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2021~90 Day Report

Angela D. Alsobrooks ~ County Executive

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June 21, 2021

I am extremely proud to present County Executive Alsobrooks' 90 Day Report – A Review of the 2021 General Assembly's Legislative Session. The report cumulates the hard work of the staff of the Office of Intergovernmental Affairs Office (IGA) over the ninety-day session. The IGA staff includes Senior Legislative Officer, Ron Young, Legislative Officers Patrick Gallaher and Nancy Lineman, Budget Specialist David Juppe, County Council Liaison, Terry Bell, and Administrative Assistant, Whityne' Fort. The IGA staff and the many legislative Liaisons throughout the County agencies have participated in bringing these outcomes to the County this year.

The Report includes breakdowns of the Operating and Capital Budgets for fiscal year 2022, as well as, legislation that originated in our County's House and Senate Delegations. Also 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.

I hope that you find the information contained in this Report helpful and informative. We are happy to assist you with any additional information you may need.

Sincerely,

Rhea Harris

Legislative Director

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OPERATING AND CAPITAL BUDGET OVERVIEW

Operating Budget (Chapter 357)

As shown in **Exhibit 1**, State aid to Prince George’s County increases by \$58.2 million, or 3.7% in FY 2022 in Chapter 357 (the FY 2022 operating budget, **HB 588**). Most of this aid is provided to the Board of Education, which grows \$52.6 million or 3.8%. Due to a combination of statewide enrollment decreases due to the COVID-19 pandemic, most jurisdictions would have received lower levels of aid, but the Governor included additional funding to hold counties harmless for the enrollment decline. Prince George’s County received \$83.8 million from the hold harmless grant. Aid to the County was also slightly lower because of increased wealth per pupil relative to other counties.

Exhibit 1
State Operating Budget Aid – Prince George’s County
Fiscal 2021-2022

Category	FY 2021	FY 2022	\$ Change	% Change
	Working	Leg. Approp.		
Education	\$1,392,761,461	\$1,445,311,461	\$52,550,000	3.8%
Library	9,896,330	10,045,747	149,417	1.5%
Community College	41,451,073	46,441,797	4,990,724	12.0%
General County Aid	117,028,670	117,559,640	530,970	0.5%
Total	\$1,561,137,534	1,619,358,645	\$58,221,111	3.7%

Source: Department of Legislative Services

The second largest increase was \$5.0 million through the Cade formula for community colleges. A statutory increase in the formula raised the aid amount from 25% per full-time equivalent student provided to public universities and colleges, to 27%. General County aid is basically level funded at \$117.6 million (an increase of \$0.5 million, or 0.5%). Increases for highway user revenue capital grants, gaming impact grants, police aid, and the local health formula are artificially offset by the addition of \$3.5 million in additional County aid in FY 2021 through Chapter 39 (RELIEF Act). Formula-based library aid, which is provided on a per capita basis, increases by \$0.1 million, or 1.5%.

Provisions in the operating budget bill that directly affect County funding include:

- Budget bill language in the Department of Natural Resources budget restricts \$5.0 million of the Program Open Space share to the Maryland-National Capital Parks and Planning Commission until a joint letter from the County, the Commission, and the Green Branch Management Group Corporation is sent to the budget committees indicating closure of the loan agreement, signing of the ground lease, and issuance of permits for clearing, and/or construction of the Liberty Sports Park.
- The Governor added \$500,000 in the Department of Commerce budget for grants to businesses impacted by construction of the Purple Line project.
- The Maryland State Department of Education must allocate federal funds for summer school programs according to the following basis, which should result in additional aid to the Board of Education:

FY 2021

\$25.0 million based on the Compensatory Education funding formula; and
\$20.0 million based on the Foundation formula.

FY 2022

\$25.0 million based on the Compensatory Education funding formula;
\$15.0 million based on the Foundation formula;
\$20.0 million based on Transitional Supplemental Instruction funding; and
\$151.6 million based 2/3 on the Compensatory Education formula and 1/3 based on the Foundation formula.

Budget Reconciliation Legislation (Chapter 150)

The Governor had proposed several actions in **HB 589**, the Budget Reconciliation and Financing Act of 2021, that would have reduced State aid to the County or required the County to pay additional funding to the State for various purposes. All of these provisions were rejected. This included:

- A provision to modify the community college aid formula to be based on a lower dollar amount in FY 2022 that would have reduced aid to the County by \$5.8 million. The proposal would also have decoupled aid from the amount per full-time equivalent student at public colleges and universities to instead be tied to the percentage increase in general fund revenues as estimated by the Board of Revenue Estimates;
- A provision to require counties to increase the amount paid toward the budget of the State Department of Assessments & Taxation, from 50% to 60% in FY 2022. This would have cost the County an added \$0.5 million. The Administration further proposed increasing the county share to 70% of the budget in FY 2023, 80% of the budget in FY 2024, and 90% of the budget in FY 2025;
- A provision to require counties to pay 50% of the costs of any settlements paid to wrongfully convicted individuals who were incarcerated in State prisons.

The legislature added a provision to require a transfer of \$100,000 from the Maryland-National Capital Parks and Planning Commission to the State’s General Fund. No explanation for this action was provided.

Capital Budget (Chapter 63)

The State’s capital budget, Chapter 63 (***HB 590***) includes \$72.4 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, Community College, Maryland-National Capital Park and Planning Commission, and County Government.

Exhibit 2
State Capital Budget Grants – Prince George’s County
Fiscal 2022

	Category	FY 2022 Leg. Approp.
Board of Education	Enrollment Growth & Relocatable Classroom Grants	\$12,914,033
	Turf Fields	9,200,000
	Subtotal	\$22,114,033
Community College	Marlboro Hall (PAYGO)	\$24,137,000
	Dukes Student Center*	1,500,000
	Subtotal	\$25,637,000
MNCPPC	Amphitheater	\$11,000,000
	Central Avenue Connector Trail	1,500,000

	Lake Arbor Park	1,000,000
	Riverdale Park Hiker-Biker Trail	1,000,000
	Baysox Stadium	1,000,000
	Bladensburg WW1 Memorial	320,000
	Henson Creek Golf Course	200,000
	Tucker Road Ice Rink	100,000
	Subtotal	\$16,120,000
County Government		
	Blue Line Corridor Infrastructure	\$8,900,000
	Blue Line Public Arts Projects	1,000,000
	Subtotal	\$9,900,000
	Grand Total	72,421,033

Source: Department of Legislative Services

* note: \$6.5 million for this project is pre-authorized in the FY 2023 capital budget.

Other Provisions in Chapter 63 which might result in additional funding for the County includes:

- The Maryland Emergency Management Agency: a new \$25.0 million grant and loan program for local government resilience projects was created, which was contingent on enactment of Chapter 644 (SB 901) to mitigate all hazards including natural disasters; and
- The Interagency Commission on School Construction: receives an additional \$70.0 million (\$40.0 million in Chapter 357 (the FY 2022 operating budget) for PAYGO and \$30.0 million in general obligation bonds in Chapter 63) for the Healthy School Facility Fund to be used for air conditioning, heating, indoor air quality, mold remediation, temperature regulation, plumbing, roofs, windows, or any severe issue in the school that required the school to be closed. Limited to \$15.0 million per county per year.

Other Capital-Related Legislation

Chapter 698 (**SB 551**) extends from July 1, 2022 to July 1, 2024 the date by which Prince George’s County must enter into a P3 agreement and extends the State payment schedule from FY 2024-2053 to start in FY 2025 and run through FY 2055. No change to requirement for 6 schools or the payment of \$25 million per year for 30 years (\$750 million total).



TAXES

Property Tax

Senate Bill 269/House Bill 1311 (Chapters 726/727) Property Tax Exemption - Disabled Active Duty Service Members, Disabled Veterans, and Surviving Spouses - Refund

There is an existing 100% exemption from property taxes for the dwelling house of a disabled active duty service member, disabled veteran, or surviving spouse who meets certain requirements. In some instances, there is a delay in the time a veteran applies to the federal government for disability benefits and when a State and local property tax exemption is granted due to the time it takes to process claims at the federal level. Thus, the individual must pay State and local property taxes while the application is being processed. ***Senate Bill 269/House Bill 1311*** require the State, a county, or a municipality to provide a property tax refund to a disabled active duty service member, disabled veteran, or surviving spouse if the individual applies for the refund within three calendar years of becoming eligible for the exemption. The bills apply retroactively for three years. The bills take effect June 1, 2021.

Senate Bill 887/House Bill 1137 (Chapters 210/211) Property Tax Credit – Business Entities – State of Emergency

Senate Bill 887/House Bill 1137 authorize county and municipal governments to grant a property tax credit for real or personal property owned or leased by a business entity affected by a declared state of emergency. The bills take effect June 1, 2021.

Senate Bill 325 (Chapter 108) Tax Sales – Redemption – Nondelinquent Taxes

Senate Bill 325 alters the amount that a person must pay to a local tax collector to redeem a property sold at a tax sale by requiring that only delinquent taxes accruing after the date of the tax sale be paid, instead of any taxes accruing after the date of the tax sale. The bill takes effect June 1, 2021.

House Bill 1182 (Chapter 87) Tax - Property - Tax Sales

House Bill 1182 requires a county tax collector to sell a property at a tax sale if, among other requirements, the property is a vacant lot no more than 15 feet wide, the tax on the property is in arrears for at least eight years, and a specified adjoining property owner petitions the tax collector to sell the property. The bill takes effect July 1, 2021.

House Bill 252 (Chapter 75) Tax Sales – Owner–Occupied Residential Property

House Bill 252 authorizes a county or municipality to withhold owner-occupied residential property from tax sale during the period from June 1, 2021, through June 30, 2023. The bill takes effect June 1, 2021.

Income Tax

Senate Bill 496 (Chapter 39) Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act

Senate Bill 496 establishes several enhanced tax benefits for individuals and businesses. For tax years 2020 through 2022, the Act expands the State refundable earned income credit. The value of the refund for qualified individuals increases from 28% to 45% of the federal earned income tax credit, minus any pre-credit State income tax liability. For individuals without a qualifying child, the value of the credit is increased to 100% of the federal credit, subject to a maximum of \$530. A taxpayer without a qualifying child will claim this fully refundable credit instead of the nonrefundable and refundable State earned income credits provided under current law.

The Act also requires the Comptroller to issue an economic impact payment of up to \$500 to a resident who claimed the State earned income credit in tax year 2019. These payments are exempt from the State income tax.

In tax years 2020 and 2021, the Act exempts from the State income tax the unemployment benefits received by an individual if the benefits were paid by the Maryland Department of Labor or by a jurisdiction with which the State has a reciprocal taxation

agreement (currently Pennsylvania, Virginia, West Virginia, and the District of Columbia). In order to qualify, a taxpayer must have a federal adjusted gross income of \$75,000 or less (\$100,000 if married filing jointly).

In tax years 2020 and 2021, the Act exempts from the State income tax a coronavirus relief payment received by a person. A coronavirus relief payment is a federal, State, or local government grant or forgiven loan (1) provided to a person for the purpose of assisting with the economic hardships resulting from the coronavirus pandemic and (2) applied for on or after March 5, 2020. The Comptroller must publish guidance regarding eligibility for the exemption, including a list of eligible grants and loans. This bill took effect upon enactment.

Senate Bill 218 (Chapter 40) Income Tax - Child Tax Credit and Expansion of the Earned Income Credit

Under the State earned income credit program, a taxpayer may be eligible for both a refundable and nonrefundable earned income credit against the State income tax and a nonrefundable credit against the local income tax. Maryland generally conforms to the federal eligibility standards – only those individuals who claim the federal earned income tax credit may claim the State credit. In addition to these benefits, taxpayers who claim the nonrefundable State earned income credit may be eligible to claim the State and local poverty tax credits.

Senate Bill 218 expands eligibility of the State and local earned income tax credits, and thereby the State and local poverty level credits, by allowing a taxpayer to claim the tax credits notwithstanding certain federal requirements, which generally require that a taxpayer have a valid Social Security number at the time of tax filing. This bill took effect upon enactment.

Senate Bill 778/House Bill 1279 (Chapters 206/207) Regional Institution Strategic Enterprise Zone Program – Alterations

The Regional Institution Strategic Enterprise (RISE) Zone Program aims to promote economic and community development within communities anchored around institutions of higher education. Businesses that are located within a zone and meet program requirements qualify for tax credits and priority consideration for specified State financial assistance programs. *Senate Bill 778/House Bill 1279* alter the program by (1) establishing for qualified businesses a rental assistance grant program and enhanced biotechnology investment incentive and cybersecurity investment incentive tax credits; (2) limiting to 500 acres the maximum size of a zone; (3) limiting existing income tax and property tax credits to businesses that locate in a RISE zone before January 1, 2023; (4) expanding the purposes of the program; and (5) terminating program tax credits and benefits effective January 1, 2028. The bills take effect on June 1 and July 1, 2021.



PRINCE GEORGE'S COUNTY DELEGATION LEGISLATION

Bi-County Committee

House Bill 49 (Chapter 228) Prince George's County Planning Board - Nontraditional Recreational Opportunities - Establishment and Fund MC/PG 104- 21

This bill requires the Prince George's County Planning Board to include nontraditional recreational opportunities as part of the county's recreation programs. The bill defines "nontraditional recreational opportunities" as sports, recreational activities, programs, or facilities in the county with a reasonable promise of growth in (1) popularity; or (2) participation or demand among youth populations that are otherwise under-represented or underserved by traditional recreational activities. The bill establishes the Nontraditional Recreation Fund to finance and account for the development and maintenance of nontraditional recreational opportunities in the county. The bill also establishes the purpose of the fund and provisions related to the authorized uses of the fund. The bill takes effect July 1, 2021.

House Bill 501 (Chapter 630) Washington Suburban Sanitary Commission – Board of Ethics – Financial Disclosure Statements – Late Fees MC/PG 102–21

This bill requires a respondent in a complaint reviewed by the Washington Suburban Sanitary Commission's (WSSC) Board of Ethics, who is found to have filed a required financial disclosure statement late, to pay a fee of \$5 for each day the filing is late, up to a maximum of \$500. The bill takes effect June 1, 2021.

House Bill 789 (Chapter 291) Washington Suburban Sanitary Commission – Video and Audio Streaming and Archiving Meetings and Financial Assistance MC/PG 100–21

This bill requires the Washington Suburban Sanitary Commission (WSSC) to stream live video or live teleconference audio or other audio of its open meetings and to maintain on its website a complete and unedited archived recording of each open meeting. Under specified circumstances, the inability of WSSC to comply with the recording requirements does not affect the validity of any action taken during the meeting. The bill also specifies that financial assistance provided as part of the Customer Assistance Program can include the reduction or waiver of fees, including late fees. This bill takes effect October 1, 2021.

County Affairs

House Bill 619 (Chapter 447) Prince George's County - Speed Monitoring Systems - Residential Districts PG 302-21

Under current statute, speed monitoring systems must be authorized in a local jurisdiction by the governing body of the jurisdiction and the jurisdiction must also ensure that each sign that designates a school zone is proximate to a sign that (1) indicates that speed monitoring systems are in use in the school zone and (2) conforms with specified traffic control device standards adopted by the State Highway Administration. Revenue generated by a speed monitoring system allows Prince George's County to recover the costs of implementing the system and can use the excess for public safety. Current stipulations require that any revenue greater than 10% of the County's total revenue must be remitted to the Comptroller. The only exception to these restrictions is in Montgomery County, where speed monitoring systems can be used on a highway in a residential district.

House Bill 619 authorizes Prince George's County to place speed cameras in the County on highways in residential districts with a maximum posted speed limit of 35 miles per hour, as is currently authorized in Montgomery County.

If fully implemented local revenues should increase, potentially significantly, beginning in fiscal 2022. Every year since 2013, the County has generated revenues in excess of the costs of implementation and had additional revenue available to spend on public safety, however, revenues generated from speed camera fines in Prince George's County have generally decreased as compliance has increased. The bill takes effect October 1, 2021.

Revenues from Speed Monitoring Systems in Prince George’s County Fiscal 2013-2019

	<u>Fine Revenues</u>	<u>Implementation Costs</u>	<u>Net Revenues</u>
Fiscal 2013	\$13,112,169	\$5,348,612	\$7,763,557
Fiscal 2014	10,254,966	4,681,911	5,573,055
Fiscal 2015	8,515,818	3,915,888	4,599,930
Fiscal 2016	8,759,276	4,274,963	4,484,313
Fiscal 2017	7,173,439	4,054,274	3,119,165
Fiscal 2018	6,894,036	4,132,890	2,761,147
Fiscal 2019	6,050,877	4,108,480	1,942,398

House Bill 626 (Chapter 450) Prince George's County - Vehicle Height Monitoring Systems PG 305-21

House Bill 626 authorizes Prince George’s County and municipalities within the county to place vehicle height monitoring systems on highways in Prince George’s County if authorized by the appropriate governing body after notice and a public hearing, similar to the authorization for such systems currently in place for Baltimore City (and, beginning October 1, 2021, in Baltimore County). The bill also establishes requirements for Prince George’s County (and municipalities within the county) that must be met before a vehicle height monitoring system may be installed. Specifically, county and municipal workgroups must be convened and perform specified tasks, including the development of maps, processes, and exemptions. Should the authorization be used, a local government agency may issue warnings or citations to a vehicle owner for violating a State or local law restricting the presence of certain vehicles at certain times. A local government agency must issue a warning for a vehicle’s first violation; the maximum fine for a citation is \$250 for a second violation and \$500 for a third or subsequent violation. This bill takes effect October 1, 2021.

House Bill 974 (Chapter 568) Prince George's County - Alcoholic Beverages - License Sanctions and Sunday Off-Sale Permits PG 317-21

This bill authorizes the Prince George’s County Board of License Commissioners to issue a Sunday off-sale permit to any Class A or Class B license holder with an off-sale privilege. An applicant for a Sunday off-sale permit must commit to spending a minimum of \$50,000 to rehabilitate and renovate the licensed premises within one year after the permit is issued. The board must adopt regulations to implement the spending requirements. By January 1, 2023, the board must conduct a study of Sunday off-sale permits to determine (1) how many permit holders failed to make the required reinvestment and (2) how many times the reinvestment requirement was waived. The board must submit the report to the Prince George’s County Executive, the General Assembly, and the Prince George’s County House Delegation of the General Assembly. The bill takes effect July 1, 2021.

Senate Bill 739 (Chapter 666) Prince George's County – Alcoholic Beverages – BLX License

This bill authorizes an establishment (The Hall at College Park) in Prince George's County located on the campus of the University of Maryland, College Park to offer entertainment when individuals under the age of 21 years are present, under specified circumstances. The license holder must meet with the College Park City-University Partnership Board of Directors every six months to review reports and security measures and to assist in improvement of community-oriented events. The license holder must indemnify the College Park City-University Partnership for any recommendations the license holder makes to the board. The bill takes effect July 1, 2021.

Senate Bill 931 (Chapter 585) Prince George's County - School Facilities and Public Safety Surcharges and Report - Sunset Extension and Report

This bill extends the termination date of Chapter 351 of 2019 from June 30, 2021, to June 30, 2024. The bill also extends the submission date for a specified report from December 1, 2020, to December 1, 2022. Finally, Prince George's County must review and make recommendations on whether the level of funding the county receives from the school facilities surcharge and the public safety surcharge is sufficient to meet the needs of the county and report its findings to the Prince George's County Delegation to the General Assembly by December 31, 2021. Prince George's County school facilities surcharge revenues continue to decrease in FY 2022 through 2024. County expenditures for public school construction projects are not directly affected; however, the proposed changes may reduce the amount of revenue dedicated to public school construction projects. The bill takes effect July 1, 2021.

Law Enforcement

House Bill 977 (Chapter 567) Prince George's County - Public Safety and Behavioral Health Surcharges - Behavioral Health Programs PG 414-21

This bill replaces the public safety surcharge with the public safety and behavioral health surcharge in Prince George's County. The bill prohibits the surcharge from being imposed on residential construction if a preliminary plan for the residential development was approved on or before July 1, 2005. The bill also expands the authorized uses of the revenues collected from the surcharge to include (1) the operation of behavioral health programs offered by the county or (2) the construction or rehabilitation of behavioral health program facilities in the county. The bill takes effect July 1, 2021.

House Bill 980 (Chapter 429) Prince George's County - Public Ethics - Payments and Transfer and Zone Intensification Requests PG 416-21

This bill exempts members of the Prince George's County Council from specified participation restrictions when participating in a proceeding that is part of a countywide zoning map amendment recommended by the Prince George's County Planning Board, where the intent

is to implement an approved general plan by repealing and replacing all zoning categories applicable to land in Prince George's County. In addition, the bill generally prohibits, during the period when the District Council of Prince George's County is adopting and approving a countywide zoning map amendment, the planning board from recommending, and the district council from approving, specified zone intensification requests that differ substantially from the applicable zoning category or classification recommended in the Proposed Guide to New Zones adopted by the district council. Finally, the bill requires a member who receives a payment or transfer from an applicant, agent, or entity that requests a specified zone intensification to (1) return the payment or transfer and (2) make note in the public record of the returned payment or transfer before the adoption of the countywide zoning map amendment. The bill takes effect July 1, 2021, and terminates December 31, 2022.

**House Bill 981 (Chapter 390) Prince George's County - Tax Sales - Limited Auction
PG 413-21**

This bill limits the properties for which the tax collector in Prince George's County must conduct a tax sale by limited auction (prior to conducting a public auction) to abandoned property consisting of either a vacant lot or improved property cited as vacant and unfit for habitation on a housing or building violation notice. In addition, the bill alters the existing list of eligible individuals that may participate in the limited auction by requiring that (1) an eligible federal employee be employed by a federal agency located in the county and (2) an eligible veteran be employed in the county. The bill also establishes that if a purchaser at a limited auction was not an eligible participant, in addition to the certificate of sale for the property being void, any right or interest of the holder of the certificate of sale is void and any payment received by the collector at the sale must be forfeited and applied to any taxes in arrears on the property. The bill takes effect July 1, 2021.

**House Bill 1010 (Chapter 248) Prince George's County - Payment in Lieu of Taxes
Agreements - Low-Income Housing PG 415-21**

This bill authorizes Prince George's County to enter into a payment in lieu of taxes (PILOT) agreement with owners of specified low-income housing developments. Prince George's County property tax revenues may decrease beginning in FY 2022 to the extent that certain low-income housing developments are exempt from real property taxes. The amount of any decrease depends on the number and type of development projects taking place in the county and the assessed value of each affected property. County property tax decreases will be mitigated by negotiated agreements between the county and developers.

