

# HOUSE BILL 338

C8, F5

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CF SB 276

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By: **The Speaker (By Request – Administration) and Delegates Adams, Anderton, Arian, Buckel, Chisholm, Ciliberti, Clark, Corderman, Cox, Ghrist, Griffith, Hartman, Howard, Kipke, Kittleman, Krebs, Long, Malone, Mangione, Mautz, McComas, McKay, Metzgar, Pippy, Reilly, and Szeliga**  
Introduced and read first time: January 20, 2020  
Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Building Opportunity Act of 2020**

3 FOR the purpose of authorizing the Maryland Stadium Authority to issue bonds to finance  
4 the construction of or improvements to certain public school facilities subject to  
5 certain limitations; specifying that certain expenses incurred by the Authority are  
6 payable only from certain funds; specifying that certain bonds issued under this Act  
7 are a limited obligation of the Authority payable solely from certain pledged money  
8 and are not a debt, liability, moral obligation, or pledge of the faith and credit or  
9 taxing power of the State, the Authority, or any other governmental unit; requiring  
10 the Authority to obtain approval from the Board of Public Works before each issuance  
11 of bonds to finance improvements to public school facilities; requiring the  
12 Comptroller to deposit a certain amount into a certain fund until a certain condition  
13 is met; requiring the Authority to transfer certain funds under certain  
14 circumstances; authorizing the Authority to transfer certain funds under certain  
15 circumstances; requiring county boards of education to take certain actions in  
16 connection with improvements to public school facilities; providing for the payment  
17 of certain costs; requiring the Authority to submit a certain report on or before a  
18 certain date each year; requiring the Interagency Commission on School  
19 Construction to provide certain recommendations regarding projects to be funded  
20 from a certain fund; requiring the Authority to take certain actions related to public  
21 school facility projects; establishing the Building Opportunity Financing Fund and  
22 the Building Opportunity Facilities Fund as continuing, nonlapsing funds; specifying  
23 the contents of the funds and providing for the uses of the funds; exempting the funds  
24 from a certain provision of law requiring interest on State money in special funds to  
25 accrue to the General Fund of the State; limiting the amount of debt that may be  
26 issued by the Authority to finance certain public school facilities projects; providing  
27 that money deposited in a certain fund may be used as security for a bond issue;  
28 requiring money in the Education Trust Fund to be used to make a deposit equal to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



a certain amount to a certain fund under certain circumstances; exempting certain public school construction projects that use alternative financing methods and that receive State funding from certain requirements; expanding certain provisions relating to financing and funding public school construction projects to apply statewide; requiring public school construction projects that use alternative financing methods and that receive State funding to comply with certain requirements and a certain memorandum of understanding; requiring certain local boards of education and certain counties to provide certain information with the annual budget submission; expanding the Prince George's County Public-Private Partnership Fund to be a statewide fund and renaming the fund to be the Public-Private Partnership Fund; altering the purposes of and uses for the Fund; altering the date of a certain report; authorizing the Governor to use the money in certain funds as the source of funding for a certain grant program and a certain school facility fund; stating the intent of the General Assembly that the Governor provide certain financial assistance regarding counties and certain school construction financing; defining certain terms; altering certain definitions; making stylistic and conforming changes; and generally relating to public school facilities projects in the State.

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 10–601, 10–620(e) and (f), 10–628(c), 10–634, and 10–658  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Economic Development  
Section 10–649, 10–650, 10–658, and 10–658.1  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 4–126, 4–126.1, 5–317(e), and 5–322(j)(1)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
Article – Education  
Section 5–317(a) and (b)(1) and 5–322(a) and (b)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

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

(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)115., 121., and 122.  
Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

BY adding to  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)123. and 124.  
Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–1A–30  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

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

### **Article – Economic Development**

10–601.

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

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

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

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

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

(2) the Mayor and City Council of Baltimore.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) “Baltimore Convention site” means all properties within the area bounded by the 200 and 300 blocks of South Charles Street on the east, the 100 and 200 blocks of Conway Street on the south, the 200 and 300 blocks of South Howard Street on the west,

1 and the 100 and 200 blocks of West Pratt Street on the north.

