by the distributions under the bill during the prior fiscal year; and
- (3) individual trips required by elderly and handicapped persons in the State for the prior fiscal year and the next fiscal year.

The bill takes effect July 1, 2022.

Mass Transit

Senate Bill 514/ House Bill 778 (Chapter 52) Transportation - Investment Program - MARC Rail Service (Maryland Regional Rail Transformation Act)

Under Senate Bill 514/House Bill 778 require MTA to establish individual investment programs to advance the MARC Cornerstone Plan and other MARC improvements by providing incremental enhancements for (1) the Brunswick Line, including a third track between Rockville and Germantown to better serve Western Maryland and existing communities served by the line; (2) the Camden Line; (3) the Penn Line; (4) new regional service between Perryville, Maryland, and Newark, Delaware; (5) new regional run-through rail service to Alexandria, Virginia; and (6) extending the Brunswick Line to better serve Western Maryland. The investment programs must commence in fiscal 2023 and include other specified plans and information. The MARC Cornerstone Plan addresses a 30-year planning period and identifies capital improvements needed to maintain a state of good repair for the MARC system. The plan also outlines capital needs required to improve and expand service.

The Acts also require MTA to conduct a MARC Cornerstone Plan Implementation Study. The study must assess and present for public review (1) the total expected cost to implement the entire MARC Cornerstone Plan and other specified services; (2) MTA's workforce needs to efficiently implement the plan, as specified; and (3) efficient and achievable methods by which the rail capital investments and services identified and analyzed should be funded.

Finally, the Acts establish a TTF Workgroup to examine specified funding issues related to the TTF including the current State funding sources and structure of the TTF, threats and challenges to the existing funding sources; and how to position the State to benefit from the multi-year federal infrastructure bill. The workgroup must submit a report of its findings to the Governor and the General Assembly on or before December 16, 2022.



BUSINESS AND ECONOMIC ISSUES

Economic Development

House Bill 478 - Economic Development - Enterprise Zone Program - Alterations

The Enterprise Zone tax credit program, established in 1982, is intended to encourage economic growth within economically distressed areas of the State and to increase employment of the chronically unemployed. Businesses located within an enterprise zone are eligible for local property tax credits and State income tax credits.

House Bill 478 alters the program by (1) establishing the purpose of the program to attract, retain, and encourage commercial development in economically distressed areas of the State by incentivizing capital investment and job creation through real property and income tax credits; (2) requiring the Secretary of Commerce to adopt regulations governing the evaluation and prioritization of applications for enterprise zone and expansion designations; (3) limiting the authority of the Secretary to expand existing zones by 25% instead of 50%; (4) altering the definitions of “focus area employee” and “qualified employee” for the income tax credit; and (5) adding reporting requirements.

House Bill 897 - Economic Development - Sports Entertainment Facilities and Events, Prince George's County Blue Line Corridor Facilities, and Racing Facilities

House Bill 897 authorizes the Maryland Stadium Authority (MSA) to issue up to \$200 million in bonds for “sports entertainment facilities,” and up to \$400 million in bonds for Prince George’s County Blue Line Corridor (BLC) facilities, subject to specified requirements. “Sports entertainment facility” means a structure or other improvement in the State at which minor league games are played or other nonmajor league sporting events are held. It includes parking lots, garages, and other property adjacent and directly related to the facility. It does not include a facility located at Camden Yards or other specified facilities. A “BLC facility” means a facility located within BLC that is a convention center; an arts and entertainment amphitheater; and any other functionally related structures, improvements, infrastructure, furnishings, or equipment of the facility, including parking garages. “BLC” is an area, as designated by public local law, in central Prince George’s County near the intersections of I-495 and Landover Road, Arena Drive, and Central Avenue.

The Act establishes the Sports Entertainment Facilities Fund and the Prince George’s County BLC Facility Fund to be used by MSA to implement the respective programs. The Act also establishes the Major Sports and Entertainment Event Program and Fund to attract major sporting events and major entertainment events to the State and other related purposes and establishes a bus rapid transit system grant program in the Maryland Department of Transportation, subject to specified requirements. All three funds and the grant program are funded by State Lottery Fund distributions. The Act also exempts construction material purchased for specified related projects from the sales and use tax, subject to specified requirements.

Finally, the Act establishes reporting requirements and legislative intent relating to Laurel Park and Pimlico racing facilities, as specified. MSA must provide reports on the progress of the Pimlico and Laurel Park racing facility redevelopment plans under Chapter 590 of 2020.

Senate Bill 453 - Economic Development – Maryland Makerspace Initiative Program

Senate Bill 453 establishes the Maryland Makerspace Initiative Program in the Maryland Technology Development Corporation (TEDCO) to encourage the establishment and expansion of makerspaces throughout the State. “Makerspace” means a community space that (1) provides access to tools, technology, and knowledge for learners and entrepreneurs; (2) results in the prototyping or creation of physical goods; and (3) supports the development of educational opportunities for personal growth, workforce training, and early-stage business ventures. The Maryland Makerspace Initiative Fund is established in TEDCO for the administration of the program. The bill also requires the Governor to include an appropriation in the annual budget bill of at least \$1.0 million in fiscal 2024 through 2028 for the fund. The bill terminates September 30, 2028.

Labor and Industry

House Bill 158 - Maryland New Start Act of 2022

House Bill 158 establishes the Maryland New Start Grant Program in the Maryland Department of Labor (MDL), and the Maryland New Start Microloan Program, along with a nonlapsing special fund, in the Department of Commerce. MDL must award grants to at least five eligible organizations to create or support existing entrepreneurship development programs that assist specified formerly imprisoned individuals or specified individuals approved for release by a correctional facility. Commerce may award collateral-free loans to these formerly or currently imprisoned individuals participating in certain programs to establish a business. Commerce, in consultation with the Governor's Office of Small, Minority, and Women Business Affairs, must administer the microloan program. The Governor must include an appropriation of at least \$300,000 to the Maryland New Start Microloan Fund and at least \$200,000 for the Maryland New Start Grant Program in the annual budget bill in fiscal 2024 through 2028. The bill terminates June 30, 2029.

Senate Bill 275 - Labor and Employment - Family and Medical Leave Insurance Program - Establishment (Time to Care Act 2022)

In 2016, a task force was established to study family and medical leave insurance (FAMLI). The purpose of the task force was to study existing FAMLI programs in other states and the District of Columbia, review specified FAMLI implementation studies and reports, and receive public testimony from relevant stakeholders. The task force was required to make recommendations on (1) the development of a State social insurance program that provides short-term benefits to eligible employees who lose wages due to caring for a newly arrived child, caring for an ill family member, or caring for one's self and (2) the design of an employee-funded FAMLI pool.

Based on the recommendations made by the task force, Senate Bill 275 establishes the FAMLI Program and FAMLI Fund administered by the Maryland Department of Labor (MDL). The program provides up to 12 weeks of benefits and paid leave to a covered individual, which includes a covered employee, an employee that works for an employer with one or more employees, or a self-employed individual.

- ***Contributions***
 - Beginning October 1, 2023, each employee, each employer with 15 or more employees, and each participating self-employed individual, must pay to the Secretary of Labor a percentage contribution based on wages, which are established in regulation. The Act establishes a process for determining the initial contribution rates of employers with 15 or more employees and employees, as well as a process for reassessing the contributions every two years. By June 1, 2023, the Secretary must set the total rate of contribution for employees and the percentage of the total contribution rate to be paid by employers with 15 or more employees and employees.
- ***Benefits***

- Beginning January 1, 2025, claims for benefits are expected to begin. To be eligible for benefits, a covered individual who is taking leave from employment may submit a claim for intermittent leave, or up to 12 weeks of benefits to (1) care for a newborn child or a child newly placed for adoption, foster care, or kinship care with the individual during the first year after the birth, adoption, or placement; (2) care for a family member with a serious health condition; (3) attend to a serious health condition that results in the individual being unable to perform the functions of the individual's position; (4) care for a next of kin service member; or (5) attend to a qualifying exigency arising out of the individual's family member's deployment, as defined by the Act.
- The weekly benefit payable to a covered individual ranges from a minimum of \$50 to a maximum of \$1,000 for the 12-month period beginning January 1, 2025. Beginning January 1, 2026, the maximum weekly benefit must be increased by the annual percentage growth in the Consumer Price Index, subject to a determination by the Board of Public Works based on expected economic conditions. If a covered individual is receiving FAMLI benefits or is taking leave, the employer must continue any employment health benefits for the time that the covered individual is absent from work or receiving FAMLI benefits. Additionally, the employer must restore the individual to an equivalent position of employment when the employee returns to work.
- ***Private Employer Plan***
 - An employer may satisfy the Act's requirements through a private employer plan consisting of employer provided benefits, insurance, or a combination of both, if the plan is offered to all eligible employees and at least meets the rights, protections, and benefits provided to a covered employee under the program. An employer that provides covered employees with a private employer plan approved by MDL and those covered employees are exempt from the Act's required contributions.
- ***Prohibited Acts and Penalties***
 - A covered individual is disqualified from receiving benefits for one year if the individual willfully makes a false statement or misrepresentation regarding a material fact or willfully fails to report a material fact to obtain benefits. An employer is subject to a civil penalty of up to \$1,000 for each occurrence if the employer willfully makes or causes a false statement to be made or willfully fails to report a material fact regarding an employee's claim for benefits. In addition, an employer is prohibited from retaliating against an employee who exercises their rights under the program. The Act also specifies how the Secretary must investigate and enforce the Act, which includes mediation, issuing orders, assessing a civil penalty of up to \$1,000 for each employee for whom the employer is not in compliance, and asking the Attorney General to bring an action on behalf of the employee.

