



Prince George's County Council

Wayne K. Curry
Administration Building
1301 McCormick Dr
Largo, MD 20774

Meeting Agenda - Final General Assembly Committee

Wala Blegay, Chair

Edward P. Burroughs, Vice Chair

Mel Franklin

Sydney J. Harrison

Calvin S. Hawkins, II

Director ~ Marverly K. Nettles-Simpson

Staff ~ Edwin H. Brown, Jr.

(301) 952-3758

Tuesday, January 17, 2023

9:00 AM

Council Hearing Room

ORDER OF PROCEEDINGS

CALL TO ORDER

LOCAL BILLS

PG 401-23: Economic Development – Independent Innovation Agency of Prince George's County – Establishment

MC/PG 101-23: Washington Suburban Sanitary Commission – Minority Business Enterprise Utilization Program – Revisions and Extension

MC/PG 103-23: Maryland–National Capital Park and Planning Commission – Collective Bargaining Agreement Implementation – Dispute Arbitration

MC/PG 107-23: Prince George's County – Maryland–Washington Regional District – Standing to Request Review of Zoning and Land Use Decisions

LETTER

2023 Joint Legislative Priorities Letter

STATEWIDE BILLS

HB 12: Equitable and Inclusive Transit–Oriented Development Enhancement Act
2023 Regular Session - House Bill 12 First Reader (maryland.gov)

HB 8: Counties and State Legislative Districts - Food Environment Reports
2023 Regular Session - House Bill 8 First Reader (maryland.gov)

SB 77: Housing and Community Development - Homeowner's Extreme Weather Mitigation
and Preparation Grant Program
2023 Regular Session - Senate Bill 77 First Reader (maryland.gov)

SB 26: Maryland Medical Assistance Program, Maryland Children’s Health Program, and
Social Services Programs – Eligibility and Enrollment
2023 Regular Session - Senate Bill 26 First Reader (maryland.gov)

ANNOUNCEMENTS

ADJOURN

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Clark

Typed by: Julia

Stored – 11/10/22

Proofread by _____

Checked by _____

By: **Prince George's County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Economic Development – Independent Innovation Agency of Prince George's**
 3 **County – Establishment**

4 **PG 401–23**

5 FOR the purpose of establishing the Independent Innovation Agency of Prince George's
 6 County to promote innovation and technology in Prince George's County;
 7 establishing the Prince George's County Venture Capital Fund as a special,
 8 nonlapsing fund; requiring interest earnings from the Fund to be credited to the
 9 Fund; and generally relating to the Independent Innovation Agency of Prince
 10 George's County.

11 BY adding to

12 Article – Economic Development

13 Section 12–901 through 12–913 to be under the new subtitle “Subtitle 9.
 14 Independent Innovation Agency of Prince George's County”

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – State Finance and Procurement

19 Section 6–226(a)(2)(i)

 EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)167. and 168.
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)169.
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

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

Article – Economic Development

SUBTITLE 9. INDEPENDENT INNOVATION AGENCY OF PRINCE GEORGE’S COUNTY.
12–901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “AGENCY” MEANS THE INDEPENDENT INNOVATION AGENCY OF
PRINCE GEORGE’S COUNTY.

(C) “BOARD” MEANS THE EXECUTIVE BOARD OF THE AGENCY.

(D) “COUNTY” MEANS PRINCE GEORGE’S COUNTY.

(E) “FUND” MEANS THE PRINCE GEORGE’S COUNTY VENTURE CAPITAL
FUND.

12–902.

THIS SUBTITLE APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

12–903.

(A) THERE IS AN INDEPENDENT INNOVATION AGENCY OF PRINCE GEORGE’S COUNTY.

(B) (1) THE AGENCY IS A TAX–EXEMPT BODY POLITIC AND CORPORATE AND IS AN INSTRUMENTALITY OF THE STATE.

(2) THE AGENCY IS AN INDEPENDENT UNIT THAT THE GOVERNOR MAY NOT PLACE IN A PRINCIPAL DEPARTMENT OF STATE GOVERNMENT.

(C) THE PURPOSE OF THE AGENCY IS TO PROMOTE INNOVATION AND TECHNOLOGY IN PRINCE GEORGE’S COUNTY.

12–904.

(A) AN EXECUTIVE BOARD SHALL MANAGE THE AGENCY AND EXERCISE ITS CORPORATE POWERS.

(B) THE BOARD CONSISTS OF:

(1) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE CHAIR OF THE PRINCE GEORGE’S COUNTY HOUSE DELEGATION;

(2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE CHAIR OF THE PRINCE GEORGE’S COUNTY SENATE DELEGATION; AND

(3) THE FOLLOWING MEMBERS APPOINTED BY THE COUNTY EXECUTIVE:

(I) ONE REPRESENTATIVE FROM THE PRINCE GEORGE’S COUNTY CHAMBER OF COMMERCE;

(II) ONE REPRESENTATIVE FROM THE MARYLAND STATE
CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE;

(III) ONE REPRESENTATIVE FROM THE BOWIE BUSINESS
INNOVATION CENTER;

(IV) ONE REPRESENTATIVE FROM INNOHUB AT PRINCE
GEORGE'S COMMUNITY COLLEGE;

(V) ONE REPRESENTATIVE FROM STARTUP UMD;

(VI) ONE REPRESENTATIVE FROM INNCUVATE; AND

(VII) ONE REPRESENTATIVE FROM EMPLOY PRINCE GEORGE'S,
INC.

(C) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR
EVERY 2 YEARS.

(D) (1) THE TERM OF A MEMBER OF THE BOARD IS 2 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL
A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED
TERM SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR
IS APPOINTED AND QUALIFIES.

(E) (1) THE BOARD MAY ESTABLISH WORKGROUPS TO CONDUCT ITS
WORK.

(2) THE MEMBERSHIP OF A WORKGROUP MAY INCLUDE
INDIVIDUALS WHO ARE NOT MEMBERS OF THE BOARD.

12-905.

(A) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR.

1 **(2) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE**
2 **BOARD.**

3 **(3) THE BOARD SHALL DETERMINE THE SALARY OF THE EXECUTIVE**
4 **DIRECTOR.**

5 **(B) THE BOARD MAY EMPLOY A STAFF AND RETAIN PROFESSIONAL AND**
6 **CONSULTANT SERVICES.**

7 **(C) THE BOARD SHALL:**

8 **(1) DETERMINE THE POWERS AND DUTIES OF THE STAFF; AND**

9 **(2) SET THE COMPENSATION OF THE STAFF.**

10 **12-906.**

11 **THE AGENCY MAY:**

12 **(1) ADOPT A SEAL;**

13 **(2) SUE OR BE SUED;**

14 **(3) ADOPT BYLAWS AND RULES FOR THE CONDUCT OF ITS BUSINESS;**

15 **(4) ENTER INTO CONTRACTS AND OTHER LEGAL INSTRUMENTS;**

16 **(5) ACCEPT GRANTS, CONTRIBUTIONS, OR OTHER ASSISTANCE OF**
17 **ANY KIND FROM THE FEDERAL GOVERNMENT, THE STATE, A LOCAL GOVERNMENT,**
18 **A COLLEGE OR UNIVERSITY, OR OTHER PUBLIC OR PRIVATE SOURCE;**

19 **(6) INCLUDE IN ANY CONTRACT FOR FINANCIAL ASSISTANCE WITH**
20 **THE FEDERAL GOVERNMENT ANY REASONABLE AND APPROPRIATE CONDITION**
21 **IMPOSED UNDER FEDERAL LAW THAT IS NOT INCONSISTENT WITH THE PURPOSES**
22 **OF THIS SUBTITLE;**

1 **(7) MAKE INVESTMENTS FROM THE FUND TO FURTHER THE**
2 **PURPOSES OF THIS SUBTITLE;**

3 **(8) CREATE, OWN, CONTROL, OR BE A MEMBER OF A CORPORATION,**
4 **A LIMITED LIABILITY COMPANY, A PARTNERSHIP, OR ANY OTHER ENTITY; AND**

5 **(9) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THIS**
6 **SUBTITLE.**

7 **12-907.**

8 **(A) ON OR BEFORE JANUARY 1, 2024, THE BOARD SHALL ISSUE A**
9 **REQUEST FOR PROPOSALS TO CONDUCT A NEEDS ASSESSMENT OF THE**
10 **ENTREPRENEURIAL ENVIRONMENT IN THE COUNTY IN ORDER TO INFORM AND**
11 **EDUCATE THE AGENCY’S FUTURE ACTIONS.**

12 **(B) A REQUEST FOR PROPOSALS UNDER THIS SECTION SHALL INCLUDE**
13 **THE FOLLOWING ELEMENTS AND EXPECTATIONS:**

14 **(1) STUDYING TECHNOLOGY CLUSTERS IN THE COUNTY;**

15 **(2) REVIEWING THE CURRENT ENTREPRENEURIAL ENVIRONMENT**
16 **OF THE COUNTY; AND**

17 **(3) IDENTIFYING BARRIERS TO ENTRY FOR START-UP COMPANIES**
18 **AND ENTREPRENEURS IN THE COUNTY.**

19 **(C) ON OR BEFORE JANUARY 1, 2025, A PERSON AWARDED THE CONTRACT**
20 **UNDER THE REQUEST FOR PROPOSALS SHALL SUBMIT A FINAL REPORT OF THE**
21 **NEEDS ASSESSMENT REQUIRED IN SUBSECTION (A) OF THIS SECTION TO THE**
22 **BOARD.**

23 **(D) ON OR BEFORE JANUARY 15, 2025, THE AGENCY SHALL SUBMIT A**
24 **COPY OF THE FINAL REPORT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION**
25 **TO THE COUNTY EXECUTIVE, THE PRINCE GEORGE’S COUNTY COUNCIL, AND, IN**
26 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRS**
27 **OF THE PRINCE GEORGE’S COUNTY DELEGATION TO THE MARYLAND GENERAL**
28 **ASSEMBLY.**

1 **(E) THE AGENCY MAY NOT ESTABLISH A WORKGROUP OR PROGRAM**
2 **REQUIRED UNDER THIS SUBTITLE UNTIL THE NEEDS ASSESSMENT AND FINAL**
3 **REPORT REQUIRED IN THIS SECTION ARE COMPLETE.**

4 **12-908.**

5 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
6 **INDICATED.**

7 **(2) “INNOVATION PLACE” MEANS AN AREA IN THE COUNTY THAT HAS**
8 **THE POTENTIAL TO BE A HUB FOR ENTREPRENEURS AND TECH START-UP**
9 **COMPANIES BASED ON LOCATION AND PROXIMITY TO A LOCAL ANCHOR**
10 **INSTITUTION.**

11 **(3) “PROGRAM” MEANS THE INNOVATION PLACES PROGRAM.**

12 **(B) (1) THERE IS AN INNOVATION PLACES PROGRAM IN THE AGENCY.**

13 **(2) THE PURPOSE OF THE PROGRAM IS TO FOSTER INNOVATION AND**
14 **ENTREPRENEURSHIP BY IDENTIFYING INNOVATION PLACES IN THE COUNTY.**

15 **(C) THE AGENCY SHALL:**

16 **(1) IDENTIFY AND DESIGNATE AREAS WITHIN THE COUNTY THAT**
17 **HAVE POTENTIAL TO BE INNOVATION PLACES THAT:**

18 **(I) ARE COMPACT; AND**

19 **(II) FALL WITHIN SPECIFIC MUNICIPALITIES OR**
20 **WELL-DEFINED UNINCORPORATED AREAS;**

21 **(2) IDENTIFY, DESIGNATE, AND FUND THE INITIAL COSTS OF**
22 **DEVELOPING AN INNOVATION PLACE; AND**

23 **(3) ENCOURAGE COLLABORATION BETWEEN LOCAL**
24 **ENTREPRENEURS AND START-UP COMPANIES AND THE FOLLOWING LOCAL**
25 **ANCHOR INSTITUTIONS:**

- (I) EDUCATIONAL FACILITIES;
- (II) MEDICAL CENTERS;
- (III) LARGE-SCALE BUSINESSES; AND
- (IV) GOVERNMENTAL ENTITIES.

