A BILL ENTITLED

AN ACT concerning

21st Century School Facilities Act

FOR the purpose of requiring a county board of education to submit the purchase of ground or a school site to the State Superintendent of Schools to approve or disapprove within a certain period of time; authorizing certain exceptions to the requirement that certain public school property must be held in trust by a county board; authorizing a county board to contract with a county in a public–private partnership agreement; establishing a design–construct–operate–maintain–finance arrangement as an alternative financing method available for use by a county or a county board; authorizing a county board to solicit certain proposals and lease certain property; authorizing certain alternative financing methods to include certain reserves; requiring each county board to make a certain determination regarding the designation of a school as an emergency management shelter; altering the requirements for awarding contracts to bidders for school buildings, improvements, supplies, or equipment; encouraging and authorizing county boards to use certain procurement methods; requiring certain systems or items to have a certain median useful life to be an eligible public school construction cost; requiring the regulations that govern the Public School Construction Program to contain requirements for preventative maintenance plans and the submission of long–range plans and certain annual plans that include plans for specific projects; requiring the Interagency Committee on School Construction to establish and provide certain incentives after a certain review and comment period; requiring the Interagency Committee to allow electronic submission of any documents or data required by the Interagency Committee; requiring the Interagency Committee to be a central repository for certain information; requiring the Interagency Committee to take certain actions in consultation with the School Construction Technical and Innovative Assistance Office; altering the State agency responsible for conducting inspections of public school buildings; requiring the Interagency Committee to develop and adopt certain standards and to create a certain index for educational facilities on or before a certain date; requiring the Interagency Committee to conduct a certain facility assessment under certain conditions on or before a certain date and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.
annually thereafter; requiring local education agencies to follow certain standards and contribute certain data annually to update a certain facility assessment; requiring the Interagency Committee to compare certain data; requiring the Interagency Committee to manage the Integrated Master Facility Asset Library and to enter certain data into the Library; requiring the Interagency Committee to establish rankings annually based on certain criteria; requiring each county board to develop and adopt certain preventative maintenance schedules for certain public school facilities; requiring certain preventative maintenance schedules to be based on certain standards and to be subject to certain review and approval; requiring each county board to report annually on or before a certain date to the Interagency Committee on the board’s compliance with certain preventative maintenance schedules; requiring the Interagency Committee to enter certain information into the Integrated Master Facility Asset Library; specifying the process for the review and approval of public school construction projects; requiring certain reviews and approvals of certain educational specifications and schematic designs for certain projects; prohibiting certain change orders for certain projects from being subject to certain reviews and approvals; prohibiting a certain percentage of a certain State allocation from being withheld; requiring certain reviews and approvals of certain design and construction documents for certain projects; exempting certain local education agencies from the requirements for certain reviews and approvals if certain conditions are met; requiring the Department of General Services to develop a certain certification process and requiring the certification process to be subject to certain review and approval; exempting certain school construction projects from review by the Maryland State Department of Education; requiring certain provisions of law to prevail in the event of a conflict with certain regulations and procedures; establishing the Local Share of School Construction Costs Revolving Loan Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Interagency Committee to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; specifying that money expended from the Fund is supplemental to certain other funds; requiring the Interagency Committee to establish application procedures and certain eligibility criteria for loans from the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; requiring the Maryland Green Building Council to develop certain guidelines for certain public school buildings; establishing the School Construction Technical and Innovative Assistance Office in the Maryland Stadium Authority; providing for the purpose of the Office; authorizing the Office to take certain actions; declaring the intent of the General Assembly regarding funding for public school construction; providing for the recalculation of a certain funding goal after certain conditions are met; establishing the Workgroup on Educational Development Specifications; establishing the Workgroup on the Assessment and Funding of School Facilities; providing for the composition, chair, and staffing of the workgroups; prohibiting a member of the workgroups from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the workgroups to study and make
recommendations regarding certain matters; requiring the workgroups to report their findings and recommendations to the Governor and the General Assembly on or before certain dates; requiring the Interagency Committee to take certain actions, review certain matters, and examine certain requirements and to provide certain reports to the Governor and the General Assembly on or before certain dates; requiring the Interagency Committee to explore the feasibility and funding of certain regional school construction projects and to report to the Commission on Innovation and Excellence in Education on or before a certain date; defining certain terms; and generally relating to the funding and administration of public school construction.