Statewide Alcoholic Beverages

Senate Bill 72/House Bill 324 - Minority Participation in the Alcoholic Beverages Industry – Study

While retail alcoholic beverages stores are commonly found in many minority areas, there is a dearth of minority-owned alcoholic beverages license holders in the industry, particularly in the wholesale and manufacturing tiers. Senate Bill 72/House Bill 324 require the Governor’s Office of Small, Minority, and Women Business Affairs (GOSBA), in consultation with specified entities, to conduct a study of the participation of minority-owned businesses in the alcoholic beverages industry in the State. GOSBA must report its findings and recommendations, as specified.



HEALTH AND HUMAN SERVICES

Public Health - Generally

Senate Bill 241/ House Bill 293 (Chapters 145 and 146) Behavioral Health Crisis Response Services - 9-8-8 Trust Fund

The federal National Suicide Hotline Designation Act of 2020 designates 9-8-8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system. Senate Bill 241/House Bill 293 (both passed) adopt measures to implement the federal law in the State. The bills establish the 9-8-8 Trust Fund to provide reimbursement for costs associated with designating and maintaining 9-8-8 in accordance with the federal law and implementing a statewide initiative for the coordination and delivery of the continuum of behavioral health crisis response services. In fiscal 2024, the Governor must include \$5.5 million in the annual budget bill for the trust fund. The Maryland Department of Health (MDH) must designate 9-8-8 as the State's behavioral health crisis hotline by July 16, 2022.

Senate Bill 12/ House Bill 129 - Behavioral Health Crisis Response Services and Public Safety Answering Points – Modifications

Senate Bill 12/House Bill 129 require MDH, in awarding grants from the Behavioral Health Crisis Response Grant Program, to require that proposals include response standards that prioritize mobile crisis units over law enforcement when responding to individuals in crisis.

Senate Bill 12/House Bill 129 require the Maryland Department of Health, in awarding grants from the Behavioral Health Crisis Response Grant Program, to require that proposals include response standards that prioritize mobile crisis units over law enforcement when responding to individuals in crisis. Each public safety answering point (PSAP) must develop a written policy on the procedures to be followed when a call is received that involves an individual suffering an active mental health crisis. The policy must include (1) the procedures to triage a call involving an individual suffering an active mental health crisis; (2) the resources that are available for dispatch; (3) the procedures for making a dispatch decision; and (4) training for applicable staff on implementing the procedures. Each PSAP must submit its written policy to MDH and make the policy available to the public by December 1, 2022. MDH must submit the policies to the General Assembly by January 1, 2023. The bills also alter the definition of “mobile crisis team” (MCT) to specify that an MCT prioritizes limiting the interaction of law enforcement with individuals in crisis.

Family and Children’s Health

House Bill 1080 (Chapter 28) Maryland Medical Assistance Program - Children and Pregnant Women (Healthy Babies Equity Act)

House Bill 1080 (Ch. 28) requires Medicaid, subject to the limitations of the State budget, to provide comprehensive medical care and other health care services to noncitizen pregnant women who would be eligible for Medicaid but for their immigration status and to their children up to the age of one. The Maryland Department of Health (MDH) must apply for a waiver from the federal Centers for Medicare and Medicaid Services that maximizes federal funding and the individuals who would be eligible for Medicaid under the bill. Under Chapter 28, general fund spending increases by \$15 million annually between fiscal 2024 to 2027.

Public Health – Opioids

Senate Bill 419/ House Bill 1086 (Chapters 84 and 85) Opioid Restitution Fund - Appropriation of Settlement Funds and Grant Program

Chapter 537 of 2019 established the Opioid Restitution Fund (ORF), a special fund to retain any revenues received by the State relating to specified opioid judgments or settlements, which may be used only for opioid-related programs and services. In fiscal 2022, ORF received approximately \$12 million from the \$573 million global settlement agreement with McKinsey & Company for its role in marketing opioids, including OxyContin. Additionally, the State is expected to receive approximately \$500 million from the \$26 billion global settlement with opioid manufacturer Johnson & Johnson and opioid distributors McKesson, Amerisource Bergen, and Cardinal Health. Senate Bill 419/House Bill 1086 require that funds received in accordance with the settlement be appropriated in a specified manner. The Secretary of Health must establish and

administer a grant program for the distribution of funds to political subdivisions, as specified under the Acts.

Senate Bill 394 - Statewide Targeted Overdose Prevention (STOP) Act of 2022

Naloxone is an opioid antagonist approved by the U.S. Food and Drug Administration (FDA) for the reversal of an opioid overdose. Senate Bill 394 broadens existing requirements and protections relating to the administration or provision of naloxone to encompass any FDA-approved opioid overdose reversal drug. In addition, the bill allows for such reversal drugs to be offered to specified individuals – free of charge – by multiple providers, programs, and entities. The bill also authorizes a cardiac rescue technician, an emergency medical technician, or a paramedic, while providing emergency medical services, to offer a reversal drug to an individual who received treatment for a nonfatal drug overdose or was evaluated by a crisis evaluation team.

Healthcare - Generally

Senate Bill 440/ House Bill 625 - Commission to Study the Health Care Workforce Crisis in Maryland – Establishment

Since the beginning of the COVID-19 pandemic, health care facilities have struggled to maintain staffing levels necessary to care for patients. Senate Bill 440, an emergency measure, establishes the Commission to Study the Health Care Workforce Crisis in Maryland to, among other things, determine the extent of the health care workforce shortage in the State, examine short-term solutions to address immediate needs for identified shortages, examine future health care workforce needs, and examine what changes are needed to enhance incentives for individuals to enter and stay in the health care workforce. The commission must issue an interim report by December 31, 2022, and a final report by December 31, 2023. The commission terminates December 31, 2023.

House Bill 97 - Workgroup on Black, Latino, Asian American Pacific Islander, and Other Underrepresented Behavioral Health Professionals

House Bill 97 establishes the Workgroup on Black, Latino, Asian American Pacific Islander, and Other Underrepresented Behavioral Health Professionals to identify and study the shortage of behavioral health professionals in the State who are Black, Latino, Asian American Pacific Islander, or otherwise underrepresented in the behavioral health profession. The workgroup must also assess and make recommendations on incentives or other methods to increase the number of (1) underrepresented students who study at an institution of higher education in the State to be behavioral health professionals and (2) underrepresented behavioral health professionals who provide behavioral health services in the State, especially in underserved communities. The workgroup must submit a report on its findings and recommendations by July 1, 2023. The workgroup terminates June 30, 2024.

Senate Bill 295 - Maryland Medical Assistance Program - Emergency Service Transporters – Reimbursement

Maryland currently reimburses emergency service transporters at a rate of \$100 for the cost of transportation to a facility in response to a 9-1-1 call and medical services provided while transporting the Medicaid recipient to a facility in response to a 9-1-1 call. Senate Bill 295 expands Medicaid reimbursement to an emergency service transporter to include reimbursement for medical services provided in response to a 9-1-1 call in situations when the recipient is not transported to a facility and for “mobile integrated health services.” Beginning in fiscal 2023, the reimbursement rate must increase to \$150. MDH, in coordination with the Maryland Institute for Emergency Medical Services Systems (MIEMSS), must study the adequacy of emergency service transporter reimbursement and submit a report by November 1, 2024. MIEMSS must conduct a specified study of the interfacility transport system for Medicaid recipients and report its findings by December 31, 2022.