12-909.

(A) IN THIS SECTION, “PROGRAM” MEANS THE ENTREPRENEURS-IN-RESIDENCE PROGRAM.

(B) (1) THERE IS AN ENTREPRENEURS-IN-RESIDENCE PROGRAM IN THE AGENCY.

(2) THE PURPOSE OF THE PROGRAM IS TO IDENTIFY HIGHLY EXPERIENCED ENTREPRENEURS WHO HAVE CREATED SUCCESSFUL INNOVATION-BASED START-UP COMPANIES AND MATCH THEM WITH ENTREPRENEURS AND START-UP COMPANIES IN THE COUNTY.

(C) THE AGENCY MAY DECIDE WHETHER A MENTOR IN THE PROGRAM SHOULD BE COMPENSATED BASED ON THE MENTOR’S TIME COMMITMENT TO THE PROGRAM.

12-910.

(A) IN THE SECTION, “WORKGROUP” MEANS THE INDUSTRY SECTOR WORKGROUP.

(B) THE AGENCY SHALL CONVENE AN INDUSTRY SECTOR WORKGROUP OF INTERESTED STAKEHOLDERS TO STUDY INDUSTRIES OF OPPORTUNITY IN THE COUNTY.

(C) THE WORKGROUP CONVENED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE REPRESENTATIVES FROM THE FOLLOWING INDUSTRIES:

(1) QUANTUM COMPUTING;

(2) LIFE SCIENCES OR HEALTH CARE;

(3) CONSTRUCTION; AND

(4) ANY OTHER INDUSTRY NECESSARY TO CARRY OUT THE PURPOSE OF THE WORKGROUP.

(D) THE WORKGROUP SHALL SET GOALS AND DEVELOP PLANS ON HOW THE AGENCY SHOULD INVEST AND SUPPORT INDUSTRIES OF OPPORTUNITY WITHIN THE COUNTY.

(E) (1) THE WORKGROUP SHALL BE AVAILABLE TO ADVISE THE AGENCY ON ITS FINDINGS ON REQUEST.

(2) ON OR BEFORE DECEMBER 1 EACH YEAR, THE WORKGROUP SHALL SUBMIT A REPORT TO THE AGENCY ON THE FINDINGS AND RECOMMENDATIONS OF THE WORKGROUP FROM THE IMMEDIATELY PRECEDING YEAR.

12-911.

(A) IN THIS SECTION, “WORKGROUP” MEANS THE HIGHER EDUCATION TALENT PIPELINE WORKGROUP.

(B) THE AGENCY SHALL CONVENE A HIGHER EDUCATION TALENT AND PIPELINE WORKGROUP OF INTERESTED STAKEHOLDERS TO FOCUS ON PROMOTING HOW INSTITUTIONS OF HIGHER EDUCATION CAN PARTNER WITH LOCAL ENTREPRENEURS AND START-UP COMPANIES TO FOSTER INNOVATION WITHIN THE COUNTY.

(C) THE WORKGROUP CONVENED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) REPRESENTATIVES FROM:

(I) THE UNIVERSITY OF MARYLAND, COLLEGE PARK;

(II) THE UNIVERSITY OF MARYLAND GLOBAL CAMPUS;

(III) PRINCE GEORGE'S COMMUNITY COLLEGE;

(IV) BOWIE STATE UNIVERSITY; AND

(V) CAPITOL COLLEGE; AND

(2) FOUR INDIVIDUALS WITH SIGNIFICANT EXPERIENCE IN
WORKFORCE DEVELOPMENT.

(D) THE WORKGROUP SHALL:

(1) IN CONSULTATION WITH LOCAL ENTREPRENEURS, BUSINESSES,
AND OTHER ENTITIES, MAKE PLANS FOR THE RESEARCH AND POTENTIAL
COMMERCIALIZATION OF TECHNOLOGIES WITHIN HIGHER EDUCATION; AND

(2) DEVELOP GOALS AND PLANS TO HELP STUDENTS BECOME
INNOVATORS AND ENTREPRENEURS IN THE COUNTY.

(E) (1) THE WORKGROUP SHALL BE AVAILABLE TO ADVISE THE AGENCY
ON ITS FINDINGS ON REQUEST.

(2) ON OR BEFORE DECEMBER 1 EACH YEAR, THE WORKGROUP
SHALL SUBMIT A REPORT TO THE AGENCY ON THE FINDINGS AND
RECOMMENDATIONS OF THE WORKGROUP FROM THE IMMEDIATELY PRECEDING
YEAR.

12-912.

(A) THE STATE AND THE COUNTY JOINTLY SHALL FINANCE THE AGENCY
AND ITS ACTIVITIES.

(B) THE AGENCY MAY ACCEPT ADDITIONAL MONEY FROM ANY OTHER
PUBLIC OR PRIVATE SOURCE.

12-913.

1 **(A) THERE IS A PRINCE GEORGE’S COUNTY VENTURE CAPITAL FUND.**

2 **(B) THE PURPOSE OF THE FUND IS TO, WITHIN THE COUNTY:**

3 **(1) INVEST IN TECH START-UP COMPANIES AND SMALL BUSINESSES;**

4 **AND**

5 **(2) PROMOTE INNOVATION AND TECHNOLOGY.**

6 **(C) THE AGENCY SHALL ADMINISTER THE FUND.**

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

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

11 **(E) THE FUND CONSISTS OF:**

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

13 **(2) INTEREST EARNINGS;**

14 **(3) INVESTMENT RETURNS AND EARNINGS; AND**

15 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
16 **THE BENEFIT OF THE FUND.**

17 **(F) THE FUND MAY BE USED ONLY:**

18 **(1) TO PROVIDE INVESTMENTS FOR PROJECTS THAT FURTHER THE**
19 **PURPOSES OF THIS SUBTITLE; AND**

20 **(2) FOR ADMINISTRATIVE EXPENSES OF THE AGENCY.**

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

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

3 **Article – State Finance and Procurement**

4 6–226.

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

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

13 167. the Resiliency Hub Grant Program Fund; [and]

14 168. the Family and Medical Leave Insurance Fund; **AND**

15 **169. THE PRINCE GEORGE’S COUNTY VENTURE CAPITAL**
16 **FUND.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2023.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: McCurdy

Typed by: Julia

Stored – 11/01/22

Proofread by _____

Checked by _____

By: **Montgomery County Delegation and Prince George's County Delegation**
Requested by the Chair on behalf of WSSC

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Minority Business Enterprise**
3 **Utilization Program – Revisions and Extension**

4 **MC/PG 101–23**

5 FOR the purpose of revising the minority business enterprise utilization program within
6 the Washington Suburban Sanitary Commission, including altering the definition of
7 “minority business enterprise”, altering the duties of the Office of Supplier Diversity
8 and Inclusion, merging the program for design/build and construction contracts with
9 the program for the procurement of goods and services, altering requirements for
10 prime contractors in relation to minority business enterprise participation, and
11 altering certification requirements for businesses to participate in contract-specific
12 minority business enterprise goals and preferences authorized by the Commission;
13 extending until a certain date provisions relating to procurement from minority
14 business enterprises by the Commission; and generally relating to the Washington
15 Suburban Sanitary Commission and procurements from minority business
16 enterprises.

17 BY repealing and reenacting, with amendments,
18 Article – Public Utilities
19 Section 20–201, 20–202, 20–204, 20–206, 20–208, and 20–302
20 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2020 Replacement Volume and 2022 Supplement)

BY adding to

Article – Public Utilities

Section 20–202 and 20–205

Annotated Code of Maryland

(2020 Replacement Volume and 2022 Supplement)

BY repealing

Article – Public Utilities

Section 20–203 and 20–205

Annotated Code of Maryland

(2020 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 20–207

Annotated Code of Maryland

(2020 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Public Utilities

20–201.

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

(b) [Except as provided in § 20–203 of this subtitle, “minority] **“MINORITY business enterprise”** [means a legal entity that is:

(1) organized to engage in commercial transactions; and

(2) at least 51% owned and controlled by one or more individuals who are members of a group that is:

(i) disadvantaged socially or economically by the effects of past discrimination, including discrimination as to certification; and

(ii) identified by a study conducted in accordance with this subtitle or a similar, previously conducted study] **HAS THE MEANING STATED IN § 14–301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(c) “Office” means the Office of Supplier Diversity and Inclusion established under [§ 20–202] **§ 20–203** of this subtitle.

20–202.

THE GENERAL ASSEMBLY FINDS THE FOLLOWING:

(1) THE GENERAL ASSEMBLY WISHES TO PROVIDE ALL CITIZENS OF MARYLAND WITH EQUAL ACCESS TO BUSINESS FORMATION AND BUSINESS GROWTH OPPORTUNITIES;

(2) THE ELIMINATION OF DISCRIMINATION AGAINST MINORITY– AND WOMEN–OWNED BUSINESSES IS OF PARAMOUNT IMPORTANCE TO THE FUTURE WELFARE OF THE COMMUNITY SERVED BY THE COMMISSION;

(3) THE COMMISSION HAS PROCURED, RECEIVED, ACCEPTED, AND CAREFULLY REVIEWED A DISPARITY STUDY COMMISSIONED BY THE COMMISSION AND FINDS THAT THE DISPARITY STUDY PROVIDES A STRONG BASIS IN EVIDENCE DEMONSTRATING PERSISTENT DISCRIMINATION AGAINST MINORITY– AND WOMEN–OWNED BUSINESSES;

(4) BASED ON ITS REVIEW OF THE DISPARITY STUDY:

(I) THERE ARE SUBSTANTIAL AND STATISTICALLY SIGNIFICANT ADVERSE DISPARITIES THAT ARE STRONG EVIDENCE OF DISCRIMINATION AGAINST MINORITIES AND NONMINORITY WOMEN IN WAGES, BUSINESS FORMATION, BUSINESS OWNER EARNINGS, AND ACCESS TO CAPITAL IN THE SAME GEOGRAPHIC MARKETS AND INDUSTRY CATEGORIES IN WHICH THE COMMISSION DOES BUSINESS;

(II) THE COMMISSION WOULD BECOME A PASSIVE PARTICIPANT IN PRIVATE SECTOR RACIAL AND GENDER DISCRIMINATION IF IT ELIMINATED ITS REMEDIAL EFFORTS, INCLUDING THE OPERATION OF THE MINORITY BUSINESS ENTERPRISE UTILIZATION PROGRAM ESTABLISHED UNDER § 20-204 OF THIS SUBTITLE;

(III) THERE REMAIN SUBSTANTIAL AND STATISTICALLY SIGNIFICANT ADVERSE DISPARITIES THAT ARE CONSISTENT WITH DISCRIMINATION AGAINST MINORITIES AND NONMINORITY WOMEN IN THE COMMISSION'S OWN PROCUREMENT DESPITE THE COMMISSION'S ASSERTIVE EFFORTS TO CURTAIL THAT DISCRIMINATION;