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

4 (N) **“BUILDING OPPORTUNITY FACILITIES FUND” MEANS THE BUILDING**  
5 **OPPORTUNITY FACILITIES FUND ESTABLISHED UNDER § 10–658.1 OF THIS**  
6 **SUBTITLE.**

7 (O) **“BUILDING OPPORTUNITY FINANCING FUND” MEANS THE BUILDING**  
8 **OPPORTUNITY FINANCING FUND ESTABLISHED UNDER § 10–658 OF THIS SUBTITLE.**

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

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

14 [(p)] (R) “Convention facility” means the Baltimore Convention facility, the  
15 Montgomery County Conference facility, and the Ocean City Convention facility.

16 [(q)] (S) **“COUNTY BOARD OF EDUCATION” MEANS THE BOARD OF**  
17 **EDUCATION OF A COUNTY AND INCLUDES THE BALTIMORE CITY BOARD OF SCHOOL**  
18 **COMMISSIONERS.**

19 (T) “Facility” means:

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

21 (2) a convention facility;

22 (3) the Hippodrome Performing Arts facility;

23 (4) a sports facility; [or]

24 (5) a Baltimore City public school facility; **OR**

25 **(6) A PUBLIC SCHOOL FACILITY.**

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

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

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

(i) the Hippodrome theater and offices;

(ii) food service facilities; and

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

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

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

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

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

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

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

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

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

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

(3) “Montgomery County Conference facility” does not include the privately

1 owned hotel adjacent to the Montgomery County Conference Center.

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

4 **[(aa)] (DD)** “Montgomery County Conference site” means the site of the  
5 Montgomery County Conference Center located in Rockville at the address generally  
6 known as 5701 Marinelli Road, identified in the State Department of Assessments and  
7 Taxation Real Property database as tax identification number District 04, Account Number  
8 03392987.

9 **[(bb)] (EE)** (1) “Ocean City Convention facility” means:

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

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

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

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

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

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

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

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

32 **(HH) “PUBLIC SCHOOL FACILITY” MEANS A BUILDING, A PARKING FACILITY,**  
33 **AN ATHLETIC FACILITY, A TESTING FACILITY, OR ANY OTHER FACILITY RELATED TO**  
34 **EDUCATIONAL INSTRUCTION THAT:**

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

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

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

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

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

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

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

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

[(ff)] (KK) “Supplemental Facilities Fund” means the Supplemental Facilities Fund established under § 10-657.1 of this subtitle.

[(gg)] (LL) (1) “Supplemental facility” means a structure or other improvement developed in Baltimore City outside Camden Yards.

(2) “Supplemental facility” does not include the Baltimore Convention facility or the Hippodrome Performing Arts facility.

[(hh)] (MM) “Supplemental facility site” means the site of any supplemental facility.

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

10-620.

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



1 **SCHOOL SITE.**

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

5 (f) The Authority shall:

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

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

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

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

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

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

23 10–628.

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

31 (i) the Baltimore Convention facility — \$55,000,000;

32 (ii) the Hippodrome Performing Arts facility — \$20,250,000;

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

(iv) the Ocean City Convention facility — \$24,500,000;

(v) Baltimore City public school facilities — \$1,100,000,000; [and]

(vi) supplemental facilities — \$25,000,000; AND

**(VII) PUBLIC SCHOOL FACILITIES IN THE  
STATE — \$2,200,000,000.**

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

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

10-634.

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

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

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

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

10-649.

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

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

1 DEPOSIT IN THE BUILDING OPPORTUNITY FACILITIES FUND AND THE BUILDING  
2 OPPORTUNITY FINANCING FUND AND BOND PROCEEDS HELD UNDER A TRUST  
3 AGREEMENT.