Prince George's County may exempt real property from the county real property tax if:

- the real property is owned by a person engaged in constructing or operating housing structures or projects;
- the real property is used for a housing structure or project that (1) is acquired, constructed, or rehabilitated under a specified federal, State, or local government

- program for lower income housing or (2) is acquired under the right of first refusal program, as specified in the Prince George's County Code;
- the owner and Prince George's County agree to a negotiated PILOT agreement in place of the applicable county property tax; and,
 - the owner of the real property (1) agrees to commence or continue to maintain the real property as rental housing for lower income persons under the requirements of specified government programs and agrees to renew any annual contributions contract or other agreement for rental subsidy or supplement or (2) enters into an agreement with the county to allow the entire property or the portion of the property that was maintained for lower income persons to remain as housing for lower income persons for a term of at least five years.

The real property may contain service facilities to serve its occupants and the surrounding neighborhood if the structure and facilities of the real property are predominantly used for residential purposes. The bill takes effect July 1, 2021.



STATE GOVERNMENT

State Agencies, Offices, and Officials/Regulations

Senate Bill 85/House Bill 15 (Chapters 674/675) Creating Governor's Office of Immigrant Affairs

Senate Bill 85/House Bill 15 establish the Governor's Office of Immigrant Affairs to assist immigrants in the State and to advise the Governor on matters relating to immigrants in the State. The bills establish the appointment, powers, duties, and responsibilities of both the office and office director. The director must report to the Governor and the General Assembly detailing the activities of the office. Specific responsibilities of the office include:

- establishing a network of neighborhood-based opportunity centers that provide immigration services to immigrants;
- assisting immigrants in matters relating to immigration status, including assisting with the naturalization process and applications for Deferred Action for Childhood Arrivals;
- connecting immigrants to business resources that use immigrants' skills, employment referral programs, and other workforce development programs;

- developing and leveraging immigrants’ skills to benefit the immigrants’ communities and the State;
- establishing a toll-free, multilingual hotline and a website for purposes including disseminating information about the programs and services offered by the office, referring for services, and receiving complaints relating to fraud and other related crimes against immigrants;
- ensuring that individuals referred by the office are directed to persons who are in compliance with the Maryland Immigration Consultant Act, or authorized by the Federal Office of Legal Access Programs;
- reducing exploitation of immigrants and using information developed by the office through the hotline, to assist law enforcement in combating crimes against immigrants;
- advising the Governor and the director concerning matters affecting immigrants in the State in order to promote and encourage the full participation of immigrants in the State’s civic and economic life; and
- coordinating with other State agencies and otherwise using the resources of the State to serve the needs of immigrants.

The bills take effect October 1, 2021.

House Bill 130 (Chapter 648) Commission on LGBTQ Affairs – Established

House Bill 130 establishes the Commission on LGBTQ Affairs in GOCI. The commission must (1) assess the challenges facing lesbian, gay, bisexual, transgender, and queer (LGBTQ) communities; (2) collect data across State agencies on the implementation of LGBTQ-inclusive policies and complaints alleging discrimination based on sexual orientation or gender identity; (3) study and establish best practices for inclusion of LGBTQ individuals and communities; (4) inform the Executive and Legislative branches of State government on issues concerning women and LGBTQ persons; (5) offer testimony on issues concerning women and LGBTQ persons before legislative and administrative bodies; (6) act as a clearinghouse for activities to avoid duplication of efforts; (7) create surveys and appoint certain advisory committees; and (8) publish an annual report, and any other material the commission considers necessary, that includes recommendations on policies for LGBTQ adults and youth that work to end discriminatory practices in the State. The bill takes effect October 1, 2021.

Cybersecurity and Technology

Senate Bill 49 (Chapter 318) State Government - Department of Information Technology – Cybersecurity

Senate Bill 49 expands the responsibilities of the Secretary of Information Technology to include (1) advising and consulting with the Legislative and Judicial branches of State government regarding a cybersecurity strategy; (2) advising and overseeing a consistent cybersecurity strategy for units of State government, including institutions of higher education; and (3) developing guidance on consistent cybersecurity strategies for counties, municipal

corporations, school systems, and all other political subdivisions of the State. None of the Secretary's new responsibilities may be construed as establishing a mandate for any of these local government entities. The bills take effect October 1, 2021.

Public Information Act

House Bill 183 (Chapter 658) Public Information Act – Revisions (Equitable Access to Records Act)

House Bill 183 makes various revisions to the PIA, including (1) expanding the duties and jurisdiction of the Public Information Act Compliance Board (PIACB) to include additional types of PIA disputes; (2) modifying provisions pertaining to the filing of written complaints to PIACB and modifies the timelines and procedures for the review and resolution of complaints; (3) expanding the duties of the Office of Public Access Ombudsman; (4) requiring a custodian to adopt a specified proactive disclosure policy; and (5) establishing staffing requirements for the Office of the Attorney General. The bill states that it may not be applied or interpreted to have any effect on or application to any exceptions to disclosure requirements under PIA. The bill takes effect July 1, 2022.

Elections

Senate Bill 683 (Chapter 56) and House Bill 1048 (Chapter 514) Election Law - Voting - Permanent Absentee Ballot List, Ballot Drop Boxes, and Reports

Due to concerns about the safety of in-person voting during the coronavirus pandemic, the number of voters casting absentee ballots in the 2020 elections greatly increased compared to previous elections. The State, and the local boards of elections, implemented many procedures to make absentee voting (referred to by election officials as “mail-in voting”) more accessible and convenient in 2020. These procedures included deploying hundreds of ballot drop boxes across the State that voters could use to return voted absentee ballots and sending (1) absentee ballots to all voters in the primary election and (2) absentee ballot applications to all voters in the general election. **Senate Bill 683** and **House Bill 1048** make several changes to increase access to absentee voting and improve the absentee voting process. The measures create a permanent absentee ballot list that any voter may apply to join. Voters on the list will receive an absentee ballot automatically for each election without having to apply for it. The State Board of Elections (SBE) is required to send a written communication to each voter on the list before each election confirming certain information and instructing the voter to notify the local board of elections if certain changes have occurred, such as a change in address. A voter is removed from the permanent absentee ballot list under certain circumstances, including if the voter fails to return an absentee ballot for two consecutive statewide general elections.

Additionally, the bills define “ballot drop box” and establish procedures for determining the locations of ballot drop boxes. A local board must consider certain factors when determining the location of a ballot drop box (which are similar to the factors described further below with

respect to early voting center locations) and submit ballot drop box locations to the State Administrator of Elections for approval. The State Administrator must require a local board to reconsider a ballot drop box location that does not meet the factors and may add ballot drop boxes in the county if the ballot drop box locations submitted after reconsideration by the local board still do not meet the factors. The measures also establish security requirements for ballot drop boxes, including monitoring by security cameras at all times. In addition, a local board must remove election-related materials from ballot drop boxes at least once each day in accordance with chain of custody procedures established by SBE. The measures prohibit canvassing, electioneering, or posting campaign material in a manner that obstructs access to a ballot drop box and prohibit placing campaign material or any other unauthorized material on a ballot drop box.

The bills also require each local board of elections to send an absentee ballot application to each eligible voter at least 60 days before the statewide primary elections in 2022 and 2024. This requirement does not apply to voters on the permanent absentee ballot list. Further, SBE must contract with a usability consultant on or before August 1, 2021, to review all the public informational materials and forms related to absentee voting produced by SBE and make recommendations for their improvement. The bills take effect June 1, 2021.

House Bill 745 (Chapter 43) Election Law - Early Voting Centers

The General Assembly also passed legislation to expand access to early voting. *House Bill 745* alters the number of early voting centers each county must establish based on the number of registered voters in the county.

The bill also requires a local board to take into account the following factors when determining the location of an early voting center:

- accessibility of the early voting center to historically disenfranchised communities, including cultural groups, ethnic groups, and minority groups;
- proximity of the early voting center to dense concentrations of voters; • accessibility of the early voting center by public transportation;
- equitable distribution of early voting centers throughout the county; and
- maximization of voter participation, including through the use of community centers and public gathering places as locations for early voting centers.

As a result of additional early voting centers being required in certain counties, local government expenditures are expected to increase collectively by \$830,000 annually in fiscal 2022 and 2023, by \$900,000 annually in fiscal 2024 and 2025, and by \$1.1 million annually thereafter. State general fund expenditures are expected to increase by \$100,000 annually in

fiscal 2022 and 2023, by \$105,000 annually in fiscal 2024 and 2025, and by \$120,000 annually thereafter. The bill takes effect October 1, 2021.

Senate Bill 596/House Bill 206 (Chapters 659/660) Election Law - Early Voting Centers - Hours of Operation

Senate Bill 596/House Bill 206 expand early voting center hours by requiring that the centers be open from 7:00 a.m. to 8:00 p.m. on each early voting day during each regular election, rather than from 8:00 a.m. to 8:00 p.m. each early voting day during presidential general elections and 10:00 a.m. to 8:00 p.m. each early voting day during other regular elections. The bills take effect October 1, 2021.

House Bill 222 (Chapter 734) Election Law - Correctional Facilities - Voter Registration and Voting

Individuals who are incarcerated are eligible to vote only if they are being detained while awaiting trial or are serving a sentence of imprisonment for a misdemeanor. *House Bill 222* requires SBE to adopt regulations establishing a program to inform individuals who are incarcerated in a correctional facility and have the right to vote of upcoming elections and how they may exercise their right to vote. The bill applies to both State and local correctional facilities, including those operated by the Department of Public Safety and Correctional Services (DPSCS), the Department of Juvenile Services, and the sheriff of a county or other unit of government with responsibility for operating a local correctional facility or county detention center.

The regulations must require SBE or local boards to (1) disseminate information on eligibility requirements to register to vote and voter registration applications to eligible voters in a correctional facility at least 30 days before the deadline to register to vote before each election; (2) disseminate instructions on absentee voting, absentee ballot applications, and absentee ballots before each election in a timely manner; (3) provide frequent opportunities for eligible voters in a correctional facility to register to vote and to vote; and (4) provide for the timely return of voter registration applications, absentee ballot applications, and absentee ballots completed by eligible voters in a correctional facility. The bill also requires SBE to submit an annual report to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee on the implementation of the bill.

The bill also requires DPSCS to (1) provide each individual who is released from a correctional facility with a voter registration application and documentation informing the individual that the individual's voting rights have been restored; (2) display a sign in each parole and probation office indicating that any individual who is no longer incarcerated has the right to

vote; and (3) post a notice on the department's website indicating that any individual who is no longer incarcerated has the right to vote. The bill takes effect June 1, 2021.

Senate Bill 283/House Bill 156 (Chapters 656/657) Student and Military Voter Empowerment Act

Senate Bill 283/House Bill 156 include various measures to make it easier for students enrolled in institutions of higher education and members of the military to vote. The bills require public institutions of higher education to designate a staff member to serve as the student voting coordinator. The student voting coordinator is required to develop and implement a student voting plan to increase student voter registration and voting. The student voting plan must include, among other things, (1) wide dissemination of information about voter registration and voting opportunities to all students; (2) provision of voter registration materials on campus; (3) collaboration with the local board on the placement of an early voting center or precinct polling place on campus if requested by the local board; and (4) encouragement and support of student organizations working to increase student participation in elections. The bills also require private nonprofit institutions of higher education that receive operating or capital funding from the State to provide a link to the State's online voter registration system on the home page of the online portal used by students to register for course work. Public institutions of higher education are required to provide such a link under existing law. The bills require public institutions of higher education and private nonprofit institutions of higher education that receive State funds to relocate the link if there are fewer than 15 clicks on the link in any calendar year. The institutions are required to report annually on (1) the use of the link and (2) their efforts to encourage the use of the link and to improve access to voter registration for students.

The bills also include provisions to increase access to voter registration and voting by members of the military. The bills require SBE to establish a process for an individual to submit the federal post card application electronically and use a common access card to sign a federal post card application.

Additionally, the bills require local boards of elections to contact and obtain input from large residential institutional communities, including institutions of higher education, military installations, continuing care retirement communities, and senior communities, when establishing precinct boundaries and designating the location of polling places. The bills take effect June 1, 2021.



LOCAL GOVERNMENT

Local Government - Generally

House Bill 517 (Chapter 441) Clean Energy Loan Program - Remediation and Resiliency

Chapter 743 of 2009 authorized a county or municipality to enact an ordinance or a resolution establishing a clean energy loan program to provide loans to residential property owners, including low-income residential property owners, and commercial property owners, to finance energy efficiency projects and renewable energy projects.

A program must require a property owner to repay a loan through a surcharge on the owner's property tax bill. The surcharge must be limited to an amount that allows the local government to recover the costs associated with issuing bonds to finance the loan and costs associated with administering the program.

House Bill 517 expands the types of projects that may be financed under a clean energy loan program to include water efficiency projects, environmental remediation projects, and resiliency projects. The bill specifies that projects may be refinanced under a clean energy loan program and requires that the ordinance establishing a clean energy loan program include a provision requiring that a loan be repaid over a term that may not exceed the useful life of the project. The bill is effective October 1, 2021.

Senate Bill 159/House Bill 281 (Chapters 226/227) Local Government - Humane Society and Animal Control Officers - Education and Training Requirements

Senate Bill 159/House Bill 281 require a new officer of a humane society or animal control to satisfactorily complete at least 80 hours of training for animal care and control professionals to be approved by the appropriate unit of a county, including Baltimore City, or municipality within the first 12 months of employment.

The bills also require an officer of a humane society or animal control to satisfactorily complete at least six hours of continuing education each year that is approved by the appropriate unit of a county or municipality. The bills take effect October 1, 2021.

Senate Bill 338/House Bill 563 (Chapters 309/310) Local Government – Animal Control Facilities – Adoption Fee Waiver for Veterans (Pets for Vets Act of 2021)

Senate Bill 338/House Bill 563 require an animal control facility operated by a county, including Baltimore City, or municipality to waive the adoption fee for a dog or cat adopted by a veteran who presents specified identification that notes the individual is a veteran. An animal control facility may limit the number of adoption fee waivers granted to an individual to one dog and one cat within a six-month period. The bills take effect October 1, 2021.

House Bill 13 (Chapter 737) Influence on Collective Bargaining - Prohibition on Use of Public Funds

House Bill 13 prohibits a unit of State, county, or municipal government from knowingly using public funds to influence the decisions of public employees to (1) support or oppose an employee organization that represents or seeks to represent the employees of the unit or government or (2) become a member of an employee organization. The bill takes effect July 1, 2021.

House Bill 73 (Chapter 696) State and Local Government and Public Institutions of Higher Education - Teleworking

House Bill 73 establishes the Office of Telework Assistance and the Business Telework Assistance Grant Program in the Department of Commerce and provides that the Governor must include \$1.0 million annually in the State budget for the program. The bill also (1) requires the Judicial and Legislative branches of State government to each maintain a telework program; (2) alters the statewide telework program that must be maintained by the Executive Branch; and (3) requires public institutions of higher education to comply with the statewide telework program.

In addition, *House Bill 73* requires counties and municipalities to establish a telework program and adopt related policies and guidelines that apply to governmental entities and employees of the county or municipality. The head of a local government entity may designate the positions for which an employee would be eligible to telework. Each local government entity, in its discretion, may maximize the number of eligible employees participating in a telework program. The bill takes effect July 1, 2021.

Senate Bill 687/House Bill 90 (Chapters 751/752) State and Local Housing Programs - Affirmatively Furthering Fair Housing

Senate Bill 687/House Bill 90 require the Department of Housing and Community Development (DHCD) to administer its programs and activities to “affirmatively further fair housing.”

The bills establish that local jurisdictions have a duty to affirmatively further fair housing. The housing element of a local comprehensive plan that is enacted or amended on or after January 1, 2023, must include an assessment of fair housing to ensure that the local jurisdiction is affirmatively furthering fair housing. Upon request of a local jurisdiction, the Maryland Department of Planning, in consultation with DHCD, must provide technical assistance for the purpose of developing the housing element of the comprehensive plan. However, the bills also specify that the requirement to include the assessment of fair housing in the housing element of the local comprehensive plan does not require a local jurisdiction to take, or prohibit the local jurisdiction from taking, a specific action to affirmatively further fair housing.

In addition, *Senate Bill 687/House Bill 90* require a local jurisdiction that completed or revised an Assessment of Fair Housing under the federal U.S. Department of Housing and Urban Development’s most recently published Affirmatively Furthering Fair Housing Rule, or an analysis of impediments to fair housing prior to the Affirmatively Furthering Fair Housing Rule, to incorporate relevant portions of the Assessment of Fair Housing or analysis of impediments into the housing element of the local jurisdiction’s comprehensive plan by reference. These provisions must be incorporated the next time the local jurisdiction amends its comprehensive plan. The bills take effect October 1, 2021, and January 1, 2022.

Bi-County Agencies

House Bill 444 (Chapter 228) Prince George's County Planning Board - Nontraditional Recreational Opportunities - Establishment and Fund MC/PG 104-21

M-NCPPC is comprised of the Montgomery County Planning Board and the Prince George’s County Planning Board. In Prince George’s County, the planning board also administers the county’s public recreation program. *House Bill 444* requires the Prince George’s County Planning Board to incorporate nontraditional recreational opportunities into the county’s recreation programs.

The bill defines “nontraditional recreational opportunities” as sports, recreational activities, programs, or facilities in the county with a reasonable promise of growth in (1) popularity or (2) participation or demand among youth populations that are otherwise under-represented or underserved by traditional recreational activities. Nontraditional recreational opportunities may include (1) skate parks; (2) lacrosse walls; (3) remote-controlled car courses; (4) pickleball courts; (5) disc golf courses; (6) cricket fields; (7) pump tracks; and (8) any other new or innovative recreation or leisure activity recommendation included in a park and recreation plan.

House Bill 444 also establishes the Nontraditional Recreation Fund. M-NCPPC is required to deposit in the fund revenues from the development and maintenance of nontraditional recreation opportunities in Prince George’s County and to use the revenues (1) for capital improvement

projects that contribute to providing nontraditional recreational opportunities; (2) to provide patrons of the commission access to equipment necessary to participate in nontraditional recreational opportunities; and (3) for supplies and other direct program costs associated with providing nontraditional recreational opportunities in the county. The bill takes effect July 1, 2021.



COURTS AND CIVIL PROCEEDINGS

Judges and Court Administration

Senate Bill 7/House Bill 186 (Chapters 181/182) Courts - Court Dog Program - Veterans Treatment Courts

The Court Dog and Child Witness Program was established by Chapters 161 and 162 of 2020 to provide a facility dog or therapy dog to a child witness in any circuit court proceeding or other related court process. The program is voluntary in the circuit courts of counties that elect to participate. *Senate Bill 7/House Bill 186* rename the Court Dog and Child Witness Program to be the Court Dog Program and expand the voluntary program to any participating circuit court or District Court that offers a Veterans Treatment Court Program. A “Veterans Treatment Court” means a court-supervised, comprehensive, and voluntary treatment-based program for veterans. As of 2020, seven jurisdictions in Maryland are served by operational Veterans Treatment Courts (Anne Arundel, Dorchester, Prince George’s, Somerset, Wicomico, and Worcester counties and Baltimore City). The program’s expansion allows a facility dog or therapy dog to be provided to a veteran who is participating in a Veterans Treatment Court proceeding or related court process or meeting in the State, including (1) a status review with a judge or magistrate; (2) a meeting with an attorney; or (3) a meeting with a probation, pretrial, or court case manager. The bill takes effect October 1, 2021.

Civil Actions and Procedures

House Bill 289 (Chapter 341) Peace Orders - Workplace Violence

An individual who does not meet specified relationship requirements under the domestic violence protective order statutes may file a petition for a peace order with the District Court or the District Court commissioner that alleges the commission of specified acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition. Such acts include an act that causes serious bodily harm, an act that places the petitioner in fear of imminent serious bodily harm, harassment, stalking, trespass, and malicious destruction of property.

Among the types of relief that may be included in a final peace order are provisions requiring a respondent to refrain from committing specified acts, contact, and harassment and to stay away from a person's residence, school, or place of employment. Final peace orders can also direct the respondent or petitioner to participate in counseling or mediation and order either party to pay filing fees and costs. Relief granted in a final peace order is effective for the period stated in the order but may not exceed six months. Statutory provisions set forth circumstances under which a final peace order may be modified, rescinded, or extended and a process for the shielding of related court records.

House Bill 289 authorizes an employer to file a petition for a peace order that alleges the commission of specified acts against the petitioner's employee at the employee's workplace. An employer must notify an employee before petitioning for a peace order. The bill extends application of most statutory provisions relating to the filing, issuance, modification, and extension of peace orders and the shielding of related court records to peace orders filed by employers on this basis. The bill prohibits an employer from retaliating against an employee for not providing information for or testifying at a peace order proceeding. Under the bill, an employer is immune from civil liability that may result from the failure of the employer to file a petition on behalf of an employee; however, this immunity provision terminates October 1, 2023. The bill takes effect October 1, 2021 and October 1, 2023.

Family Law

Senate Bill 267 (Chapter 129) Family Law – Investigation of Suspected Child Abuse and Neglect – Preliminary Report to State's Attorney

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 investigate the report to protect the health, safety, and welfare of the child or children. The local department, the appropriate law enforcement agencies, the State's Attorney in each county and Baltimore City, the local health officer, and the local child advocacy center must enter into a written agreement that specifies standard operating procedures for the investigation and prosecution of suspected cases of child abuse or neglect.

Within 10 days after receiving the first notice of suspected abuse of a child who lives in this State that is alleged to have occurred in this State, the local department of social services or law enforcement agency must report the preliminary investigation findings to the local State's Attorney. Within 5 business days after the investigation is completed, the local department and the law enforcement agency, if the law enforcement agency participated in the investigation, must make a complete written report of the findings to the local State's Attorney.

Senate Bill 267 repeals the requirement for a local department of social services or a law enforcement agency to report, within 10 days after receiving the first notice of suspected child abuse that is alleged to have occurred in this State, the preliminary findings of the investigation to the local State's Attorney. According to DHS, the preliminary report is obsolete because, in accordance with the current multidisciplinary practice model, the Office of the State's Attorney is involved in a child abuse investigation at the outset of the case. The bill takes effect October 1, 2021.