(IV) THERE ARE SUBSTANTIAL AND STATISTICALLY SIGNIFICANT ADVERSE DISPARITIES THAT ARE CONSISTENT WITH DISCRIMINATION AGAINST BUSINESSES OWNED BY MINORITIES AND NONMINORITY WOMEN IN ALL MAJOR INDUSTRY CATEGORIES IN WHICH THE COMMISSION PROCURES GOODS AND SERVICES;

(V) THERE IS AMPLE EVIDENCE THAT DISCRIMINATION IN THE PRIVATE SECTOR HAS DEPRESSED BUSINESS FORMATION AND BUSINESS GROWTH AMONG MINORITY AND NONMINORITY WOMEN ENTREPRENEURS IN THE GEOGRAPHIC MARKETS AND INDUSTRY CATEGORIES IN WHICH THE COMMISSION DOES BUSINESS; AND

(VI) THERE IS POWERFUL AND PERSUASIVE QUALITATIVE EVIDENCE, BOTH STATISTICAL AND ANECDOTAL, OF DISCRIMINATION AGAINST MINORITY AND NONMINORITY WOMEN BUSINESS OWNERS IN BOTH THE PUBLIC AND PRIVATE SECTORS IN THE GEOGRAPHIC MARKETS AND INDUSTRY CATEGORIES IN WHICH THE COMMISSION DOES BUSINESS;

(5) AS A RESULT OF ONGOING DISCRIMINATION AND THE PRESENT DAY EFFECTS OF PAST DISCRIMINATION, MINORITY- AND WOMEN-OWNED BUSINESSES COMBINED CONTINUE TO BE SIGNIFICANTLY UNDERUTILIZED RELATIVE TO THEIR AVAILABILITY TO PERFORM WORK IN ALL OF THE PROCUREMENT CATEGORIES IN WHICH THE COMMISSION DOES BUSINESS;

(6) MINORITY PRIME CONTRACTORS ALSO ARE SUBJECT TO DISCRIMINATION AND CONFRONT ESPECIALLY DAUNTING BARRIERS IN

1 ATTEMPTING TO COMPETE WITH VERY LARGE AND LONG-ESTABLISHED
2 NONMINORITY COMPANIES;

3 (7) DESPITE THE FACT THAT THE COMMISSION HAS EMPLOYED, AND
4 CONTINUES TO EMPLOY, NUMEROUS AND ROBUST RACE-NEUTRAL REMEDIES,
5 INCLUDING AGGRESSIVE OUTREACH AND ADVERTISING, TRAINING AND EDUCATION,
6 A SMALL LOCAL BUSINESS PROGRAM, AND OTHER EFFORTS, THERE IS A STRONG
7 BASIS IN EVIDENCE THAT DISCRIMINATION PERSISTS EVEN IN PUBLIC SECTOR
8 PROCUREMENT WHERE THESE EFFORTS HAVE BEEN EMPLOYED;

9 (8) THIS SUBTITLE ENSURES THAT RACE-NEUTRAL EFFORTS WILL BE
10 USED TO THE MAXIMUM EXTENT FEASIBLE AND THAT RACE-CONSCIOUS MEASURES
11 WILL BE USED ONLY WHERE NECESSARY TO ELIMINATE DISCRIMINATION THAT WAS
12 NOT ALLEVIATED BY RACE-NEUTRAL EFFORTS;

13 (9) THIS SUBTITLE CONTINUES AND ENHANCES EFFORTS TO ENSURE
14 THAT THE COMMISSION LIMITS THE BURDEN ON NONMINORITY BUSINESSES AS
15 MUCH AS POSSIBLE BY ENSURING THAT ALL GOALS ARE DEVELOPED USING THE
16 BEST AVAILABLE DATA AND THAT WAIVERS ARE AVAILABLE WHEN CONTRACTORS
17 MAKE GOOD FAITH EFFORTS;

18 (10) THIS SUBTITLE ENSURES THAT THE OPERATION OF THE MINORITY
19 BUSINESS ENTERPRISE UTILIZATION PROGRAM ESTABLISHED UNDER § 20-204 OF
20 THIS SUBTITLE IS CONSISTENT WITH THE DISPARITY STUDY DATA AND IS NARROWLY
21 TAILORED TO THE COMPELLING INTERESTS OF THE STATE; AND

22 (11) COMMISSION EFFORTS TO SUPPORT THE DEVELOPMENT OF
23 COMPETITIVELY VIABLE BUSINESSES OWNED BY WOMEN AND MINORITIES WILL
24 ASSIST IN REDUCING DISCRIMINATION AND CREATING JOBS FOR ALL CITIZENS OF
25 MARYLAND.

26 [20-202.] 20-203.

27 (a) There is an Office of Supplier Diversity and Inclusion in the Commission.

28 (b) The head of the Office is the Director of the Office of Supplier Diversity and
29 Inclusion.

(c) The Office shall:

(1) administer each Commission program that is created to [promote the growth of or participation by] **REMEDY DISCRIMINATION AGAINST** minority [or] **BUSINESS ENTERPRISES AND PROMOTE THE PARTICIPATION OF** local small business enterprises, including:

(i) [the minority business enterprise utilization program for design/build and construction contracts under § 20–203 of this subtitle;

(ii)] the minority business enterprise utilization program [for the procurement of other goods and services] under § 20–204 of this subtitle; and

[(iii)] **(II)** the local small business enterprise program under Subtitle 3 of this title;

(2) promote and coordinate the plans, programs, and operations of the Commission [that promote or affect the establishment, preservation, and strengthening of minority business enterprises] **TO REMEDY DISCRIMINATION AGAINST MINORITY BUSINESS ENTERPRISES AND THE EFFECTS OF DISCRIMINATION;**

(3) promote activities and the use of the resources of the Commission, local governments, and private entities [for the growth of] **TO REMEDY DISCRIMINATION AGAINST** minority business enterprises **AND THE EFFECTS OF DISCRIMINATION; AND**

(4) [provide technical and managerial assistance to minority business enterprises;

(5) schedule seminars and workshops to educate minority businesses on how the Commission conducts business; and

(6)] ensure compliance with certified minority business enterprise subcontract participation goals under § 20–206 of this subtitle.

[20–203.

(a) In this section, “minority business enterprise” has the meaning stated in § 14–301 of the State Finance and Procurement Article.

1 (b) (1) By resolution and adopting regulations, the Commission shall establish
2 a mandatory minority business enterprise utilization program to facilitate the participation
3 of responsible certified minority business enterprises in contracts awarded by the
4 Commission in accordance with its competitive bidding or proposal procedures under
5 Subtitle 1 of this title.

6 (2) The Office shall administer the program established under this
7 subsection.

8 (c) Regulations that establish the program under subsection (b) of this section
9 shall include provisions that:

10 (1) recognize the certification of minority business enterprises by the State
11 certification agency designated under § 14–303(b) of the State Finance and Procurement
12 Article;

13 (2) recognize any other certification program that the Commission
14 determines substantially duplicates the requirements of the State certification agency;

15 (3) provide for the graduation of a minority business enterprise from the
16 program if the Commission determines that the minority business enterprise no longer
17 requires the assistance or benefits offered by the program;

18 (4) at the time of submission, require a bid or proposal based on a
19 solicitation with an expected degree of minority business enterprise participation to include
20 proof of a certified minority business enterprise commitment by stating:

21 (i) the potential subcontract opportunities available in the prime
22 procurement contract; and

23 (ii) the number of minority business enterprises that have certified,
24 under the penalties for perjury, that the minority business enterprise has entered into an
25 agreement with the bidder or offeror to provide goods or services under specific terms
26 outlined in the certification;

27 (5) require each general contractor to submit to the Commission monthly
28 reports of the number of minority business enterprises employed by the general contractor;

(6) require each general contractor to provide prompt notification to the Commission if a contract with a minority business enterprise is terminated;

(7) require each general contractor to:

(i) maintain a participation level from minority business enterprises that is consistent with the participation level referenced under item (4)(ii) of this subsection; or

(ii) provide justification for the inability of the general contractor to maintain the participation level;

(8) provide for an increase in minority business enterprise participation as general contractors and subcontractors; and

(9) authorize the waiver of all or part of the program for a specific contract if the Commission determines that applying the program to the contract would conflict with the overall objectives and responsibilities of the Commission.

(d) Before accepting an alternative certification program under subsection (c)(2) of this section, the Commission shall examine the alternative program to ensure that the alternative program complies with the guidelines established under § 20–205 of this subtitle.]

20–204.

(a) (1) By resolution and adopting regulations, the Commission shall establish a minority business enterprise utilization program to [facilitate the participation of responsible certified] **REMEDY DISCRIMINATION AGAINST** minority business enterprises in contracts awarded by the Commission [for goods and services that are not covered under § 20–203 of this subtitle,] if the Commission determines that:

(i) [minority business enterprises are underrepresented in the award of these contracts due to the effects of past discrimination] **THERE IS A STRONG BASIS IN EVIDENCE THAT MINORITY BUSINESS ENTERPRISES ARE SUBJECT TO DISCRIMINATION**; and

(ii) a program is necessary to remedy the effects of this [past] discrimination.

(2) The Office shall administer the program established under this subsection.

(b) Regulations that establish the program under subsection (a) of this section shall include provisions that:

(1) recognize the certification of minority business enterprises by the State certification agency designated under § 14–303(b) of the State Finance and Procurement Article **AND THE REGULATIONS ADOPTED UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

(2) recognize any other certification program that the Commission determines, **UNDER § 20–205 OF THIS SUBTITLE,** substantially duplicates the requirements of the State certification agency;

[(3) provide for the graduation of a minority business enterprise from the program if the Commission determines that the minority business enterprise no longer requires the assistance or benefits offered by the program;

(4) at the time of submission, require a bid or proposal based on a solicitation with an expected degree of minority business enterprise participation to include proof of a certified minority business enterprise commitment by stating:

(i) the potential subcontract opportunities available in the prime procurement contract; and

(ii) the number of minority business enterprises that have certified, under the penalties for perjury, that the minority business enterprise has entered into an agreement with the bidder or offeror to provide goods or services under specific terms outlined in the certification;]

(3) ESTABLISH A RANGE OF RACE-NEUTRAL PROGRAMS AND POLICIES AIMED AT REMEDYING DISCRIMINATION, INCLUDING EFFORTS TO ASSIST SMALL AND UNDERUTILIZED BUSINESSES WITH:

1 **(I) GROWING THE BUSINESS AND BEING COMPETITIVE;**

2 **(II) UNDERSTANDING AND NAVIGATING THE COMMISSION’S**
3 **PROCUREMENT PROCESS AND REQUIREMENTS; AND**

4 **(III) THRIVING AS BOTH SUBCONTRACTORS AND PRIME**
5 **CONTRACTORS;**

6 **(4) AT THE TIME OF SUBMISSION, REQUIRE A BID OR PROPOSAL**
7 **BASED ON A SOLICITATION THAT INCLUDES A MINORITY BUSINESS ENTERPRISE**
8 **PARTICIPATION GOAL TO INCLUDE, UNDER PENALTIES OF PERJURY,**
9 **DOCUMENTATION:**

10 **(I) ABOUT EACH MINORITY BUSINESS THAT HAS CERTIFIED**
11 **THAT THE MINORITY BUSINESS AGREES TO PROVIDE SPECIFIC GOODS AND**
12 **SERVICES UNDER SPECIFIC TERMS OUTLINED IN THE CERTIFICATION; AND**