BY repealing and reenacting, with amendments, Article – Education Section 2–303(f), 4–114, 4–126, 5–112(c) and (h), 5–301, 5–302, 5–309, and 5–310 Annotated Code of Maryland (2014 Replacement Volume and 2017 Supplement)


BY repealing and reenacting, without amendments, Article – State Finance and Procurement Section 4–809(a) and 6–226(a)(2)(i) Annotated Code of Maryland (2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments, Article – State Finance and Procurement Section 4–809(f) and 6–226(a)(2)(ii)101. and 102. Annotated Code of Maryland (2015 Replacement Volume and 2017 Supplement)


BY adding to Article – Economic Development Section 10–610.1 Annotated Code of Maryland (2008 Volume and 2017 Supplement)

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

**Article – Education**

2–303.

(f) (1) Subject to the bylaws, rules, and regulations of the State Board, AND EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, the State Superintendent shall approve or disapprove each:

- (i) Proposal for the purchase or sale of any ground, school site, or building;
- (ii) Plan or specification for the remodeling of a school building if the remodeling costs more than $350,000;
- (iii) Plan or specification for the construction of a new school building; and
- (iv) Change order that costs more than $25,000 for the remodeling, restoration, or construction of a school building.

(2) If the State Superintendent disapproves any plan, specification, proposal, or change order, he shall state in writing the reasons for his disapproval.

(3) If the construction is to be done by a county board, the board may not begin until the plans and specifications are approved in writing by the State Superintendent.

(4) If the construction is to be done by contract, the contract is invalid without the written approval of the State Superintendent.

(5) FOR THE PURCHASE OF ANY GROUND OR SCHOOL SITE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY BOARD SHALL SUBMIT THE PURCHASE TO THE STATE SUPERINTENDENT FOR APPROVAL OR DISAPPROVAL NOT MORE THAN 3 YEARS BEFORE THE PROJECT IS SUBMITTED TO THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION FOR LOCAL PLANNING APPROVAL.

(a) All property granted, conveyed, devised, or bequeathed for the use of a particular public school or school system:

(1) Except as provided in [subsection] SUBSECTIONS (c) THROUGH (E) of this section, shall be held in trust for the benefit of the school or school system by the appropriate county board or, for real property in Baltimore City, by the Mayor and City
Council of Baltimore; and

(2) Is exempt from all State and local taxes.

(b) Money invested in trust for the benefit of the public schools for any county or city is exempt from all State and local taxes.

(c) (1) A private entity OR A COUNTY may hold title to property used for a particular public school or local school system if the private entity OR COUNTY is contractually obligated to transfer title to the appropriate county board on a specified date.

(2) The conveyance of title of school property to a private entity OR A COUNTY for a specified term under this subsection may not be construed to prohibit the allocation of construction funds to an approved school construction project under the Public School Construction Program.

(3) A county or county board may convey or dispose of surplus land under the jurisdiction of the county or county board in exchange for public school construction or development services.

(D) (1) THIS SUBSECTION APPLIES ONLY TO A PROJECT THAT USES AN ALTERNATIVE FINANCING METHOD UNDER § 4–126 OF THIS SUBTITLE.

(2) A COUNTY BOARD MAY TRANSFER TITLE TO PROPERTY USED FOR A PARTICULAR PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM TO A COUNTY, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY IF THE COUNTY, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY IS CONTRACTUALLY OBLIGATED TO OPERATE AND MAINTAIN THE PROPERTY UNTIL:

(I) THE PROPERTY OUTLIVES ITS USEFUL LIFE;

(II) THE PROPERTY IS NO LONGER NEEDED FOR SCHOOL PURPOSES; OR

(III) AS OTHERWISE AGREED TO BY THE PARTIES.