Senate Bill 369/House Bill 646 (Chapters 185/186) Child Abuse and Neglect - Memorandum of Understanding With Military Family Advocacy Program

Reports and records concerning child abuse and neglect are confidential and may not be disclosed unless permitted by one of a number of statutory exceptions. The disclosure of information regarding an applicant for or recipient of social services or child welfare services is not prohibited to an officer or employee of any state or local government, the United States, or a fiduciary institution if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer public assistance, medical assistance, social services, or child welfare service programs.

Military Family Advocacy Programs are programs established by the U.S. Department of Defense to address child abuse and neglect in military families. At military institutions where a memorandum of understanding (MOU) exists between such programs and local child welfare agencies, each agency agrees to shared case management, allowing the military program to coordinate with civilian child welfare agencies and provide military-specific services when appropriate. Federal law requires the Secretary of Defense to request each state to allow for the reporting to the Secretary of any report that the state receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the U.S. Armed Forces (or a spouse of the member).

Senate Bill 369/House Bill 646 require a local department of social services that has a U.S. military installation located within its jurisdiction to enter into an MOU with the Military Family Advocacy Program. An MOU must establish procedures and protocols for (1) identifying an individual alleged to have committed abuse or neglect as military personnel; (2) reporting by a local department to a military family advocacy program when an investigation implicating military personnel has been initiated; and (3) maintaining confidentiality requirements under State and federal law. The bills take effect October 1, 2021.

Senate Bill 488/House Bill 449 (Chapters 372/373) Family Law - Marriage - Licenses and Records

Each circuit court clerk must keep in the clerk’s office a marriage license book that includes specified information, including a complete record of each license issued and a properly indexed record of the name of each individual who intends to be married. *Senate Bill 488/House Bill 449* specify that the clerk may keep this information as an electronic record. The bills also repeal obsolete references to “husband” and “wife” beneath the designated spaces for the names of the parties to be married on a marriage license and certificate and instead substitute references to “party one” and “party two.” The bills take effect October 1, 2021.

Human Relations

Senate Bill 236/House Bill 257 (Chapters 219/220) Maryland Commission on Civil Rights - Employment Discrimination - Reporting

In general, State law prohibits discrimination in employment based on an individual’s race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, genetic information, gender identity, or disability. The Maryland Commission on Civil Rights (MCCR) is the State agency charged with the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and State contracting.

On or before January 1 of each year, MCCR must submit a report on its work to the Governor and the General Assembly. *Senate Bill 236/House Bill 257* require the county office of civil rights, or other appropriate agency, in Baltimore City and Anne Arundel, Baltimore, Howard, Montgomery, and Prince George’s counties to annually report to MCCR the number of employment discrimination complaints received. For each complaint, the entities must also report (1) the type of discrimination alleged; (2) the category of job held by the complainant; (3) whether the complainant is a public or private-sector employee; (4) the complainant’s country of origin; and (5) whether the appropriate agency determined that a violation occurred. In turn, MCCR must include in its annual report a review of the county data and any recommendations for policy changes to address noted discriminatory trends. The bills take effect October 1, 2021.

Real Property

Senate Bill 686/House Bill 1023 (Chapters 523/524) Real Property – Condominiums, Homeowners Associations, and Cooperative Housing Corporations – Virtual Meetings

Senate Bill 686/House Bill 1023 permit, notwithstanding the requirements of a common ownership community’s governing documents, the applicable governing body of a cooperative housing corporation, condominium, or homeowners association to authorize any meetings to be conducted or attended by telephone conference, video conference, or similar electronic means, subject to specified standards. The bills also (1) address the use of electronic means for meeting quorum and voting and (2) establish that floor nominations are generally not required if at least one candidate has been nominated to fill each open position on a board or governing body. The inability of a member, unit owner, or lot owner to join a meeting due to technical difficulties

does not invalidate the meeting or any action taken at the meeting. The bills take effect June 1, 2021.

Senate Bill 535/House Bill 593 (Chapters 500/501) Condominiums and Homeowners Associations - Meeting Requirements

Senate Bill 535/House Bill 593 establish procedures by which a homeowners association may call an additional meeting of the board of directors or other governing body, if the number of lot owners present in person or by proxy at a meeting is insufficient to constitute a quorum. The bills also make numerous clarifying and technical changes to corresponding provisions of the Maryland Condominium Act and (1) specify that the notice of the original meeting of the council of unit owners must contain the date, time, and place of the additional meeting; (2) specify that an additional meeting called must occur no less than 15 days after the initial properly called meeting; (3) specify that notice of the additional meeting must be provided, as specified, no less than 10 days before the additional meeting; and (4) newly authorize delivery of notice of the additional meeting by advertising in a newspaper published in the county where the condominium is located or, if the condominium has a website, by posting on the homepage of the website. The bills take effect October 1, 2021.

Senate Bill 144/House Bill 110 (Chapters 455/456) Electric Vehicle Recharging Equipment for Multifamily Units Act

Senate Bill 144/House Bill 110 establish standards relating to the approval, installation, and use of electric vehicle recharging equipment in condominiums and homeowners associations. The bills take effect October 1, 2021.

House Bill 248 (Chapter 459) Condominiums and Homeowners Associations - Rights and Restrictions - Composting

House Bill 248 prohibits a condominium or homeowners association from prohibiting or unreasonably restricting an owner from contracting with a private entity to collect organic waste materials from the owner for composting at a composting facility and, for homeowners associations only, prevents the prohibition or unreasonable restriction of a lot owner from composting organic waste materials for the owner's personal or household use, as specified. The bill takes effect October 1, 2021.



CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Police Reform

House Bill 670 (Chapter 59) Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures

Due to growing concerns surrounding police misconduct, on May 30, 2020, Speaker of the House Adrienne A. Jones and House Judiciary Committee Chairman Luke Clippinger created an interim Workgroup to Address Police Reform and Accountability in Maryland. The workgroup was charged with (1) reviewing policies and procedures relating to the investigation of police misconduct, including the Law Enforcement Officers' Bill of Rights (LEOBR); (2) determining the viability of uniform statewide use of force policies and arrest procedures; (3) reviewing practices regarding the use of body cameras and disclosure of body camera footage; and (4) identifying national best practices for independent prosecution of law enforcement-related crimes.

The workgroup held eight meetings between June and October 2020 and received testimony from Maryland Police Training and Standards Commission (MPTSC), national experts on criminology and policing, public interest advocates, members of the public, law enforcement representatives, the Office of the Public Defender, and State's Attorneys.

On December 1, 2020, the workgroup published a report with 12 multi-part recommendations. Many of the recommendations were incorporated into *House Bill 670*. Numerous other pieces of legislation relating to police reform were also considered during the 2021 session.

Police Discipline and Law Enforcement Programs and Procedures: House Bill 670 takes effect July 1, 2022, as specified, and makes various changes that generally relate to law enforcement including altering requirements for police officers during traffic stops, establishing higher education financial assistance programs for police officers, increasing civil liability limits

applicable to police misconduct lawsuits, and repealing LEOBR and establishing provisions that relate to a statewide accountability and discipline process for police officers.

Traffic Stops: At the commencement of a traffic stop or other stop, absent exigent circumstances, a police officer must (1) display proper identification to the stopped individual and (2) provide to the stopped individual the officer's name, the officer's identification number, as specified, and the reason for the traffic stop or other stop. A police officer's failure to comply with these requirements (1) may be grounds for administrative disciplinary action against the officer and (2) may not serve as the basis for the exclusion of evidence under the exclusionary rule. A police officer may not prohibit or prevent a citizen from recording the police officer's actions if the citizen is otherwise acting lawfully and safely.

Educational Assistance: The Act establishes the Maryland Loan Assistance Repayment Program for Police Officers to assist in the repayment of a higher education loan owed by a police officer who meets specified requirements. The Office of Student Financial Assistance must adopt regulations to implement the program, which must include a limit on the total amount of assistance provided by the office in repaying the loan of an eligible individual, based on the individual's total income and outstanding higher education loan balance. The Governor must include an annual appropriation of at least \$1.5 million in the State budget for the program.

The Act also establishes the Maryland Police Officers Scholarship Program to provide tuition assistance. A recipient of a scholarship must meet specified requirements, including satisfying any additional criteria that the Maryland Higher Education Commission may establish. A recipient of a scholarship must repay the commission the funds received if the recipient does not satisfy or fulfill the specified program requirements. The Governor must include in the annual budget bill an appropriation of at least \$8.5 million to the commission to award scholarships, of which \$6.0 million must be used for students intending to become police officers after graduation and \$2.5 million must be used for existing police officers.

Civil Liability: The Act increases the limits on civil liability for claims subject to the Maryland Tort Claims Act (MTCA) and the Local Government Tort Claims Act (LGTC) that arise from intentional tortious acts or omissions or a violation of a constitutional right committed by a law enforcement officer to \$890,000 for all claims arising out of the same incident or occurrence, regardless of the number of claimants or beneficiaries who share in the award for both economic and noneconomic damages. For the MTCA, the limit is increased from \$400,000 to a single claimant for injuries arising from a single incident or occurrence, and for the LGTCA, the limit is increased from \$400,000 per an individual claim and \$800,000 per total claims that arise from the same occurrence. P

Police Accountability and Discipline: LEOBR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of specified State and local agencies but does not extend to any correctional officers in the State. LEOBR extends uniform protections to officers in two major components of the disciplinary process: (1) the conduct of internal investigations of complaints that may lead to a recommendation of disciplinary action against a police officer; and (2) procedures that must be followed once an investigation results in a recommendation that an officer

be discipline. The Act repeals LEOBR in its entirety and establishes new provisions relating to a discipline process for police officers.

Police Accountability Boards: The Act requires each county to have a police accountability board to (1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing; (2) appoint civilian members to charging committees and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and (5) by December 31 each year, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county. The local governing body must (1) establish the membership of a police accountability board, establish the budget and staff for a police accountability board, appoint a chair of the police accountability board who has relevant experience to the position and (2) establish the procedures for record keeping by a police accountability board. An active police officer may not be a member of a police accountability board.

House Bill 670 also establishes requirements for the contents of a complaint of police misconduct filed with a police accountability board and the process after the complaint is filed.

Administrative Charging Committees: The Act requires each county to have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county. In addition, there must be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies. The Act establishes the composition and requirements for the committees and requires that before serving as a member of an administrative charging committee, an individual must receive training on matters relating to police procedures from MPTSC.

In executing its duties, an administrative charging committee may (1) request information or action from the law enforcement agency, as specified; (2) if the police officer is not administratively charged, make a determination that the allegations against the police officer are unfounded or the police officer is exonerated; and (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

Disciplinary Matrix: ***House Bill 670*** requires MPTSC to develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the State. Each law enforcement agency must adopt the matrix.

Within 15 days after an administrative charging committee issues an administrative charge against a police officer, the chief of the law enforcement agency must offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix. The chief may offer the same discipline that was recommended by the administrative charging committee or a higher degree of discipline within the applicable range of the disciplinary matrix but may not deviate below the discipline recommended by the administrative charging committee.

If the police officer accepts the chief's offer of discipline, then the offered discipline must be imposed. If the police officer does not accept the chief's offer of discipline, then the matter must be referred to a trial board. At least 30 days before a trial board proceeding begins, the police officer must be (1) provided a copy of the investigatory record; (2) notified of the charges against the police officer; and (3) notified of the disciplinary action being recommended.

Trial Board Process: The Act requires each law enforcement agency to establish a trial board process to adjudicate matters for which a police officer is subject to discipline. A small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement.

Proceedings of a trial board must be open to the public, with specified exceptions. A law enforcement agency has the burden of proof by a preponderance of the evidence. A police officer may be disciplined only for cause. Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the employee. An appeal taken from a trial board decision must be on the record. A trial board decision that is not appealed is final.

Suspensions and Terminations: Pending an investigatory, administrative charging committee, and trial board process, the chief may impose an emergency suspension with or without pay under specified circumstances and under specified circumstances, the suspended police officer is entitled to receive back pay. The chief must terminate the employment of a police officer who is convicted of a felony and may terminate the employment of a police officer who receives a probation before judgment for a felony or is convicted of a misdemeanor committed in the performance of duties as a police officer; misdemeanor second degree assault; or a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

In connection with a disciplinary matter, a police officer may be required to submit to blood alcohol tests; blood, breath, or urine tests for controlled dangerous substances; polygraph examinations; or interrogations that specifically relate to the subject matter of the investigation; however, the test, examination, and interrogation are not admissible or discoverable in a criminal proceeding against the officer, and the polygraph examination is not admissible or discoverable in a civil or criminal proceeding against the officer. If a police officer is required to submit to a test, examination, or interrogation and the police officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal.

Victims' Rights Advocates: *House Bill 670* further requires each law enforcement agency to designate an employee as a victims' rights advocate to act as the contact for the public within the agency on matters related to police misconduct with specified duties.

Each law enforcement agency must create a database that enables a complainant to enter the complainant's case number to follow the status of the case.

Rights of Police Officers: A police officer who is the subject of a complaint of police misconduct and a complainant may have the assistance of a representative in connection with disciplinary proceedings. In addition, a police officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against or threatened in regard to the police officer's employment because the police officer (1) disclosed information that

evidences mismanagement, a waste of government resources, a danger to public health or safety, or a violation of law or policy committed by another police officer or (2) lawfully exercised constitutional rights. A police officer may not be denied the right to bring suit arising out of the police officer's official duties. A police officer has the same rights to engage in political activity as a State employee, except when on duty. A law enforcement agency may not prohibit secondary employment by a police officer.

Collective Bargaining: A law enforcement agency may not negate or alter any of the requirements of the Act through collective bargaining.

Expungement and Destruction of Records: A record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be expunged or destroyed by a law enforcement agency.

MPTSC: House Bill 670 alters the composition of the MPTSC and adds to the duties of MPTSC by requiring the commission to (1) develop a training program for individuals who will be serving as a member of a trial board, administrative charging committee, or the commission; (2) hold law enforcement agencies accountable for violations of the Maryland Use of Force Statute and work with the Comptroller and the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) to ensure that State grant funding is withheld from a law enforcement agency that violates those provisions; (3) develop and require a test and training for implicit bias (subject to the availability of implicit bias testing standards that are generally accepted by experts in the field of police psychology), as specified.

The requirements for certification of a police officer by MPTSC are expanded to require each individual to submit to (1) a specified mental health screening (instead of a psychological evaluation) and (2) a specified physical agility assessment.

The commission may suspend or revoke the certification of a police officer if the police officer violates the Maryland Use of Force Statute. The commission must revoke the certification of a police officer if the police officer was convicted of a felony, was convicted of perjury or another misdemeanor relating to truthfulness and veracity; or was previously fired or resigned while being investigated for serious misconduct or use of excessive force.

The commission must create a statewide database to track police officer decertification due to improper use of force. An individual who applies for a position as a police officer must disclose to the hiring law enforcement agency all prior instances of employment as a police officer at other law enforcement agencies and authorize the hiring law enforcement agency to obtain the police officer's full personnel and disciplinary record from each law enforcement agency that previously employed the police officer. The hiring law enforcement agency must certify to the commission that the law enforcement agency has reviewed the applicant's disciplinary record.

Swat Team Reports: House Bill 670 also restores the data collection and reporting program related to law enforcement "SWAT team" activities that was established by Chapters 542 and 543 of 2009 and that terminated June 30, 2014. Beginning July 1, 2022, the information must be reported every six months to GOCPYVS. GOCPYVS must analyze and summarize the reports

submitted by law enforcement agencies and by September 1 each year, GOCPYVS must publish the report on its website and submit it to the Governor, the General Assembly, and each law enforcement agency. GOCPYVS must report noncompliance to MPTSC. MPTSC must request compliance, and GOCPYVS and MPTSC must jointly report further noncompliance, as specified.

Use of Force Reporting: By March 1 each year, each law enforcement agency must submit to MPTSC the number of use of force complaints made against its police officers during the previous calendar year, as specified and by July 15 each year, MPTSC must post on its website and submit to the General Assembly a compendium of the information submitted by the law enforcement agencies. If a law enforcement agency has not submitted the report by July 1 for the previous calendar year, GOCPYVS may not make any grant funds available to that law enforcement agency.

Posting Complaints: The Act requires each law enforcement agency to post in a prominent public location an explanation of the procedures for filing a complaint of police officer misconduct and a request to obtain records relating to an administrative or criminal investigation of misconduct by a police officer under the Public Information Act (PIA).

The bill takes effect July 1, 2022.

Senate Bill 71 (Chapter 60) Maryland Police Accountability Act of 2021 - Body-Worn Cameras, Employee Programs, and Use of Force

Body-worn Cameras, Employee Programs, and Use of Force: Senate Bill 71 contains provisions relating to body-worn cameras (BWC), employee programs, and use of force.

Body-worn Cameras: By July 1, 2023, the Department of State Police (DSP), the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office must require the use of a BWC by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties, subject to the agency's policy on the use of BWCs. A law enforcement agency of a county that is not subject to the July 1, 2023 deadline must comply with the aforementioned requirement by July 1, 2025.

A law enforcement agency subject to the Act's BWC requirements must develop and maintain a written policy consistent with the policy published by MPTSC for the use of BWCs. The policy must specify which law enforcement officers employed by the law enforcement agency are required to use BWCs. A BWC that possesses the requisite technological capability must automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button on the device.

A law enforcement agency may not negate or alter any of the requirements or policies established in accordance with the Act through collective bargaining.

The Act extends the termination date of the Law Enforcement Body Camera Task Force from June 30, 2021, to June 30, 2023 and expands the required duties of the Task Force. The Task Force must report its findings and recommendations to the General Assembly by December 1, 2022.

Employee Programs: The Act alters a provision of current law that requires each law enforcement agency to establish a confidential and nonpunitive early intervention policy for counseling officers who receive three or more citizen complaints within a 12-month period to require the establishment of a confidential and nonpunitive early intervention system to identify police officers who are at risk of engaging in the use of excessive force and to provide the officers with training, behavioral interventions, reassignments, or other appropriate responses to reduce the risk of the use of excessive force. Such a system may not prevent the investigation of or imposition of discipline for any particular complaint. In addition, the Act requires each law enforcement agency to provide access to an employee assistance program for all police officers that the law enforcement agency employs, which must provide access to specified confidential mental health services.

Maryland Use of Force Statute: Each police officer must sign an affirmative written sanctity of life pledge to respect every human life and act with compassion toward others. A police officer may not use force against a person unless, under the totality of the circumstances, the force is necessary and proportional to (1) prevent an imminent threat of physical injury to a person or (2) effectuate a legitimate law enforcement objective. A police officer must cease the use of force as soon as (1) the person on whom the force is used is under the police officer's control or no longer poses an imminent threat of physical injury or death to the police officer or to another person or (2) the police officer determines that force will no longer accomplish a legitimate law enforcement objective. The Act also specifies duties for a police officer, a police supervisor, and a law enforcement agency relating to the use of force. A police officer who intentionally violates the Act's use of force requirements, resulting in serious physical injury or death to a person is guilty of a misdemeanor, punishable by imprisonment for up to 10 years.

General fund expenditures are projected to increase by \$2.6 million in fiscal 2023 for the Department of State Police to comply with the Act's BWC requirements. Significant expenditures are also expected for certain counties to comply with the Act's BWC requirements.

The bill takes effect June 1 and July 1, 2022.

Senate Bill 178 (Chapter 62) Maryland Police Accountability Act of 2021 - Search Warrants and Inspection of Records Relating to Police Misconduct (Anton's Law)

Search Warrants and Inspection of Records Relating to Police Misconduct: Senate Bill 178 contains provisions relating to search warrants and inspection of records relating to police misconduct.

Search Warrants: The Act requires an application for a no-knock search warrant to be approved in writing by a police supervisor and the State's Attorney. It repeals as an authorized basis for a no-knock search warrant that the property subject to seizure may be destroyed, disposed of, or secreted, and sets forth a number of items that must be included in an application for a no-knock search warrant. The Act also requires that a no-knock search warrant be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances. In addition, the Act reduces, from 15 days to 10 days, the time within which a search warrant must be executed after issuance and sets forth requirements and prohibitions for police officers while executing a search warrant.

Inspection of Records: The Act establishes that, except for a record of a “technical infraction,” a record relating to an administrative or criminal investigation of misconduct by a law enforcement officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, is not a personnel record for purposes of PIA. Thus, such records are not subject to mandatory denial of inspection under PIA; instead, they are subject to discretionary denial as provided under PIA. However, a custodian must allow inspection of such records by the U.S. Attorney, the Attorney General, the State Prosecutor, or the State’s Attorney for the jurisdiction relevant to the record. In addition, a custodian must redact the portions of a record that reflects medical information of the person in interest, personal contact information of the person in interest or a witness, or information relating to the family of the person in interest. A custodian may redact the portions of a record to the extent that the record reflects witness information. A custodian must notify the person in interest when the record is inspected, but may not disclose the identity of the requestor to the person in interest. “Technical infraction” means a minor rule violation by an individual solely related to the enforcement of administrative rules that (1) does not involve an interaction between a member of the public and the individual; (2) does not relate to the individual’s investigative, enforcement, training, supervision, or reporting responsibilities; and (3) is not otherwise a matter of public concern.

The Act must be construed to apply prospectively to any PIA request made on or after the bill’s October 1, 2021 effective date, regardless of when the requested record was created.

Search Warrant Reporting: A law enforcement agency must report specified information relating to search warrants executed by the law enforcement agency during the prior calendar year to GOCPYVS. MPTSC, in consultation with GOCPYVS, must develop a standardized format for each law enforcement agency to use in reporting the data.

GOCPYVS must analyze and summarize the reports submitted by law enforcement agencies. By September 1 each year, GOCPYVS must submit a report of the analyses and summaries to the Governor and General Assembly and publish the report on its website. If a law enforcement agency fails to comply with the reporting requirements, after specified notifications, GOCPYVS and MPTSC must jointly report the noncompliance to the Governor and Legislative Policy Committee of the General Assembly.

The bill takes effect October 1, 2021.

Senate Bill 600 (Chapter 62) Maryland Police Accountability Act of 2021 - Surplus Military Equipment and Investigation of Deaths Caused by Police Officers

According to the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS), in 2019 there were 31 police-related civilian deaths. The Medical Examiner’s Office classified 18 of the cases as a homicide by law enforcement with all of the cases involving the fatal shooting of the individual. Fifty percent of these 18 civilians were African American, 44% were White, and 6% were Hispanic or Latinx.