13 **(II) OF GOOD FAITH EFFORTS TO MEET ANY PART OF A GOAL**
14 **NOT MET BY THE DOCUMENTATION REQUIRED UNDER ITEM (I) OF THIS ITEM;**

15 (5) require each [general] **PRIME** contractor to submit to the Commission
16 monthly reports [of the number of minority business enterprises employed by the general
17 contractor] **CONTAINING INFORMATION REQUIRED BY THE OFFICE;**

18 (6) require each [general] **PRIME** contractor, **WHEN FEASIBLE**, to provide
19 prompt notification to the Commission [if a contract] **BEFORE THE TERMINATION OF A**
20 **CONTRACT** with a minority business enterprise [is terminated];

21 (7) require each [general] **PRIME** contractor to:

22 (i) maintain [a] participation [level] from minority business
23 enterprises that is consistent with the participation [level] referenced under item [(4)(ii)]
24 **(4)** of this subsection; or

25 (ii) provide [justification for the inability of the general contractor]
26 **DOCUMENTATION OF GOOD FAITH EFFORTS** to maintain the participation [level]
27 **REFERENCED UNDER ITEM (4) OF THIS SUBSECTION;**

1 (8) provide for minority business enterprise participation through
2 **[subcontracting] CONTRACT-SPECIFIC GOALS;**

3 (9) **[(i)]** authorize the waiver of all or part of the program for a specific
4 contract if the Commission determines that applying the program to the contract would
5 conflict with **THE LAW OR** the overall objectives and responsibilities of the Commission;
6 **[and**

7 (ii) require the Commission to report annually to the Montgomery
8 County and Prince George's County Senate and House Delegations to the Maryland
9 General Assembly on any waivers granted under this subsection;]

10 (10) **[except as provided in item (11) of this subsection, provide] ALLOW** for
11 a system of granting a **PRICE** preference **[of up to the lesser of 5% or \$50,000]** to minority
12 business enterprises in evaluating bids or proposals, **INCLUDING THE AVAILABILITY OF**
13 **A GOOD FAITH WAIVER PROVISION FOR A PREFERENCE;**

14 (11) **[subject to subsection (d) of this section, establish a sheltered market**
15 **program in which bidding on procurement contracts designated by the Commission as**
16 **appropriate is restricted to certified minority business enterprises] AUTHORIZE THE**
17 **ESTABLISHMENT OF A RACE-NEUTRAL PROGRAM TO ENCOURAGE FIRMS TO**
18 **DEVELOP PRIME CONTRACTING EXPERIENCE AND EXPERTISE;**

19 (12) require the solicitation document accompanying each solicitation to set
20 forth the regulations that establish the program; **AND**

21 (13) **[require the geographic location and the principal place of business of**
22 **the minority business enterprise to be a consideration for participation in the program,**
23 **including requiring Montgomery County businesses and Prince George's County businesses**
24 **to each have a targeted percentage of at least 40% of any contracts; and**

25 (14)] authorize the Commission to:

26 (i) refuse to recognize the certification of a business found to be in
27 violation of the purposes of the program; and

28 (ii) permanently bar an active principal of a violating business from
29 future participation in the program.

1 [(c) Before accepting an alternative certification program under subsection (b)(2)
2 of this section, the Commission shall examine the alternative program to ensure that:

3 (1) the alternative program complies with the guidelines established under
4 § 20–205 of this subtitle; and

5 (2) the principal owner of an eligible minority business enterprise is in not
6 more than one certified business that is participating in the Commission minority business
7 enterprise utilization program under this section.

8 (d) (1) The sheltered market program established in subsection (b)(11) of this
9 section may not be used until all less restrictive remedies under subsection (b) of this
10 section and race–neutral remedies, including assistance with bonding requirements,
11 financing, or bidding procedures for small firms, have been used and determined to be
12 ineffective.

13 (2) If at least three certified minority business enterprises bid on a contract
14 under the sheltered market program, the Commission shall award the contract to the
15 lowest bidder.

16 (3) If fewer than three certified minority business enterprises bid on a
17 contract under the sheltered market program, the contract shall be awarded under
18 subsection (b)(10) of this section.]

19 [20–205.

20 (a) (1) A certifying agency shall determine bona fide minority group
21 membership based on an individual’s claim that the individual is:

22 (i) a member of a minority group; and

23 (ii) regarded as a member by that minority community.

24 (2) A certifying agency may determine that an individual’s claim under this
25 subsection is invalid.

1 (b) (1) To be eligible for certification as a minority business enterprise and
2 participation in a minority business enterprise utilization program under § 20–203 or §
3 20–204 of this subtitle, a business shall meet the standards under this subsection.

4 (2) (i) A minority business enterprise shall be an independent business.

5 (ii) A certifying agency shall determine whether a business is
6 independent by considering:

7 1. the date the business was established;

8 2. the adequacy of the resources of the business for the work
9 required under the contract;

10 3. the degree to which financial, equipment leasing, and
11 other relationships with nonminority businesses vary from industry practice; and

12 4. any other relevant factor.

13 (3) A minority owner shall have real, substantial, and continuing
14 ownership and control of the business that goes beyond the pro forma ownership of the
15 business as reflected in the ownership documents.

16 (4) A minority owner shall have the customary incidents of ownership and
17 share in the risks and profits commensurate with the ownership interests in the business
18 as demonstrated by an examination of the substance rather than the form of the
19 arrangements.

20 (5) Recognition of the business as a separate entity for tax or corporate
21 purposes is not necessarily sufficient for certification as a minority business enterprise.

22 (6) (i) A minority owner shall have the power to:

23 1. direct or cause the direction of the management and
24 policies of the business; and

25 2. make the day-to-day and major decisions on matters of
26 management, policy, and operations for the business.

1 (ii) The business may not be subject to a formal or informal
2 restriction, including a bylaw, partnership agreement, or charter requirement for
3 cumulative voting rights, that prevents a minority owner from making a business decision
4 without the cooperation or vote of an owner who is not a minority.

5 (7) (i) The business may not be operated disproportionately by the
6 owners of the business who are not minorities.

7 (ii) If the management of the business is contracted out to an
8 individual other than the owner, the individual who has the ultimate power to hire and fire
9 the managers may be considered as controlling the business.

10 (8) (i) Minorities shall directly hold all securities that constitute
11 ownership or control of a corporation for the purpose of establishing the corporation as a
12 minority business enterprise.

13 (ii) Securities held in trust or by a guardian for a minor may not be
14 considered held by minorities in determining the ownership or control of a corporation.

15 (9) A contribution of capital or expertise by a minority owner to acquire an
16 interest in a business shall be real and substantial and may not include:

17 (i) a promise to contribute capital;

18 (ii) a note payable to the business or owners of the business who are
19 not socially and economically disadvantaged; or

20 (iii) participation as an employee and not as a manager.

21 (c) In determining eligibility as a minority business enterprise, a certifying
22 agency shall:

23 (1) closely scrutinize a newly formed business, or a business for which the
24 ownership or control has changed since the date of the advertisement of the contract, to
25 determine the reason for the timing of the formation or change;

(2) carefully review a previous or continuing employer–employee relationship among present owners to ensure that an employee–owner has the management responsibilities and capabilities required under this section; and

(3) carefully review a relationship between a minority business enterprise and a business that is not a minority business enterprise that has an interest in the minority business enterprise to determine if the interest of the nonminority business conflicts with the ownership and control requirements of this section.]

20–205.

(A) TO PARTICIPATE IN THE CONTRACT–SPECIFIC GOALS AND PREFERENCES AUTHORIZED UNDER THIS SUBTITLE, A BUSINESS MUST:

(1) BE CERTIFIED BY A CERTIFICATION AGENCY IN ACCORDANCE WITH TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE;

(2) (I) BE CERTIFIED BY ANY CERTIFICATION AGENCY; AND

(II) SUBMIT ALL ADDITIONAL DOCUMENTATION NECESSARY FOR THE OFFICE TO DETERMINE THAT THE BUSINESS MEETS THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE; OR

(3) BE CERTIFIED UNDER A CERTIFICATION PROGRAM THAT THE COMMISSION DETERMINES SUBSTANTIALLY DUPLICATES THE REQUIREMENTS FOR A STATE CERTIFICATION AGENCY UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE.

(B) TO SUBSTANTIALLY DUPLICATE THE REQUIREMENTS FOR A STATE CERTIFICATION AGENCY UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE, A CERTIFICATION PROGRAM SHALL, AT A MINIMUM, HAVE CERTIFICATION REQUIREMENTS THAT ARE AT LEAST AS NARROWLY TAILORED AS THE STATE’S REQUIREMENTS IN TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND

**PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE
WITH RESPECT TO:**

(1) BUSINESS OWNERSHIP AND CONTROL;

(2) BUSINESS SIZE STANDARDS;

(3) BUSINESS OWNER PERSONAL NET WORTH; AND

(4) BUSINESS OWNER SOCIAL AND ECONOMIC DISADVANTAGE.

**(C) IF THE OFFICE DETERMINES THAT A BUSINESS SEEKING TO
PARTICIPATE IN THE MINORITY BUSINESS ENTERPRISE UTILIZATION PROGRAM
ESTABLISHED UNDER § 20–204 OF THIS SUBTITLE HAS A CERTIFICATION THAT DOES
NOT SUBSTANTIALLY DUPLICATE THE REQUIREMENTS IN TITLE 14, SUBTITLE 3 OF
THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS
ADOPTED UNDER THAT SUBTITLE, THE OFFICE MAY:**

**(1) REQUEST AND EVALUATE DOCUMENTATION AND EVIDENCE
NECESSARY TO DETERMINE WHETHER THE BUSINESS MAY BE AUTHORIZED TO
PARTICIPATE IN PROGRAMS UNDER THIS SUBTITLE; AND**

**(2) FOLLOWING THE EVALUATION UNDER ITEM (1) OF THIS
SUBSECTION, AUTHORIZE A BUSINESS TO PARTICIPATE IN PROGRAMS UNDER THIS
SUBTITLE.**

20–206.

(a) The Office shall verify that a certified minority business enterprise listed in a schedule of participation is actually performing work and receiving compensation as established in the schedule.

(b) To facilitate the Office completing its duties under subsection (a) of this section, a contractor shall:

(1) allow the Office to inspect any relevant matter, including records and the job site;

(2) allow the Office to interview subcontractors and employees of the contractor;

(3) [if performing a construction contract,] ensure that subcontractors[:

(i) are paid any undisputed amount to which the subcontractor is entitled as provided under § 15–226 of the State Finance and Procurement Article; and

(ii)] comply with Commission regulations;

(4) include in the agreement with the certified minority business enterprise subcontractor a requirement that the subcontractor submit a monthly report to the Commission that:

(i) identifies the prime contract; and

(ii) lists payments received from the contractor in the previous month and invoices sent to the contractor that have not been paid; and

(5) submit a monthly report to the Commission that lists:

(i) unpaid invoices that are more than 30 days old received from certified minority business enterprise subcontractors; and

(ii) the reason payments have not been made.

(c) (1) (i) On completion of a contract or before final payment or release of retainage, the Commission may require a [general] **PRIME** contractor on a contract having a minority business enterprise subcontracting goal to submit to the Commission a final report of all payments made to or withheld from minority business enterprise subcontractors.