4 (B) AT LEAST 45 DAYS BEFORE SEEKING APPROVAL OF THE BOARD OF  
5 PUBLIC WORKS FOR EACH PUBLIC SCHOOL FACILITIES BOND ISSUE, THE  
6 AUTHORITY SHALL PROVIDE TO THE FISCAL COMMITTEES OF THE GENERAL  
7 ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,  
8 WRITTEN NOTICE OF:

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

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

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

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

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

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

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

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

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

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

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

6           **(E) THE TOTAL DEBT SERVICE FOR ANY BOND ISSUE, WHEN ADDED TO ALL**  
7 **PRIOR OUTSTANDING BOND ISSUES RELATED TO IMPROVEMENTS TO PUBLIC**  
8 **SCHOOL FACILITIES, MAY NOT EXCEED THE TOTAL AMOUNT OF THE FUNDS**  
9 **PROVIDED UNDER § 9-1A-30(C)(1) OF THE STATE GOVERNMENT ARTICLE AND THE**  
10 **FUNDS PROVIDED UNDER SUBSECTION (G) OF THIS SECTION.**

11           **(F) BEGINNING JULY 1, 2021, AND CONTINUING UNTIL THE BONDS THAT**  
12 **HAVE BEEN ISSUED TO FINANCE IMPROVEMENTS TO PUBLIC SCHOOL FACILITIES**  
13 **ARE NO LONGER OUTSTANDING AND UNPAID, THE COMPTROLLER SHALL DEPOSIT**  
14 **INTO THE BUILDING OPPORTUNITY FINANCING FUND THE AMOUNT SET FORTH IN**  
15 **§ 9-1A-30(C)(1) OF THE STATE GOVERNMENT ARTICLE.**

16           **(G) (1) IF THE MONEY DEPOSITED INTO THE BUILDING OPPORTUNITY**  
17 **FINANCING FUND IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION IS NOT**  
18 **NEEDED FOR DEBT SERVICE OR DEBT SERVICE RESERVES, THE AUTHORITY MAY**  
19 **TRANSFER THOSE FUNDS TO THE BUILDING OPPORTUNITY FACILITIES FUND.**

20           **(2) IF FUNDS ARE NEEDED FOR DEBT SERVICE OR DEBT SERVICE**  
21 **RESERVES, THE AUTHORITY MAY TRANSFER MONEY IN THE BUILDING**  
22 **OPPORTUNITY FACILITIES FUND TO THE BUILDING OPPORTUNITY FINANCING**  
23 **FUND.**

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

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

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

33           **(3) EXCEPT FOR A TRANSFER OR AN ASSIGNMENT TO THE COUNTY**  
34 **BOARD OF EDUCATION, OBTAIN THE APPROVAL OF THE STATE SUPERINTENDENT**

1 OF SCHOOLS AND THE BOARD OF PUBLIC WORKS BEFORE THE SALE, ASSIGNMENT,  
2 MORTGAGE, PLEDGE, OR ENCUMBRANCE OF ANY PUBLIC SCHOOL FACILITY OR ANY  
3 INTEREST IN THE FACILITY; AND

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

9 (I) (1) SUBJECT TO SUBSECTION (A) OF THIS SECTION, BEFORE ANY  
10 BONDS ARE ISSUED TO FINANCE IMPROVEMENTS TO A PUBLIC SCHOOL FACILITY,  
11 THE AUTHORITY MAY PAY FOR ANY COSTS OF START-UP, ADMINISTRATION,  
12 OVERHEAD, AND OPERATIONS OF THE AUTHORITY OR COSTS OF ENGINEERING,  
13 ARCHITECTURAL, AND OTHER DESIGN PROFESSIONALS.

14 (2) PRIOR TO AVAILABILITY OF FUNDS FROM THE BUILDING  
15 OPPORTUNITY FACILITIES FUND, THE AUTHORITY SHALL BE ENTITLED TO  
16 REIMBURSEMENT FOR ANY COSTS INCURRED UNDER PARAGRAPH (1) OF THIS  
17 SUBSECTION FROM THE BUILDING OPPORTUNITY FINANCING FUND.

18 (3) (I) ANY COST OVERRUNS, UNBUDGETED EXPENSES, OR  
19 UNFORESEEN COSTS INCURRED IN CONNECTION WITH AN IMPROVEMENT TO A  
20 PUBLIC SCHOOL FACILITY SHALL BE PAYABLE SOLELY FROM THE BUILDING  
21 OPPORTUNITY FACILITIES FUND.

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

29 (J) ON JANUARY 15, 2022, AND EACH JANUARY 15 THEREAFTER, THE  
30 AUTHORITY SHALL REPORT TO THE GOVERNOR, THE BOARD OF PUBLIC WORKS,  
31 AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE  
32 FISCAL COMMITTEES OF THE GENERAL ASSEMBLY, ON THE PROGRESS OF  
33 CONSTRUCTION AND RENOVATIONS OF PUBLIC SCHOOL FACILITIES, INCLUDING  
34 ACTIONS:

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

(2) PLANNED FOR THE CURRENT FISCAL YEAR.