Senate Bill 600 seeks to increase the oversight and uniformity of investigations of civilian deaths involving a police officer by creating an Independent Investigative Unit within the Office of the Attorney General. The Unit is required to investigate all alleged or potential police-involved

deaths of a civilian, and may investigate any other crimes related to police misconduct that are discovered during an investigation. The Unit may act with the full powers, rights, privileges, and duties of a State's Attorney, including the use of a grand jury in any county. Within 15 days after the completion of an investigation, the Unit must submit a confidential report of its findings to the State's Attorney that has jurisdiction to prosecute the matter. The Governor is required to include funding in the State budget sufficient to provide for the full and proper operation of the Unit.

The bill also prohibits police departments from purchasing certain surplus military equipment, including weaponized aircrafts, drones, or vehicles, destructive devices, firearm silencers, or grenade launchers. The bill takes effect October 1, 2021.

Senate Bill 43 (Chapter 314) Criminal Law - Law Enforcement Officers - Prohibition on Sexual Activity

A law enforcement officer may not engage in sexual contact, vaginal intercourse, or a sexual act with a person in the custody of the law enforcement officer. Violators are guilty of a misdemeanor, punishable by maximum penalties of three years imprisonment and/or a \$3,000 fine. *Senate Bill 43* expands the list of individuals a law enforcement officer is statutorily prohibited from engaging in sexual contact, vaginal intercourse, or a sexual act with to include (1) a person who is a victim, witness, or suspect in an open investigation that the law enforcement officer is conducting, supervising, or assisting with if the law enforcement officer knew or should have known that the person is a victim, witness, or suspect in the investigation and (2) a person requesting assistance from or responding to the law enforcement officer in the course of the officer's official duties. The bill takes effect October 1, 2021.

House Bill 1248 (Chapter 391) Public Safety - Police Officer - Data Collection and Reporting

House Bill 1248 requires, by March 1, 2022, and each March 1 thereafter, each local law enforcement agency to report to GOCPYVS specified information on each use of force incident, for the previous calendar year, involving a police officer employed by the law enforcement agency that resulted in a monetary settlement or judgment against the law enforcement agency. GOCPYVS must (1) adopt procedures for the collection and analysis of the required information; (2) by June 30 each year, compile and submit an annual report on the required information to the General Assembly; and (3) annually post the required report on its website. The bill takes effect October 1, 2021.

Senate Bill 78 (Chapter 493) Maryland Institute for Emergency Medical Services Systems - Administration of Ketamine - Data Collection

Senate Bill 78 requires the Maryland Institute for Emergency Medical Services Systems (MIEMSS), by October 1, 2022, and annually through 2024, to collect specified data from State and local emergency medical services (EMS) providers on the administration of ketamine by EMS providers in the prior 12-month period. The data collected may not contain information that reveals the identity of an individual who received a medical treatment using ketamine. By December 1, 2022, and annually through 2024, the Director of MIEMSS must report to the General Assembly on the data collected. The bill takes effect October 1, 2021.

Senate Bill 156 (Chapter 90) Public Safety - Law Enforcement - Veterinary Care of Retired Law Enforcement K-9s Act

According to DSP, the average service life of a law enforcement dog is eight years, followed by an expected post service life of four years. *Senate Bill 156* requires a State or local law enforcement agency that removes a publicly owned dog used in law enforcement work from duty to reimburse an individual who takes possession of the dog, as specified, for reasonable and necessary veterinary treatment provided to the dog. The Act establishes limits on the amount of reimbursement and allows State and local law enforcement agencies to accept donations to meet the bill's requirements. The Act also (1) establishes the K-9 Compassionate Care Fund within DSP to provide for veterinary care of retired State law enforcement dogs adopted pursuant to the bill and (2) authorizes a local law enforcement agency to establish a separate fund, as specified. The bill takes effect July 1, 2021.

Criminal Law

House Bill 231 (Chapter 369) Crimes - Mitigation and Defense - Race, Color, National Origin, Sex, Gender Identity, or Sexual Orientation

Under certain circumstances, a homicide may be mitigated to manslaughter if a provocation recognized as being adequate as a matter of law exists. If the defense of mitigation prevails, the homicide is not malicious and the offense is reduced from murder to manslaughter. A person charged with assault in the first or second degree, reckless endangerment, or causing a prison Part E – Crimes, Corrections, and Public Safety E-3 employee to come into contact with bodily fluid may assert any judicially recognized defense. *House Bill 231* establishes that the discovery or perception of, or belief about, another person's race, color, national origin, sex, gender identity, or sexual orientation, whether or not accurate, (1) does not constitute legally adequate provocation to mitigate a killing from the crime of murder to manslaughter and (2) is not a defense to the crime of assault in any degree. The bill takes effect October 1, 2021.

Senate Bill 220/House Bill 128 (Chapters 385/386) Criminal Law - Hate Crimes - Protected Groups and Penalties

Senate Bill 220/House Bill 128 alter the list of protected classes under existing hate crime statutes to include "gender identity," as defined in § 20-101 of the State Government Article. The bills also (1) authorize a sentencing court to order a person convicted of a hate crime to complete an antibias education program and (2) require the University System of Maryland to manage the development of an antibias education program. "Gender identity" means the gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth, which may be demonstrated by consistent and uniform assertion of the person's gender identity or any other evidence that the gender identity is sincerely held as part of the person's core identity. The bills take effect October 1, 2021.

Senate Bill 505/House Bill 277 (Chapters 183/184) Criminal Law - First-Degree Child Abuse - Continuing Course of Conduct

First-degree child abuse occurs when a parent or other person who has permanent or temporary care, custody, or responsibility for the supervision of a minor commits abuse resulting in severe physical injury to or the death of the minor. A violator is guilty of a felony and subject to imprisonment for up to 25 years. If the violation results in the death of a victim who was at least age 13, a violator is subject to imprisonment for up to 40 years. A violator is subject to life imprisonment if the violation results in the death of a victim who was younger than age 13.

Second-degree child abuse occurs when a parent or other person who has permanent or temporary care, custody, or responsibility for the supervision of a minor causes abuse to a minor. A violator is guilty of a felony and subject to imprisonment for up to 15 years. A person who violates these child abuse prohibitions after being convicted of a prior violation of these provisions is guilty of a felony, punishable by imprisonment for up to 25 years. If the violation results in the death of the victim, the violator is subject to life imprisonment.

Senate Bill 505/House Bill 277 establish that it is a violation of the State’s prohibition on first-degree child abuse to engage in a continuing course of conduct that includes three or more acts of second-degree child abuse. Violators are subject to the existing penalties for first-degree child abuse. The bill takes effect October 1, 2021.

Senate Bill 607/House Bill 234 (Chapters 178/179) Criminal Law - Harm to Service Animals

Senate Bill 607/House Bill 234 prohibit a person from willfully and maliciously killing, injuring, or interfering with the use of a service animal under specified circumstances. A person who violates the prohibitions against killing or injuring a service animal is guilty of a misdemeanor and subject to imprisonment for up to two years and/or a \$2,500 maximum fine. A person who violates the prohibition against interfering with the use of a service animal is guilty of a misdemeanor and subject to imprisonment for up to one year and/or a \$1,000 maximum fine. Violators may also be ordered to pay full restitution for all damages arising out of the offense. The bill takes effect October 1, 2021.

Senate Bill 623/House Bill 425 (Chapters 145/146) Criminal Law - Crimes Involving Computers

Senate Bill 623/House Bill 425 prohibit a person from knowingly possessing “ransomware” with the intent to use the ransomware for the purpose of introduction into the computer, computer network, or computer system of another person without the authorization of the other person. The prohibition does not apply to a person who has a bona fide scientific, educational, governmental, testing, news, or other similar justification for possessing ransomware. Violators are guilty of a misdemeanor, punishable by imprisonment for up to two years and/or a maximum fine of \$5,000. The bills also (1) prohibit committing a ransomware offense – or other prohibited acts, as currently specified – with the intent to interrupt or impair the functioning of a health care facility or a public school and (2) alter existing monetary penalties for specified computer-related offenses. The bills take effect October 1, 2021.

Senate Bill 17 (Chapter 144) Criminal Law – Life-Threatening Injury Involving a Motor Vehicle or Vessel – Criminal Negligence (Wade’s Law)

Life-Threatening Injury Involving a Motor Vehicle or Vessel Existing law prohibits a person from causing the death of another due to driving, operating, or controlling a vehicle or vessel in “a criminally negligent manner.” A person acts in a criminally negligent manner when the person should be aware, but fails to perceive, that the person’s conduct creates a substantial and unjustifiable risk that manslaughter will occur and the failure to perceive is a gross deviation from the standard of care that is exercised by a reasonable person. *Senate Bill 17* establishes the offense of life-threatening injury by motor vehicle or vessel – criminal negligence. A person is prohibited from causing a life-threatening injury to another as a result of driving, operating, or controlling a motor vehicle or vessel in a criminally negligent manner. A violator is guilty of a misdemeanor, and on conviction, is subject to maximum penalties of imprisonment for one year and/or a fine of \$5,000. The bill takes effect October 1, 2021.

Senate Bill 270 (Chapter 144) Crimes - Indecent Exposure – Definition

Senate Bill 270 establishes that the offense of indecent exposure includes engaging in an act of masturbation in public, whether or not the person’s genitalia are exposed. Violators are guilty of a misdemeanor and subject to the existing statutory penalty of imprisonment for up to three years and/or a \$1,000 maximum fine. The bill takes effect October 1, 2021.

Criminal Procedure

Senate Bill 494 (Chapter 61) Juveniles Convicted as Adults - Sentencing - Limitations and Reduction (Juvenile Restoration Act)

In *Graham v. Florida*, 560 U.S. 48 (2010), the Supreme Court held that it is unconstitutional to sentence a juvenile offender to life imprisonment without the possibility of parole for non-homicide crimes. Subsequent Supreme Court decisions have provided further restrictions and guidance on the sentencing of juvenile offenders, in part due to the acknowledgement that the brain development of children necessitates treating juvenile offenders as unique from adult offenders. *Senate Bill 494* prohibits a court from imposing a sentence of life imprisonment without the possibility of parole or release on a minor convicted as an adult. It also entitles an individual to a hearing to reduce the duration of the individual’s sentence if the individual was convicted as an adult for a crime committed as a minor, was sentenced before October 1, 2021, and has been imprisoned for the offense for at least 20 years. The Act also authorizes the court to impose less than the minimum sentence required under law for a minor convicted as an adult. The bill takes effect October 1, 2021.

Senate Bill 201 (Chapter 680) Criminal Procedure - Expungement of Records

Individuals eligible for expungement must initiate the process by filing a petition with the court. An individual must also wait a certain period of time to petition for expungement, with the time period varying depending on the disposition of the case. In general, § 10-105 of the Criminal Procedure Article applies to expungements of criminal charges that resulted in a disposition other than a conviction and § 10-110 of the Criminal Procedure Article applies to expungements of convictions. Generally, a petition for expungement under § 10-105 based on an acquittal, a nolle

prosequi, or a dismissal may not be filed within three years after the disposition, unless the petitioner files a written waiver and release of all tort claims arising from the charge.

Senate Bill 201 essentially establishes automatic expungements for cases resulting in specified dispositions. Specifically, the bill requires that, beginning October 1, 2021, any police record, court record or other record maintained by the State or a political subdivision of the State relating to the charging of a crime or a civil offense under § 5-601 (c)(2)(ii) of the Criminal Law Article (possession of less than 10 grams of marijuana), including a must-appear violation of the Transportation Article, must be expunged three years after a disposition of the charge if no charge in the case resulted in a disposition other than acquittal; dismissal; not guilty; or nolle prosequi (other than nolle prosequi with a requirement of drug or alcohol treatment).

Because some defendants may qualify for expungement prior to the automatic expungement process established in the bill (if willing to waive potential tort claims), the bill also requires that notice be provided of the existing right to petition-based expungement. After disposition of all charges of a case eligible for an expungement described above, the court must notify the defendant of the defendant's right to expungement under § 10-105 of the Criminal Procedure Article (petition-based expungement). The court must notify the defendant by mail if the defendant is not present in court for the disposition. The required notice by the court must include a written form for general waiver and release of all tort claims relating to the charge or charges eligible for expungement. The bill takes effect October 1, 2021.

Senate Bill 114 (Chapter 620) Criminal Procedure - Expungement of Conviction and Subsequent Offender Penalties - Driving While Privilege Is Canceled, Suspended, Refused, or Revoked

§ 10-110 of the Criminal Procedure Article authorizes an individual convicted of any of a list of approximately 100 specified offenses or an attempt, a conspiracy, or a solicitation of any of these offenses, to file a petition for expungement of the conviction, subject to specified procedures and requirements. **Senate Bill 114** adds a conviction under § 16-303 of the Transportation Article (driving on a canceled, suspended, refused, or revoked license/privilege) to the list of offenses that can be expunged. The bill also establishes that the subsequent offender penalty under § 16-303 only applies when a person commits a violation of § 16-303 within three years of a prior conviction under § 16-303. The bill takes effect October 1, 2021.

Senate Bill 671/House Bill 445 (Chapters 370/371) Criminal Procedure – Charging Procedures – Citations

Senate Bill 671/House Bill 445 establish that a police officer is not required to charge a defendant by citation for a misdemeanor or local ordinance that carries a penalty of imprisonment for 90 days or less if the misdemeanor or violation involves serious injury or an immediate health risk. The bills also expand the offenses for which an officer may charge by citation to include possession of a controlled dangerous substance other than marijuana. The criteria that must be met before an officer may charge by citation are altered to allow for the issuance of a citation even if a defendant is subject to arrest for another criminal charge arising out of the same set of circumstances. However, the defendant must not be subject to arrest for an alleged misdemeanor involving serious injury or immediate health risks or an alleged felony arising out of the same

incident, or subject to arrest based on an outstanding warrant, as specified. The bills also make conforming changes to statutory provisions pertaining to an application to the Governor for extradition of a person charged with a crime by citation in Maryland. The bills take effect October 1, 2021.

Senate Bill 862/House Bill 366 (Chapters 594/595) District Court Commissioners - Arrest Warrants - Recall and Issuance of a Summons

An individual may file an application for a statement of charges with a District Court commissioner. After reviewing an application for a statement of charges, a District Court commissioner may issue a summons or an arrest warrant. A District Court commissioner may issue an arrest warrant only if the commissioner finds that there is probable cause to believe that the defendant committed the offense charged in the charging document and (1) the defendant previously failed to respond to a summons or citation; (2) the defendant's whereabouts are unknown and the issuance of a warrant is necessary to subject the defendant to the court's jurisdiction; (3) the defendant is in custody for another offense; or (4) there is probable cause to believe that the defendant poses a danger to another person or to the community. *Senate Bill 862/House Bill 366* authorize a District Court judge or a circuit court judge, on a finding of good cause, to recall an arrest warrant issued by a District Court commissioner and issue a summons in its place. The bills take effect October 1, 2021.

House Bill 316 (Chapter 597) Conditions of Pretrial Release - Home Detention Monitoring

Generally, under § 5-201 of the Criminal Procedure Article, in accordance with eligibility criteria, conditions, and procedures required under 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) licensed under Title 20 of the Business Occupations and Professions Article. A defendant placed in private home detention must pay the agency's monitoring fee directly to the PHDMA. According to DPSCS, the limited number of companies providing these services in the State charge fees ranging from \$10 to \$18 per day. *House Bill 316* prohibits a pretrial defendant from being required to pay a PHDMA for any costs or fees incurred if the defendant (1) qualifies as indigent under § 16-210 of the Criminal Procedure Article (eligibility for services of the Office of the Public Defender) or (2) is provided a private home detention monitoring device or global positioning system device by the State or a local jurisdiction. Instead, the State must pay a PHDMA for any costs or fees incurred by defendants who meet this criteria. The bill specifies the intent of the General Assembly that the implementation of this requirement be funded in fiscal 2022 by federal funds, subject to availability. The fiscal 2022 budget includes \$5.0 million to reflect funding provided by the American Rescue Plan to support home monitoring of individuals released early from correctional facilities due to the pandemic. The bill takes effect July 1, 2021; these provisions remain effective until one year after the end of the Governor's proclamation of the COVID-19 Catastrophic Health Emergency/State of Emergency, as specified.

House Bill 126 (Chapter 364) Public Safety – Pretrial Services Program Grant Fund – Extension and Program Requirements

Chapter 771 of 2018 established the Pretrial Services Program Grant Fund to provide grants to eligible counties to establish pretrial services programs or to improve existing pretrial services programs to comply with specified requirements. An eligible county is (1) a county that does not provide defendants with pretrial services or (2) a county that does provide defendants with pretrial services but seeks to improve the services to comply with specified requirements for grant recipients. Chapter 771 terminates June 30, 2023.

House Bill 126 prohibits a pretrial services program that receives a grant from the Pretrial Services Program Grant Fund from charging a fee to any defendant for participation in the program. The bill also extends the termination date of the fund from June 30, 2023, to June 30, 2028. The bill takes effect October 1, 2021.

House Bill 477 (Chapter 392) Court Order to Use a Cell Site Simulator or Obtain Location Information From an Electronic Device - Procedures

A “cell site simulator” is a device that mimics a cell tower and captures identifying information of electronic devices in the range of the device. A court is authorized to issue an order authorizing or directing a law enforcement officer to use a cell site simulator or obtain location information from an electronic device if there is probable cause to believe that (1) a misdemeanor or felony has been, is being, or will be committed by the owner or user of the electronic device or the individual about whom electronic location information is being sought and (2) the information sought by the cell site simulator or the location information being sought is evidence of, or will lead to evidence of, the misdemeanor or felony being investigated or will lead to the apprehension of an individual for whom an arrest warrant has previously been issued. An application from law enforcement for a court order must be in writing, be accompanied by an affidavit setting forth the basis of the probable cause, and meet specified content and procedural requirements.

House Bill 477 authorizes an application for a court order to be submitted to a judge in person, by secure fax, or by secure electronic mail. The submitted application must be accompanied by the required affidavit and a proposed court order, as specified. The applicant and judge may converse about the application in person, via telephone, or via video. A judge may issue a court order by signing the court order, indicating or writing the date and time of issuance of the order, and delivering the signed and dated court order, the application, and the affidavit to the applicant via in-person delivery, secure fax, or secure electronic mail, as specified. The bill takes effect October 1, 2021.

Senate Bill 187/House Bill 240 (Chapters 681/682) Criminal Procedure - Forensic Genetic Genealogical DNA Analysis, Searching, Regulation, and Oversight

Direct-to-consumer genetic genealogy services have expanded greatly in recent years. Once consumers have access to their genetic profile, some choose to voluntarily upload their information to third-party sites for comparison. Access to this data has been utilized by law enforcement in recent years, as it gives them an expanded DNA database in which they could find potential perpetrators of crimes, or their family members, using DNA evidence. The use of such information by law enforcement has been largely unregulated.

Senate Bill 187/House Bill 240 establish numerous requirements and procedures regarding the use of “Forensic genetic genealogical DNA analysis and search” (FGGS) by law enforcement. The bills prohibit law enforcement from initiating FGGS without first obtaining judicial authorization and certifying before the court that the forensic sample and the criminal case meet specified criteria. As part of this process, a law enforcement agent must submit a sworn affidavit, with prosecutorial approval, asserting specified facts regarding the crime being investigated, testing that has already been conducted on the forensic sample, and the progress of the investigation. The bills restrict FGGS to certain databases that meet specified notice requirements and establish requirements regarding informed consent that must be met prior to obtaining a DNA sample from a third party to assist in FGGS.

The bills also require law enforcement seeking to collect a covert DNA sample from a potential putative perpetrator or a third party to meet specified criteria, including (1) required notification to the authorizing court prior to collection of the covert sample; (2) with respect to a covert sample from a third party, an affidavit submitted by investigative authorities to the court that seeking informed consent from a third party presents specified risks to the investigation; and (3) a proffer by investigative authorities to the court of their plan to collect the sample without unduly intrusive surveillance and invasions of privacy. The bills also specify requirements regarding testing, use, and destruction of the sample. The law enforcement officer conducting the covert collection must report back to the court every 30 days about the progress of the covert collection, as specified. Absent a showing of good cause, efforts to collect a covert sample must cease after six months.

The bills also require DNA samples and genetic genealogical information to be destroyed in a specified manner, require genealogists participating in an FGGS to turn over records relating to an investigation at the completion of the investigation, and require a prosecutor to make certain disclosures regarding information obtained during an FGGS.

Furthermore, a defendant charged with a crime of violence or convicted of a crime of violence who seeks post-conviction DNA testing is entitled to seek judicial authorization for an FGGS by filing an affidavit with an appropriate court certifying that specified factors are met. The State must be notified of a defendant’s application for judicial authorization for an FGGS; the bills establish related procedural requirements, including those relating to the collection of covert DNA samples on behalf of a defendant. The bills take effect October 1, 2021.

Senate Bill 48/House Bill 193 (Chapters 85/86) Criminal Procedure - Victims of Crime - Private Room

Under Maryland law, a victim of crime or a delinquent act (or a representative in the event the victim is deceased, disabled, or a minor) has a broad range of specific rights during the criminal justice process. The State Board of Victim Services within GOCOPYVS has a mission of ensuring that all crime victims in the State receive justice and are treated with dignity and compassion through comprehensive victim services.

Senate Bill 484/House Bill 193 require a law enforcement agency to provide a victim a private room, upon request, in which the victim may report information relating to a crime under Title 3 of the Criminal Law Article. Title 3 of the Criminal Law Article specifies crimes, other

than homicide, that primarily involve injury to a person rather than property. Those crimes include (1) suicide; (2) assault, reckless endangerment, and related crimes; (3) sexual crimes; (4) robbery; (5) kidnapping; (6) abuse and other offensive conducts; (7) extortion and other threats; (8) stalking and harassment; (9) surveillance and other crimes against privacy; (10) threat of mass violence; (11) human trafficking; and (12) labor trafficking. The Acts also require the State Board of Victim Services to develop a poster to notify victims of the right to request a private room and require each law enforcement agency to display the poster. The bills take effect July 1, 2021.

Senate Bill 494 (Chapter 61) Juveniles Convicted as Adults - Sentencing - Limitations and Reduction (Juvenile Restoration Act)

In *Graham v. Florida*, 560 U.S. 48 (2010), the Supreme Court held that it is unconstitutional to sentence a juvenile offender to life without the possibility of parole for nonhomicide crimes. In *Miller v. Alabama*, 567 U.S. 460 (2012), the U.S. Supreme Court held that a mandatory sentence of life without the possibility of parole may not be imposed on a juvenile offender. However, courts may still impose life imprisonment without the possibility of parole on a juvenile offender after considering mitigating factors. In *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), the court held that *Miller* applies retroactively and that states may remedy sentences that are in violation of *Miller* by extending parole eligibility to, rather than resentencing, offenders mandatorily sentenced to life without the possibility of parole for crimes they committed as juveniles.