Public Health - Generally

Senate Bill 357 (Chapter 190) Adult Protective Services - Workgroup to Study Best Practices for a Vulnerable Adult Registry in Maryland

Senate Bill 357 establishes the Workgroup to Study Best Practices for a Vulnerable Adult Registry in Maryland, staffed by DHS. The workgroup must (1) study best practices for implementation of a statewide vulnerable adult registry; (2) identify the appropriate State agency to operate the registry; (3) study and identify how \$1.4 million in prior Centers for Medicare and Medicaid Services (CMS) grant funds were allocated and used; and (4) study and make recommendations regarding any changes or improvements to State law. By June 1, 2023, the workgroup must report its findings and recommendations. The workgroup terminates June 30, 2023.

Current Law:

Reporting and Investigating Abuse or Neglect of a Vulnerable Adult – Family Law Article
A vulnerable adult is an adult who lacks the physical or mental capacity to provide for the adult’s daily needs. “Abuse” means the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person. “Neglect” is the willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or habilitative therapy, shelter, or supervision. “Neglect” does not include the providing of nonmedical remedial care and treatment for the healing of injury or disease, with the consent of the vulnerable adult, recognized by State law instead of medical treatment.

Statutory provisions specify procedures for the reporting and investigation of reports of the abuse or neglect of a vulnerable adult, the specifics of which depend on the adult who is alleged to have been abused or neglected. For example, a person who believes that an individual with a developmental disability has been abused must report the alleged abuse to the executive officer or administrative head of the licensee; the report may be oral or written. The executive officer or

administrative head must report the alleged abuse to an appropriate law enforcement agency, which must investigate, as specified.

If a report does not involve the abuse of a patient in a mental health facility, a facility for individuals with an intellectual disability, a nursing home, or a hospital, investigation procedures are governed by the Family Law Article. Pursuant to the Family Law Article, any health care practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation, must notify the local department of social services. If the health care practitioner, police officer, or human service worker is a staff member of a hospital or public health agency, he or she must immediately notify and give all the information required by law to the head of the institution or its designee. The report must be made by telephone, in writing, or by direct communication as soon as possible. Individuals other than those required to report due to their professional responsibilities may also file a report with a local department. The local department must begin a thorough investigation, as specified, and may request assistance from other entities, including the State's Attorney or law enforcement.

Sections 3-604 and 3-605 of the Criminal Law Article prohibit the abuse or neglect of a vulnerable adult. "Abuse" means the sustaining of physical pain or injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the vulnerable adult's health or welfare is harmed or threatened. "Abuse" includes the sexual abuse of a vulnerable adult. "Abuse" does not include an accepted medical or behavioral procedure ordered by a health care provider authorized to practice under the Health Occupations Article or emergency medical personnel acting within the scope of the health care provider's practice.

A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult that results in death, causes serious physical injury, or involves sexual abuse. The same prohibition applies to a household member or family member. A violator is guilty of the felony of abuse or neglect of a vulnerable adult in the first degree and subject to maximum penalties of 10 years imprisonment and/or a fine of \$10,000. A sentence imposed under this provision must be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical.

Under the second-degree prohibition, a caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult. A household member or family member may not cause abuse or neglect of a vulnerable adult. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a \$5,000 fine. A sentence imposed under this provision must be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances unless the evidence required to prove each crime is substantially identical. The second-degree prohibition does not apply to sexual abuse of a vulnerable adult.



NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE

Agriculture and Natural Resources

House Bill 540/Senate Bill 437 - Agriculture - University of Maryland Extension - Urban Farmer Assistance

Urban farming provides a number of community benefits, including addressing gaps in access to healthy food, providing job opportunities and supporting local economies, preserving greenspace, and reducing carbon and energy dependence associated with food transportation. To facilitate the growth of an urban farming sector in Maryland, Senate Bill 437/House Bill 540 expand the capability of the University of Maryland Extension (UME) to support urban farmers by requiring UME to hire (1) an extension agent dedicated to urban farm production methods and crop management and (2) an extension agent dedicated to urban farm and agribusiness management. Each extension agent must perform applied research and provide education for urban farmers, as specified. Beginning in fiscal 2024, the Governor must include an appropriation of \$300,000 in the annual budget bill for UME for the extension agents hired under the bills.

Senate Bill 942/House Bill 855 - Agriculture - Urban Agriculture Water and Power Infrastructure Grant Program and Fund - Establishment

A significant barrier for urban farmers is access to electrical power and water for irrigation. Senate Bill 942/House Bill 855 establish the Urban Agriculture Water and Power Infrastructure Grant Program in the Maryland Department of Agriculture (MDA) and an associated special fund to provide grants to urban agricultural producers and qualified nonprofit organizations for the purchase and installation of (1) agriculture equipment associated with water supply and irrigation and (2) electric power access. For fiscal 2024 through 2027, the Governor must include an appropriation of \$500,000 in the annual budget bill to the fund.

House Bill 558/Senate Bill 296 - Land Use – Agritourism – Definition

In 2015, the Governor’s Intergovernmental Commission for Agriculture developed a model definition of “agritourism” to serve as guidance to counties and local zoning and permitting agencies when dealing with agricultural operations. Chapter 672 of 2018 codified the model definition to define “agritourism” as an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation. “Agritourism” includes farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farms, pumpkin patches, “pick your own” or “cut your own” produce, classes related to agricultural products or skills, and picnic and party facilities offered in conjunction with any agritourism activity. Senate Bill 296/House Bill 558 alter the definition of “agritourism” to include camping and incidental outdoor stays. Local jurisdictions can, but are not required to, adopt the model definition by local ordinance, resolution, law, or rule.

Senate Bill 121 - Maryland Farms and Families Fund, Maryland Food and Agricultural Resiliency Mechanism Grant Program, and Maryland Farm-to-School Meal Grant Pilot Program - Alterations and Establishment

To build on the progress that Maryland has made in addressing food insecurity throughout the State and the recommendations of the Maryland Food System Resiliency Council, which was created by Chapters 724 and 725 of 2021, Senate Bill 121 alters the purpose and use of the Maryland Farms and Families (MFF) Fund; establishes the Maryland Food and Agricultural Resiliency Mechanism Grant Program (MD FARM) and an associated special fund; and establishes the Maryland Farm-to-School Meal Grant Pilot Program and associated special fund.

Chapters 395 and 396 of 2017 established the MFF Program to double the purchasing power of food-insecure Maryland residents with limited access to fresh fruits and vegetables and to increase revenue for farmers through redemption of federal nutrition benefits at Maryland farmers markets. The program is supported by the MFF Fund, which provides grants to (1) nonprofit organizations that match purchases made with Farmers Market Nutrition Program (FMNP), Supplemental Nutrition Assistance Program (SNAP), and Special Supplemental Food Program for Women, Infants, and Children (WIC) benefits at participating farmers markets; (2) nonprofit farmers markets to implement the program at the farmers markets; and (3) local nonprofit organizations to implement the program in partnership with one or more participating local farmers markets. Senate Bill 121 increases mandated appropriations to the MFF Fund from \$100,000 to

\$300,000 annually beginning in fiscal 2024. The bill alters the formula for determining distribution of the funds to allow for increased funding to program development, outreach, training, and capacity building. The percentage devoted to this purpose increases from 30% to 40%. Conversely, the percentage decreases, from 70% to 60%, for funds used to match food benefits to those receiving WIC, SNAP, and FMNP. Also, under the bill, a portion of that 60% may be used to fund local market access coordinators for the program.

Senate Bill 121 establishes MD FARM, which is administered by MDA, to build food system resiliency by leveraging Maryland agricultural products and services to support the State's food banks and charitable emergency food providers to alleviate food insecurity. The MD FARM Fund, a special fund created by the bill, must be used to provide grants to food banks and charitable emergency food providers for (1) the procurement of surplus, seasonal, or contractual agricultural food products; (2) the processing and preparation of agricultural food products for distribution; and (3) the transportation of agricultural food products. Beginning in fiscal 2024, the Governor must include \$200,000 in the annual budget bill for the MD FARM Fund. The bill also establishes the Maryland Farm-to-School Meal Grant pilot program to incentivize the production, procurement, and provision of local foods in school meals by awarding grants, as specified. The Maryland Farm-to-School Meal Grant Fund consists of money appropriated in the State budget to the fund and any other money from any other source accepted for the benefit of the fund, but funding is not mandated.

Senate Bill 541 - Natural Resources - Maryland Park Service and State Parks - Alterations (Great Maryland Outdoors Act)

Senate Bill 541 makes numerous changes to State law relating to (1) funding for parks, land conservation, State lakes protection and restoration, and forest-related purposes; (2) park staff and volunteers; (3) management of parks and park infrastructure; and (4) new parks/amenities and other considerations.

With direct regard to Prince George's County, the bill establishes the intent of the General Assembly that if the State acquires Hill Road Park in Prince George's County for the purpose of making the property a State park, that it will a partnership park established and maintained similarly to Freedman's State Historical Park.