(E) A COUNTY, COUNTY REVENUE AUTHORITY, OR PRIVATE ENTITY MAY HOLD TITLE TO PROPERTY LEASED BY A COUNTY BOARD TO BE USED FOR A PARTICULAR PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM UNDER TERMS AGREED TO BY THE PARTIES.

4–126.

(a) (1) In this section[, “alternative] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
(2) “ALTERNATIVE financing methods” includes ONE OR MORE OF THE FOLLOWING METHODS:

[(1)] (I) Sale–leaseback arrangements, in which a county board agrees to transfer title to a property, including improvements, to a private entity that simultaneously agrees to lease the property back to the county board and, on a specified date, transfer title back to the county board;

[(2)] (II) Lease–leaseback arrangements, in which a county board leases a property to a private entity that improves the property and leases the property, with the improvements, back to the county board;

[(3)] (III) Public–private partnership agreements, in which a county board contracts with a COUNTY OR A private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, or financing of a public school, and may include provisions for cooperative use of the school or an adjacent property and generation of revenue to offset the cost of construction or use of the school;

[(4)] (IV) Performance–based contracting, in which a county board enters into an energy performance contract to obtain funding for a project with guaranteed energy savings over a specified time period;

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

[(6)] (VI) Design–build arrangements, that permit a county board to contract with a design–build business entity for the combined design and construction of qualified education facilities, including financing mechanisms where the business entity assists the local governing body in obtaining project financing; AND

(VII) DESIGN–CONSTRUCT–OPERATE–MAINTAIN–FINANCE ARRANGEMENTS THAT PERMIT A COUNTY BOARD TO CONTRACT WITH A COUNTY OR A PRIVATE ENTITY FOR THE DESIGN, CONSTRUCTION, OPERATION, AND MAINTENANCE OF A PUBLIC SCHOOL UNDER TERMS AGREED TO BY THE PARTIES.

(3) “COUNTY” INCLUDES, UNLESS THE CONTEXT REQUIRES OTHERWISE, A COUNTY REVENUE AUTHORITY.

(b) (1) Except when prohibited by local law, in order to finance or to speed delivery of, transfer risks of, or otherwise enhance the delivery of public school construction, a county BOARD may:
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[(1)] (I) Use alternative financing methods;

[(2)] (II) Engage in competitive negotiation, rather than competitive bidding, in limited circumstances, including construction management at–risk arrangements and other alternative project delivery arrangements, as provided in regulations adopted by the Board of Public Works;

[(3)] (III) Accept unsolicited proposals for the development of public schools in limited circumstances, as provided in regulations adopted by the Board of Public Works; and

(iv) SOLICIT PROPOSALS FOR THE DEVELOPMENT OF PUBLIC SCHOOLS;

(v) LEASE PROPERTY FROM A COUNTY OR A PRIVATE ENTITY FOR USE AS A PUBLIC SCHOOL FACILITY; AND

[(4)] (VI) Use quality–based selection, in which selection is based on a combination of qualifications and cost factors, to select developers and builders, as provided in regulations adopted by the Board of Public Works.

(2) THE ALTERNATIVE FINANCING METHODS DESCRIBED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY INCLUDE RESERVES SUFFICIENT TO COVER OPERATION, FACILITY RENEWAL, MAINTENANCE, AND ENERGY COSTS AS PART OF A CONTRACT.

(c) The Board of Public Works shall adopt regulations requiring a project that qualifies for alternative financing methods under this section to meet requirements regarding the advantages of the project to the public that include provisions addressing:

(1) The probable scope, complexity, or urgency of the project;

(2) Any risk sharing, added value, education enhancements, increase in funding, or economic benefit from the project that would not otherwise be available;

(3) The public need for the project; and

(4) The estimated cost or timeliness of executing the project.