Senate Bill 494, the Juvenile Restoration Act, authorizes a court, when sentencing a minor convicted as an adult, to impose a sentence less than the minimum term required under law and is prohibited from imposing a sentence of life imprisonment without the possibility of parole or release. The Act also authorizes an individual to file a motion with the court to reduce the duration of the individual's sentence if the individual (1) was convicted as an adult for an offense committed when the individual was a minor; (2) was sentenced for the offense before October 1, 2021; and (3) has been imprisoned for at least 20 years for the offense.

If an individual files a motion to reduce the duration of the sentence under the Act's provisions, the court must conduct a hearing and the individual must be present at the hearing unless that right is waived. This requirement may be satisfied if the hearing is conducted by video conference. The individual may introduce evidence in support of the motion at the hearing, and the State may introduce evidence in support of or in opposition to the motion at the hearing. Notice of the hearing must be given to the victim or the victim's representative, as specified.

After a hearing, the court may reduce the duration of a sentence imposed if the court determines that the individual is not a danger to the public and the interests of justice will be better served by a reduced sentence. The court must consider specified factors when determining whether to reduce the duration of a sentence, including (1) the individual's age at the time of the offense; (2) the nature of the offense and the history and characteristics of the individual; (3) whether the individual has substantially complied with the rules of the institution in which the individual has been confined; (4) whether the individual has completed an educational, vocational, or other program; (5) whether the individual has demonstrated maturity, rehabilitation, and fitness to reenter society sufficient to justify a sentence reduction; (6) any statement offered by a victim or

a victim's representative; (7) any report of a physical, mental, or behavioral examination of the individual conducted by a health professional; (8) the individual's family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system; (9) the extent of the individual's role in the offense and whether and to what extent an adult was involved in the offense; (10) the diminished culpability of a juvenile as compared to an adult, including an inability to fully appreciate risks and consequences; and (11) any other factor the court deems relevant.

The court must issue a written decision that addresses the specified factors. If the court denies or grants, in part, a motion to reduce the duration of the sentence, the individual may not file a second motion for at least three years. If the court denies or grants, in part, a second motion to reduce the duration of the sentence, the individual may not file a third motion for at least three years. With regard to any specific sentence, an individual may not file a fourth motion to reduce the duration of the sentence. The bill is effective October 1, 2021.

House Bill 180 (Chapter 393) Juveniles - Sexting

In the case of *In re: S.K.*, 466 Md. 61 (2019), the Maryland Court of Appeals upheld a juvenile court's ruling that a 16-year-old girl who texted to her friends a video of herself participating in a consensual sexual act with another person was delinquent under statutory prohibitions against distribution of child pornography and displaying an obscene item to a minor. In the opinion, the Court of Appeals noted that other states have responded to the issues surrounding teenage sexting with specific legislation, including provisions such as separate offenses as applied to minors, affirmative defenses for minors, and lower penalties if the minor is found delinquent. Further, the court noted that Maryland has not passed any such legislation and recognized that there may be compelling reasons for treating teenage sexting differently than child pornography. The court stated that while legislation to specially address sexting by minors has been unsuccessful in the past, "in light of these policy concerns, such legislation ought to be considered by the General Assembly in the future."

House Bill 180 establishes special procedures for juveniles who commit certain offenses involving or arising out of sexting. Specifically, the bill (1) establishes that, in juvenile court proceedings for violations of specified obscenity and child pornography laws, it is a mitigating factor that the violation involved or arose out of sexting; (2) prohibits the juvenile court from making certain dispositions for these violations, except under certain circumstances; (3) authorizes the juvenile court to order a child to participate in an educational program on the risks and consequences of sexting; and (4) establishes that a child who violates a provision of Title 11, Subtitle 2 of the Criminal Law Article (Obscene Matter) is not subject to sex offender registration.

Sexting means (1) the sending of a photograph, image, or video that depicts sexual conduct or sexual excitement, as those terms are defined in § 11-101 of the Criminal Law Article, of oneself to another or of oneself and the recipient by mobile telephone, computer, or other electronic or digital device or (2) the receipt and retention of a photograph, image, or video described above. Sexting does not include conduct described above if (1) the sender is more than four years older than the recipient; (2) the recipient is more than four years older than the sender; (3) the child did

not consent to committing the conduct constituting the violation; or (4) the child was coerced, threatened, or intimidated into committing the conduct constituting the violation.

It is a mitigating factor in a juvenile court proceeding for a violation of § 11-203 (sale or display of obscene item to minor), § 11-207 (production or distribution of child pornography), or § 11-208 (possession of child pornography) of the Criminal Law Article that the violation involved or arose out of sexting. When determining a disposition on a finding that a child committed a violation of §§ 11-203, 11-207, or 11-208, the juvenile court (1) must take into consideration whether the mitigating factor described above applies to the case; (2) may not make a disposition of community detention or commit the child to the custody or under the guardianship of the Department of Juvenile Services (DJS), the Maryland Department of Health, or a public or licensed private agency if the violation involved or arose out of sexting, unless the court finds and explains on the record, verbally and in writing, that extraordinary circumstances exist to warrant committed custody; and (3) may order a child whose violation involved or arose out of sexting to participate in an age-appropriate educational program on the risks and consequences of possessing, sending, displaying, and publishing photographs, images, and videos that depict sexual conduct or sexual excitement. The bill takes effect October 1, 2021.



TRANSPORTATION AND MOTOR VEHICLES

Transportation - Generally

Senate Bill 81/House Bill 414 (Chapters 738/739) Southern Maryland Rapid Transit Project - Funding

This bill requires the Governor, through 2027, to include in the annual State budget an appropriation from the Transportation Trust Fund (TTF) of at least \$5.0 million, contingent on the receipt of federal funds to be used to provide matching funds needed to conduct an environmental impact study under the National Environmental Policy Act (NEPA) for the Southern Maryland Rapid Transit Project. Maryland Department of Transportation (MDOT) must promptly undertake all steps necessary to complete the design, engineering, and NEPA process and secure a record of decision for the project. The bill however, does not directly affect Prince George's County's operations or finances directly. The bill takes effect July 1, 2021.

Vehicle Laws – Rules of the Road

Senate Bill 501 (Chapter 643) Towing or Removal of Vehicles From Parking Lots – Placement of Signs – Regional Malls

Under current statute, the owner or operator of a parking lot may not have a vehicle towed or otherwise removed from the parking lot unless the owner, operator, or agent has conspicuously placed signs that indicate, among other things. State law currently requires the vehicle be available

for reclamation 24 hours per day, seven days per week. At least one such sign must be placed for every 7,500 square feet of parking space in the parking lot. Generally, when a vehicle is towed from a parking lot, the person in possession of the vehicle (1) must immediately deliver the vehicle directly to the storage facility stated on the required signage; (2) may not move the towed vehicle from that storage facility to another storage facility for at least 72 hours; and (3) must provide the owner of the vehicle with immediate and continuous opportunity to retake possession.

This bill requires signage with specified towing information to be placed at every entrance to the parking lot of a “regional mall” defined as a shopping mall with at least 400,000 square feet of gross leasable area and two anchor stores. This bill takes effect October 1, 2021.

Senate Bill 20/House Bill 115 (Chapters 612/613) Vehicle Laws - Canceled, Revoked, and Suspended Driver's Licenses - Penalties

This bill generally eliminates imprisonment as a possible penalty for a person convicted of displaying a canceled, revoked, or suspended license. The bill also reduces the points assessed (from 12 to 3) for these violations. While minimal, Prince George’s County expenditures may decrease beginning in FY 2022 due to fewer people being imprisoned in local detention facilities under the bill, however, revenues are not affected. This bill takes effect October 1, 2021.

Senate Bill 293/House Bill 118 (Chapters 165/166) - Vehicle Laws - Injury or Death of Vulnerable Individual - Penalties

This bill prohibits an individual from causing the serious physical injury or death of a “vulnerable individual” as a result of the individual operating a motor vehicle in violation of any rule of the road specified in the Maryland Vehicle Law.

A “Vulnerable individual” is defined as a pedestrian, including an individual:

- (1) working on a highway or utility facility along a highway; (2) providing emergency services on a highway; or (3) on a sidewalk or footpath;
- an individual lawfully riding or leading an animal on a highway, shoulder, crosswalk, or sidewalk; or
- an individual who is lawfully operating or riding – on a highway, shoulder, crosswalk, or sidewalk – a bicycle, farm tractor or other farm equipment, play vehicle, motor scooter, motorcycle, animal-drawn vehicle, electric personal assistive mobility device (EPAMD), or wheelchair.

A violator is guilty of a misdemeanor and is subject to a maximum fine of \$2,000. An individual charged with a violation must appear in court and may not prepay the fine. The court may, in addition to imposing a fine, order a violator to participate in a motor vehicle safety course and perform up to 150 hours of community service. The Motor Vehicle Administration (MVA) must suspend the driver’s license of an individual convicted of a violation for at least seven days and up to six months. This bill takes effect October 1, 2021.



BUSINESS AND ECONOMIC ISSUES

Business Occupation

Senate Bill 762 (Chapter 708) Maryland Electricians Act - Revisions

The State Board of Master Electricians within the Maryland Department of Labor issues master electrician licenses to qualified individuals under the Maryland Master Electricians Act. Each county is required to adopt licensing qualifications comparable to or more stringent than specified State qualifications or require a State license and enforce compliance with State licensing requirements. Throughout the 2020 interim, the Workgroup to Study Licensing and the Provision of Electrical Services in Maryland convened to study statewide licensing for master, apprentice, journeyman, and low-voltage electricians; the role of local governments in licensure; and other issues.

Senate Bill 762 implements many of the recommendations of the workgroup. The bill repeals local authority to issue electrical licenses beginning on July 1, 2021, and replaces it with authority to issue registrations. The bill also establishes statewide electrician licenses for journeymen and apprentices, a statewide electrical code, continuing education requirements, and enforcement authority for the renamed State Board of Electricians. In addition, at least one licensed master electrician or journeyman electrician must be present at each job site where

electrical services are provided. The bill further includes an intent provision clarifying that the amended Maryland Electricians Act continue to be interpreted to not apply to the low-voltage industry or the provision of limited energy services. The bill takes effect July 1, 2021.

Business Regulation

Senate Bill 135/House Bill 261 (Chapters 407/408) Business Regulation – Battery–Charged Fence Security Systems – Regulation

Senate Bill 135/House Bill 261 define “battery-charged fence system” as a security system and establish a basic regulatory framework and limitations for local governments. Specifically, the bills authorize local governments to (1) require a person who provides a battery-charged fence security system to comply with a local alarm ordinance or with local registration or permit requirements; (2) require a person who operates or causes to be operated a battery-charged fence security system to comply with a local alarm ordinance or with local registration or permit requirements; (3) require an installer, on completion of a newly installed battery-charged fence security system, to submit to the local government an affidavit containing specified information; and (4) inspect the newly installed system after receipt of an affidavit, as specified. However, a local government may not (1) impose additional installation or operational requirements; (2) require additional permits or fees, as specified; (3) prohibit the use of a battery-charged fence security system that is intended to be used for security; or (4) require additional permits or fees, other than those specified in the bills. The bills take effect October 1, 2021.

Public Service Companies

Senate Bill 66 (Chapter 74) Department of Housing and Community Development - Office of Statewide Broadband - Established (Digital Connectivity Act of 2021)

In 2017, Executive Order 01.01.2017.14 established the Office of Rural Broadband (ORB) within the Department of Information Technology; in 2020, the office was moved to instead be housed within the Department of Housing and Community Development (DHCD). The purpose of ORB is to support the State’s efforts to provide affordable, high-speed Internet service to every Maryland home.

The COVID-19 pandemic, and the remote work and schooling necessitated by it, served to highlight both the importance of reliable broadband service and the lack of such service in various portions of the State. *Senate Bill 66* establishes the Office of Statewide Broadband (OSB) within DHCD as the successor to ORB, and gives OSB expanded responsibilities. The Governor must include sufficient funding in the annual operating budget to employ two additional staff members. Among other new responsibilities, OSB must:

- prepare a statewide plan by July 1, 2022, which must be submitted to the Governor and the General Assembly, to (1) ensure 98% connectivity to universal, affordable, reliable broadband Internet by December 31, 2025; (2) ensure that every resident of the State has the ability to connect to broadband Internet that exceeds the Federal Communications Commission (FCC) standard for

upload and download speeds by December 31, 2026; and (3) establish key performance indicators relating to infrastructure, adoption, and speed;

- create a statewide audit of the availability, reliability, and affordability of broadband Internet services in every county, which must include specified data;

- collect pricing data directly from broadband Internet providers and assess the actual upload and download speeds experienced by consumers;

- create a website that houses a publicly accessible map that shows (in addition to any information provided by FCC) which residences do and do not have access to broadband Internet, prices and plans in different areas, and other available State geographic and demographic data;

- review existing laws, policies, and regulations regarding access to the rights-of-way and easements of public utilities and recommend changes to encourage the development of broadband Internet;

- support efforts to increase the digital literacy of residents, nonprofit organizations, and business owners;

- collaborate with local education agencies and community colleges to ensure that students have the ability to connect to broadband Internet that allows for full engagement in remote learning without disruptive lagging and periodic disconnection; and

- estimate and identify the amount and type of funding needed to connect residents to affordable high-speed Internet.

The Act also establishes the Digital Inclusion Fund and the Digital Connectivity Fund within DHCD to provide grants to local governments and nonprofits to increase access to high-speed Internet and to assist in the development of affordable broadband Internet infrastructure, as specified. The Act also transfers the Rural Broadband Assistance Fund from the Department of Commerce to OSB, though spending from that fund is still subject to the Rural Broadband Coordination Board. The Act terminates June 30, 2030.

The fiscal 2022 budget includes \$300.0 million of federal stimulus funds for broadband initiatives, including the deployment of infrastructure and subsidized devices and services for low-income households. There is also language in the budget bill directing that, on enactment of *Senate Bill 66*, OSB will manage the funds. The bill took effect upon enactment.

Horse Racing and Gaming

House Bill 940 (Chapter 356) Gaming - Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering - Supplementary Appropriation

Chapter 492 of 2020 authorized sports and event wagering generally, subject to voter referendum, which was approved by Maryland voters in November 2020. *House Bill 940*, an emergency bill, implements sports wagering in the State and provides for regulation of sports wagering and fantasy gaming competitions. The State Lottery and Gaming Control Commission (SLGCC) must generally regulate sports wagering to the same extent that it regulates the operation

of video lottery terminals (VLT) and table games in the State. SLGCC must report annually by December 1 to the Governor and the General Assembly regarding the operation of sports wagering.

House Bill 940 establishes the Sports Wagering Application Review Commission (SWARC) to review and award applications for sports wagering facility and mobile sports wagering licensure. A sports wagering facility licensee may accept wagers made by an individual physically present on the licensee's specified property. Sports wagering facility licensees designated in the bill include video lottery operators with more than 1,000 VLTs and specified professional sports franchises (Class A-1), video lottery operators with 1,000 or fewer VLTs and a specified horse racing licensee (Class A-2), and the Maryland State Fairgrounds and certain satellite simulcast betting and commercial bingo facilities (Class B-1 or B-2). Class B-2 licenses are reserved for applicants with less than (1) 25 employees or (2) \$3,000,000 in annual gross receipts. Applicants may also compete for an additional 30 Class B-1 or B-2 facility licenses and 60 mobile sports wagering licenses. Mobile wagers are restricted to individuals physically located in the State. SWARC must actively seek to achieve diversity when awarding licenses and encourage small, minority, and women-owned businesses to apply for sports wagering licenses. Licensees retain 85% of sports wagering proceeds, with the remainder distributed to the Blueprint for Maryland's Future Fund (BMFF). Certain other revenues are distributed to the Problem Gambling Fund and the newly established Small, Minority-Owned, and Women-Owned Business Sports Wagering Assistance Fund, the purpose of which is to provide grants or loans to small, minority-owned, and women-owned businesses to facilitate participation in the sports wagering industry.

In addition to the regulation of sports wagering, **House Bill 940** requires fantasy competition operators to register with SLGCC before offering a fantasy competition or related services in the State and requires fantasy competition operators to remit certain proceeds to SLGCC, which in turn distributes the funds to the BMFF.

Lastly, the bill (1) requires the Governor to include in the State budget for fiscal 2023 an appropriation of \$1,500,000 each for Morgan State University and Bowie State University to establish centers for the study of data analytics and sports gaming at each university and (2) from sports wagering proceeds credited to the BMFF for fiscal 2022, includes supplementary appropriations for certain programs authorized by Chapter 36 of 2021. The bill took effect upon enactment.

House Bill 532 (Chapter 692) Gaming - Video Lottery Facilities - Payout Percentages, Distribution of Proceeds, and Building Restrictions

Generally, 82% of the local impact grants must go to the local jurisdictions with video lottery facilities to be used for infrastructure improvements; facilities; public safety; sanitation; economic and community development, including housing; and other public services and improvements primarily in the communities in immediate proximity to the video lottery facilities.

For Anne Arundel and Prince George's counties and Baltimore City, the local impact grants attributable to the 82% must be evenly split between the three jurisdictions. However, Anne Arundel County and Baltimore City may not receive less than the amount they received in the fiscal year before the video lottery operation license for Prince George's County was issued (fiscal

2016). To the extent that this hold harmless provision results in a distribution to Baltimore City or Anne Arundel County that exceeds one-third of the amount to be distributed among the three jurisdictions, the Prince George's County impact grant is reduced by the equivalent amount.

In fiscal 2016, the fiscal year before the video lottery operation license for Prince George's County was issued, Anne Arundel County received \$18.4 million and Baltimore City received \$7.6 million in local impact grants attributable to the 82% distribution. Thus, the hold harmless provision guarantees that Anne Arundel County and Baltimore City annually receive no less than those amounts.

Since fiscal 2017, the one-third split has resulted in substantially more local impact grant funding for Baltimore City than it received in fiscal 2016, meaning that Prince George's County's local impact grants are not affected by Baltimore City local impact funding results. However, the hold harmless provision does result in annual impact grant funding for Anne Arundel County that exceeds its otherwise one-third split. Thus, the one-third split for Prince George's County is reduced by an equivalent amount each year. In fiscal 2022, this amount is estimated to be \$3.9 million. Over time, the effect of the hold harmless provision will decrease as VLT proceeds and, thus, local impact grant funding, increase. By fiscal 2026, for example, the equal and opposite impact on Anne Arundel County and Prince George's County is estimated at \$2.9 million. It is also estimated that the hold harmless provision will no longer impact distributions among the three jurisdictions by fiscal 2039.

House Bill 532 requires local impact grants distributed to Anne Arundel County as a result of the hold harmless provision to be distributed from the State Lottery Fund, instead of being allocated from Prince George's County's local impact grants. Thus, this provision of the bill (1) increases the distribution to Prince George's County of \$3.9 million of VLT revenues in fiscal 2022 and \$2.9 million by fiscal 2026 and (2) offsets the equivalent annual decreases in VLT distributions to Anne Arundel County with distributions from the State Lottery Fund. The distributions from the State Lottery Fund effectively result in a decrease in general fund revenues. The bill takes effect July 1, 2021.

Economic Development

Senate Bill 496 (Chapter 39) Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act

The Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families Act (also known as the RELIEF Act), **Senate Bill 496**, is an emergency bill that provides income tax relief, economic impact payments, and other forms of assistance to businesses and employers struggling from the fallout of the COVID-19 pandemic. The Act funds several initiatives that promote economic development and recovery in the State through the Recovery Now Fund.

The Maryland Economic Development Assistance Authority and Fund in the Department of Commerce receives the following funding:

- \$10.0 million to provide grants of up to \$9,000 to businesses that (1) do not engage in a business activity that requires the business to collect sales and use tax and (2) can demonstrate a need for assistance. At least 15% of the funds must be distributed to disadvantaged businesses;

- \$10.0 million to provide funding to local governments to provide grants of up to \$25,000 to businesses that (1) are considered hotels, motels, or bed-and-breakfast inns and (2) can demonstrate a need for assistance. If a business is a part of a franchise with multiple locations, the business must be owned by a local franchise;

- \$22.0 million to provide local governments with funding to distribute grants of up to \$12,000 to businesses that (1) are primarily engaged as caterers, drinking places, restaurants, or other eating places and (2) demonstrate a need for assistance. At least 15% of the amount of the grants distributed must be distributed to disadvantaged businesses; and

- \$500,000 to provide grants to assist businesses with setting up an online sales framework and to offer employees telework opportunities.

Other funding directly relevant to economic development includes the following:

- the Maryland State Arts Council (MSAC) receives \$5.0 million to provide emergency grants to artists, art districts, and art organizations;

- the Small, Minority, and Women-Owned Businesses Account (SMWOBA) receives \$10.0 million to be used in accordance with Title 5, Subtitle 15 of the Economic Development Article;

- the Maryland Technology Development Corporation (TEDCO) receives \$1.5 million to provide grants to rural and agricultural businesses in the State;

- the Maryland Agricultural and Resource-Based Industry Development Corporation receives \$2.0 million to provide grants to rural and agricultural businesses; and

- the Maryland Tourism Development Board receives \$1.0 million to market small businesses for tourism.

The Maryland Small Business Development Financing Authority is also authorized to convert up to \$50,000 of coronavirus pandemic-related financing provided to a small business in fiscal 2021 or 2022 into a grant.

The bill took effect upon enactment.

Senate Bill 256 (Chapter 250) Arts and Entertainment Districts – Artistic Work and Arts and Entertainment Enterprise – Definitions

Maryland was among the first states to enact an arts or cultural district designation program through legislation in 2001. Since then, 29 districts have been designated as arts and entertainment districts in which artists may receive tax benefits if they are engaged in certain artistic works. *Senate Bill 256* alters the definition of “artistic work” by (1) explicitly stating that the work may be generated either alone or with others; (2) explicitly including certain types of art, such as a photograph, functional art, storytelling, and digital or new media; and (3) explicitly including products generated through a combination of the listed categories. The definition of “arts

entertainment enterprise” is broadened to include creating, selling, or sharing artistic work rather than only visual or performing arts. The bill takes effect July 1, 2021.