With regard to funding for parks, land conservation, and State lakes protection and restoration, the Act makes the following changes:

- establishes a Park System Critical Maintenance Fund to address critical maintenance concerns on Department of Natural Resources (DNR)-managed park lands and requires a \$70 million general fund appropriation to the fund in fiscal year 2024, to be spent by July 1, 2026;
- establishes a Park System Capital Improvements and Acquisition Fund for capital improvements on DNR-managed State park lands and land acquisition for State parks, with a general fund appropriation of \$36,873,928 in fiscal 2024 that is in addition to certain funds from Program Open Space (POS) from which the Governor is authorized to transfer to the fund;

- repeals requirements that general fund appropriations be made to the transfer tax special fund in certain amounts that otherwise would have been used for park development and critical maintenance on DNR-managed lands or transferred to the Maryland Agricultural Land Preservation Foundation (MALPF), the Rural Legacy Program, and the Heritage Conservation Fund; requires a \$16,564,469 appropriation to MALPF and a \$5,444,127 appropriation to the Rural Legacy Program in fiscal 2024;
- alters general fund appropriations to the Maryland Agricultural and Resource-Based Industry Development Corporation’s Next Generation Farmland Acquisition Program (Next Gen Program) from \$2.5 million in each of fiscal 2024 through 2027 to a \$10 million general fund appropriation in fiscal year 2024;
- establishes a Great Maryland Outdoors Fund in DNR and authorizes an appropriation of up to \$3 million to the fund in fiscal 2024 and each fiscal year thereafter to be used for (1) implementing the recommendations of the Maryland Outdoor Recreation Economic Commission; (2) DNR projects and programs that provide, promote, and enhance outdoor recreation opportunities in the State; and (3) awarding grants to destination marketing organizations for the purpose of promoting and marketing State parks;
- requires DNR to expand its work with park-focused organizations to leverage charitable funding for park enhancements;
- extends the termination date, from June 30, 2022, to June 30, 2025, of Chapter 698 of 2018 which requires the Governor to include annually an appropriation of \$1 million to the State Lakes Protection and Restoration Fund; and
- beginning in fiscal 2024, increases the required annual appropriation to the Mel Noland Woodland Incentives and Fellowship Fund from \$50,000 to \$1.0 million.

The Act also makes changes relating to Maryland Park Service (MPS) staff and volunteers. Specifically, the Act:

- requires the Department of Budget and Management (DBM), on or before October 1, 2023, to increase the number of full-time employees in DNR by 100 permanent, classified positions and requires a \$12 million appropriation in fiscal year 2024 to fund the positions and related operating costs;
- requires DBM to conduct periodic staff adequacy and staff salary reviews and to report the findings;
- requires DBM to revise the job title of “Park Service Associate” to “State Park Ranger”;
- requires DNR to recognize forest rangers, park rangers, and wildlife rangers as emergency services personnel who are eligible for certain benefits;
- requires DNR to implement a specified volunteer management program to manage volunteer services provided by individuals and State parks friends groups; and
- requires that DNR, by October 1, 2023, and in collaboration with the Maryland Department of Labor, identify opportunities to create registered apprenticeship programs to help address workforce shortages and the career workforce needs of DNR.

Additionally, the Act makes the following changes with respect to parks management and parks infrastructure:

- requires DNR to coordinate with the Department of General Services to (1) develop an electronic asset management system for its infrastructure; (2) develop a specified facility condition index assessment process for all MPS sites; and (3) establish a dedicated asset evaluation team to assess the condition of MPS assets, update individual facility condition indices on an ongoing basis, and cross-reference the condition of MPS sites and facility condition indices with the distribution of MPS assets within environmental justice communities as identified by DNR using the Maryland Environmental Justice Screen Tool;
- requires DNR to (1) take specified inventory of all State land managed by the department; (2) develop a maintenance project prioritization process modeled after the National Park Service’s asset priority index that includes a layer indicating whether a maintenance project is located in an environmental justice community; (3) develop and publish on its website a list of certain maintenance projects in the State park system; and (4) consider replacement value and cost savings when determining whether to repair or replace infrastructure with sustainable technology;
- requires DNR to conduct a systemwide survey of historical and cultural resources with a focus on racial and linguistic inclusivity;
- requires DNR, by December 1, 2023, and every five years thereafter, to develop and publish a specified five-year Capital Improvement Plan for MPS, including specified information on critical maintenance projects and their prioritization;
- increases the contract value threshold, from \$50,000 to \$100,000, below which DNR may award a procurement contract for capital projects or maintenance using the “small procurement” method;
- repeals the Park Advisory Commission and establishes a Parks and Recreation Commission to provide oversight of MPS and its implementation of the Act; requires DNR to develop and publish by December 1, 2023, and update every five years, a specified Comprehensive Long-Range Strategic Plan; and
- requires the Department of Legislative Services to hire an independent consultant to conduct a specified independent study of (1) whether MPS is producing outcomes consistent with its mission; (2) the visitor experience for State parks; (3) how funding can be used to enable MPS to produce outcomes consistent with its mission; and (4) how MPS projects can support public health and climate change mitigation, adaptation, and resiliency.

Lastly, the Act makes changes concerning new parks and amenities. Specifically, the Act:

- authorizes DNR to enter into a memorandum of understanding or partnership agreement with a local government, bicounty agency, or nonprofit organization to establish or manage a partnership park (a unit of the State park system managed by DNR in partnership with a local government, bicounty agency, or nonprofit organization) and requires DNR to establish the Freedman’s State Historical Park and the Port of Deposit State Historical Park as partnership parks that seek to educate the public about and preserve and interpret the lives and experiences of Black Americans both before and after the abolition of slavery;
- establishes the intent of the General Assembly that if the State acquires Carr’s Beach (property in the “Waldorf core zone” in Charles County) or Hill Road Park in Prince

George's County for the purpose of making those properties State parks, that they be partnership parks established and maintained similarly to Freedman's State Historical Park;

- requires DNR to (1) make decisions related to the establishment of State historical parks or other units that preserve and interpret the history of African American, Asian, Indigenous or Native American, and Hispanic or Latino populations in the State in coordination with the Parks and Recreation Commission and with input from groups active in the preservation of historical sites of underrepresented communities; (2) consider the cultural and ecological capacities of State park areas when examining the development of new amenities in existing State parks; and (3) target the location and establishment of new State parks and amenities toward areas that are identified by DNR's park equity tool as in need of recreational opportunities or that would relieve overcrowding in existing State parks;
- requires MPS to adopt design principles related to crime prevention, access for people with disabilities, older adults, and seniors, and web accessibility in its programming and amenities to ensure maximum public safety and access for all residents and visitors;
- requires DNR to (1) recognize that the State's forests, trees, and wetlands are a major tool for addressing climate change with regard to mitigation, adaptation, and resiliency and (2) require all MPS projects to contribute, to the extent possible, to the improvement of local water quality; and
- requires DNR to submit a specified report to the General Assembly on the possibility of reopening Fort Tonoloway State Park after the conclusion of the archaeological excavation of the park.

Environment

House Bill 275/Senate Bill 273 - Environment – PFAS Chemicals – Prohibitions and Requirements (George “Walter” Taylor Act)

PFAS chemicals are a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances. Studies have linked these chemicals with harmful health conditions. Senate Bill 273/House Bill 275 prohibit, on or after January 1, 2024, the manufacture and sale of fire-fighting foams and personal protective equipment and new rugs containing intentionally added PFAS chemicals. On or after January 1, 2024, a manufacturer or distributor may not manufacture, or knowingly sell, offer for sale, or use in the State a food package or food packaging component designed and intended for direct food contact to which PFAS chemicals were intentionally added. The bills require the Governor to include in the annual budget for fiscal 2024, an appropriation of \$500,000 to the Maryland Department of the Environment to take back and dispose of Class B fire-fighting foam from fire departments if requested by a fire department.

Senate Bill 528 - Climate Solutions Now Act of 2022

The Climate Solutions Now Act, Senate Bill 528, makes broad changes to the State's approach to reducing statewide greenhouse gas (GHG) emissions and addressing climate change. Among other things, the bill (1) increases the statewide GHG emissions reduction requirement and requires the State to achieve net-zero statewide GHG emissions by 2045 (as well as requiring the State to reduce statewide GHG emissions by 60% from 2006 levels by 2031); (2) establishes new and alters existing energy conservation requirements for buildings; (3) increases and extends specified energy efficiency and conservation program requirements; (4) establishes requirements for the purchase of zero-emission vehicles (ZEVs) in the State fleet; and (5) establishes new entities and new special funds to support related activities. A more detailed summary of key provisions is included below.