10-650.

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

(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE AUTHORITY SHALL CONTRACT, MANAGE, AND OVERSEE PUBLIC SCHOOL FACILITY PROJECTS FUNDED FROM THE BUILDING OPPORTUNITY FACILITIES FUND.

(2) BEFORE A PUBLIC SCHOOL FACILITY PROJECT IS APPROVED FOR FUNDING FROM THE BUILDING OPPORTUNITY FACILITIES FUND, THE AUTHORITY SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION AND THE COUNTY BOARD OF EDUCATION OR THE COUNTY, OR BOTH, FOR THE MANAGEMENT AND OVERSIGHT OF A PUBLIC SCHOOL FACILITY PROJECT.

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

(II) THE MEMORANDUM OF UNDERSTANDING SHALL INCLUDE A PROVISION THAT THE STATE AND LOCAL COST-SHARE FOR THE COUNTY ESTABLISHED IN REGULATIONS SHALL APPLY TO THE PUBLIC SCHOOL FACILITY PROJECT.

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

10-658.

(A) THERE IS A BUILDING OPPORTUNITY FINANCING FUND.

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

**(2) THE AUTHORITY SHALL:**

**(I) USE THE BUILDING OPPORTUNITY FINANCING FUND AS A REVOLVING FUND FOR CARRYING OUT THIS SUBTITLE CONCERNING PUBLIC SCHOOL FACILITIES; AND**

**(II) PAY ANY AND ALL EXPENSES FROM THE BUILDING OPPORTUNITY FINANCING FUND THAT ARE INCURRED BY THE AUTHORITY RELATED TO ANY PUBLIC SCHOOL FACILITIES.**

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

**(I) DEBT SERVICE ON AUTHORITY BONDS;**

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

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

**(IV) ALL REASONABLE CHARGES AND EXPENSES RELATED TO THE AUTHORITY'S ADMINISTRATION OF THE BUILDING OPPORTUNITY FINANCING FUND AND MANAGEMENT OF THE AUTHORITY'S OBLIGATIONS.**

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

**(D) THE BUILDING OPPORTUNITY FINANCING FUND CONSISTS OF:**

**(1) MONEY DEPOSITED INTO THE BUILDING OPPORTUNITY FINANCING FUND;**

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

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

**(4) FUNDS TO BE DEPOSITED IN ACCORDANCE WITH § 10-649 OF THIS**

1 SUBTITLE;

2 (5) ANY INTEREST EARNINGS OF THE BUILDING OPPORTUNITY  
3 FINANCING FUND; AND

4 (6) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC  
5 SOURCE FOR THE PURPOSES ESTABLISHED FOR THE BUILDING OPPORTUNITY  
6 FINANCING FUND.

7 (E) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE  
8 BUILDING OPPORTUNITY FINANCING FUND IN THE SAME MANNER AS OTHER STATE  
9 FUNDS.

10 (2) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE  
11 BUILDING OPPORTUNITY FINANCING FUND.

12 (3) NO PART OF THE BUILDING OPPORTUNITY FINANCING FUND  
13 MAY REVERT OR BE CREDITED TO THE GENERAL FUND OF THE STATE OR ANY  
14 SPECIAL FUND OF THE STATE.

15 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
16 THE MONEY IN THE BUILDING OPPORTUNITY FINANCING FUND SHALL BE USED TO  
17 SUPPLEMENT, BUT NOT SUPPLANT, MONEY APPROPRIATED TO THE PUBLIC SCHOOL  
18 CONSTRUCTION PROGRAM ESTABLISHED IN TITLE 5, SUBTITLE 3 OF THE  
19 EDUCATION ARTICLE.

20 (2) THE MONEY IN THE BUILDING OPPORTUNITY FINANCING FUND  
21 MAY BE USED TO SUPPLANT MONEY APPROPRIATED TO:

22 (I) THE SCHOOL SAFETY GRANT PROGRAM UNDER § 5-317 OF  
23 THE EDUCATION ARTICLE; OR

24 (II) THE HEALTHY SCHOOL FACILITY FUND UNDER § 5-322 OF  
25 THE EDUCATION ARTICLE.