(d) Projects that qualify for alternative financing methods under this subsection:

(1) Shall meet the educational standards, design standards, and procedural requirements under this article and under regulations adopted by the Board of Public Works; and

(2) Consistent with the requirements of this article, shall be approved by:
(i) The county governing body;

(ii) The State Superintendent of Schools; or

(iii) The Interagency Committee on School Construction and the Board of Public Works.

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

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

(g) The Board of Public Works shall adopt regulations recommended by the Interagency Committee on School Construction to implement the provisions of this section, including:

(1) Guidelines for the content of proposals, for the acceptance and evaluation of unsolicited proposals, and for accepting competing unsolicited proposals;

(2) Requirements for the content and execution of a comprehensive agreement governing an arrangement authorized under this section;

(3) Guidelines for content and issuance of solicitations;

(4) Requirements for the prequalification of bidders or offerors;

(5) Requirements for public notice of solicited and unsolicited proposals and proposed execution of a comprehensive agreement;

(6) Regulations that require compliance with requirements applicable to qualified projects that would otherwise be in effect under the State procurement law if the procurement were competitively bid; and

(7) (i) Regulations that require that contracts and subcontracts adhere to the requirements of Title 17, Subtitle 2 and Title 14 of the State Finance and Procurement Article if the requirements would otherwise be applicable; and

(ii) Regulations that specify elements to be included in any preference–based arrangement adopted by a local governing body that gives preference first to business entities located in the county and then to business entities located in other counties in the State for any construction that is not subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article.
(A) Each county board shall make a determination of the public schools within the jurisdiction of the county board that should be designated as emergency management shelters.

(B) The determination of the county board shall be based on:

(1) consistency with local emergency management plans and criteria; and

(2) the availability of funding.

(c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the [lowest] responsible bidder who PROVIDES THE BEST VALUE AND conforms to specifications with consideration given to:

   (i) the quantities involved;
   (ii) the time required for delivery;
   (iii) the purpose for which required;
   (iv) the competency and responsibility of the bidder;
   (v) the ability of the bidder to perform satisfactory service; [and]
   (vi) the plan for utilization of minority contractors; AND

   (VII) the price offered by the bidder.

(2) The county board may reject any and all bids and readvertise for other bids.

(H) (1) A county board is encouraged, consistent with competitive bidding, to use bulk purchasing, bundling, and intergovernmental purchasing.

(2) A county board may bundle, for approval and procurement purposes:

   (i) similar systemic renovation projects at different schools; and
(II) INTERRELATED SYSTEMIC PROJECTS AT A SINGLE SCHOOL.

(h) (I) A contract entered into or purchase made in violation of this section is void.

5–301.

(a) In this subtitle, “Interagency Committee” means the Interagency Committee on School Construction established under § 5–302 of this subtitle.

(b) (1) (I) For the purposes of this section other than subsection (c), the Board of Public Works shall define by regulation what constitutes an eligible and ineligible public school construction or capital improvement cost.

(II) IN ORDER FOR THE COST OF AN ITEM OR A SYSTEM FUNDED WITH THE PROCEEDS OF GENERAL OBLIGATION BONDS TO BE CONSIDERED AN ELIGIBLE COST, IT MUST HAVE A MEDIAN USEFUL LIFE OF AT LEAST 15 YEARS.

(ii) The Board of Public Works, at the recommendation of the Interagency Committee on School Construction, shall adopt regulations that:

1. Define modular construction; and

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

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

(b–1) The Board of Public Works, in consultation with the Department of General Services and the Department of Housing and Community Development, shall adopt regulations establishing criteria designed to enhance indoor air quality for the occupants of relocatable classrooms constructed after July 1, 2014, that are purchased or leased using State or local funds, including specifications that:

1. Require each unit to include appropriate air barriers to limit infiltration;

2. Require that each unit be constructed in a manner that provides protection against water damage through the use of proper roofing materials, exterior sheathing, water drainage systems, and flashing;
(3) Require that each unit provide continuous forced ventilation when the unit is occupied;

(4) Require each unit to include a programmable thermostat;

(5) Require each unit to be outfitted with energy efficient lighting and heating and air-conditioning systems; and

(6) Mandate that each unit be constructed with building materials that contain low amounts of volatile organic compounds (VOC) in accordance with industry standards.