- ***Greenhouse Gas Emissions Reduction Target and Related Plans***
 - The Act amends the State's GHG emissions reduction targets and related plans by explicitly requiring the State to reduce statewide GHG emissions by 60% from 2006 levels by 2031. The Act also explicitly requires the State to achieve net-zero statewide GHG emissions by 2045; this provision terminates June 30, 2030. By June 30, 2023, the Maryland Department of the Environment (MDE) must submit a proposed plan to the Governor and the General Assembly that reduces statewide GHG emissions by 60% from 2006 levels by 2031. By December 31, 2023, MDE must adopt a final plan to meet the 2031 goal and that sets the State on a path toward achieving net-zero statewide GHG emissions by 2045. By December 31, 2030, MDE must adopt a final plan that achieves net-zero statewide GHG emissions by 2045; by December 31, 2035, MDE must review and, as necessary, revise that plan.
- ***Environmental Justice Considerations***
 - By December 31, 2023, MDE, in coordination with the Commission on Environmental Justice and Sustainable Communities, must (1) adopt a methodology for identifying communities disproportionately affected by climate impacts, as specified; (2) develop specific strategies to address geographical impact concerns, reduce emissions of GHGs and co-pollutants, and build climate equity and resilience within disproportionately affected communities; (3) set appropriate goals for the percentage of State funding for GHG emissions reduction measures that should be used for the benefit of disproportionately affected communities; and (4) report the policies and programs developed pursuant to the Act to the Maryland Commission on Climate Change (MCCC).
 - MCCC must also establish (1) a Just Transition Employment and Retraining Working Group (to identify, study, and advise MCCC on various issues and opportunities related to workforce development, training, job loss, and job creation as the State implements energy efficiency and GHG emissions reduction measures); (2) an Energy Industry Revitalization Working Group (to advise MCCC on issues and opportunities related to small business revitalization and the transition to renewable energy's effects on small businesses); (3) an Energy Resilience and Efficiency Working Group (to advise MCCC on issues and opportunities related to energy infrastructure improvements, transmission efficiency improvements, and

battery backup viability); and (4) a Solar Photovoltaic Systems Recovery, Reuse, and Recycling Working Group (to review, identify, assess, and analyze a number of issues and topics related to solar photovoltaic systems, the materials used in those systems, and the recycling, disposal, and decommissioning of the systems).

- The Act alters the purpose of the Chesapeake Conservation Corps Program, which is administered by the Chesapeake Bay Trust. The Act establishes that the purpose of the Corps Program includes (1) mobilizing, educating, and training youth and young adults to deploy clean energy technology and mitigating and preventing the environmental and health impacts of climate impacts in communities disproportionately affected by climate impacts and (2) ensuring underserved and geographical climate disparities populations are given assistance needed to prepare for and adapt to climate impacts. The Act also (1) modifies a prior purpose of the Corps Program relating to green collar jobs; (2) modifies the Advisory Board of the Corps Program and the standards that Corps Program projects and activities must meet; (3) adds a list of examples of climate mitigation and clean energy projects that may be undertaken by the Corps Program; and (4) establishes standards for offering stipends to Corps members working on climate mitigation and clean energy projects.
- ***Zero-emission Vehicles***
 - Beginning in fiscal 2025, a county board of education is prohibited from entering into a new contract to purchase any school bus that is not a zero-emission vehicle (ZEV) or to use any school bus that is not a ZEV, unless the school bus has an in-service date of July 1, 2024, or before. However, the prohibition does not apply if (1) MDE determines that no available ZEVs meet the performance requirements for the county board’s use or (2) the county board is unable to obtain federal, State, or private funding that is sufficient to cover the “incremental costs” associated with contracting for the purchase or use of school buses that are ZEVs. MDE, in consultation with other appropriate State agencies, must work with the county boards and private school bus contractors to develop electric vehicle infrastructure sufficient to support ZEV school buses. MDE must prioritize the use of available federal funding to carry out the bill’s ZEV school bus provisions.
 - The Act also establishes the Electric School Bus Pilot Program, which is implemented and administered by the Public Service Commission (PSC). An investor-owned electric company (“utility”) may apply to PSC to implement a pilot program, as specified. Subject to PSC approval and specified conditions, a utility may (1) recover all reasonable and prudent program costs incurred under the program through a mechanism that is reviewed and approved by PSC and (2) establish a pilot tariff or rate to provide service to an electric school bus.
 - The Act also establishes the intent of the General Assembly that 100% of passenger cars in the State vehicle fleet be ZEVs by 2031 and that other light-duty vehicles in the State vehicle fleet be ZEVs by 2036. The State must ensure that (1) in fiscal years 2023 through 2025, at least 25% of the passenger cars purchased for the State vehicle fleet are ZEVs; (2) in fiscal 2026 and 2027, at least 50% of the passenger

cars purchased for the State vehicle fleet are ZEVs; (3) beginning in fiscal 2028, 100% of passenger cars purchased for the State vehicle fleet are ZEVs; and (4) beginning in fiscal 2024, any passenger car purchased for the State vehicle fleet that is not a ZEV must be a hybrid vehicle. Further, the State must ensure that (1) in fiscal 2028 through 2030, inclusive, at least 25% of all other light-duty vehicles purchased for the State vehicle fleet are ZEVs; (2) in fiscal 2031 and 2032, at least 50% of all other light-duty vehicles purchased for the State vehicle fleet are ZEVs; and (3) beginning in fiscal 2033, 100% of all other light-duty vehicles purchased for the State vehicle fleet are ZEVs.

- ***Building Energy Performance Standards for Existing Buildings***

- MDE must develop building energy performance standards for covered buildings (a commercial or multifamily residential building in the State or a building that is owned by the State and has a gross floor area of 35,000 square feet or more, excluding the garage area) that achieve (1) a 20% reduction in net direct GHG emissions by January 1, 2030, as compared with 2025 levels for average buildings of similar construction and (2) net-zero direct GHG emissions by January 1, 2040. To facilitate the development of these building energy performance standards, MDE must require covered building owners to measure and report direct emissions data to the department each year beginning in 2025. The provision requiring MDE to set a standard that achieves net-zero direct GHG emissions for covered buildings terminates December 31, 2029. By June 1, 2023, MDE must adopt regulations to implement the building energy performance standards.
- The Department of Housing and Community Development's (DHCD) Community Development Administration must develop and implement a program to provide grants for energy conservation projects and projects to install renewable energy generating stations in covered buildings that house primarily low-to moderate-income households, as specified.
- The Act establishes the Building Energy Transition Implementation Task Force to (1) study and make recommendations regarding the development of complementary programs, policies, and incentives aimed at reducing GHG emissions from the building sector in accordance with the Act; (2) make recommendations on targeting incentives to electrification projects that would not otherwise result in strong returns on investment for building owners; and (3) develop a plan for funding the retrofit of covered buildings to comply with building emissions standards.
- The Act requires the Maryland Green Building Council (MGBC) to examine (1) the use of environmental product declarations to measure the climate impact of concrete procured by the State; (2) the use of performance incentives to encourage adoption of low-carbon materials and methods by concrete manufacturers that provide concrete for State-funded projects; (3) the establishment of an expedited product evaluation, testing, and approval protocol for low-carbon concrete products; (4) the implementation of performance-based specification standards for concrete, as specified; and (5) the use of methods of compliance, including

maximum cement content specifications and specifications based on maximum potential for global warming. MGBC must report its findings and recommendations to the Governor and the General Assembly by December 1, 2022.

- Further, the Act requires the Maryland Department of Labor’s Building Codes Administration to (1) develop recommendations for an all-electric building code for the State, including exemptions for particular industries (including life sciences, as specified), local conditions, and sectors deemed critical infrastructure vital to the interest of national security, as identified by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency; (2) develop recommendations for the fastest and most cost-efficient methods to decarbonize buildings and other sectors in the State; (3) assess the availability of technology and equipment that will be needed to construct all-electric buildings in the State; (4) assess the impact of building electrification on workforce shortages; (5) develop recommendations regarding efficient cost-effectiveness measures for the electrification of new and existing buildings; (6) by January 1, 2023, report to PSC on the projected annual and peak summer and winter gas and electric loading impacts of electrification, as specified; and (7) consider recommendations for the inclusion of renewable, low-carbon biofuels, including biodiesel, during the State’s transition to an all-electric building code, including an analysis of the impact on electric and gas rates, market availability, and environmental impact.
- ***Public Service Commission***
 - The Act also extends the EmPOWER Maryland Energy Efficiency Act annual energy savings goals beyond their current 2021-2023 program cycles and increases the annual energy savings requirement beyond 2.0% beginning in 2025. Specifically, PSC must, by regulation or order, require each electric company to procure or provide cost-effective energy efficiency and conservation programs and services to its customers, as specified, that are designed on a trajectory to achieve a targeted annual incremental gross energy savings of at least the following annual percentages: (1) 2.0% annually in 2022 through 2024; (2) 2.25% per year in 2025 and 2026; and (3) 2.5% per year in 2027 and thereafter.
 - Uncodified language requires PSC to complete a general system planning study, for specified gas and electric companies, assessing the capacity of each company’s gas and electric distribution systems to successfully serve customers under a managed transition to a highly electrified building sector. PSC must report its findings to the Legislative Policy Committee by September 30, 2023.
 - Additionally, the Act establishes certain policy goals for the electric distribution system and related planning processes. PSC must report each year on specified electric distribution system planning and implementation policies and activities. The language encourages electric companies to seek certain federal funding under the federal Infrastructure and Investment Jobs Act for electric distribution projects and requires PSC and the Maryland Energy Administration (MEA) to assist the utilities in those efforts. MEA must identify funds for specified electric distribution system upgrades and improvements. Related provisions impose wage and labor

requirements for contractors and subcontractors working on certain federally funded projects for investor-owned electric companies and gas and electric companies relating to electric infrastructure.