26 10-658.1.

27 (A) THERE IS A BUILDING OPPORTUNITY FACILITIES FUND.

28 (B) (1) THE BUILDING OPPORTUNITY FACILITIES FUND IS A  
29 CONTINUING, NONLAPSING FUND THAT SHALL BE AVAILABLE TO IMPLEMENT THIS  
30 SUBTITLE CONCERNING PUBLIC SCHOOL FACILITIES.



**(2) THE AUTHORITY SHALL:**

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

**(II) TO THE EXTENT AUTHORIZED BY FEDERAL TAX LAW, PAY ANY AND ALL EXPENSES FROM THE BUILDING OPPORTUNITY FACILITIES FUND THAT ARE INCURRED BY THE AUTHORITY RELATED TO ANY PUBLIC SCHOOL FACILITIES.**

**(C) (1) TO THE EXTENT CONSIDERED APPROPRIATE BY THE AUTHORITY, THE MONEY ON DEPOSIT IN THE BUILDING OPPORTUNITY FACILITIES FUND SHALL BE USED TO PAY THE FOLLOWING RELATED TO PUBLIC SCHOOL FACILITIES:**

**(I) DEBT SERVICE ON AUTHORITY BONDS;**

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

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

**(IV) ALL REASONABLE CHARGES AND EXPENSES RELATED TO THE AUTHORITY'S ADMINISTRATION OF THE BUILDING OPPORTUNITY FACILITIES FUND AND THE BUILDING OPPORTUNITY FINANCING FUND AND MANAGEMENT OF THE AUTHORITY'S OBLIGATIONS.**

**(2) IN ADDITION TO THE USES AUTHORIZED IN PARAGRAPH (1) OF THIS SUBSECTION, THE AUTHORITY MAY TRANSFER MONEY ON DEPOSIT IN THE BUILDING OPPORTUNITY FACILITIES FUND TO THE LOCAL SHARE OF SCHOOL CONSTRUCTION COSTS REVOLVING LOAN FUND ESTABLISHED UNDER § 5-315 OF THE EDUCATION ARTICLE TO PROVIDE LOANS TO LOCAL GOVERNMENTS IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN THAT SECTION.**

**(D) THE BUILDING OPPORTUNITY FACILITIES FUND CONSISTS OF:**

**(1) FUNDS TRANSFERRED FROM THE BUILDING OPPORTUNITY FINANCING FUND TO THE BUILDING OPPORTUNITY FACILITIES FUND IN ACCORDANCE WITH § 10-649 OF THIS SUBTITLE;**

**(2) ANY INTEREST EARNINGS OF THE BUILDING OPPORTUNITY FACILITIES FUND; AND**

**(3) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC SOURCE FOR THE PURPOSES ESTABLISHED FOR THE BUILDING OPPORTUNITY FACILITIES FUND.**

**(E) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE BUILDING OPPORTUNITY FACILITIES FUND IN THE SAME MANNER AS OTHER STATE FUNDS.**

**(2) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE BUILDING OPPORTUNITY FACILITIES FUND.**

**(3) NO PART OF THE BUILDING OPPORTUNITY FACILITIES FUND MAY REVERT OR BE CREDITED TO THE GENERAL FUND OF THE STATE OR ANY SPECIAL FUND OF THE STATE.**

**(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE MONEY IN THE BUILDING OPPORTUNITY FACILITIES FUND SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, MONEY APPROPRIATED TO THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ESTABLISHED IN TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE.**

**(2) THE MONEY IN THE BUILDING OPPORTUNITY FACILITIES FUND MAY BE USED TO SUPPLANT MONEY APPROPRIATED TO:**

**(I) THE SCHOOL SAFETY GRANT PROGRAM UNDER § 5-317 OF THE EDUCATION ARTICLE; OR**

**(II) THE HEALTHY SCHOOL FACILITY FUND UNDER § 5-322 OF THE EDUCATION ARTICLE.**

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

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

#### **Article – Education**

4-126.