(ii) The final report shall be in affidavit form and under the penalties for perjury.

(2) Each solicitation shall contain notice of the requirements of this subsection.

(d) (1) On a finding that a contractor is noncompliant, the Commission shall notify the contractor in writing of the findings and state the required corrective action.

(2) A noncompliant contractor shall:

(i) initiate the corrective action within 10 days after receiving the written notice; and

(ii) complete the corrective action within the time specified by the Commission.

(e) If the Commission finds that a [general] **PRIME** contractor is in material noncompliance with minority business enterprise contract provisions and the [general] **PRIME** contractor fails to take the corrective action required by the Commission, the Commission may:

(1) terminate the contract;

(2) refer the [general] **PRIME** contractor to the [general manager of the Commission or the full Commission] **RELEVANT PERSON** for appropriate action; or

(3) initiate any other specific remedy identified in the contract.

20–207.

(a) By October 31 of each year, the Commission shall issue a report to the Montgomery County and Prince George’s County Senate and House Delegations to the Maryland General Assembly concerning:

(1) the implementation and administration of the minority business enterprise programs under this subtitle for the fiscal year ending on the preceding June 30; and

(2) appropriate recommendations concerning the programs.

(b) (1) The Commission may conduct an impartial fact-finding study in connection with a minority business enterprise program for consistency with applicable law.

1 (2) The Commission shall report the findings of a study completed under
2 this subsection to the Montgomery County and Prince George’s County Senate and House
3 Delegations to the Maryland General Assembly.

4 20–208.

5 This subtitle shall be of no effect and may not be enforced after July 1, [2023] **2028**.

6 20–302.

7 (a) By resolution or adopting regulations, the Commission may establish a local
8 small business enterprise program.

9 (b) The Office of Supplier Diversity and Inclusion, established under [§ 20–202]
10 **§ 20–203** of this title, shall administer the program.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2023.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Chung

Typed by: Fran

Stored – 11/14/22

Proofread by _____

Checked by _____

By: **Montgomery County Delegation and Prince George's County Delegation**

Requested by: **Senator Kramer**

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Collective**
3 **Bargaining Agreement Implementation – Dispute Arbitration**

4 **MC/PG 103–23**

5 FOR the purpose of authorizing the parties to a collective bargaining agreement for
6 employees of the Maryland–National Capital Park and Planning Commission to
7 request the services of a mediator–arbitrator during the term of a certain collective
8 bargaining agreement under certain circumstances; establishing the process for
9 mediation–arbitration; requiring the parties to share equally the costs of the
10 mediator–arbitrator's services; and generally relating to collective bargaining for
11 employees of the Maryland–National Capital Park and Planning Commission.

12 BY adding to

13 Article – Land Use

14 Section 16–210.1

15 Annotated Code of Maryland

16 (2012 Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Land Use

16-210.1.

(A) DURING THE TERM OF A COLLECTIVE BARGAINING AGREEMENT:

(1) EITHER PARTY MAY DECLARE AN IMPASSE AND REQUEST THE SERVICES OF A MEDIATOR-ARBITRATOR; AND

(2) THE PARTIES JOINTLY MAY REQUEST THE SERVICES OF A MEDIATOR-ARBITRATOR AT ANY TIME WITHOUT DECLARING AN IMPASSE.

(B) (1) IF THE SERVICES OF A MEDIATOR-ARBITRATOR HAVE BEEN REQUESTED, THE PARTIES JOINTLY SHALL APPOINT A MEDIATOR-ARBITRATOR.

(2) IF THE PARTIES ARE UNABLE TO AGREE ON A MEDIATOR-ARBITRATOR, THE LABOR RELATIONS ADMINISTRATOR SHALL APPOINT THE MEDIATOR-ARBITRATOR WITHIN 7 DAYS AFTER THE SERVICES OF A MEDIATOR-ARBITRATOR WERE REQUESTED.

(C) IF THE MEDIATOR-ARBITRATOR FINDS IN THE MEDIATOR-ARBITRATOR'S SOLE DISCRETION THAT THE PARTIES ARE AT A BONA FIDE IMPASSE, THE MEDIATOR-ARBITRATOR SHALL DIRECT EACH PARTY TO SUBMIT A SEPARATE MEMORANDUM OF EACH PARTY'S LAST FINAL OFFER ON ITEMS WITH REGARD TO WHICH THE PARTIES ARE IN DISPUTE.

(D) (1) WITHIN 10 DAYS AFTER THE SUBMISSION OF THE MEMORANDA UNDER SUBSECTION (C) OF THIS SECTION, THE MEDIATOR-ARBITRATOR SHALL HOLD A CLOSED HEARING ON THE PARTIES' OFFERS AT A TIME, DATE, AND PLACE SELECTED BY THE MEDIATOR-ARBITRATOR.

(2) EACH PARTY SHALL SUBMIT EVIDENCE OR MAKE ORAL AND WRITTEN ARGUMENTS IN SUPPORT OF THE PARTY'S FINAL OFFER.

(3) THE MEDIATOR-ARBITRATOR MAY NOT OPEN THE HEARING TO A PERSON THAT IS NOT A PARTY TO THE MEDIATION-ARBITRATION.

(E) (1) WITHIN 5 DAYS AFTER THE HEARING REQUIRED UNDER

SUBSECTION (D)(1) OF THIS SECTION, THE MEDIATOR–ARBITRATOR SHALL ISSUE A REPORT SELECTING THE FINAL OFFER THAT THE MEDIATOR–ARBITRATOR DETERMINES TO BE MORE REASONABLE WHEN VIEWED AS A WHOLE.

(2) IN DETERMINING WHICH OFFER IS MORE REASONABLE, THE MEDIATOR–ARBITRATOR:

(I) MAY CONSIDER ONLY:

1. PAST COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE PARTIES, INCLUDING THE PAST BARGAINING HISTORY THAT LED TO THE AGREEMENT OR THE PRECOLLECTIVE BARGAINING HISTORY OF EMPLOYEE WAGES, HOURS, BENEFITS, AND OTHER WORKING CONDITIONS;

2. A COMPARISON OF WAGES, HOURS, BENEFITS, AND CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF OTHER PUBLIC EMPLOYERS IN THE WASHINGTON METROPOLITAN AREA AND THE STATE;

3. A COMPARISON OF WAGES, HOURS, BENEFITS, AND CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF PRIVATE EMPLOYERS IN MONTGOMERY COUNTY AND PRINCE GEORGE’S COUNTY;

4. THE PUBLIC INTEREST AND WELFARE;

5. THE ABILITY OF THE COMMISSION TO FINANCE ANY ECONOMIC ADJUSTMENTS REQUIRED UNDER THE PROPOSED AGREEMENT;

6. THE EFFECTS OF ANY ECONOMIC ADJUSTMENTS ON THE STANDARD OF PUBLIC SERVICES NORMALLY PROVIDED BY THE COMMISSION;
AND

7. THE ANNUAL INCREASE OR DECREASE IN CONSUMER PRICES FOR ALL ITEMS AS REFLECTED IN THE MOST RECENT CONSUMER PRICE INDEX – URBAN WAGE EARNERS AND CLERICAL WORKERS (“CPI-W”) FOR THE WASHINGTON METROPOLITAN AREA; AND

(II) SHALL CONSIDER ALL ITEMS ON WHICH THE PARTIES AGREED BEFORE THE MEDIATION–ARBITRATION BEGAN TO BE INTEGRATED INTO

EACH OFFER.

(3) (I) THE MEDIATOR–ARBITRATOR MAY NOT RECEIVE OR CONSIDER THE HISTORY OF COLLECTIVE BARGAINING RELATING TO THE IMMEDIATE DISPUTE, INCLUDING ANY OFFERS OF SETTLEMENT NOT CONTAINED IN THE OFFER SUBMITTED TO THE MEDIATOR–ARBITRATOR.

(II) THE MEDIATOR–ARBITRATOR MAY NOT COMPROMISE OR ALTER THE FINAL OFFER THAT THE MEDIATOR–ARBITRATOR SELECTS.

(F) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE OFFER SELECTED BY THE MEDIATOR–ARBITRATOR, AS INTEGRATED WITH THE GOVERNING COLLECTIVE BARGAINING AGREEMENT AT THE TIME OF THE DISPUTE, SHALL BE THE FINAL AGREEMENT BETWEEN THE COMMISSION AND THE EXCLUSIVE REPRESENTATIVE WITHOUT RATIFICATION BY THE PARTIES.

(II) THE ECONOMIC PROVISIONS OF THE FINAL AGREEMENT ARE SUBJECT TO FUNDING BY THE MONTGOMERY COUNTY COUNCIL AND THE PRINCE GEORGE’S COUNTY COUNCIL.

(III) THE COMMISSION SHALL REQUEST FUNDS IN THE COMMISSION’S FINAL BUDGET FROM THE MONTGOMERY COUNTY COUNCIL AND THE PRINCE GEORGE’S COUNTY COUNCIL FOR ALL ECONOMIC PROVISIONS OF THE FINAL AGREEMENT.

(2) THE PARTIES SHALL EXECUTE AN AGREEMENT INCORPORATING THE FINAL AGREEMENT, INCLUDING ARBITRATION AWARDS AND ALL ISSUES AGREED TO UNDER THIS SECTION.

(G) THE COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL SHARE EQUALLY THE COSTS OF THE MEDIATOR–ARBITRATOR’S SERVICES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Carter

Typed by: Lynn

Stored – 11/28/22

Proofread by _____

Checked by _____

By: **Montgomery County Delegation and Prince George's County Delegation**

Requested by: Delegates Lehman & Peña-Melnyk

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Maryland–Washington Regional District – Standing to**
3 **Request Review of Zoning and Land Use Decisions**4 **MC/PG 107–23**5 FOR the purpose of altering the list of persons that may request judicial review of a final
6 decision of the Prince George's County District Council; altering the list of persons
7 that may request the district council to review a decision of a zoning hearing
8 examiner or the planning board of Prince George's County; altering the
9 circumstances under which a certain person may request the district council to
10 review a decision of a zoning hearing examiner or the planning board of Prince
11 George's County; and generally relating to reviews of zoning decisions in Prince
12 George's County.

13 BY repealing and reenacting, with amendments,

14 Article – Land Use

15 Section 22–407(a)(1) and 23–401

16 Annotated Code of Maryland

17 (2012 Volume and 2022 Supplement)

18 BY repealing

19 Article – Land Use

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 25–212
Annotated Code of Maryland
(2012 Volume and 2022 Supplement)

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

Article – Land Use

22–407.

(a) (1) Judicial review of **[any]** A final decision of the district council, including
an individual map amendment or a sectional map amendment, may be requested by **[any]**
person or entity that is aggrieved by the decision of the district council and is]:

(i) **[a]** ANY municipal corporation, governed special taxing district,
or person in the county;

(ii) **[a]** ANY civic or homeowners association representing property
owners affected by the final decision; **OR**

(iii) **[the owner of the property that is the subject of the decision; or**

(iv)] **IF AGGRIEVED**, the applicant.

23–401.

(a) (1) Within 30 days after the county planning board takes final action on an
application for subdivision approval, judicial review may be requested by:

(i) a person aggrieved by the action; **OR**

(ii) **[in Montgomery County,]** a person or municipal corporation that
appeared at the hearing in person, by attorney, or in writing[; or

(iii) in Prince George’s County, a municipal corporation that
appeared at the hearing in person, by attorney, or in writing].

(2) A petition for judicial review filed under this section may be made to the circuit court for the appropriate county.