- ***Climate Transition and Clean Energy Hub***

- The Act establishes the Climate Transition and Clean Energy Hub in MEA. The stated purpose of the hub is to serve as a clearinghouse for information on advanced technology and architectural solutions to reduce GHG emissions from the building sector. The hub must provide technical assistance to public and private entities to achieve GHG emissions reductions and comply with State and local energy efficiency and electrification requirements, as specified. The hub must also provide technical assistance for increasing building performance and energy efficiency for other existing and new residential properties.

- ***Funding Provisions and Broad Description of Fiscal Impact***

- The Act establishes the Climate Catalytic Capital Fund administered by the Maryland Clean Energy Center. The stated purpose of the fund is to promote geographical impact remedies and to leverage increased private capital investment in technology development and deployment (including project planning) to meet several goals related to addressing climate change and reducing GHG emissions, including providing for the creation of a Maryland Green Bond Program. For fiscal 2024 through 2026, the Governor must include in the annual budget bill an appropriation of \$5.0 million to the fund.
- Additionally, in fiscal 2024 through 2028, the Governor must include in the annual budget bill an appropriation of at least \$500,000 for the Maryland Healthy Soils Program within the Maryland Department of Agriculture (MDA). This provision terminates June 30, 2030. In fiscal 2024 through 2026, the Governor must include in the annual budget bill an appropriation of \$5.0 million to DHCD to provide grants under the new grant program, the purpose of which is to reduce GHG emissions from multifamily residential buildings. Finally, beginning in fiscal 2024, the Governor must include in the annual budget bill an appropriation of \$1.5 million annually to CBT for the Corps Program to implement climate mitigation and clean energy projects.



EDUCATION

Blueprint for Maryland's Future

House Bill 1450 (Chapter 33) Blueprint for Maryland's Future - Implementation Plans and Funds – Alterations

The Blueprint for Maryland's Future Fund (BMFF) is a special nonlapsing fund that may be used only to assist in providing adequate funding for early childhood education and primary and secondary education based on the recommendations of the Commission on Innovation and Excellence in Education. Chapter 735 of 2019 required a marketplace facilitator and a marketplace seller to collect and remit the State sales and use tax under specified circumstances. Chapter 735 also specified that the first \$100 million in sales taxes collected from marketplace facilitators and certain out-of-state vendors be distributed to the general fund and that revenues in excess of \$100 million from these sales and use taxes be distributed to BMFF.

Chapter 38 of 2021 imposed the State sales and use tax on specified digital products and codes. All sales and use tax revenue received from the sale of digital products and codes must be distributed to BMFF. House Bill 1450 (Ch. 33) requires the Comptroller, after making certain other distributions, to pay to BMFF the following percentage of the remaining sales and use tax revenues:

- 9.2% for fiscal 2023;
- 11% for fiscal 2024;

- 11.3% for fiscal 2025;
- 11.7% for fiscal 2026; and
- 12.1% for fiscal 2027 and each subsequent fiscal year.

Chapter 33 repeals the requirement that the Comptroller distribute sales and use tax revenue from marketplace facilitators, certain out-of-state vendors, and the sale or use of specified digital products or digital codes to BMFF. This bill alters the distribution of some sales and use tax revenues to the Blueprint for Maryland’s Future Fund. The Act also extends dates before which the Accountability and Implementation Board (AIB) and the Maryland State Department of Education (MSDE) must develop criteria for the adoption of implementation plans and extends the dates that State and local governmental entities have to submit implementation plans. Additionally, the Act alters the procedures and timeline for AIB to withhold and release specified funding for local school systems. MSDE must collect data regarding a concentration of poverty measure and report to the General Assembly and AIB by December 1, 2022.

By June 2023, the Comptroller must distribute \$800 million in income tax revenues to the Blueprint Fund. Under Chapter 33, general fund revenues decrease by \$800 million in fiscal 2023 and by approximately \$100 million annually in fiscal 2024 through 2027 while Blueprint revenues increase by a corresponding amount.

School Construction

House Bill 1290 (Chapter 32) Education - Public School Construction - Funding and Administration

House Bill 1290 (Ch. 32) generally implements the recommendations of the Workgroup on the Assessment and Funding of School Facilities, including changes to State funding levels for school construction, State/local cost-share formulas, school construction project approval requirements, and the implementation of and use of data from the ongoing statewide school facility assessment. Under Chapter 32, mandated general fund spending on school construction programs increases by \$70 million in fiscal 2024 and by \$60 million annually in fiscal 2025 and 2026.

Enhancing State funding for school construction has been a priority of the General Assembly for many years. In recent years, Chapter 14 of 2018 (the 21st Century School Facilities Act), Chapter 20 of 2020 (the Built to Learn Act), and Chapter 698 of 2021, as a group, increased funding levels for school construction, established new school construction programs and funding sources, and generally expanded the State’s role in supporting public school construction.

House Bill 1290 (Ch. 32) continues the General Assembly’s focus on school construction by implementing the recommendations of the Workgroup on the Assessment and Funding of School Facilities. Among other provisions, it establishes legislative intent that, within debt affordability guidelines, the State should provide at least \$450 million each year for school construction (up from a statutory goal of \$400 million established by Chapter 14) in order to maintain a relatively stable number of funded public school construction projects.

House Bill 19 - Education - School Construction - Pedestrian Safety Plans (Safe Walk to School Act)

This bill requires a local school board that is seeking State funds for the construction of a new public school or, for the renovation or addition to an existing school, under specified circumstances, to submit a pedestrian safety plan to IAC. Pedestrian safety plans must be developed in collaboration with the State Highway Administration and county departments of transportation, and IAC must approve submitted pedestrian safety plans if they comply with the bill's requirements. Only a local school board, not IAC, can determine the contents of a pedestrian safety plan. The bill applies only to "high-density" counties, as defined by the bill, and to other counties if the proposed project is for a school in a city with more than 10,000 residents.

Career Readiness Programs

House Bill 660 (Chapter 331) Commission to Study the Division of Rehabilitation Services (Student Job Training Reformation Act)

The Division of Rehabilitation Services (DORS) is generally responsible for efforts to rehabilitate and place in gainful employment individuals who are disabled and susceptible to rehabilitation and to rehabilitate individuals to function more independently. DORS provides funds from the Employment Program Fund to accredited community rehabilitation and employment agencies. DORS is also responsible for provision of a coordinated set of activities for transitioning students with a disability that promotes movement from school to postsecondary activities, including postsecondary education, vocational training, integrated employment, supported employment, adult services, independent living, and community participation. House Bill 660 establishes a Commission to Study the Maryland State Department of Education's Division of Rehabilitation Services. The commission must evaluate and make recommendations on specified subjects related to improvements to DORS's programs and services. The bill takes effect June 1, 2022.

House Bill 1327 (Chapter 0211) Education - Home and Hospital Teaching Program for Students – Report

The Home and Hospital Teaching Program for Students provides instructional services to public school students who are unable to participate in their school of enrollment due to a physical or emotional condition. House Bill 1327 requires MSDE to study the current practices in the programs and make recommendations to the Governor, SBE, and the General Assembly.

Wraparound Services

House Bill 664 (Chapter 469) Child Care Programs - Maryland Infants and Toddlers Program - Information and Assistance

The Infants and Toddlers Program within MSDE provides early intervention services for children with developmental delays and disabilities and their families beginning at birth until the

child reaches kindergarten age. Screenings under the program are procedures or activities carried out by, or under the supervision of, the local lead agency or early intervention service provider to identify infants and toddlers suspected of having a disability and in need of early intervention services. House Bill 664 requires a child care program to make information regarding the Infants and Toddlers Program available to the parent or guardian of each child younger than age three at least annually. On request of a parent or guardian, a child care program must also assist with scheduling a time and convenient location for the local lead agency to provide the appropriate screening. MSDE must provide each child care program with information about the Infants and Toddlers Program for the child care program to carry out the requirements of the bill.