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

**(2) “Alternative financing methods” includes one or more of the following**

1 methods:

2 (i) Sale–leaseback arrangements, in which a county board agrees to  
3 transfer title to a property, including improvements, to a private entity that simultaneously  
4 agrees to lease the property back to the county board and, on a specified date, transfer title  
5 back to the county board;

6 (ii) Lease–leaseback arrangements, in which a county board leases  
7 a property to a private entity that improves the property and leases the property, with the  
8 improvements, back to the county board;

9 (iii) Public–private partnership agreements, in which a county board  
10 contracts with a county revenue authority or a private entity for the acquisition, design,  
11 construction, improvement, renovation, expansion, equipping, or financing of a public  
12 school, and may include provisions for cooperative use of the school or an adjacent property  
13 and generation of revenue to offset the cost of construction or use of the school;

14 (iv) Performance–based contracting, in which a county board enters  
15 into an energy performance contract to obtain funding for a project with guaranteed energy  
16 savings over a specified time period;

17 (v) Preference–based arrangements, by which a local governing body  
18 gives preference first to business entities located in the county and then to business entities  
19 located in other counties in the State for any construction that is not subject to prevailing  
20 wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article;

21 (vi) Design–build arrangements, that permit a county board to  
22 contract with a design–build business entity for the combined design and construction of  
23 qualified education facilities, including financing mechanisms where the business entity  
24 assists the local governing body in obtaining project financing; and

25 (vii) Design–construct–operate–maintain–finance arrangements that  
26 permit a county board to contract with a county revenue authority or a private entity for  
27 the design, construction, operation, and maintenance of a public school under terms agreed  
28 to by the parties.

29 (b) (1) Except when prohibited by local law, in order to finance or to speed  
30 delivery of, transfer risks of, or otherwise enhance the delivery of public school construction,  
31 a county board, with the approval of the county governing body in accordance with  
32 subsection (d) of this section, may:

33 (i) Use alternative financing methods;

34 (ii) Engage in competitive negotiation, rather than competitive  
35 bidding, in limited circumstances, including construction management at–risk  
36 arrangements and other alternative project delivery arrangements, as provided in  
37 regulations adopted by the Interagency Commission on School Construction;

(iii) Accept unsolicited proposals for the development of public schools in limited circumstances, as provided in regulations adopted by the Interagency Commission on School Construction;

(iv) Solicit proposals for the development of public schools;

(v) Lease property from a county revenue authority or a private entity for use as a public school facility; and

(vi) Use quality-based selection, in which selection is based on a combination of qualifications and cost factors, to select developers and builders, as provided in regulations adopted by the Interagency Commission on School Construction.

(2) The alternative financing methods described under paragraph (1)(i) of this subsection may include reserves sufficient to cover operation, facility renewal, maintenance, and energy costs as part of a contract.

(c) Use of alternative financing methods under this section may not be construed to prohibit the allocation of State funds for public school construction to a project under the Public School Construction Program.

(d) A county board may not use alternative financing methods under this section without the approval of the county governing body.

(e) (1) (i) Except as provided in paragraphs (2) and (3) of this subsection, § 2–303(f) and Title 5, Subtitle 3 of this article and the regulations that govern the Public School Construction Program do not apply to projects that use alternative financing methods under this section.

(ii) Nothing in this section may be construed to authorize or require State approval before an alternative financing method may be used by a local school system.

(2) If a project that receives State funding uses alternative financing methods under this section, the project shall be submitted to the Interagency Commission on School Construction for review.

(3) (i) Projects that use alternative financing methods under this section and receive State funding shall comply with the following requirements:

1. [Except as provided in subparagraph (ii) of this paragraph, the State and local cost-share established for each county in regulations;

2. Except as provided in subparagraph (ii) of this paragraph, the maximum State construction allocation for each project approved for State funding;

3. Except as provided in subparagraph (ii) of this paragraph,

the approval of project funding by the Interagency Commission on School Construction;

4.] Smart growth requirements;

[5.] 2. Minority business enterprise requirements;

[6.] 3. Prevailing wage requirements;

[7.] 4. Environmental requirements; and

[8.] 5. A requirement for a procurement process that includes public notice and results in the most advantageous proposal.