(3) The court may:

(i) affirm or reverse the action; or

(ii) remand the action to the county planning board for further consideration.

(b) (1) If a petition for judicial review is filed under this section, a copy of the petition shall be served on the county planning board in accordance with Maryland Rule 7–202(d).

(2) On receiving a copy of the petition, the county planning board shall:

(i) promptly give notice of the petition to all parties to the proceeding before it; and

(ii) within 30 days after the filing of the petition, file with the circuit court:

1. the originals or certified copies of all papers and evidence presented to the county planning board in the proceeding before it; and

2. a copy of its opinion and resolution deciding the application.

(3) Any party to the proceeding in the circuit court aggrieved by the judgment of the court may appeal from the judgment to the Court of Special Appeals.

(4) The review proceedings provided by this section are exclusive.

[25–212.

In Prince George’s County, a person may make a request to the district council for the review of a decision of the zoning hearing examiner or the county planning board only if:

1 (1) the person is an aggrieved person that appeared at the hearing before
2 the zoning hearing examiner or county planning board in person, by an attorney, or in
3 writing; and

4 (2) the review is expressly authorized under this division.】

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2023.

HOUSE BILL 12

C8, R2

HB 710/22 – ENT & W&M

(PRE-FILED)

3lr0380

CF 3lr0585

By: **Delegate J. Lewis**

Requested: September 9, 2022

Introduced and read first time: January 11, 2023

Assigned to: Environment and Transportation and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Equitable and Inclusive Transit-Oriented Development Enhancement Act**

3 FOR the purpose of establishing the Transit-Oriented Development Capital Grant and
4 Revolving Loan Fund as a special, nonlapsing fund; requiring interest earnings of
5 the Fund to be credited to the Fund; authorizing the Department of Transportation
6 to use the Fund to provide financial assistance to local jurisdictions to be used for
7 certain purposes within a transit-oriented development; and generally relating to
8 transit-oriented development in the State.

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 7–101(a), (l), (m), and (o)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 7–102(a)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2022 Supplement)

19 BY adding to
20 Article – Transportation
21 Section 7–103; and 7–1201 through 7–1205 to be under the new subtitle “Subtitle 12.
22 Transit-Oriented Development Capital Grant and Revolving Loan Fund”
23 Annotated Code of Maryland
24 (2020 Replacement Volume and 2022 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 6–226(a)(2)(i) and 10–306(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii) 170. and 171. and 10–306(c)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii) 172.
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

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

Article – Transportation

7–101.

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

(l) “Transit facility” includes any one or more or combination of tracks, rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or useful or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation, but does not include any railroad facility.

(m) “Transit-oriented development” means a mix of private or public parking facilities, commercial and residential structures, and uses, improvements, and facilities customarily appurtenant to such facilities and uses, that:

(1) Is part of a deliberate development plan or strategy involving:

(i) Property that is adjacent to the passenger boarding and alighting location of a planned or existing transit station; or

(ii) Property, any part of which is located within one-half mile of the passenger boarding and alighting location of a planned or existing transit station;

(2) Is planned to maximize the use of transit, walking, and bicycling by residents and employees; and

(3) Is designated as a transit-oriented development by:

(i) The Secretary, after considering a recommendation of the Smart Growth Subcabinet established under § 9–1406 of the State Government Article; and

(ii) The local government or multicounty agency with land use and planning responsibility for the relevant area.

(o) (1) “Transit station” means any facility, the primary function of which relates to the boarding and alighting of passengers from transit vehicles.

(2) “Transit station” includes platforms, shelters, passenger waiting facilities, parking areas, access roadways, and other real property used to facilitate passenger access to transit service or railroad service.

7–102.

(a) (1) **(I)** The development of improved and expanded railroad facilities, railroad services, transit facilities, and transit services operating as a unified and coordinated regional transportation system, and the realization of transit-oriented development throughout the State, represent transportation purposes that are essential for the satisfactory movement of people and goods, the alleviation of present and future traffic congestion, the economic welfare and vitality, and the development of the metropolitan area of Baltimore and other political subdivisions of the State.

(II) IN ORDER TO REALIZE TRANSIT-ORIENTED DEVELOPMENT AS A TRANSPORTATION PURPOSE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT MAKE ALL REASONABLE ATTEMPTS TO INCLUDE TRANSIT-ORIENTED DEVELOPMENT AS PART OF THE PREFERRED PLAN FOR DEVELOPMENT IN AREAS SERVED BY TRANSIT SERVICES BY PROVIDING PREFERENCE TO PROPOSALS THAT FURTHER THIS PURPOSE WHEN:

1. DISTRIBUTING FUNDS FROM:

A. STATE PROGRAMS OFFERING GRANTS AND LOANS FOR DEVELOPMENT AND INFRASTRUCTURE INVESTMENT;

B. FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANTS; AND

C. THE PROCEEDS OF GENERAL OBLIGATION BOND AND GRANT ANTICIPATION REVENUE VEHICLE ISSUANCES; AND

2. AWARDING STATE TAX CREDITS.

(2) The establishment of the realization of transit-oriented development as a transportation purpose under paragraph (1) of this subsection may not be construed to:

(i) Limit the authority of local governments to govern land use as established under any other law; or

(ii) Grant the State or a department of the State additional authority to supersede local land use and planning authority.

7-103.

(A) ON OR BEFORE NOVEMBER 30, 2024, AND ON OR BEFORE NOVEMBER 30 EACH YEAR THEREAFTER, THE SECRETARY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE ON EFFORTS TO INCREASE TRANSIT-ORIENTED DEVELOPMENT THROUGHOUT THE STATE.

(B) THE REPORT SHALL INCLUDE AN ANALYSIS OF THE FOLLOWING ISSUES FOR EACH TRANSIT-ORIENTED DEVELOPMENT IN THE STATE:

(1) THE DEMOGRAPHIC AND SOCIOECONOMIC INDICATORS PRESENT IN THE TRANSIT-ORIENTED DEVELOPMENT AND THE SURROUNDING AREAS;

(2) DEVELOPMENT ACTIVITY OCCURRING IN THE TRANSIT-ORIENTED DEVELOPMENT DURING THE PERIOD THAT THE REPORT COVERS; AND

(3) TRANSIT STATION UTILIZATION RATES FOR THE TRANSIT-ORIENTED DEVELOPMENT.

(C) THE DEPARTMENT SHALL CONSIDER THE FINDINGS OF THE REPORT REQUIRED UNDER THIS SECTION FOR PURPOSES OF UPDATING THE SCORING STANDARDS FOR APPLICATIONS FOR FINANCIAL ASSISTANCE FROM THE TRANSIT-ORIENTED DEVELOPMENT CAPITAL GRANT AND REVOLVING LOAN FUND ESTABLISHED UNDER SUBTITLE 12 OF THIS TITLE.

SUBTITLE 12. TRANSIT-ORIENTED DEVELOPMENT CAPITAL GRANT AND REVOLVING LOAN FUND.

7-1201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "FINANCIAL ASSISTANCE" MEANS A GRANT OR LOAN FROM THE FUND.

(C) "FUND" MEANS THE TRANSIT-ORIENTED DEVELOPMENT CAPITAL GRANT AND REVOLVING LOAN FUND.

(D) "GAP FUNDING" MEANS FUNDING PROVIDED TO COMPENSATE FOR A SHORTFALL BETWEEN THE EXPECTED DEVELOPMENT COSTS OF A PROJECT AND THE AVAILABLE FUNDS FOR THE PROJECT.

(E) "LOCAL JURISDICTION" MEANS A COUNTY OR A MUNICIPAL CORPORATION.

(F) "MUNICIPAL CORPORATION" MEANS A MUNICIPALITY AS DEFINED IN § 1-101 OF THE LOCAL GOVERNMENT ARTICLE.

7-1202.

(A) THERE IS A TRANSIT-ORIENTED DEVELOPMENT CAPITAL GRANT AND REVOLVING LOAN FUND.

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

7-1203.

(A) THE PURPOSE OF THE FUND IS TO PROMOTE THE EQUITABLE AND INCLUSIVE DEVELOPMENT OF TRANSIT-ORIENTED DEVELOPMENTS THROUGHOUT THE STATE.

(B) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(C) (1) THE FUND CONSISTS OF:

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

(II) MONEY MADE AVAILABLE FOR QUALIFYING USES BY THE FUND FROM OTHER GOVERNMENTAL SOURCES, INCLUDING COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE TRANSPORTATION TRUST FUND;

(III) GROUND RENTS OR LAND SALE PROCEEDS IN ACCORDANCE WITH § 10-306(c)(2) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(IV) PAYMENTS OF PRINCIPAL OF AND INTEREST ON LOANS
MADE UNDER THIS TITLE;

(V) INVESTMENT EARNINGS OF THE FUND; AND

(VI) ANY OTHER MONEY FROM ANY OTHER SOURCE, PUBLIC OR
PRIVATE, ACCEPTED FOR THE BENEFIT OF THE FUND.

(2) CONTRIBUTIONS TO THE FUND UNDER PARAGRAPH (1)(III) OF
THIS SUBSECTION SHALL:

(I) BE SEPARATELY ACCOUNTED FOR IN THE FUND; AND

(II) BE USED ONLY FOR THE BENEFIT OF TRANSIT-ORIENTED
DEVELOPMENTS IN THE SAME COUNTY WHERE THE REAL PROPERTY SUBJECT TO
THE GROUND RENT OR LAND SALE IS LOCATED.

(D) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE
ANNUAL BUDGET BILL AN APPROPRIATION SUFFICIENT TO ENSURE A FUND
BALANCE OF AT LEAST \$10,000,000 AT THE START OF THE FISCAL YEAR.

7-1204.

(A) (1) THE FUND MAY BE USED BY THE DEPARTMENT TO PROVIDE
FINANCIAL ASSISTANCE TO LOCAL JURISDICTIONS FOR:

(I) DESIGN PLANS FOR A TRANSIT-ORIENTED DEVELOPMENT,
PROVIDED THAT THE TRANSIT-ORIENTED DEVELOPMENT WILL BE DESIGNED TO
MEET EQUITY GOALS ESTABLISHED BY THE DEPARTMENT;

(II) PUBLIC INFRASTRUCTURE IMPROVEMENTS WITHIN A
TRANSIT-ORIENTED DEVELOPMENT; OR

(III) GAP FUNDING FOR PUBLIC OR PRIVATE DEVELOPMENT
WITHIN A TRANSIT-ORIENTED DEVELOPMENT.

(2) A PRIVATE ENTITY, INCLUDING A NONPROFIT ENTITY,
PARTICIPATING IN THE DEVELOPMENT OF A TRANSIT-ORIENTED DEVELOPMENT
MAY PARTNER WITH A LOCAL JURISDICTION TO SUBMIT AN APPLICATION FOR
FINANCIAL ASSISTANCE UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION.

(B) (1) THE DEPARTMENT SHALL:

1 (I) ESTABLISH ELIGIBILITY REQUIREMENTS AND SCORING
2 STANDARDS FOR THE REVIEW OF APPLICATIONS FOR FINANCIAL ASSISTANCE; AND

3 (II) PUBLISH THE ELIGIBILITY REQUIREMENTS AND SCORING
4 STANDARDS ON THE DEPARTMENT'S WEBSITE.