House Bill 513 (Chapter 469) Infant and Early Childhood Mental Health Support Services Program – Established

House Bill 513 codifies the Infant and Early Childhood Mental Health Support Services Program within MSDE. The program must aid children enrolled in the program by:

- referring children and families in need of intensive mental or behavioral health services to appropriate clinics or programs;
- training, coaching, and mentoring teachers and caregivers to address challenging behaviors;
- building partnerships with community resources;
- working to ensure children have stable, quality child care programs; and
- awarding grants to carry out the program.

If the program is able to serve all of the initially eligible children and has remaining funds, MSDE must consider children who are at least age six and enrolled in kindergarten, first grade, or second grade who may have developmental, social, emotional, or behavioral issues for enrollment in the program. Beginning in fiscal 2024, the Governor must include an appropriation of \$3.0 million in the annual State budget for the program.

Libraries

Senate Bill 448/ House Bill 685 - Education - Regional Resource Centers and Libraries - Funding

The State aids public libraries through a formula that determines the State and local shares of a minimum per capita library program. Overall, the State provides 40% of the minimum program, and the counties provide 60%. The State/local share of the minimum program varies by county depending on local wealth. Fiscal 2023 funding totals \$44.7 million, a \$3.0 million increase compared to fiscal 2022. This includes \$1.0 million in enhanced funding under Senate Bill 448/House Bill 685, which increase the per capita funding amounts under the library aid program over a five-year period. The per capita funding amounts increase from \$17.10 in fiscal 2022 to \$19.10 by fiscal 2027, with per capita funding set at \$17.50 in fiscal 2023.

Education - Generally

Senate Bill 831/ House Bill 1349 - Education Support Professionals - Bonus and Report

Senate Bill 831/House Bill 1349 requires the Governor to include an appropriation in the fiscal 2024 budget that is sufficient to provide the number of noncertificated education support professionals reported to MSDE by the local boards of education a \$500 bonus in fiscal 2024. This will match similar bonuses funded in the fiscal 2023 budget. MSDE must collect data from each local board on the number of noncertificated education support professionals in each county and report the data to the Governor and the General Assembly.

House Bill 753 - Primary and Secondary Schools - Bus Driver Wages - Study

School systems throughout the State have experienced challenges with maintaining a stable and sufficient workforce of bus drivers to serve primary and secondary students in the State. State law generally does not regulate wages paid to school bus drivers. House Bill 753 requires GWDB to evaluate and report on the possibility of paying higher wages to school bus drivers in the State. The report must be completed by September 1, 2022, and must consider regional variation in wages paid to bus drivers in the State.

Senate Bill 124 (Chapter 205) Public Schools - Grant Program to Reduce and Compost School Waste

This bill establishes the Grant Program to Reduce and Compost School Waste. The Maryland Association for Environmental and Outdoor Education (MAEOE) must review grant applications and select recipients to be awarded grants by the Maryland State Department of Education (MSDE), which administers the program. Grants are awarded to county boards of education and public schools to develop and implement programs for reducing food waste and to establish composting of pre- and post-consumer waste. Required program components are specified as are criteria for prioritizing grant awards. Grant recipients must report to MSDE on program outcomes, and MSDE must annually report to the General Assembly on the program beginning December 1, 2023. MSDE must coordinate with the Department of the Environment to identify and apply for federal funding that may be used to support the program. MSDE may adopt regulations to implement provisions of the bill. The bill takes effect July 1, 2022 and terminates June 30, 2027.

**APPENDIX A:
SUMMARY OF STATE OPERATING AID**

State Aid	FY 2022 Working Appropriation	FY 2023 Appropriation	FY 2022 - FY 2023 Change
Direct Operating Aid			
<i><u>Education Aid</u></i>			
Foundation Formula	\$555,666,217	\$627,697,885	\$72,031,668
Supplemental Program	\$20,505,652	\$0	(\$20,505,652)
Geographic Cost of Education Index	\$45,228,485	\$48,807,990	\$3,579,505
Net Taxable Income Education Grants	\$17,209,770	\$0	(\$17,209,770)
Tax Increment Financing Education Grants	\$605,377	\$0	(\$605,377)
Compensatory Education	\$254,469,286	\$254,469,286	\$0
Student Transportation – Regular	\$41,466,028	\$44,783,310	\$3,317,282
Student Transportation - Special Edition	\$36,000	\$5,506,000	\$5,470,000
Special Education – Formula	\$46,875,096	\$56,217,745	\$9,342,649
Special Education - Nonpublic Placements	\$22,171,386	\$23,927,156	\$1,755,770
Special Education - Infants & Toddlers	\$944,877	\$944,877	\$0
English Language Learners Grant	\$117,340,016	\$143,638,899	\$26,298,883
Teacher Development Grants	\$688,885	\$4,000	(\$684,885)
Food Service	\$2,593,329	\$2,344,826	(\$248,503)
Innovative Programs	\$977,242	\$977,242	\$0
Out-of-County Foster Placements	\$41,558	\$98,276	\$56,718
Judy Hoyer Centers	\$417,967	\$417,967	\$0
Prekindergarten Expansion Program	\$900,000	\$900,000	\$0
Blueprint – Concentration of Poverty	\$31,733,853	\$54,717,361	\$22,983,508
Blueprint – Mental Health Coordinators	\$83,333	\$0	(\$83,333)
Blueprint – Prekindergarten	\$12,381,078	\$0	(\$12,381,078)
Blueprint - Special Education	\$10,114,898	\$0	(\$10,114,898)
Blueprint - Teacher Salary Incentives	\$13,386,052	\$0	(\$13,386,052)
Blueprint – Transitional Supplemental Instruction	\$4,819,614	\$10,110,645	\$5,291,031
Blueprint – Hold Harmless	\$83,772,766	\$0	(\$83,772,766)
Blueprint – COVID-19 Relief	\$43,333,231	\$0	(\$43,333,231)
Blueprint – Transition Grants	\$0	\$20,505,652	\$20,505,652

State Aid	FY 2022 Working Appropriation	FY 2023 Appropriation	FY 2022 - FY 2023 Change
Blueprint – Full Day PreKindergarten	\$0	\$22,680,915	\$22,680,915
Blueprint – College and Career Readiness	\$0	\$1,401,972	\$1,401,972
Blueprint – Education Effort Index	\$0	\$26,521,153	\$26,521,153
Blueprint – Career Ladder	\$0	\$1,699,590	\$1,699,590
Total	\$1,327,761,996	\$1,348,372,747	\$20,610,751
Library Aid			
	\$ 7,641,122	\$ 7,721,828	\$ 80,706
Community College Formula	\$37,072,503	\$42,695,054	\$5,622,551
Grants for ESOL Programs	\$1,085,408	\$675,216	(\$410,192)
Optional Retirement	\$2,291,084	\$2,019,501	(\$271,583)
Community Colleges	\$40,448,995	\$45,389,771	\$4,940,776
Local Health Formula	\$7,647,158	\$8,217,300	\$570,142
Highway User Revenue	\$15,112,607	\$15,671,693	\$559,086
Elderly & Disabled Transportation Grants	\$332,819	\$332,819	\$0
Paratransit Grants	\$450,000	\$450,000	\$0
Transportation	\$15,895,426	\$16,454,512	\$559,086
Police Aid	\$14,914,338	\$15,665,883	\$751,545
Fire and Rescue Aid	\$1,695,516	\$1,695,516	\$0
Other Public Safety Aid	\$4,652,699	\$4,652,699	\$0
Police Aid Enhancement	\$0	\$5,865,114	\$5,865,114
Public Safety	\$21,262,553	\$27,879,212	\$6,616,659
Gaming Impact Grants	\$32,734,319	\$33,472,345	\$738,026
Disparity Grant	\$36,273,413	\$43,703,912	\$7,430,499
Teacher Retirement Supplemental Grant	\$9,628,702	\$9,628,702	\$0

State Aid	FY 2022 Working Appropriation	FY 2023 Appropriation	FY 2022 - FY 2023 Change
Indirect Operating Aid	\$123,414,601	\$116,985,989	(\$6,428,612)
Total Direct Aid	\$1,499,374,390	\$1,541,847,542	\$42,473,152
Total State Aid	\$1,622,788,991	\$1,658,833,531	\$36,044,540