Housing and Community Development

Senate Bill 496 (Chapter 39) Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act

The Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families Act (also known as the RELIEF Act), *Senate Bill 496*, is an emergency bill that provides income tax relief, economic impact payments, and other forms of assistance to businesses and employers struggling from the fallout of the COVID-19 pandemic. The Act funds several initiatives that promote community development and recovery in the State through the Recovery Now Fund. The Department of Housing and Community Development (DHCD) receives the following funding:

- \$20.0 million to distribute to local governments to provide grants to nonprofits that can demonstrate need, with priority given to organizations that have not received assistance through the Neighborhood Revitalization Program;
- \$15.0 million to provide grants to pay for up to 30 days of emergency housing;
- \$10.0 million in funding to provide grants to live entertainment venues or promoters of live performances, with priority to those that (1) suffered closures or cancellations due to capacity limitations because of the pandemic and (2) did not previously receive adequate State or federal stimulus funds to cover fixed costs; and
- \$2.0 million to establish a grant program to help preserve the State’s main street economies.

The bill took effect upon enactment.

Senate Bill 509 (Chapter 707) National Capital Strategic Economic Development Program - Eligibility and Funding

Chapter 732 of 2019 established the National Capital Strategic Economic Development Program. The program provides financial assistance to specified government agencies, entities controlled by housing authorities, and community development organizations in the “national capital region” for community enhancement projects. *Senate Bill 509* redefines “national capital region” to mean a sustainable community in Montgomery County or Prince George’s County and permanently extends program funding mandates totaling \$7.2 million annually beyond fiscal 2025. The bill takes effect July 1, 2021.

Senate Bill 365 (Chapter 91) The Neighborhood Business Development Program

The Neighborhood Business Development Program provides grants and loans to community-based economic development activities in revitalization areas designated by local governments. Senate Bill 365 expands the purposes of the program to include retaining (in addition to creating) small businesses and other food-related enterprises that provide access to healthy food and increases the cap on loans available. It also specifies that loans can be used for operating costs

incurred in providing access to healthy food in food deserts and requires DHCD to forgive such loans after five years if the recipient maintains continuous operations at the same location during that time. The bill takes effect July 1, 2021.

Senate Bill 687/House Bill 90 (Chapters 751/752) State and Local Housing Programs - Affirmatively Furthering Fair Housing

Senate Bill 687/House Bill 90 require DHCD to administer programs related to housing and community development in a manner that affirmatively furthers fair housing and ensure that it is collaborating with and supporting nonprofit and governmental entities devoted to furthering fair housing. The bills also prohibit DHCD from taking any action materially inconsistent with this requirement. Furthermore, political subdivisions and housing authorities are required to submit an assessment of fair housing to DHCD as part of the housing element of a comprehensive plan.

On or before December 1, 2023, and every five years thereafter, DHCD must submit a report to the Governor and to the General Assembly on, among other things, the efforts by the State, political subdivisions, and housing authorities to promote fair housing choice and racial and economic housing integration, and the results of those efforts. Finally, local jurisdictions are required to affirmatively further fair housing through their housing and urban development programs. To ensure this requirement is met, the housing element of a comprehensive plan enacted or amended on or after January 1, 2023, must include an assessment of fair housing. The bills take effect October 1, 2021, and January 1, 2022.

Unemployment Insurance

Senate Bill 496 (Chapter 39) Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act

With respect to UI issues, *Senate Bill 496* the Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act (1) exempts from the State income tax the UI benefits received by an individual whose federal adjusted gross income does not exceed a certain amount for taxable years 2020 and 2021; (2) sets a “computation date” of July 1, 2019, for an employer’s experience rating, if that date results in a lower rate of contribution, through the second July 1 after the COVID-19 state of emergency ends; and (3) authorizes employers employing fewer than 50 employees to defer contribution payments for certain quarters in calendar 2021 and authorizes nonprofit organizations and government entities of the same size to defer certain reimbursement payments during the same period of time. Additionally, the RELIEF Act authorizes the Secretary of Labor to allow such entities to further defer payments and reimbursements in 2022.

Other provisions of the Act provide funding for three specific purposes related to UI. First, the Act provides \$32.0 million for the Revenue Administration Division within the Office of the Comptroller to provide \$1,000 grants to individuals who have not received UI benefits as a result of pending adjudication of their claims. Supplemental Budget No. 5 contains an additional \$8.0 million for this purpose. Second, the Act provides \$3.0 million for DUI to “augment staffing to assist Maryland residents with accessing unemployment insurance benefits.” Third, the Act

provides \$1.0 million for a contract with a professional marketing and communications firm to develop and implement a marketing campaign for the State's Work Sharing Program. The enacted legislation went into effect on February 15, 2021.

Senate Bill 819/House Bill 1139 (Chapters 53/52) Unemployment Insurance - Weekly Benefit Amount - Income Disregard

Generally, an eligible UI claimant must be paid a weekly benefit amount that is computed by (1) determining the claimant's weekly benefit amount based on qualifying income; (2) adding any allowance for a dependent to which the claimant is entitled; and (3) subtracting any wages exceeding \$50 payable to the claimant for the week. *Senate Bill 819/House Bill 1139* temporarily increase from \$50 to \$200 the wages that are disregarded for purposes of determining a UI claimant's weekly benefit amount. The Acts terminate concurrent with the expiration of the state of emergency declared by the Governor due to the COVID-19 pandemic, at which point the income disregard level will return to \$50. The enacted legislation went into effect on April 9, 2021.

Labor and Industry

House Bill 581 (Chapter 736) Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

On March 5, 2020, the Governor declared a state of emergency and the existence of a catastrophic health emergency to deploy resources to control and prevent the spread of COVID-19. The declaration has been renewed several times (most recently March 18, 2021) and has resulted in, among other things, a stay-at-home order, and required closure of all nonessential businesses until May 15, 2020. *House Bill 581* is an emergency bill that establishes various safety protections and benefits for "essential workers" and various requirements for "essential employers," when the Governor proclaims a catastrophic health emergency due to a communicable disease. The bill defines "essential worker" as an individual who performs a duty or work responsibility during an emergency that cannot be performed remotely or is required to be completed at the worksite and provides services that the essential employer determines to be essential or critical to its operations. "Essential employer" is a person that employs an essential worker and includes a unit of State or local government. The bill applies to essential employers in industries and sectors identified by the Governor or a federal or State agency as critical to remain in operation during the emergency.

The bill generally requires that an essential employer comply with existing federal and State safety standards, provide safety equipment (subject to availability), take proactive steps to minimize the risk of transmission of the communicable disease that is the subject of the emergency, and pay for the cost of testing if an essential worker does not have access to a free test or if insurance or other benefits do not cover the cost of the test. If the federal or State government provides funding for public health emergency leave, an essential employer must provide up to 112 hours of paid leave for full-time workers and lesser amounts for part-time workers. In addition, an essential worker has a right to refuse to perform an assigned task under State occupational safety and health standard standards. Further, essential workers may file complaints with the

Commissioner of Labor and Industry, who is responsible for enforcing the bill's provisions. The bill took effect upon enactment.

Senate Bill 801/House Bill 1154 (Chapters 587/588) Labor and Employment – Economic Stabilization Act – Alterations

The Economic Stabilization Act establishes a quick-response program to provide both employers and employees with services to help mitigate the impact on employees due to a reduction in operations. *Senate Bill 801/House Bill 1154* alter definitions, thresholds, and notification requirements for employers under the Economic Stabilization Act. Among the changes, the bills establish two exemptions from the notice requirement, specify that the chief local elected official needs to be notified (rather than all elected officials), and clarify that a seller and a purchaser must provide notice when all or part of a business is sold. The bills take effect October 1, 2021.

Statewide Alcoholic Beverages

Senate Bill 205/House Bill 12 (Chapters 140/141) Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption

On March 19, 2020, in response to the spread of COVID-19 in the State and citing the protection of public health by furthering the goals of social distancing and promotion of compliance with isolation and quarantine protocols, the Governor issued an executive order expanding alcoholic beverage delivery and carryout services. The order allowed licensed establishments to deliver or sell alcoholic beverages for off-premises consumption despite any restrictions inherent in their licenses. The order remains effective until after the termination of the state of emergency and rescission of the proclamation of a catastrophic health emergency.

Senate Bill 205/House Bill 12 authorize local alcoholic beverages licensing boards to adopt regulations authorizing specified license holders to provide alcoholic beverages by delivery or sale for off-premises consumption on a temporary basis. In considering whether to adopt these regulations, a local licensing board must weigh the need to promote economic recovery for small businesses in the wake of the COVID-19 pandemic and the need to protect public health and welfare.

The bills limit an alcoholic beverages license holder to delivering or selling alcoholic beverages that are authorized under its license. Local licensing boards may not increase a license fee or otherwise charge extra for the expanded privileges authorized under the bills, but may set a limit on the amount of alcohol that may be sold or delivered in a single transaction. The bills take effect July 1, 2021.

House Bill 185 (Chapter 527) Alcoholic Beverages - On-Sales - Required Multiple Purchases

House Bill 185 prohibits an alcoholic beverages license holder in the State, or an employee of a license holder, from conditioning the sale of alcoholic beverages for on-premises consumption on the purchase of more than one serving of an alcoholic beverage at a time. The issuer of an

alcoholic beverages license may revoke or suspend the license for violating this prohibition. In addition, the bill establishes criminal penalties for a violation, which include a fine or possible imprisonment. The bill takes effect October 1, 2021.



HEALTH AND HUMAN SERVICES

Public Health - Generally

Senate Bill 52/House Bill 78 (Chapters 749/750) Public Health – Maryland Commission on Health Equity (The Shirley Nathan–Pulliam Health Equity Act of 2021)

Senate Bill 52/House Bill 78 establish the Maryland Commission on Health Equity. Among other duties, the commission must (1) examine and make recommendations regarding incorporating health considerations into decision making, implicit bias training, training on collection of patient self-identified data, and specified national standards; (2) foster collaboration between units of government and develop policies to improve health and reduce health inequities; (3) identify measures for monitoring and advancing health equity in the State; and (4) establish a State plan for achieving health equity in alignment with other statewide planning activities.

The commission, in collaboration with the State-designated health information exchange (HIE), must establish an advisory committee to make recommendations on data collection, needs, quality, reporting, evaluation, and visualization. The recommendations include defining the parameters of a health equity data set to be maintained by the HIE, the contents of which shall be aggregated and reported to the public or the commission. The bills take effect October 1, 2021.

Senate Bill 172/House Bill 463 (Chapter 741/742) Maryland Health Equity Resource Act

Senate Bill 172/House Bill 463 establish a process for designation of Health Equity Resource Communities (HERCs) in which State resources must be targeted to reduce health disparities and improve health outcomes. An HERC is defined as a contiguous geographic area that (1) demonstrates measurable and documented health disparities and poor health outcomes; (2) is small enough to allow for the incentives offered under the bills to have a significant impact on improving health outcomes and reducing health disparities, including racial, ethnic, geographic, and disability-related health disparities; (3) is designated by MCHRC; and (4) has a minimum population of 5,000 residents.

The bills also require MCHRC to establish a Pathways to Health Equity Program, which terminates June 30, 2023, to provide the foundation and guidance for a permanent HERC program and provide grant funding to specified entities. MCHRC must issue a request for proposals (RFP) for applicants that meet certain criteria and demonstrate how the proposed program could be self-sustainable as an HERC. A Pathways to Health Equity Fund is established to support the program, which consists of up to \$14.0 million authorized for MCHRC from the Recovery Now Fund under the RELIEF Act.

Senate Bill 172/House Bill 463 also require MCHRC to establish an HERC Advisory Committee by July 1, 2021, to provide initial and ongoing assistance and guidance regarding program evaluation and data collection metrics for HERCs. By October 1, 2022, MCHRC must issue an RFP to designate areas as HERCs. An HERC Reserve Fund is established to support HERCs and provide supplemental funding for specified behavioral health programs. The fund consists of money appropriated in the State budget to the fund in fiscal 2023 through 2025 from the Maryland Health Benefit Exchange (MHBE) Fund. In fiscal 2023 through 2025, the Governor must transfer \$15.0 million from the MHBE Fund to the HERC Reserve Fund as an appropriation in the State budget. The bills took effect upon enactment.

Senate Bill 857/House Bill 1280 (Chapters 68/69) Health - Maryland Behavioral Health and Public Safety Center of Excellence - Establishment

The 2020 final report of the Commission to Study Mental and Behavioral Health recommended development of a mental health-criminal justice center of excellence. *Senate Bill 857/House Bill 1280* establish the Maryland Behavioral Health and Public Safety Center of Excellence within the Governor's Office of Crime Prevention, Youth, and Victim Services. The center's activities must include strategic planning, technical assistance, State and local government coordination, and facilitation of train-the-trainer courses for the Sequential Intercept Model (SIM). SIM is a systems-level framework for criminal justice and behavioral health stakeholders to prevent entrance into and minimize penetration into the criminal justice system, and engage individuals with behavioral health services and recovery supports as they transition into the community from the criminal justice system.

The center must develop (1) a statewide model for law enforcement-assisted diversion; (2) recommendations for pretrial services; (3) procedures for sharing deflection and diversion statistics between relevant State agencies; (4) recommendations for statewide implementation of law

enforcement-assisted diversion programs; and (5) a statewide model for community crisis intervention services other than law enforcement. The center must host one State SIM Summit each year, and produce and update annually a specified statewide strategic plan. *Senate Bill 857/House Bill 1280* also require each local jurisdiction to develop a two-year community health and public safety plan in collaboration with the center and other stakeholders that must include recommendations for the enhancement of local behavioral health care and crisis response systems and a racial impact analysis. The bills take effect July 1, 2021.

Senate Bill 286/House Bill 108 (Chapters 755/756) Behavioral Health Crisis Response Services – Modifications

Senate Bill 286/House Bill 108 alter the Behavioral Health Crisis Response Grant Program and the Maryland Behavioral Health Crisis Response System (BHCRS) in the Behavioral Health Administration (BHA).

Behavioral Health Crisis Response Grant Program: The program funds local jurisdictions to establish and expand community behavioral health crisis response systems. *Senate Bill 286/House Bill 108* modify the priorities for awarding grants to local behavioral health authorities by requiring prioritization of proposals that serve all members of the immediate community with cultural competency and appropriate language access, evidence a plan of linking individuals in crisis to peer support and family support services after stabilization, and meet other specified criteria. The bills extend the requirement that the Governor provide a \$5.0 million annual appropriation for the program through fiscal 2025. Beginning in fiscal 2023, at least one-third of the mandated appropriation must be used to award competitive grants for mobile crisis teams.

Maryland Behavioral Health Crisis Response System: Crisis communication centers located in each jurisdiction provide a single point of entry to BHCRS and coordination with the local core service agency or local behavioral health authority, police, emergency medical service personnel, and behavioral health providers. *Senate Bill 286/House Bill 108* require a crisis communication center to coordinate with 3-1-1, 2-1-1, or other local mental health hotlines and alter how specified data must be publicly reported and disaggregated.

The bills take effect October 1, 2021.

Senate Bill 563 (Chapter 805) Local Health Departments – Funding

The General Assembly passed legislation that will enhance State aid to local health departments beginning in fiscal 2023. *Senate Bill 563* establishes a new base level of State funding for the core public health services formula of \$70.0 million in fiscal 2025 and \$80.0 million in fiscal 2026. Beginning in fiscal 2027, State funding must be the greater of the (1) funding provided by the formula for the immediately preceding fiscal year or (2) actual funds appropriated for the immediately preceding year adjusted for inflation and population growth. The bill takes effect June 1, 2021.



NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE

Natural Resources

House Bill 991 (Chapter 645) Tree Solutions Now Act of 2021

The Forest Service within the Department of Natural Resources (DNR) administers the Forest Conservation Act (FCA), though it is mostly implemented at the local level. The FCA establishes minimum forest conservation requirements for land development, and local governments with planning and zoning authority are required to develop local forest conservation programs that meet or are more stringent than the requirements of the FCA. Under the FCA, proposed construction activities go through a process of evaluation of existing vegetation on a site and development of a forest conservation plan for the site that defines how forest area will be retained and/or afforestation or reforestation will be undertaken, including through the use of off-site forest mitigation banks.

The FCA defines “forest mitigation banking” to mean the intentional restoration or creation of forests undertaken expressly for the purpose of providing credits for afforestation or reforestation requirements with enhanced environmental benefits from future activities. Historically, local forest mitigation banking programs have provided credits to developers who preserve existing forested lands by recording restrictive easements that run in perpetuity. However,

the Office of the Attorney General recently issued an opinion concluding that the placement of a protective easement on an already existing forest, as opposed to intentionally created or restored forest, does not qualify as mitigation banking under the FCA. As a result, at least some local governments have suspended the granting of credits for existing forest.

House Bill 991 modifies the definition of “forest mitigation banking” under the FCA to include “qualified conservation.” Specifically, under the bill, “forest mitigation banking” means the intentional restoration, creation, or qualified conservation of forests undertaken expressly for the purpose of providing credits for afforestation or reforestation requirements with enhanced environmental benefits from future activities. “Qualified conservation” is defined as the conservation of all or a part of an existing forest that (1) was approved on or before December 31, 2020, by the appropriate State or local forest conservation program for the purpose of establishing a forest mitigation bank and (2) is encumbered in perpetuity by a restrictive easement, covenant, or another similar mechanism recorded in the county land records to conserve its character as a forest. As such, the bill retroactively allows qualified conservation that was completed in a forest mitigation bank on or before December 31, 2020, to be used, under both State and local forest conservation programs, to meet FCA’s afforestation or reforestation requirements. However, the bill limits the afforestation or reforestation credit that may be granted for the use of qualified conservation to no more than 50% of the forest area encumbered in perpetuity.

The bill takes effect June 1, 2021.

Environment

Senate Bill 701/House Bill 878 (Chapters 277/278) Bay Restoration Fund - County Authority to Incur Indebtedness

Chapter 428 of 2004 established BRF. The primary purpose of the fund is to support upgrades to Maryland’s 67 major publicly owned wastewater treatment plants with enhanced nutrient removal technology; funds are also used for septic system upgrade grants, among other things. As a revenue source for the fund, Chapter 428 established a bay restoration fee on users of wastewater facilities, septic systems, and sewage holding tanks; Chapter 150 of 2012 doubled the fee for most users (until July 1, 2030). Of the fee revenue collected from users of septic systems and sewage holding tanks, 60% must be deposited into a separate account, commonly referred to as the Septics Account. The remaining funds collected from users of septic systems and sewage holding tanks (40%) must be transferred to the Maryland Agricultural Water Quality Cost Share Program within MDA to provide financial assistance to farmers for planting cover crops.

Senate Bill 701/House Bill 878 authorize counties to borrow money and incur indebtedness through the issuance and sale of notes in anticipation of the receipt of the county’s allocation of funds from the Septics Account within BRF. The bills also specify the authorized uses of the net proceeds of the sale of any such notes. The bill takes effect July 1, 2021.

House Bill 94 (Chapters 292) Environment - Water Quality Revolving Loan Fund - Uses of Fund

WQRLF was created in 1988 to provide low-interest loans to public entities for wastewater and other water quality capital projects. Other assistance is provided through purchasing, guaranteeing, or refinancing debt. Authorized uses of the fund include grants, negative-interest loans, forgiveness of principal, subsidized interest rates, and other forms of assistance as authorized or required by federal law.

House Bill 94 expands the authorized uses of the guarantee authority under the WQRLF by repealing a restriction that the WQRLF be used only to guarantee, or purchase insurance for, bonds, notes, or other evidences of obligation issued by a local government for the purpose of financing all or a portion of the cost of a wastewater facility, if such action would improve credit market access or reduce interest rates. The bill also authorizes the WQRLF to be used (1) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies and (2) to serve as guarantee for long-term pay for success contracts, green bonds, or environmental impact bonds by any public, private, or nonprofit entity for the purchase of outcomes that provide a water quality benefit. The bill takes effect July 1, 2021.

Senate Bill 349 (Chapters 131) Environment – Drinking Water Revolving Loan Fund – Use of Funds

The DWRLF was created in 1993 to provide below-market-rate loans for drinking water projects. The revolving loan fund provides financial assistance for a wide variety of projects to facilitate compliance with national primary drinking water standards that protect or improve the quality of the State’s drinking water resources. Senate Bill 349 makes changes to the statute governing the DWRLF to conform State law to federal law. The Act increases the maximum term limit for loans made from the DWRLF and increases the maximum amount of loan subsidies that can be issued to disadvantaged communities. In addition, the Act increases the time period after the completion of a drinking water facility when annual principal and interest payments begin. Finally, the Act clarifies the authorized uses of funds in the DWRLF to include uses authorized or required by relevant provisions of the federal Safe Drinking Water Act. The bill takes effect July 1, 2021.

House Bill 1069 (Chapters 622) Water Supply - Private Well Safety Program

House Bill 1069 (passed) requires an owner of a residential rental property that is served by a private water supply well to provide for water quality testing every three years and disclose the results to current and prospective tenants. When a water quality test reveals that a private water supply well is contaminated, the owner must notify MDE and the local health department and address the contamination. There are civil penalties for a person who violates the bill’s provisions. The bill takes effect July 1, 2021.

Senate Bill 546/House Bill 636 (Chapters 237/238) School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)

Chapter 386 of 2017 required MDE, in consultation with the Maryland State Department of Education, the Department of General Services, and the Maryland Occupational Safety and Health, to adopt regulations to require periodic testing for the presence of lead in each “drinking water outlet” located in an occupied public or nonpublic school building. Chapter 386 defined

“elevated level of lead” to mean a lead concentration in drinking water that exceeds the standard recommendation by the U.S. Environmental Protection Agency in technical guidance. Chapter 557 of 2019 expressed the intent of the General Assembly that schools work proactively to reduce the concentration of lead in drinking water outlets to a level below five parts per billion and that specified funds be made available to schools for that purpose.

Senate Bill 546/House Bill 636 (1) redefine “elevated level of lead” to mean a lead concentration in drinking water that exceeds five parts per billion (ppb) for the purposes of the required lead water testing and remedial measures in public and nonpublic schools and (2) make conforming changes to existing notice and remediation requirements. If a water test sample for a drinking water outlet was analyzed on or before June 1, 2021, and the analysis indicated a concentration of lead that was more than 5 ppb but less than 20 ppb, a school must take appropriate remedial measures by August 1, 2022. The bills take effect June 1, 2021.