(ii) [In Prince George's County, projects] **PROJECTS** that use alternative financing methods under this section and receive State funding for a yearly availability payment:

1. [Do not have to comply with the requirements under subparagraph (i)1 through 3 of this paragraph;

2.] Shall comply with the requirements under subparagraph [(i)4 through 8] **(I)** of this paragraph; and

[3.] 2. Shall comply with a three-party memorandum of understanding entered into and signed by [the Prince George's County Board, Prince George's County] **A COUNTY BOARD, A COUNTY**, and the Interagency Commission on School Construction that:

A. Specifies the roles, rights, terms, and responsibilities of each party with respect to school projects undertaken with a private or public entity using alternative financing methods, including any amounts the parties are required to deposit into the [Prince George's County] Public-Private Partnership Fund established under § 4-126.1 of this subtitle;

B. Specifies that § 2-203(f) and Title 5, Subtitle 3 of this article and regulations governing the Public School Construction Program are not applicable to projects using alternative financing methods;

C. Requires the [Prince George's County Board] **COUNTY BOARD** to submit projects to the Interagency Commission on School Construction for review before commencement of the project;

D. Specifies the time frames in which the Interagency Commission on School Construction shall complete its review of projects;

E. Requires the [Prince George's County Board] **COUNTY**

1 **BOARD** to submit annual reports to [Prince George's County] **THE COUNTY** and the  
2 Interagency Commission on School Construction during the term of the alternative  
3 financing method contract with the public or private entity; and

4 F. Identifies a dedicated source of State funding for an  
5 availability payment.

6 **(F) IN ADDITION TO ALL OTHER INFORMATION REQUIRED BY THIS SECTION,**  
7 **A COUNTY BOARD SHALL PROVIDE TO THE COUNTY ALONG WITH THE ANNUAL**  
8 **BUDGET INFORMATION CONCERNING AVAILABILITY PAYMENTS RELATED TO ANY**  
9 **PUBLIC-PRIVATE PARTNERSHIP AGREEMENT ENTERED INTO UNDER THIS SECTION**  
10 **AND § 4-126.1 OF THIS SUBTITLE.**

11 4-126.1.

12 (a) In this section, "Fund" means the [Prince George's County] Public-Private  
13 Partnership Fund.

14 (b) There is a [Prince George's County] Public-Private Partnership Fund.

15 (c) The purpose of the Fund is to provide funds to pay a public or private entity  
16 for the availability payment due under [the Prince George's County] A public-private  
17 partnership agreement entered into in accordance with § 4-126 of this subtitle.

18 (d) The Interagency Commission on School Construction shall administer the  
19 Fund as described in [the three-party] A memorandum of understanding entered into  
20 under § 4-126(e)(3)(ii) of this subtitle.

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

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

25 (f) The Fund consists of:

26 (1) Money deposited into the Fund by [Prince George's County and the  
27 Prince George's County Board] **COUNTIES AND COUNTY BOARDS;**

28 (2) Money deposited into the Fund by the State;

29 (3) Any investment earnings of the Fund; and

30 (4) Any other money from any other source accepted for the benefit of the  
31 Fund.

(g) The Fund may be used only to provide funding for alternative financing methods under § 4–126 of this subtitle [in Prince George’s County].

(h) Any appropriation to the Fund shall be used to supplement, but not supplant, money appropriated to [Prince George’s County] **A COUNTY** for public school construction under the Public School Construction Program established in Title 5, Subtitle 3 of this article.

(i) **(1)** If a memorandum of understanding is entered into under § 4–126 of this subtitle and State funding is provided for an availability payment, [the Prince George’s County Board and Prince George’s County] **THE COUNTY BOARD AND THE COUNTY** shall deposit into the Fund the amounts required under the memorandum of understanding.

**(2) ANY FUNDS DEPOSITED INTO THE FUND BY A COUNTY BOARD AND A COUNTY:**

**(I) SHALL BE SEGREGATED FROM OTHER FUNDS DEPOSITED BY OTHER COUNTY BOARDS AND COUNTIES; AND**

**(II) MAY BE USED ONLY TO PROVIDE FUNDING FOR THE COUNTY BOARD AND THE COUNTY DEPOSITING THE FUNDS.**

(j) On January 15, [2021] **2022**, and each January 15 thereafter, [the Prince George’s County Board, Prince George’s County] **A COUNTY BOARD, A COUNTY**, and the Interagency Commission on School Construction jointly shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the fiscal committees of the General Assembly, on the progress of construction and renovations of public school facilities using an alternative financing method and that receive State funds, including actions:

(1) Taken during the previous fiscal year; and

(2) Planned for the current fiscal year.