5 (2) THE DEPARTMENT MAY ESTABLISH:

6 (I) DIFFERENT ELIGIBILITY REQUIREMENTS AND SCORING
7 STANDARDS FOR DIFFERENT TYPES OF FINANCIAL ASSISTANCE; AND

8 (II) SCORING PREFERENCES FOR APPLICATIONS THAT
9 DEMONSTRATE THAT THE PROPOSED PROJECT WILL:

10 1. ENHANCE ACCESS TO TRANSIT FOR LOW-INCOME
11 AND MINORITY RESIDENTS OF THE LOCAL JURISDICTION;

12 2. ENHANCE ACCESS TO TRANSIT IN AREAS WITH
13 AFFORDABLE HOUSING AND A DIVERSITY OF JOB AND EDUCATIONAL
14 OPPORTUNITIES; OR

15 3. ENCOURAGE DEVELOPMENT AROUND
16 UNDERDEVELOPED AND UNDERUTILIZED TRANSIT STATIONS IN
17 TRANSIT-ORIENTED DEVELOPMENTS.

18 (C) AN APPLICATION FOR FINANCIAL ASSISTANCE SHALL INCLUDE:

19 (1) COMMITMENTS FROM THE LOCAL JURISDICTION TO:

20 (I) ESTABLISH TRANSIT-SUPPORTIVE LAND USE
21 DESIGNATIONS FOR REAL PROPERTY WITHIN A TRANSIT-ORIENTED DEVELOPMENT;
22 AND

23 (II) IMPLEMENT, WHERE PRACTICABLE, IMPROVEMENTS TO
24 THE TRANSIT-ORIENTED DEVELOPMENT THAT PROMOTE THE COMPLETE STREETS
25 POLICY ADOPTED IN ACCORDANCE WITH § 2-112 OF THIS ARTICLE;

26 (2) IF A PRIVATE ENTITY PARTNERS WITH A LOCAL JURISDICTION TO
27 SUBMIT AN APPLICATION FOR FINANCIAL ASSISTANCE, COMMITMENTS FROM KEY
28 STAKEHOLDERS TO DEVELOP THE TRANSIT-ORIENTED DEVELOPMENT; AND

29 (3) IF THE APPLICATION IS FOR A GRANT TO SUPPORT THE DESIGN

OR CONSTRUCTION OF A PROPOSED ENHANCEMENT TO A TRANSIT-ORIENTED DEVELOPMENT, CREDIBLE FUNDING STRATEGIES THAT DEMONSTRATE FULL FUNDING OF THE DESIGN OR CONSTRUCTION COSTS FOR THE PROPOSED ENHANCEMENT ON AWARD OF THE GRANT.

7-1205.

(A) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(B) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.

Article – State Finance and Procurement

6-226.

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

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

170. the Cannabis Public Health Fund; [and]

171. the Community Reinvestment and Repair Fund; AND

172. THE TRANSIT-ORIENTED DEVELOPMENT CAPITAL GRANT AND REVOLVING LOAN FUND.

10-306.

(a) In this section, “capital asset” means an asset of a substantial permanent nature.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, if cash is received as consideration for the disposition of a capital asset of the State or any unit of the State government, the cash shall be applied to the State Annuity Bond Fund Account for the payment of the principal of and interest on the bonded indebtedness of the State.

(2) If the capital asset is real property that is being leased or sold to a private party for the purpose of realizing a transit-oriented development as defined under

§ 7–101 of the Transportation Article, at the discretion of the State agency that is disposing of the property, all or a portion of the cash proceeds resulting from the transaction shall be deposited in:

(I) the Baltimore City Community Enhancement Transit–Oriented Development Fund established under Title 15 of the Economic Development Article for the purposes of that Fund; OR

(II) THE TRANSIT–ORIENTED DEVELOPMENT CAPITAL GRANT AND REVOLVING LOAN FUND ESTABLISHED UNDER TITLE 7 OF THE TRANSPORTATION ARTICLE FOR THE PURPOSES OF THAT FUND.

(3) (i) If cash is received as consideration for the disposition of a capital asset, and if the capital asset was originally purchased with special funds, the cash shall be applied to the special fund.

(ii) Notwithstanding subparagraph (i) of this paragraph, cash received as consideration for the disposition of helicopters, auxiliary helicopter equipment, ground support equipment, or other capital equipment related to helicopters shall be applied to the State Annuity Bond Fund Account for the payment of the principal of and interest on the bonded indebtedness of the State.

(4) If cash is received as consideration for the disposition of any real or personal property of the State or any unit of the State government, other than a capital asset, the cash shall be accounted for and paid into the State Treasury.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

HOUSE BILL 8

C8
HB 179/22 – ENT

(PRE-FILED)

3lr0794

By: **Delegate Amprey**

Requested: November 15, 2022

Introduced and read first time: January 11, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Counties and State Legislative Districts – Food Environment Reports**

3 FOR the purpose of requiring the Department of Housing and Community Development,
4 the Department of Planning, the Department of Human Services, and the
5 Department of Agriculture jointly to produce a report for each county and each State
6 legislative district on the food environment in the county and district on or before a
7 certain date and at a certain frequency thereafter, and submit the report to the
8 General Assembly; and generally relating to food environments in State legislative
9 districts.

10 BY adding to

11 Article – Housing and Community Development
12 Section 6–308.5
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2022 Supplement)

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

17 **Article – Housing and Community Development**

18 **6–308.5.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(2) “SNAP” MEANS THE FEDERAL SUPPLEMENTAL NUTRITION**
22 **ASSISTANCE PROGRAM.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) “WIC” MEANS THE FEDERAL SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(B) ON OR BEFORE JULY 1, 2024, AND ON OR BEFORE JULY 1 EVERY 2 YEARS THEREAFTER, THE DEPARTMENT, THE DEPARTMENT OF PLANNING, THE DEPARTMENT OF HUMAN SERVICES, AND THE DEPARTMENT OF AGRICULTURE JOINTLY SHALL PRODUCE A REPORT FOR EACH COUNTY AND EACH STATE LEGISLATIVE DISTRICT ON THE FOOD ENVIRONMENT IN THE COUNTY AND THE DISTRICT.

(C) THE REPORTS REQUIRED UNDER THIS SECTION SHALL INCLUDE:

(1) THE METRICS THAT DETERMINE FOOD INSECURITY ZONES;

(2) DETAILED METRICS THAT IDENTIFY THE HEALTHY FOOD AVAILABILITY INDEX FOR EACH COUNTY AND EACH STATE LEGISLATIVE DISTRICT, TAKING INTO ACCOUNT THE DENSITY, POPULATION, AND TRANSPORTATION METHODS USED IN EACH COUNTY AND DISTRICT;

(3) THE NUMBER OF GROCERY STORES AND SUPERMARKETS OFFERING FRESH FOOD IN EACH COUNTY AND EACH STATE LEGISLATIVE DISTRICT;

(4) THE NUMBER OF SNAP AND WIC RECIPIENTS IN EACH COUNTY AND EACH STATE LEGISLATIVE DISTRICT; AND

(5) WHICH STORES ACCEPT PURCHASES MADE WITH SNAP AND WIC BENEFITS IN EACH COUNTY AND EACH STATE LEGISLATIVE DISTRICT.

(D) IN PRODUCING THE REPORTS REQUIRED UNDER THIS SECTION, THE DEPARTMENT, THE DEPARTMENT OF PLANNING, THE DEPARTMENT OF HUMAN SERVICES, AND THE DEPARTMENT OF AGRICULTURE MAY COLLABORATE WITH:

(1) ANY UNIVERSITY IN THE STATE;

(2) ANY NONPROFIT ORGANIZATION OR ASSOCIATION THAT SPECIALIZES IN EQUITY FOR HEALTH AND FOOD PRIORITY AREAS; AND

(3) ANY LOCAL DEPARTMENT OF PLANNING AND ZONING OR EQUIVALENT DEPARTMENT.

(E) THE DEPARTMENT, THE DEPARTMENT OF PLANNING, THE DEPARTMENT OF HUMAN SERVICES, AND THE DEPARTMENT OF AGRICULTURE SHALL SUBMIT THE REPORTS REQUIRED UNDER THIS SECTION TO THE GENERAL

1 ASSEMBLY IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
3 1, 2023.

SENATE BILL 77

C9
HB 537/22 – ENT

(PRE-FILED)

3lr0630
CF 3lr0629

By: **Senator Jackson**

Requested: October 27, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Housing and Community Development – Homeowner’s Extreme Weather**
3 **Mitigation and Preparation Grant Program**

4 FOR the purpose of establishing the Homeowner’s Extreme Weather Mitigation and
5 Preparation Grant Program in the Department of Housing and Community
6 Development to assist homeowners, local governments, and nonprofit organizations
7 in preparing and repairing residential properties to mitigate water damage caused
8 by extreme weather; and generally relating to the Homeowner’s Extreme Weather
9 Mitigation and Preparation Grant Program.

10 BY adding to
11 Article – Housing and Community Development
12 Section 4–19A–01 through 4–19A–07 to be under the new subtitle “Subtitle 19A.
13 Homeowner’s Extreme Weather Mitigation and Preparation Grant Program”
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2022 Supplement)

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

18 **Article – Housing and Community Development**

19 **SUBTITLE 19A. HOMEOWNER’S EXTREME WEATHER MITIGATION AND**
20 **PREPARATION GRANT PROGRAM.**

21 **4–19A–01.**

22 **IN THIS SUBTITLE, “PROGRAM” MEANS THE HOMEOWNER’S EXTREME**
23 **WEATHER MITIGATION AND PREPARATION GRANT PROGRAM.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **4-19A-02.**

2 **(A) THERE IS A HOMEOWNER'S EXTREME WEATHER MITIGATION AND**
3 **PREPARATION GRANT PROGRAM IN THE DEPARTMENT.**

4 **(B) THE PURPOSE OF THE PROGRAM IS TO ASSIST HOMEOWNERS, LOCAL**
5 **GOVERNMENTS, AND NONPROFIT ORGANIZATIONS IN PREPARING AND REPAIRING**
6 **RESIDENTIAL PROPERTIES TO MITIGATE WATER DAMAGE CAUSED BY EXTREME**
7 **WEATHER.**

8 **4-19A-03.**

9 **(A) THE DEPARTMENT SHALL:**

10 **(1) IMPLEMENT AND ADMINISTER THE PROGRAM;**

11 **(2) APPLY FOR GRANTS THAT CAN BE USED TO ASSIST HOMEOWNERS,**
12 **LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS IN PREPARING AND**
13 **REPAIRING RESIDENTIAL PROPERTIES TO MITIGATE WATER DAMAGE CAUSED BY**
14 **EXTREME WEATHER;**

15 **(3) CREATE A LIST OF CONTRACTORS SPECIALIZING IN EXTREME**
16 **WEATHER MITIGATION AND MAKE THE LIST AVAILABLE TO GRANT APPLICANTS; AND**

17 **(4) RANDOMLY INSPECT HOMES FOR WHICH A GRANT IS AWARDED**
18 **UNDER THE PROGRAM TO ENSURE THE WORK BEING DONE UNDER THE GRANT**
19 **MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

20 **(B) THE DEPARTMENT MAY REINSPECT UP TO 10% OF HOMES UNDER**
21 **SUBSECTION (A)(4) OF THIS SECTION.**

22 **4-19A-04.**

23 **(A) A HOMEOWNER IS ELIGIBLE FOR A GRANT UNDER THE PROGRAM IF:**

24 **(1) THE PROPERTY FOR WHICH THE HOMEOWNER IS APPLYING IS:**

25 **(I) THE HOMEOWNER'S PRIMARY LEGAL RESIDENCE;**

26 **(II) OWNED AND OCCUPIED BY THE HOMEOWNER;**

(III) A SINGLE-FAMILY HOME, A TOWN HOUSE, OR A ROW HOME;

AND

(IV) COVERED BY AN UP-TO-DATE HOMEOWNER'S INSURANCE

POLICY THAT:

1. IS ISSUED BY A LICENSED INSURER OR A SURPLUS
LINES INSURER APPROVED TO DO BUSINESS IN THE STATE; AND

2. PROVIDES INSURANCE COVERAGE FOR THE
PROPERTY EQUAL TO OR GREATER THAN THE FAIR MARKET VALUE OF THE
PROPERTY AS ASSESSED BY THE STATE DEPARTMENT OF ASSESSMENTS AND
TAXATION; AND

(2) THE HOMEOWNER PROVIDES TO THE DEPARTMENT COPIES OF
ALL REQUIRED PERMITS AND INSPECTION REPORTS ASSOCIATED WITH THE
MITIGATION PROJECT FOR WHICH THE HOMEOWNER IS APPLYING FOR A GRANT
UNDER THE PROGRAM.