Senate Bill 483/House Bill 264 (Chapters 439/440) Solid Waste Management - Organics Recycling and Waste Diversion - Food Residuals

Senate Bill 483/House Bill 264 require certain generators of large quantities of “food residuals” to separate the food residuals from other solid waste and ensure that the food residuals are diverted from final disposal in a refuse disposal system. The food residual diversion requirements only apply to a person who (1) meets specified threshold amounts of food residuals generated and (2) generates the food residuals at a location that is within a 30-mile radius of an organics recycling facility that has the capacity to, and is willing to, accept and process all of the person’s food residuals for recycling, and is willing to enter into a contract to accept and process the person’s food residuals. The diversion requirements apply (1) beginning January 1, 2023, for a person who generates at least two tons of food residuals each week and (2) beginning January 1, 2024, for a person who generates at least one ton of food residuals each week. Affected generators may apply to MDE for a waiver. MDE must establish related guidelines and mapping systems as well as a plan to implement the bills. Further, MDE must issue warnings for violations; after receiving a warning, a violator is subject to specified civil penalties. The bills take effect October 1, 2021.

Senate Bill 716/House Bill 391 (Chapters 610/611) Solid Waste Management – Prohibition on Releasing a Balloon Into the Atmosphere

Senate Bill 716/House Bill 391 prohibit, with specified exceptions, a person from (1) knowingly and intentionally releasing, or causing to be released, a balloon into the atmosphere or (2) organizing or participating in a “mass balloon release,” as defined. The bills establish a civil penalty of up to \$100 per violation for organizing or participating in a mass balloon release. A person who violates the prohibition against knowingly and intentionally releasing, or causing to be released, a balloon into the atmosphere must watch an educational video and/or perform community service. Generally, MDE must enforce the prohibitions, but MDE is authorized to delegate enforcement authority to specified local authorities. A person with delegated enforcement authority must report each violation to MDE. The bills take effect October 1, 2021.



EDUCATION

Blueprint for Maryland's Future

House Bill 1372 (Chapter 55) Blueprint for Maryland's Future – Revisions

The Blueprint for Maryland's Future Chapters 701 and 702 of 2016 established the Commission on Innovation and Excellence in Education (also known as the Kirwan Commission) to review and make recommendations on innovative education delivery mechanisms and other strategies to prepare Maryland students for the 21st century workforce and global economy. House Bill 1300 of 2020 (Ch. 36) implements the final recommendations made by the Kirwan Commission in the policy areas of (1) early childhood education; (2) high-quality and diverse teachers and leaders; (3) college and career readiness pathways; (4) governance and accountability; and (5) more resources to ensure all students are successful. The bill also contains numerous provisions relating to education funding and funding formulas.

House Bill 1372, an emergency bill, revises Chapter 36 of 2021, Blueprint for Maryland's Future – Implementation, to account for the timing formulas in the enactment of the bill, the inception of certain programs and requirements, the due dates for various reports, and the timeframe for certain provisions under the Blueprint for Maryland's Future (Blueprint) are extended, generally by one year. The bill also provides additional funding through the foundation program for specified educational technology costs and adjusts funding for the Concentration of Poverty grant program. To address the effects of the COVID-19 pandemic, the Prince George's

County Board of Education must implement a summer school program, provide certain tutoring and supplemental instruction, and use specified funds to address trauma and behavioral health issues. The bill also excludes fall 2020 enrollment from calculations of local funding requirements to address the impact of the COVID-19 pandemic on enrollments in the current school year.

Prince George's County school system revenues and expenditures may increase beginning in fiscal 2021 to meet MOE, however, the bill includes a "hold harmless clause" which will offset expenditure by a total of \$69.9 million in reduced required local appropriations for counties.

Excluding the 2020-2021 (Fall of 2020) Enrollment from Funding Formulas

The bill changes the "3-year moving average enrollment" to exclude the full-time equivalent (FTE) enrollment count for the 2020-2021 school year and a similar adjustment is made for purposes of determining the annual per pupil MOE requirement that must be met by local governments.

Technology Funding through the Foundation Program

The target per pupil foundation amount (PPFA) under the State foundation program is increased, beginning in fiscal 2025, to cover educational technology costs. In using these additional funds, local boards of education must prioritize the purchase of digital devices. Specifically, by fiscal 2027, \$198 per pupil is added to the foundation program for educational technology costs.

Compensatory Aid, Low-income Proxy

The current low-income student count methodology for the compensatory education aid program, which accounts for school and school system participation in the federal Community Eligibility Provision (CEP) is extended for an additional year, through fiscal 2026.

Concentration of Poverty Grants

The bill adjusts the three-year average compensatory education enrollment count used for concentration of poverty grants to exclude the 2020-2021 school year. It also modifies the phase-in of per pupil grants for concentration of poverty schools beginning in fiscal 2022 to accelerate funding for the higher concentration schools. The bill establishes a specified percentage increment of per pupil funding for each of six years of eligibility, culminating in 100% funding by the seventh year. For schools with at least 80% of students eligible for free or reduced-price meals, full per pupil funding is realized by fiscal 2028. For schools with at least 75% of students eligible for free or reduced-price meals, full per pupil funding is realized by fiscal 2029. All other school concentration groups will receive full per pupil funding beginning in fiscal 2030.

COVID-19-related Programs

The Prince George's County Board of Education must, to the extent allowed by federal law, use federal funding received to address the effects of COVID-19 on education to mitigate learning loss due to the pandemic and to support the goals of

the Blueprint, including for summer school, tutoring and supplemental instruction, and trauma and behavioral health programs discussed in the section above, and must report for specified years on the use of these funds.

Local Effort Adjustments

With the local share requirement delayed by one year, the State-funded local effort adjustments also begin one year later, in fiscal 2023. The bill also makes technical changes to the calculation.

Early Education

The date by which specified percentages of providers must be community providers in the publicly-funded full-day prekindergarten program is extended by one year. The bill also extends the date by which community providers must meet specified program quality standards to 2025-2026 school year. The funding mandate for the EXCELS bonus program is altered to begin in fiscal 2023 with 10% annual increases in fiscal 2024 through 2028. The bill also increases funding for additional required Judy Centers beginning in fiscal 2021. Local governments must provide SDAT with tax increment financing (TIF) data by November of each year.

Local Fiscal Effect

The Prince George's County School Board revenues and expenditures may increase due to the increased State aid beginning in fiscal 2023. Under the bill, fall 2020 enrollments are excluded from the three-year moving average that under current law is used to calculate fiscal 2022 MOE amounts. In addition, the bill's provision, relieves county governments of the requirement to fund the local share of wealth-equalized programs other than the foundation program in fiscal 2022, results in reduced local appropriations of \$8.5 million for the County.

This bill was enacted on April 9, 2021.

School Construction

Senate Bill 551 (Chapter 698) 21st Century School Facilities Act and Built to Learn Act - Revisions

The Built to Learn Act of 2020, enacted into law as Chapter 20 of 2020, was contingent on the enactment of House Bill 1300 of 2020. With the Governor's veto of House Bill 1300 and the subsequent veto override by the General Assembly in February 2021, Chapter 20 took effect immediately. The most significant provisions of Chapter 20 authorize the Maryland Stadium Authority (MSA) to issue up to \$2.2 billion in revenue bonds, backed by annual payments from the Education Trust Fund beginning in fiscal 2022, for State public school construction projects, including support for a public-private partnership (P3) agreement for Prince George's County. It also modified the Workgroup on the Assessment and Funding of School Facilities (Funding Workgroup), which was established by Chapter 14 of 2018 (21st Century School Facilities Act) to consider how to use the results of the statewide public school facility assessment required by

Chapter 14 to prioritize State funding for school construction projects. (For a detailed description of the Built to Learn Act, see Part L – Primary and Secondary Education of the 2020 Session Major Issues Review.) However, the delay in the Act taking effect rendered funding mandates for fiscal 2022 ineffective.

Senate Bill 551 generally revises dates and provisions in Chapter 20 to account for the delayed implementation of the Act. It also expands the purposes of the Funding Workgroup to include other issues related to State funding of school construction projects. The bill makes changes to the process for awarding grants from the Healthy School Facility Fund. Finally, it includes other temporary, or one-time changes to State funding for school construction projects. Each of these provisions is discussed in greater detail below.

Prince George’s County P3 Agreement: The bill extends by two years, from July 1, 2022, to July 1, 2024, the deadline for Prince George’s County to enter into a P3 agreement that can receive State funding for availability payments under Chapter 20; it makes commensurate changes to related payment, reporting, and evaluation schedules. The bill adds MSA as a signatory to the memorandum of understanding (MOU) that must be completed to implement the P3 agreement. It also specifies that IAC may not unreasonably withhold or delay its approval of the P3 agreement, which is required under current law.

Funding Workgroup: In addition to the issues it must consider under Chapter 14 of 2018, the Funding Workgroup must consider and make recommendations in the following areas:

- factors used to develop the State and local cost-share formula for school construction projects, including incorporating related changes to the formulas used to calculate State education aid under the Blueprint for Maryland’s Future (the cost-share formula was last updated in 2004 after the 2002 Bridge to Excellence in Public Schools Act modified school funding formulas);
- methods used to establish gross area baselines and the maximum State construction allocation for public school construction projects;
- the purpose and implementation of the Local Share of School Construction Costs Revolving Loan Fund, which was established by Chapter 14 of 2018 but never funded; and
- the long-term effects of school construction decisions on the life-cycle costs of public school facilities.

Healthy School Facility Fund: The bill adds pipe insulation and roofs to the list of factors that IAC must consider in awarding grants from the fund. It repeals the cap of \$15 million that may be awarded to any single school system. Baltimore City Public Schools must establish a procedure for prioritizing projects for awards from the fund in fiscal 2023 and 2024, and IAC must award grants to schools with eligible projects in accordance with the school system’s priorities. Although funding was not initially included in the fiscal 2022 budget due to the Act’s delayed implementation, as discussed above under School Construction, the fund receives a total of \$70 million in fiscal 2022.

Temporary or One-time Changes: Under current law, the State share of public school construction projects is recalculated every two years based on measures of local wealth and other

components. For fiscal 2023 and 2024, the bill prevents the State share of public school construction projects from decreasing from fiscal 2022 levels. In calculating the gross area baseline and maximum State allocation for specified public school construction projects, IAC must use the local school system's enrollment projection instead of its own projection. Finally, MSA must make a one-time transfer of \$10.0 million from the Baltimore City Public School Construction Facilities Fund created as part of the Baltimore City School Construction Revitalization Act of 2013 to Baltimore City Public Schools for specified school construction projects.

The bill took effect upon enactment.

Education - Miscellaneous

House Bill 394 (Chapter 218) Public Schools - Fees for Summer School Courses - Prohibition

This bill prohibits a county board of education from charging a student an enrollment fee for a summer school course if (1) the student attends school in the local school system; (2) credit for the course is a high school graduation requirement in that local school system; and (3) the student had previously taken the course, but did not successfully complete or receive credit for the course. Prince George's County school system revenues may decrease from specified fee revenues that would otherwise support summer school course offerings. Some combination of local or other funding sources or redirection of existing resources to maintain services, or a curtailment of expenditures on summer school courses, will be necessary. The bill takes effect July 1, 2021.

Senate Bill 448/House Bill 72 (Chapters 197/198) County Boards of Education – Student Transportation – Vehicles and Report

These bills authorize the transport of students using a vehicle other than a Type I or Type II school vehicle applies for (1) preschool-age students; (2) students with disabilities; (3) homeless youth; (4) children in foster care; (5) students without access to school buses; (6) students in a nonpublic school placement; or (7) students in dual enrollment programs or work programs or other educational programs based off the school campus. A county board may provide transportation to a different student group, as well, through a written determination by the board.

The bills also broaden the definition of nonpublic school with respect to the transportation of students to mean any elementary or secondary school in the State that is not part of the public elementary and secondary education system. Local school systems must report to MSDE on the provision of student transportation in accordance with the bill's changes by September 1, 2023; MSDE must compile the reports (in addition to other specified information) and submit a report to the General Assembly by December 1, 2023.

Local school expenditures for student transportation services may decrease to the extent that local school systems utilize nonschool vehicles to transport certain public school students. The additional flexibility provided by the bill will enable the Prince George's County school systems to utilize less costly ways to transport students in unique situations. Furthermore, since drivers of nonschool vehicles are not required to possess a commercial driver license, public schools may be

able to bypass a number of federal, State, and locally mandated requirements. The bill takes effect July 1, 2021 and terminates June 30, 2024.

Senate Bill 427/House Bill 205 (Chapters 705/706) Public Schools - Provision of Menstrual Hygiene Products - Requirement

This bill requires each county board of education to ensure that each public school provide, at no charge to the students, menstrual hygiene products via dispensers in the women's restrooms at the school. A public middle or high school must install menstrual hygiene product dispensers in at least two women's restrooms on or before October 1, 2022, and in all women's restrooms on or before August 1, 2025. A public elementary school must install a dispenser in at least one restroom on or before October 1, 2022. The State will pay for the cost of purchasing and installing the required dispensers, based on requests for reimbursements submitted by county boards of education. The Governor must include \$500,000 in the budget in fiscal 2023 for this purpose.

Local school systems may also incur additional costs if additional custodial staff hours are required to restock bathrooms with products. The cost of procuring mandated feminine hygiene products in Prince George's County is estimated to be \$142,356 annually, based on the 35,589 female students in grades 5 through 12 in county public schools. The bill takes effect July 1, 2021.

Senate Bill 496 (Chapter 39) Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act

This bill includes provisions for State funding for local community colleges to increase by \$30.7 million, or 9.0%, over fiscal 2021. Funding under the Senator John A. Cade Funding formula grows by \$40.2 million while funding for community college retirement programs increases by \$476,000. The large growth in fiscal 2022 reflects the July 2020 BPW cost containment action that level funded the Cade formula funding in fiscal 2021 at the fiscal 2020 level. This is offset by \$10 million provided in Senate Bill 496 (Ch. 39) (RELIEF Act) to community colleges for job skills training expenditures in fiscal 2021. This bill was enacted February 15, 2021.

House Bill 854 (Chapter 306) Maryland Longitudinal Data System Center - Inclusion of Child Welfare Data and Governing Board

This bill adds child welfare data, consisting of out-of-home placement data, family preservation services data, and child protective services data, to the data collected, analyzed, and reported on by the Maryland Longitudinal Data System (MLDS) Center. The bill also adds the Social Services Administration within the Department of Human Services (DHS) to the entities required to provide data sets to MLDS and adds the Secretary of Human Services to the membership of the Governing Board of the MLDS Center. The bill requires the center to develop a graphic data dashboard that is published annually on its website with information, disaggregated by county, on the experience of children who were provided with out-of-home placement and how out-of-home placement affected their participation in higher education. In developing its graphic data dashboard on out-of-home placement as required by the bill, the center must include information on:

- the rate of enrollment in institutions of higher education by placement;
- the type of institution of higher education in which out-of-home children are enrolled;

- the type of financial support provided to out-of-home children enrolled in an institution of higher education; and
- the graduation rate of out-of-home children from institutions of higher education.

This bill takes effect October 1, 2021.

Senate Bill 432/House Bill 518 (Chapters 411/412) - Public Libraries - Electronic Literary Product Licenses - Access

Under current statute, Maryland does not regulate electronic literary product licensing for public libraries. While the Maryland Consumer Protection Act (MCPA), defines unfair, abusive, or deceptive trade practices and prohibits engaging in such acts, including the sale, lease, rental or loan of any consumer goods; this bill requires a publisher who offers to license an electronic literary product to the public to also offer to license the electronic literary product to public libraries in the State on reasonable terms. Violation of the bill's requirement is now considered an unfair, abusive, or deceptive trade practice, and is subject to MCPA's civil and criminal penalty provisions.

As a result of this bill, local public libraries may see cost savings on digital publications, thereby allowing funds to be used to purchase more digital publications or for other purposes. The terms of a license offered pursuant to the bill's requirement must include:

- a limitation on the number of users a public library may simultaneously allow to access an electronic literary product;
- a limitation on the number of days a public library may allow a user to access an electronic literary product; and
- the use of technological protection measures that would prevent a user from (1) maintaining access to an electronic literary product beyond the specified access period, and (2) allowing other users to access an electronic literary product.
- license terms may not include a limitation on the number of electronic product licenses a public library may purchase on the same date the product is made publicly available.

The bill takes effect July 1, 2021.

House Bill 776 (Chapter 430) State Department of Education - Infant and Early Childhood Mental Health Consultation Project - Study and Report

This bill requires the State Department of Education to perform a thorough study, analysis, and evaluation of the Infant and Early Childhood Mental Health Consultation Project; requiring that the Department evaluate Project services, capacity, and integration with existing programs; requiring that the Department report on progress toward completing certain recommendations; and requiring the Department to report its findings to the Governor and the General Assembly on or before January 1, 2022. The bill takes effect July 1, 2021.

Senate Bill 845/House Bill 905 (Chapters 96/97) - Education - Workforce Development Sequence Scholarships - Eligibility

This bill alters the definition of 'eligible student' to include a student who is a first-year student not receiving federal or State financial aid and is enrolled directly in a registered apprenticeship program that partners with a public community college in the State to be eligible for Workforce Development Sequence Scholarships. The bill takes effect July 1, 2021.

House Bill 1245 (Chapter 578) Guaranteed Access Grant and Next Generation Scholars of Maryland – Alterations

This bill alters the eligibility criteria for students in grade 9 to prequalify for a Guaranteed Access Grant under the Delegate Howard P. Rawlings Educational Excellence Award. And requires the Next Generation Scholars of Maryland Program to provide matriculation assistance to students entering an institution of higher education directly from high school, also requiring the Governor to include an appropriation of \$2,500,000 in the annual budget bill for the Program for fiscal year 2023 and each fiscal year thereafter.

Specifically, a student in grade 9 who meets other existing eligibility requirements automatically prequalifies for an award if the student is (1) eligible for FRPM or (2) attends a school that participates in the U.S. Department of Agriculture Community Eligibility Provision (better known as CEP) and the student is identified by direct certification or income information provided by the family of the student to the local school system on an alternative form developed by the Maryland State Department of Education (MSDE). The bill takes effect July 1, 2021.

Senate Bill 767/House Bill 891 (Chapters 579/580) - Higher Education - Hunger-Free Campus Grant Program - Established

This bill establishes the Hunger-Free Campus Grant Program to address student hunger and basic food needs on campus and requires the Maryland Higher Education Commission to administer the Program, develop a certain form, and designate certain campuses as hunger-free campuses. The bill also authorizes public institutions of higher education to develop procedures and make certain information publicly available. Lastly, the bill requires the Governor, beginning in fiscal year 2023, to include in the annual budget bill a \$150,000 appropriation for the Program. This bill takes effect October 1, 2021.

Senate Bill 308 (Chapter 344) Higher Education - Maryland Community College Promise Scholarship - Eligibility

Providing that an applicant who graduated from high school 5 or more years before the date of application is not subject to a certain grade point requirement to be eligible for the Maryland Community College Promise Scholarship. The bill takes effect July 1, 2021.

Senate Bill 40/House Bill 1124 (Chapter 239/240) - Higher Education - Richard W. Collins III Leadership With Honor Scholarship - Bowie State

Under current statute established in 2018, the Richard W. Collins III Leadership with Honor Scholarship Program can be granted to individuals that are (1) eligible for in-state tuition; (2) a member of a Reserve Officer Training Corps (ROTC) program; (3) a minority student or a student who is a member of another group historically underrepresented in ROTC programs; and (4) a student at an HBCU in the State. The Governor must include in the State budget an annual appropriation of at least \$1.0 million for the program and must:

- award 25% of its total annual grant money to students at Bowie State University (BSU);
- award 75% of its total annual grant money to students at HBCUs other than BSU;
- determine the amount of each award;
- select the recipient of each award; and
- prioritize students with financial need in selecting recipients of each award

This bill strikes the percentage cap of 25% for BSU and requires the Office of Student Financial Assistance to award *at least* 25% of annual grant money from the Richard W. Collins III Leadership With Honor Scholarship to students at BSU. The bill takes effect July 1, 2021.

Senate Bill 405 (Chapter 212) Higher Education - Student Identification Cards - Required Information

This bill requires institutions of higher education to provide the telephone number for Maryland’s Helpline, or an on-campus crisis center that operates 24 hours a day and 365 days a year, directly on student identification cards (or a sticker affixed to the card), if the institution provides such a card. Additionally, the bill permits institutions to provide numbers for the National Suicide Prevention Lifeline, Crisis Text Line, National Domestic Violence Hotline, or any on-campus crisis center on student identification cards. The bill does not require institutions to reissue or reprint student identification cards in use on the effective date of the bill or to reprint cards that were printed but not issued before the effective date of the bill. The bill takes effect July 1, 2021.

Senate Bill 155/House Bill 216 (Chapters 256/257) - Higher Education - Tuition Exemption for Foster Care Recipients and Homeless Youth - Alterations and Reports

This bill expands the definition of “homeless youth” who are eligible to receive a tuition waiver at a public institution of higher education by removing the requirements that the youth (1) be “unaccompanied” and (2) qualify as an independent student under federal law. The bill also alters the method by which an individual is determined to be a homeless youth for the purpose of a tuition waiver and repeals the requirement that only a financial aid administrator can verify the status. In addition, a foster care recipient or homeless youth who receives a tuition waiver must receive priority consideration for on-campus housing. Each public institution of higher education must make the application for the tuition waiver available to current and prospective students and notify students about the application. Each public institution must establish an appeals process for the tuition waiver, as specified. Finally, each public institution must designate a homeless and foster student liaison with specified expertise to assist specified students with applying for financial aid. The bill takes effect July 1, 2021.

Senate Bill 1/House Bill 1 (Chapters 41/42) - Historically Black Colleges and Universities - Funding

This emergency bill, contingent on final settlement of The Coalition for Equity and Excellence in Maryland Higher Education, et al. v. Maryland Higher Education Commission, et al. lawsuit by June 1, 2021, provides an additional \$577 million for Maryland’s historically black colleges and universities (HBCUs) from fiscal 2023 through 2032. An HBCU Reserve Fund is

created to hold unused funds at the end of each fiscal year. A new academic program evaluation unit is established in the Maryland Higher Education Commission (MHEC) with a specified mandated staffing level. In addition, the bill has several study and reporting provisions that are not contingent on final settlement of the lawsuit. Most of the bill's provisions are contingent on the execution of a final settlement agreement in the HBCU lawsuit, as specified, by June 1, 2021.