APPENDIX B: SUMMARY OF STATE CAPITAL AID

Project	FY 23 Legislative Appropriation
Federal Bureau of Investigation Headquarters	\$ 200,000,000
Public Schools	
Charles Herbert Flowers High School – renovations (roof)	\$ 4,664,700
Glenridge Area Middle School – construction	\$ 1,048,140
H. Winship Wheatley Early Childhood Center School – renovations (HVAC)	\$ 6,937,808
Phyllis E. Williams Elementary School – renovations (HVAC)	\$ 4,667,000
William Wirt Middle School – construction	\$ 811,295
Additional Earmarked Funding	\$ 30,000,000
Aging Schools Program	\$ 1,209,426
Supplemental Capital Grant Program for Local School Systems	\$ 17,800,000
<i>* The final allocation of fiscal 2023 school construction funding will be made in May 2022.</i>	
Public Libraries	
Baden Library – relocation and renovation	\$ 1,549,000
Prince George’s Community College	
Dr. Charlene Mickens Duke Student Center	\$ 8,000,000
Marlboro Hall – Renovation and Addition	\$ 10,000,000
Federally Qualified Health Centers Grant Program	
Community Clinic Health and Wellness Services, Inc.	\$ 500,000
Program Open Space	
Park Acquisition and Development	\$ 12,606,445
Community Parks and Playgrounds	
Bowie – Glen Allen Park Playground	\$ 195,000
Colmar Manor – Larlcey Open Air Park	\$ 33,000
Fairland Regional Park – Gunpowder Golf Course	\$ 100,000
Landover Hills – neighborhood playground improvements	\$ 215,000
Mount Rainier – Frederick Richardson Memorial Park	\$ 105,726
North Brentwood – Rhode Island Pocket Park	\$ 30,000
North College Park Community Center	\$ 1,000,000
University Park – Community Park Tot Lot	\$ 225,000

Project	FY 23 Legislative Appropriation
Upper Marlboro – Community Playground	\$ 192,424
West Beltsville Park	\$ 500,000
Park Acquisition and Development	\$ 8,400,000
Waterway Improvement	
County Fire Department – Water Safety Rescue Equipment	\$ 15,000
Hazardous Substance Cleanup Program	
Anacostia River – Northeast and Northwest Branches	\$ 150,000

APPENDIX C:
FY 2022 BOND BILLS
(MISCELLANEOUS GRANTS, DELEGATE & SENATE INITIATIVES)

Project	Appropriation
Addiction Recovery, Inc. – Hope House Treatment Center	\$ 750,000
Al-Huda School – playground	\$ 200,000
Alice Ferguson Foundation – Hard Bargain Farm Environmental Center	\$ 350,000
Alpha and Beta Houses	\$ 75,000
Anacostia Watershed Society, Inc. – George Washington House	\$ 300,000
Baysox Stadium	\$ 500,000
Bishop McNamara High School – La Reine Science & Innovation Center	\$ 1,000,000
Bladensburg – Historic Bostwick House	\$ 500,000
Bladensburg – Municipal Center	\$ 800,000
Bowie State University Foundation, Inc. – Goodloe Alumni House	\$ 25,000
Boys & Girls Clubs of Greater Washington – Palmer Park/Landover	\$ 300,000
Brandywine Elementary School – playground	\$ 70,000
Camp Springs Elks Lodge No. 2332	\$ 55,000
Capitol Heights and Seat Pleasant Boys and Girls Club	\$ 100,000
Central Baptist Church of Camp Springs – food storage facility	\$ 250,000
College Park City-University Partnership, Inc. – Rental Housing	\$ 7,900,000
Cottage City – Community Outreach Center	\$ 500,000
DeMatha Catholic High School – Engineering, Arts & Robotics Building	\$ 200,000
Dinosaur Park	\$ 50,000
Elizabeth Seton High School – Outdoor athletic facility	\$ 200,000
Fort Washington Medical Center	\$ 3,542,000
Friendship Charities Foundation Center	\$ 300,000
Greenbelt – Buddy Attick Park playground	\$ 150,000
Greenbelt – Greenbelt Station Hiker and Biker Trail	\$ 500,000
Gwynn Park High School – electronic message sign	\$ 60,000
Human Services Coalition of Prince George’s County, Inc.	\$ 650,000
Huntington City Community Development Corp. – Old Town Bowie	\$ 500,000
Hyattsville – David C. Driskell Community Park	\$ 238,000
Hyattsville – police and public safety headquarters	\$ 475,000
Hyattsville – Teen Activity and Mentoring Center	\$ 450,000
Hyattsville Community Development Corporation	\$ 1,500,000
Joe’s Movement Emporium – Creative Suitland Arts Center	\$ 100,000
Kingdom Global Community Development Corporation	\$ 11,000,000

Project	Appropriation
Lake Arbor Foundation, Inc.	\$ 300,000
Langley Park Boys and Girls Club	\$ 250,000
Laurel – Dam Ruins at Riverfront Park	\$ 1,000,000
Laurel – multi-service center	\$ 2,500,000
Marlboro Pike – revitalization	\$ 500,000
Maryland Family Life Center	\$ 50,000
Maryland Sports and Entertainment Innovation Center	\$ 20,000,000
Mission of Love Charities, Inc.	\$ 500,000
Mount Rainier – green street and flood mitigation projects	\$ 530,000
Mount Rainier – Welcome Center	\$ 250,000
Omega Gold Community Outreach Center	\$ 300,000
Oxon Hill Swim Club	\$ 50,000
Prince George’s Arts and Humanities Council, Inc. – Gateway Arts District	\$ 100,000
Prince George’s County – blue line corridor transportation infrastructure	\$ 20,000,000
Prince George’s County – Brandywine Road infrastructure improvements	\$ 1,000,000
Prince George’s County – Edmonston infrastructure	\$ 300,000
Prince George’s County – Hill Road Park	\$ 500,000
Prince George’s County – Kettering Community Center	\$ 500,000
Prince George’s County – New Carrollton Skate Park	\$ 250,000
Prince George’s County – Riverdale Park Purple Line	\$ 500,000
Prince George’s County – Shepherd’s Cove Family Shelter	\$ 3,220,000
Prince George’s County Amphitheatre at Central Park	\$ 4,000,000
Scenic America – walkable community projects	\$ 250,000
Southern Prince George’s County Community Charities, Inc.	\$ 660,000
St. Ann’s Center for Children, Youth and Families	\$ 50,000
St. Pius X Catholic Church and Regional School	\$ 200,000
St. Vincent Pallotti High School – student activities center	\$ 400,000
Suitland Civic Association, Inc.	\$ 1,200,000
Temple Hills Swim Club	\$ 550,000
The Ivy Village Incubator for Nonprofit Excellence	\$ 500,000
The Training Source, Inc.	\$ 250,000
United Communities Against Poverty, Inc.	\$ 800,000
University Park – pedestrian bridge replacement and repair	\$ 125,000
Uplift Foundation	\$ 300,000
Upper Marlboro – community playground	\$ 275,000
VFW Free State Post 8950 – Aquaculture Training Center	\$ 50,000
Total	\$ 95,800,000

APPENDIX D:
FY 2023 CAPITAL PROJECTS FOR STATE FACILITIES IN THE COUNTY

Project	Appropriation	
Department of Juvenile Services		
Cheltenham Youth Facility – New Female Detention Center	\$	1,623,000
Maryland State Police		
Forestville – Barrack and Garage	\$	995,000
Department of Natural Resources		
Cedarville State Forest – Visitors Center/Camp Loops/Forestry Complex	\$	521,000
Rosaryville State Park – Mount Airy Mansion Improvements	\$	236,000
Maryland Environmental Service		
Cheltenham Youth Center – Wastewater Treatment Plant Upgrade	\$	6,733,000
Cheltenham Youth Center – Water Treatment Plant Upgrade	\$	1,260,000
University System of Maryland		
Bowie State – Campus wide Site Improvements	\$	6,110,000
Bowie State – Communication Arts and Humanities Building	\$	73,247,000
College Park – Campus Farm Upgrades	\$	11,650,000
College Park – Campus wide Infrastructure Improvements	\$	5,000,000
College Park – Chemistry Building	\$	57,817,000
College Park – Cole Field House Health and Human Science Facility	\$	25,000,000
College Park – Dining Hall Construction	\$	10,600,000
College Park – Graduate Student Housing	\$	500,000
College Park – High Rise Residence Halls Renovations	\$	6,850,000
College Park – Interdisciplinary Engineering Building	\$	7,000,000
College Park – Quantum and Advanced Computing Infrastructure	\$	10,000,000
College Park – South Campus Recreation Center	\$	9,000,000
Global Campus – Adelphi Building	\$	1,500,000
Other		
UMMS Capital Region Medical Center – Oncology Center	\$	67,500,000
Total	\$	303,142,000