5–317.

(a) In this section, “Program” means the School Safety Grant Program.

(b) (1) There is a School Safety Grant Program.

(e) **(1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** IN addition to the annual amount otherwise provided in the capital improvement program of the Public School Construction Program, the Governor shall provide an additional \$10,000,000 in the annual operating or capital budget bill that may be used only to award grants under the Program.

**(2) MONEY FROM THE BUILDING OPPORTUNITY FINANCING FUND ESTABLISHED UNDER § 10–658 OF THE ECONOMIC DEVELOPMENT ARTICLE OR THE BUILDING OPPORTUNITY FACILITIES FUND ESTABLISHED UNDER § 10–658.1 OF THE ECONOMIC DEVELOPMENT ARTICLE MAY BE USED TO PROVIDE THE FUNDING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

5–322.

(a) In this section, “Fund” means the Healthy School Facility Fund.

(b) There is a Healthy School Facility Fund.

(j) (1) **(I)** [In] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** IN each of fiscal years 2020 and 2021, the Governor shall appropriate at least \$30,000,000 to the Fund.

**(II) MONEY FROM THE BUILDING OPPORTUNITY FINANCING FUND ESTABLISHED UNDER § 10–658 OF THE ECONOMIC DEVELOPMENT ARTICLE OR THE BUILDING OPPORTUNITY FACILITIES FUND ESTABLISHED UNDER § 10–658.1 OF THE ECONOMIC DEVELOPMENT ARTICLE MAY BE USED TO PROVIDE THE FUNDING REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

#### **Article – State Finance and Procurement**

6–226.

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

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

115. the [Prince George’s County] Public–Private Partnership Fund;

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

122. the Federal Government Shutdown Employee Assistance Loan Fund;

**123. THE BUILDING OPPORTUNITY FACILITIES FUND;**



1 AND

2 **124. THE BUILDING OPPORTUNITY FINANCING FUND.**

3 **Article – State Government**

4 9–1A–30.

5 (a) There is an Education Trust Fund which is a special, nonlapsing fund that is  
6 not subject to § 7–302 of the State Finance and Procurement Article.

7 (b) (1) There shall be credited to the Education Trust Fund all proceeds  
8 allocated to the Fund under § 9–1A–27 of this subtitle.

9 (2) Money in the Education Trust Fund shall be invested and reinvested  
10 by the Treasurer, and interest and earnings shall accrue to the Fund.

11 (c) Money in the Education Trust Fund shall be used to:

12 (1) **MAKE A DEPOSIT INTO THE BUILDING OPPORTUNITY FINANCING**  
13 **FUND ESTABLISHED UNDER § 10–658 OF THE ECONOMIC DEVELOPMENT ARTICLE**  
14 **IN AN AMOUNT EQUAL TO \$125,000,000 IN EACH FISCAL YEAR THAT BONDS ARE**  
15 **OUTSTANDING AND UNPAID;**

16 (2) provide funding for public elementary and secondary education,  
17 through continuation of the funding and formulas established under the programs  
18 commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter  
19 288 of the Acts of the General Assembly of 2002, including the funding for regional  
20 differences in the cost of education under § 5–202(f) of the Education Article;

21 [(2)] (3) provide funds to construct public school buildings and provide  
22 public school capital improvements in accordance with Title 5, Subtitle 3 of the Education  
23 Article;

24 [(3)] (4) provide funds for capital projects at community colleges and  
25 public senior higher education institutions; and

26 [(4)] (5) provide funds to expand public early childhood education  
27 programs in the State.

28 (d) Expenditures from the Education Trust Fund shall be made each fiscal year  
29 in accordance with the State budget.

30 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
31 Assembly that the Governor provide funding for the Interagency Commission on School  
32 Construction to have the expert staff, consultants, and legal services to help local school

1 systems and counties negotiate and successfully execute public-private partnership  
2 agreements for school construction.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2020.