Maryland Higher Education Commission – Program Evaluation Unit

Under this bill, the MHEC must establish a program evaluation unit to evaluate new programs and substantial modifications. The unit must have at least 10 staff members. The staff members assigned to the unit must be in addition to the current workforce of MHEC. The unit established under the bill must assist MHEC in reviewing and evaluating proposals for new academic programs and substantial modifications of existing academic programs in accordance with current law. Beginning in fiscal 2023, the Governor must include in the annual operating budget an amount sufficient to employ the 10 staff members required by the bill.

Funding for Historically Black Colleges and Universities

For fiscal 2023, the Governor must include in the annual State operating budget general funds of at least:

- \$16,790,700 for BSU;
- \$9,000,000 for CSU;
- \$24,003,200 for MSU; and
- \$9,693,600 for UMES

For fiscal 2024 through 2032, the Governor must include in the annual State budget bill general fund appropriations to HBCUs based on the calculations described in the bill.

The bill took effect upon enactment.

Senate Bill 800 (Chapter 677) - Inmate Training and Job Act of 2021

This bill establishes the Inmate Training and Job Pilot Program at specified institutions of postsecondary education to provide educational and vocational training opportunities for inmates in the 12 months preceding their release. The Maryland Higher Education Commission (MHEC) and each participating institution must administer the program in cooperation with the Division of Correction (DOC) at the Department of Public Safety and Correctional Services (DPSCS). Each institution's program must have an individualized plan for success, a professor or other staff member serving as the primary contact for program participants, and at least three students serving as program mentors. Program participants must take courses through a suitable format that are credit bearing and count toward a degree, certificate, or license. The bill establishes various reporting and information collection requirements to track program participation and outcomes.

The Governor must include in the annual budget bill an appropriation for the pilot program in the amount of \$300,000 in fiscal 2023, \$330,000 in fiscal 2024, and \$363,000 in fiscal 2025 and 2026. The bill takes effect July 1, 2021, and terminates June 30, 2028.

Senate Bill 433/House Bill 173 (Chapters 44/418) - Institutions of Higher Education - State Funding - Revision

Senate Bill 433/House Bill 173 require the University of Maryland School of Medicine to provide clinical care at the University of Maryland Capital Region Medical Center by assigning certain faculty to the center, and the Governor must include at least \$5.0 million in the annual budget in each of fiscal 2023 through 2025 to fund this requirement. The Act and the bill further require the University of Maryland School of Medicine to provide clinical care at its rural hospitals by assigning certain faculty to each hospital, and the Governor must include at least \$2.0 million in the annual budget in each of fiscal 2023 through 2025 to fund this requirement. The Act and the bill also specify that State appropriations calculated under the Senator John A. Cade Funding Formula for local community colleges, the BCCC funding formula, and the Joseph A. Sellinger funding formula for specified private nonprofit institutions of higher education include appropriations, regardless of where they are budgeted, designated for the general operation of four-year public institutions of higher education, including personnel-related appropriations.

Senate Bill 127 (Chapter 676) Institutions of Higher Education - Use of Criminal History in Admission - Modifications

This bill prohibits an institution of higher education that receives State funds from disqualifying an applicant from undergraduate admission based on the applicant's criminal history obtained from a third-party admissions application. Further, an institution may not make inquiries into and consider information about a student's criminal history for the purpose of admission, including to deny or limit a student's admission into a particular academic program. An institution of higher education may develop a process for determining or restricting access to campus residency for a student who has been convicted of (1) a sexual crime under Title 3, Subtitle 3 of the Criminal Law Article; (2) a crime of violence under Title 14 of the Criminal Law Article; or (3) a substantially similar crime in another state. In effect, the bill prohibits an institution of higher education that receives State funds from disqualifying an applicant from undergraduate admission, including specific academic programs, based on the applicant's criminal history. The bill takes effect July 1, 2021.

House Bill 98 (Chapter 403) Maryland Higher Education Outreach and College Access Pilot Program - Alterations (Maryland College Access Act)

This bill makes the Maryland Higher Education Outreach and College Access (Pilot) Program permanent by repealing the termination date and making other conforming changes. The Maryland Higher Education Commission (MHEC) must continue to submit an annual report about the program. Beginning in fiscal 2023, the Governor must include \$200,000 annually in the State budget for the program. The bill takes effect July 1, 2021.

Senate Bill 439 (Chapter 138) - Public Institutions of Higher Education - Student Athletes (Jordan McNair Safe and Fair Play Act)

This bill applies to public institutions of higher education that maintain an athletic program (including community colleges). The General Assembly finds and declares that (1) meeting the educational needs of student athletes should be the priority for intercollegiate athletic programs in the State and (2) providing adequate health and safety protections for student athletes can help prevent serious injury and death.

Guidelines for Student Athlete Health

An intercollegiate athletic program at a public institution of higher education must adopt and implement (1) guidelines to prevent, assess, and treat serious sports-related conditions as specified; (2) exercise and supervision guidelines for any student athlete identified with a potentially life-threatening health condition, including those conditions specified; and (3) return-to-play protocols for athletes who experience injury during practice and play.

Student Athletes and their Name, Image, or Likeness – Compensation, Intercollegiate Athletics, Contracts

Beginning July 1, 2023, specified rules regarding a student athlete’s NIL must be followed by institutions as well as athletic associations such that a student athlete may receive compensation from use of his or her NIL. An athletic association, conference, or any other group or organization with authority over intercollegiate athletics, including NCAA, is prohibited from preventing student athletes from receiving compensation, as specified. Student athlete contracts regarding compensation for the student athlete’s NIL must meet specified conditions, as appropriate. Student athletes are not granted the right to make commercial use of names, trademarks, logos, or other intellectual property owned or controlled by institutions.

The bill takes effect July 1, 2021, and July 1, 2023.

House Bill 373 (Chapter 192) Education - Child Abuse and Sexual Misconduct Prevention - Hiring Emergent Employees

This bill authorizes a local board of education or nonpublic school to hire an applicant as an emergent employee for up to 60 days pending a specified review of information and records regarding an individual’s employment history, as required under current law for applicants who will have direct contact with minors.

The bill also (1) alters statutory provisions that specify the employment history that schools are required to obtain before hiring an individual who will have direct contact with minors; (2) alters the definition of “direct contact with minors”; (3) authorizes a local board or nonpublic school to share an employment history record with other local boards or nonpublic schools; (4) authorizes a contracting agency to share an employment history with other contracting agencies; (5) establishes conditions under which a local board or nonpublic school may use an employment history review completed by a current or former employer; and (6) establishes conditions under which a contracting agency may use an employment history review completed by another contracting agency. The bill takes effect July 1, 2021

Senate Bill 664 (Chapter 577) Education - Student Financial Aid - Outreach Plan and Reporting

This bill requires each local board of education to encourage and assist as many high school seniors as possible in completing and submitting a Free Application for Federal Student Aid (FAFSA) or Maryland State Financial Aid Application (MSFAA) by the deadline for eligibility for State financial aid set by the Maryland Higher Education Commission (MHEC). To achieve that objective, each local board of education must develop an outreach plan with specified elements and submit a copy to specified entities by October 1 each year beginning in 2022. By July 1 each year, beginning in 2023 and ending in 2028, each local board must submit a report containing specified data regarding student completion of FAFSAs and MSFAAs. The Maryland State Department of Education (MSDE), in coordination with MHEC, must establish an advisory committee, as specified, to provide guidance and information resources to local boards of education and high schools and make findings and recommendations with an annual reporting requirement. Under the bill each outreach plan must include:

- completion of a data sharing agreement with MHEC to receive FAFSA filing status information under the federal FAFSA completion initiative;
- participation in the Maryland College Application Campaign;
- at least three evening or weekend financial aid nights that provide information and assistance to students and parents/ guardians in completing the FAFSA or MSFAA;
- a description of partnerships with a community college or four-year institution of higher education servicing that jurisdiction, or nonprofit organizations that assist students with accessing postsecondary education or college access organizations;
- a description of the county's student awareness campaign about the FAFSA and MSFAA and the postsecondary education financial aid planning process, including when during the high school years students will begin receiving information; and
- plans to ensure that students and their families from specified populations intentionally receive the necessary information, assistance, and support. The advisory committee must be composed of members that meet specified qualifications. The advisory committee must:
 - analyze the data from the local boards;
 - develop recommendations and best practices, relevant materials, toolkits, and any other resources that will assist local boards in implementing the FAFSA and MSFAA objective established by the bill, including data reporting requirements for local boards of education;
 - identify best practices, relevant materials, toolkits, and any other resources that will assist local boards in increasing FAFSA and MSFAA completion rates; and
 - assess and develop specified recommendations.

The bill takes effect July 1, 2021.

House Bill 83 (Chapter 434) - Public and Nonpublic Schools - Electric Retractable Room Partitions - Review and Report

This bill requires the Maryland State Department of Education (MSDE) to conduct a thorough review and evaluation of electric retractable room partition equipment used in public and nonpublic schools in the State and of related practices and policies. After completing its review and by September 1, 2022, MSDE must adopt any regulations or guidelines needed to ensure the operation of the electric retractable room partitions in the safest manner possible. By December 1, 2022, MSDE must report to the Governor and the General Assembly on its review and any actions taken under the bill. The bill takes effect July 1, 2021.

Senate Bill 371/House Bill 716 (Chapters 245/246) Special Education - Individualized Education Programs - Educational Evaluations

This bill authorizes a parent to request an independent educational evaluation regarding a child's individualized family service plan (IFSP), individualized education program (IEP), or special education services at public expense if the parent submits to the local school system a written request for an educational evaluation conducted by the local school system, and the local school system (1) does not respond within 30 days of receiving the request, or (2) approves the request but the educational evaluation meeting does not occur, through no fault of the parent, within 60 days after receiving the request, or within 90 days if the State is under a state of emergency proclaimed by the Governor. The bill takes effect July 1, 2021.

Senate Bill 300/House Bill 714 (Chapters 214/215) - Special Education - Learning Continuity Plan - Requirement

This bill requires, beginning October 1, 2021, an individualized education program (IEP) to include a learning continuity plan to be implemented during emergency conditions, in order to ensure that the IEP is proceeding appropriately. Emergency conditions is defined as 10 or more school days during which a child with a disability cannot be provided with an IEP or special education services at school and the school is providing instruction in some form to its students. The learning plan must be developed by an IEP team at specified times and must be periodically updated. Within 10 days of an IEP team determining that emergency conditions exist, the team must make a reasonable effort to notify the parent or guardian of a child with a disability that a learning continuity plan is in place and seek input from the parent on how best to implement the plan. The bill takes effect July 1, 2021.

Senate 278/House Bill 34 (Chapters 347/348) - State Department of Education and Maryland Department of Health - Maryland School-Based Health Center Standards - Telehealth

This emergency bill requires the Maryland State Department of Education (MSDE) and the Maryland Department of Health (MDH) to authorize a health care practitioner at a school-based health center (SBHC) to provide services through telehealth consistent with specified provisions of the Health Occupations Article. The bill prohibits MSDE and MDH from (1) requiring an approved SBHC to submit an application or seek approval to provide telehealth services or (2) establishing requirements for SBHCs to provide telehealth that are inconsistent with

specified current law. By July 1, 2021, MSDE and MDH must revise the Maryland SBHC standards to reflect the bill.

APPENDIX A:
SUMMARY OF STATE OPERATING AID

State Aid	FY 2021 Working Appropriation	FY 2022 Appropriation	FY 2021 - FY 2022 Change
Direct Operating Aid			
<i><u>Education Aid</u></i>			
Foundation Formula	\$ 567,228,429	\$ 555,666,217	\$ -11,562,212
Geographic Cost of Education Index	\$ 45,949,535	\$ 45,228,485	\$ -721,050
Supplemental Program	\$ 20,505,652	\$ 20,505,652	\$ 0
Net Taxable Income Education Grants	\$ 29,900,219	\$ 17,209,770	\$ -11,690,449
Tax Increment Financing Education Grants	\$ 880,030	\$ 605,377	\$ -274,653
Compensatory Education	\$ 289,753,795	\$ 254,469,286	\$ -44,284,509
Student Transportation – Regular	\$ 41,055,473	\$ 41,466,028	\$ 410,555
Student Transportation - Special Edition	\$ 4,599,000	\$ 36,000	\$ -4,563,000
Special Education – Formula	\$ 47,575,984	\$ 46,875,096	\$ -700,888
Special Education - Nonpublic Placements	\$ 21,761,613	\$ 22,726,121	\$ 964,508
Special Education - Infants & Toddlers	\$ 591,275	\$ 591,275	\$ 0
Limited English Proficient	\$ 126,626,576	\$ 117,340,016	\$ -9,286,560
Food Service	\$ 2,093,413	\$ 2,593,329	\$ 499,916
Innovative Programs	\$ 1,410,653	\$ 1,408,753	\$ -1,900
Out-of-County Foster Placements	\$ 50,297	\$ 41,559	\$ -8,739
Teacher Development Grants	\$ 563,500	\$ 563,500	\$ 0
Judy Hoyer Centers	\$ 417,967	\$ 417,967	\$ 0
Prekindergarten Expansion Program	\$ 2,105,882	\$ 2,105,882	\$ 0
Blueprint - Concentration of Poverty	\$ 16,174,145	\$ 31,733,853	\$ 15,559,708
Blueprint - Mental Health Coordinators	\$ 83,333	\$ 83,333	\$ 0
Blueprint – Prekindergarten	\$ 15,555,578	\$ 12,381,078	\$ -3,174,500
Blueprint - Special Education	\$ 10,114,898	\$ 10,114,898	\$ 0
Blueprint - Teacher Salary Incentives	\$ 13,389,052	\$ 13,386,052	\$ 0
Blueprint - Transitional Supplemental Instruction	\$ 4,819,614	\$ 4,819,614	\$ 0
Blueprint – Hold Harmless	\$ 0	\$ 83,772,766	\$ 83,772,766
Blueprint – COVID-19 Relief	\$ 9,167,921	\$ 44,071,675	\$ 34,903,754

State Aid	FY 2021 Working Appropriation	FY 2022 Appropriation	FY 2021 - FY 2022 Change
<i>Library Aid</i>	\$ 7,641,122	\$ 7,721,828	\$ 80,706
Community College Formula	\$ 31,245,262	\$ 37,072,503	\$ 5,827,241
Grants for ESOL Programs	\$ 1,125,144	\$ 1,085,408	\$ -39,736
Optional Retirement	\$ 2,234,969	\$ 2,291,084	\$ 56,736
<i>Community Colleges</i>	\$ 35,690,678	\$ 40,448,995	\$ 4,758,317
<i>Local Health Formula</i>	\$ 6,833,879	\$ 6,885,732	\$ 51,853
Highway User Revenue	\$ 13,428,535	\$ 14,414,787	\$ 986,252
Elderly & Disabled Transportation Grants	\$ 332,819	\$ 332,819	\$ 0
Paratransit Grants	\$ 450,000	\$ 450,000	\$ 0
<i>Transportation</i>	\$ 14,211,354	\$ 15,197,606	\$ 986,252
Police Aid	\$ 14,875,281	\$ 14,914,338	\$ 39,057
Fire and Rescue Aid	\$ 1,172,448	\$ 1,172,448	\$ 0
Other Public Safety Aid	\$ 4,652,699	\$ 4,652,699	\$ 0
<i>Public Safety</i>	\$ 21,270,428	\$ 21,309,485	\$ 39,057
<i>Gaming Impact Grants</i>	\$ 25,642,553	\$ 28,264,702	\$ 2,622,149
<i>Disparity Grant</i>	\$ 39,441,754	\$ 36,273,413	\$ -3,168,341
<i>Teacher Retirement Supplemental Grant</i>	\$ 9,628,702	\$ 9,628,702	\$ 0
Indirect Operating Aid	\$ 119,406,230	\$ 123,414,601	\$ 4,008,371
Total Direct Aid	\$ 1,441,731,304	\$ 1,495,944,044	\$ 54,212,740
Total State Aid	\$ 1,561,137,534	\$ 1,619,358,645	\$ 58,221,111

APPENDIX B:
SUMMARY OF STATE CAPITAL AID

Project	FY 22 Legislative Appropriation
Bowie State University	
Communications Arts and Humanities Building	\$ 6,100,000
BSU pedestrian and vehicular infrastructure	\$ 150,000
BSU campuswide travel access	\$ 55,000
Chesapeake Bay Restoration Fund	
Parkway Basin – sanitary sewer reconstruction	\$ 649,280
Coastal Resiliency Program	
Hyattsville – urban flooding enhancements	\$ 340,000
Community Parks and Playgrounds	
Central Avenue Connector Trail	\$ 10,000,000
Riverdale Park – Field of Dreams Park	\$ 177,750
Comprehensive Flood Mitigation	
Beverdam Creek – flood mitigation	\$ 2,700,000
Calvert Hills/College Park – Guilford Run storm drain improvement	\$ 5,000,000
Hazardous Substance Clean-up Program	
Anacostia River – Northeast and Northwest Branches	\$ 100,000
Prince George’s Community College	
Campuswide – facilities renewal	\$ 474,250
Dr. Charlene Mickens Dukes Student Center	\$ 1,500,000
Marlboro Hall – renovation and addition	\$ 24,137,000
Program Open Space	
Park acquisition and development	\$ 8,209,539
Public Schools	
Charles Herbert Flowers High School – renovations (HVAC)	\$ 2,181,437
New Glenridge Middle School – construction	\$ 9,702,818
William S. Schmidt Environmental Education Center – construction	\$ 4,297,182
William Wirt Middle School - construction	\$ 8,273,320

Project	FY 22 Legislative Appropriation
Supplemental Capital Grant Program for Local School System	\$ 12,914,033
State Government Facilities	
Hyattsville District Court	\$ 1,500,000
Department of Juvenile Services: Cheltenham Youth Facility – new female detention center	\$ 23,427,000
Maryland Environmental Service: Cheltenham Youth Facility – water treatment plant upgrade	\$ 230,000
Department of Housing and Community Development: East-West CDC Foundation, Inc.	\$ 1,000,000
University System of Maryland	
Bowie State – Communications Arts and Humanities Building	\$ 3,600,000
College Park – campus farm upgrades	\$ 3,700,000
College Park – campuswide infrastructure improvements	\$ 10,000,000
College Park – Chemistry Building	\$ 45,190,000
College Park – Cole Field House	\$ 375,000
College Park – high rise residence halls renovations	\$ 8,780,000
College Park – Interdisciplinary Engineering Building	\$ 4,000,000
College Park – quantum and advance computing infrastructure	\$ 10,000,000
College Park – School of Public Policy	\$ 2,500,000
College Park – south campus recreation center	\$ 9,000,000
Waterway Improvement	
County Fire Department – water safety rescue equipment	\$ 24,000
Misc. Grants	
African American Museum and Cultural Center	\$ 500,000
Bay Sox Stadium	\$ 500,000
Bladensburg World War I Memorial Peace Cross	\$ 320,000
Central Avenue Connector Trail	\$ 1,500,000
COX Apt. LP – Hampton Park sustainable parking	\$ 500,000
District Heights – Senior Center	\$ 200,000
District Heights – senior day facility	\$ 500,000
Doctors Community Medical Center	\$ 804,000
Employs Prince George’s, Inc.	\$ 250,000
Good Food Markets, Inc. – Addison Plaza	\$ 250,000
Green Branch Athletic Complex	\$ 6,000,000
Greenbelt – Greenbelt Station Hiker and Biker Trail	\$ 250,000

Project	FY 22 Legislative Appropriation
Hyattsville – downtown parking garage	\$ 2,500,000
Lake Arbor – park project	\$ 1,000,000
Laurel – multi-service center	\$ 2,500,000
Meals on Wheels College Park	\$ 250,000
MedStar Southern Maryland Hospital	\$ 840,000
Melwood Horticultural Training Center, Inc.	\$ 450,000
Old Town Bowie	\$ 300,000
Paint Branch Trail and Trolley Trail	\$ 443,000
Prince George’s County – blue line corridor transportation infrastructure	\$ 17,600,000
Prince George’s County – turf fields	\$ 9,200,000
Prince George’s Amphitheatre at Central Park	\$ 11,000,000
Prince George’s County – high school athletic facilities	\$ 4,000,000
Prince George’s County – hospital center redevelopment	\$ 200,000
Prince George’s Pride Lacrosse, Inc. – indoor sport facility	\$ 300,000
Riverdale Park Hiker Biker Trail – lighting project	
Uplift Foundation	\$ 1,000,000
Upper Marlboro – streetscape improvements	\$ 450,000
VFW Free State Post 217 – parking lot improvements	\$ 75,000

APPENDIX C:
FY 2021 BOND BILLS
(MISCELLANEOUS GRANTS, DELEGATE & SENATE INITIATIVES)

Project	Appropriation
Alice Ferguson Foundation, Inc. – Hard Bargain Farm Environmental Center	\$ 200,000
Attick Towers Apartments	\$ 2,000,000
Berwyn Heights – Senior Center	\$ 165,000
Bishop McNamara High School	\$ 500,000
Blue Line Corridor Public Arts Project	\$ 1,000,000
Bowie Lions Club	\$ 10,000
Boys and Girls Club Sports Park	\$ 125,000
Brentwood Town Center	\$ 400,000
Camp Springs Elks Lodge No. 2332	\$ 40,000
College Park Trail Connections	\$ 200,000
Cree Drive Project	\$ 125,000
Crossland High School Weight Room	\$ 23,670
Delta Cultural Center	\$ 140,000
DeMatha Catholic High School	\$ 1,000,000
Elizabeth Seton High School	\$ 250,000
Fort Washington Medical Center	\$ 700,000
Foundation for Arts, Music and Education	\$ 175,000
Fountain Food Pantry	\$ 30,000
Helpers to Good Inc.	\$ 225,000
Henson Creek Golf Course Club House	\$ 200,000
Hyattsville Police and Public Safety Headquarters	\$ 500,000
Hyattsville Teen Activity and Mentoring Center	\$ 400,000
Joe’s Movement Emporium	\$ 200,000
Luminis Health Doctors Community Medical Center	\$ 750,000
Maenner House	\$ 300,000
Maenner House Annex	\$ 250,000
Maryland Intergenerational Family Life Center	\$ 75,000
Melwood Horticultural Training Facilities	\$ 450,000
Mission of Love Charities	\$ 1,000,000
Mount Rainier Public Safety Community Training and Workout Center	\$ 300,000
Prince George’s Cultural Arts Foundation Amphitheater	\$ 650,000

Project	Appropriation
Tucker Road Ice Rink Marquee Sign	\$ 100,000
United Communities Against Poverty	\$ 20,000
Total	\$ 12,603,670