(B) A LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION IS ELIGIBLE FOR
A GRANT UNDER THE PROGRAM FOR PROJECTS THAT MITIGATE WATER DAMAGE
CAUSED BY EXTREME WEATHER TO SINGLE-FAMILY, OWNER-OCCUPIED HOMES,
INCLUDING TOWN HOUSES AND ROW HOMES.

4-19A-05.

(A) (1) A GRANT AWARDED TO A HOMEOWNER UNDER THE PROGRAM
MAY NOT EXCEED \$5,000.

(2) ANY FUNDS NOT AWARDED UNDER SUBSECTION (B)(3)(II) OF THIS
SECTION SHALL BE MADE AVAILABLE UNDER THE PROGRAM AS GRANTS FOR
HOMEOWNERS.

(B) (1) A MATCHING GRANT AWARDED UNDER THE PROGRAM MUST:

(I) BE MATCHED ON A DOLLAR-FOR-DOLLAR BASIS; AND

(II) BE AVAILABLE TO LOCAL GOVERNMENTS AND NONPROFIT
ORGANIZATIONS ON A FIRST-COME, FIRST-SERVED BASIS.

(2) A MATCHING GRANT AWARDED TO A HOMEOWNER UNDER THE
PROGRAM MUST BE USED FOR:

(I) THE INSTALLATION OF BEST MANAGEMENT PRACTICES ON THE HOMEOWNER'S PROPERTY TO MITIGATE WATER DAMAGE CAUSED BY EXTREME WEATHER; OR

(II) REPAIRS TO THE HOMEOWNER'S PROPERTY IN RESPONSE TO WATER DAMAGE CAUSED BY EXTREME WEATHER.

(3) A MATCHING GRANT AWARDED TO A LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION UNDER THE PROGRAM MAY NOT EXCEED:

(I) \$50,000 PER FISCAL YEAR FOR A SINGLE GRANT; OR

(II) \$250,000 PER FISCAL YEAR FOR ALL MATCHING GRANTS AWARDED TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS IN THE FISCAL YEAR.

(C) (1) THE DEPARTMENT SHALL ESTABLISH ANNUALLY AND MAKE AVAILABLE TO THE PUBLIC AND APPLICANTS THE MAXIMUM AMOUNT OF NONMATCHING GRANT AWARDS FOR THE YEAR THAT IS:

(I) BASED ON ADJUSTED GROSS INCOME FOR A HOUSEHOLD FOR THE MOST RECENT TAXABLE YEAR; AND

(II) ADJUSTED FOR FAMILY SIZE RELATIVE TO THE MEDIAN INCOME FOR THE COUNTY IN WHICH THE PROJECT WILL OCCUR OR THE STATE MEDIAN INCOME, WHICHEVER IS HIGHER.

(2) IN AWARDING NONMATCHING GRANTS UNDER THE PROGRAM, THE DEPARTMENT SHALL:

(I) AWARD GRANTS BASED ON A SLIDING SCALE, WITH HOMEOWNERS WHOSE TOTAL FEDERAL ADJUSTED GROSS INCOME FOR THE HOUSEHOLD IS LESS THAN 80% OF THE MEDIAN ANNUAL ADJUSTED GROSS INCOME FOR HOUSEHOLDS IN THE COUNTY IN WHICH THE PROJECT WILL OCCUR BEING ELIGIBLE FOR THE FULL \$5,000 AWARD; AND

(II) TAKE INTO CONSIDERATION:

1. THE COST OF THE PROJECT; AND

2. THE FEDERAL ADJUSTED GROSS INCOME FOR A HOMEOWNER'S TOTAL HOUSEHOLD INCOME FOR THE MOST RECENT TAXABLE YEAR.

1 **(3) A NONMATCHING GRANT AWARDED TO A HOMEOWNER UNDER**
2 **THE PROGRAM MUST BE USED TO RETROFIT THE HOMEOWNER'S PROPERTY TO**
3 **MAKE THE PROPERTY LESS VULNERABLE TO WATER DAMAGE CAUSED BY EXTREME**
4 **WEATHER.**

5 **4-19A-06.**

6 **BEGINNING IN FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE**
7 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF**
8 **\$5,000,000 FOR THE PROGRAM.**

9 **4-19A-07.**

10 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
11 **SUBTITLE, INCLUDING REGULATIONS DEFINING ADDITIONAL MITIGATION**
12 **MEASURES NECESSARY TO QUALIFY FOR A GRANT UNDER THE PROGRAM.**

13 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
14 **October 1, 2023.**

SENATE BILL 26

O1, C5, J1

(PRE-FILED)

3lr0503
CF HB 111

By: **Senator Augustine**

Requested: October 5, 2022

Introduced and read first time: January 11, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program, Maryland Children's Health Program,**
3 **and Social Services Programs – Eligibility and Enrollment**

4 FOR the purpose of requiring the Maryland Department of Health to establish an Express
5 Lane Eligibility Program to enroll individuals, based on certain eligibility, in the
6 Maryland Medical Assistance Program and the Maryland Children's Health
7 Program; requiring the Department of Human Services to enroll individuals, based
8 on certain eligibility, in the Supplemental Nutrition Assistance Program; requiring
9 the Office of Home Energy Programs to enroll individuals, based on certain
10 eligibility, in certain Office of Home Energy Programs assistance programs; altering
11 the eligibility requirements for the electric universal service program; and generally
12 relating to eligibility for and enrollment in the Maryland Medical Assistance
13 Program and social services programs.

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 15–103(a)(1)
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2022 Supplement)

19 BY adding to
20 Article – Health – General
21 Section 15–103(a)(5)
22 Annotated Code of Maryland
23 (2019 Replacement Volume and 2022 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Human Services
26 Section 5–501 and 5–5A–07
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 5–5A–01(a) and (d)
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–512.1(a)(1)
Annotated Code of Maryland
(2020 Replacement Volume and 2022 Supplement)

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

Article – Health – General

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance
Program.

**(5) ON OR BEFORE JANUARY 1, 2025, SUBJECT TO THE LIMITATIONS
OF THE STATE BUDGET, AND AS PERMITTED BY FEDERAL LAW, THE DEPARTMENT:**

**(I) SHALL ESTABLISH AN EXPRESS LANE ELIGIBILITY
PROGRAM TO ENROLL INDIVIDUALS IN THE MARYLAND MEDICAL ASSISTANCE
PROGRAM AND MARYLAND CHILDREN’S HEALTH PROGRAM BASED ON ELIGIBILITY
FINDINGS BY THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;**

**(II) MAY NOT CONSIDER ANY OTHER INCOME OR ELIGIBILITY
REQUIREMENTS;**

**(III) TO THE EXTENT THAT A WAIVER IS NEEDED TO MAXIMIZE
THE NUMBER OF STATE RESIDENTS WHO MAY QUALIFY FOR THE EXPRESS LANE
ELIGIBILITY PROGRAM, SHALL APPLY TO THE CENTERS FOR MEDICARE AND
MEDICAID SERVICES FOR A WAIVER UNDER § 1115 OF THE FEDERAL SOCIAL
SECURITY ACT TO IMPLEMENT THE EXPRESS LANE ELIGIBILITY PROGRAM; AND**

**(IV) SHALL MAKE ALL REASONABLE EFFORTS TO EXPEDITE
ENROLLMENT OF ELIGIBLE INDIVIDUALS IN THE EXPRESS LANE ELIGIBILITY
PROGRAM.**

Article – Human Services

5–501.

(a) (1) The Department may implement a Supplemental Nutrition Assistance Program in accordance with the federal Supplemental Nutrition Assistance Program.

(2) The Supplemental Nutrition Assistance Program shall include:

(i) a Restaurant Meals Program in accordance with § 5–505 of this subtitle; and

(ii) a Heat and Eat Program in accordance with § 5–506 of this subtitle.

(b) The State shall bear the nonfederal portion of the administrative costs of the Supplemental Nutrition Assistance Program for each county.

(c) Each local department shall administer the Supplemental Nutrition Assistance Program:

(1) under the supervision and control of the Department; and

(2) in accordance with the regulations of the Department and federal law.

(d) If a household includes an individual who is at least 62 years old and receives a federally funded benefit in an amount less than \$40 per month under the Supplemental Nutrition Assistance Program, the State shall provide a supplement to increase the total benefit to \$40 per month.

(E) THE DEPARTMENT SHALL ENROLL IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ANY INDIVIDUAL WHO MEETS THE FINANCIAL ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR A RECIPIENT OF SUPPLEMENTAL SECURITY INCOME.

5–5A–01.

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

(d) “Office” means the Office of Home Energy Programs.

5–5A–07.

(a) (1) The Office shall:

(i) carry out an energy emergency crisis intervention program to prevent low-income households, including the near poor, the elderly, households with

children, and those on fixed incomes from experiencing danger to health or survival as a result of an energy emergency;

(ii) establish intake procedures for those experiencing an energy emergency;

(iii) establish guidelines for the income and program eligibility of applicants; and

(iv) identify local public or private agencies to administer the crisis intervention program.

(2) (i) The Office shall make payments to fuel vendors and utility vendors that have provided service to persons qualifying for the crisis intervention program.

(ii) The amount of assistance shall be based on need.

(b) (1) The Office shall carry out one or more fuel and utility assistance programs to make payments on behalf of qualified households to defray fuel and utility costs.

(2) (I) The Office shall determine program and income eligibility guidelines.

(II) THE OFFICE SHALL ENROLL IN ANY FUEL AND UTILITY ASSISTANCE PROGRAM ANY INDIVIDUAL WHO MEETS THE FINANCIAL ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR A RECIPIENT OF:

1. THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

2. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;

3. SUPPLEMENTAL SECURITY INCOME; OR

4. MEANS-TESTED VETERANS AFFAIRS BENEFITS.

(3) The amount of assistance shall be based on need.

(c) For fiscal year 2023 only, the Governor shall appropriate to the Office an amount equal to the unexpended appropriation to the Office for fiscal year 2021 funding that was included in Supplemental Budget No. 5.

1 7-512.1.

2 (a) (1) The Commission shall establish an electric universal service program
3 to assist electric customers with annual incomes[:

4 (i) at or below 175% of the federal poverty level; or

5 (ii) for a customer at least 67 years of age,] at or below 200% of the
6 federal poverty level.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2023.