(c) The State shall pay the costs in excess of available federal funds of the State share of public school construction projects and public school capital improvements in each county if:

(1) The projects or improvements have been approved by the Board of Public Works; and

(2) Contracts have been executed on or after July 1, 1971 for the projects or improvements.

(d) (1) The Board of Public Works may adopt regulations for the administration of the programs provided for in this section.

(2) The regulations adopted by the Board of Public Works may contain requirements for:

(i) [The development and submission of long range plans;]

(ii) The submission of annual plans and plans for specific projects;

(iii)] The submission of other data or information that is relevant to school construction or capital improvement;

[(iv)] (II) The approval of sites, plans, and specifications for the construction of new school buildings or the improvement of existing buildings;

[(v)] (III) Site improvements;

[(vi)] (IV) Competitive bidding;

[(vii)] (V) The hiring of personnel in connection with school construction or capital improvements;

[(viii)] (VI) The actual construction of school buildings or their
improvements;

[(ix)] (VII) The relative roles of different State and local governmental agencies in the planning and construction of school buildings or school capital improvements;

[(x)] (VIII) School construction and capital improvements necessary or appropriate for the proper implementation of this section;

[(xi)] (IX) At the recommendation of the Interagency Committee, the establishment of priority public school construction programs;

[(xii)] (X) Development of cooperative arrangements that permit the sharing of facilities among two or more school systems;

[(xiii)] (XI) The selection of architects and engineers by school systems;

[(xiv)] (XII) The award of contracts by school systems; and

[(xv)] (XIII) Method of payments made by the State under the Public School Construction Program.

(3) The regulations adopted by the Board of Public Works shall contain provisions:

(i) Establishing a State and local cost–share formula for each county that identifies the factors used in establishing the formulas;

(ii) Requiring local education agencies to adopt educational facilities master plans and annual capital improvement programs;

(iii) Providing a method for establishing a maximum State construction allocation for each project approved for State funding;

(iv) Referencing the policies stated in § 5–7B–07 of the State Finance and Procurement Article;

(v) Requiring local school systems to adopt procedures consistent with the minority business enterprise policies of the State as required under the Code of Maryland Regulations;

(vi) Establishing a process for the appeal of decisions by the Interagency Committee to the Board of Public Works;

(vii) Requiring local education agencies to adopt, implement, and
periodically update comprehensive maintenance plans AND PREVENTATIVE MAINTENANCE PLANS; [and]

(viii) Authorizing the Board of Public Works to withhold State public school construction funds from a local education agency that fails to comply with the requirements of item (vii) of this paragraph;

(IX) REQUIRING THE DEVELOPMENT AND SUBMISSION OF LONG–RANGE PLANS, INCLUDING A REQUIREMENT FOR THE ANNUAL SUBMISSION OF A 10–YEAR EDUCATIONAL FACILITIES MASTER PLAN; AND

(X) REQUIRING THE SUBMISSION OF AN ANNUAL CAPITAL IMPROVEMENT PLAN, WHICH MAY ONLY BE REQUIRED TO INCLUDE PLANS FOR SPECIFIC PROJECTS AND REQUESTS FOR PLANNING AND CONSTRUCTION PROJECTS FOR THE UPCOMING FISCAL YEAR.

(4) In adopting any of these requirements, the State Board and the Board of Public Works shall provide for the maximum exercise of initiative by school personnel in each county to ensure that the school buildings and improvements meet both the needs of the local communities and the rules and regulations necessary to ensure the proper operation of this section and the prudent expenditure of State funds.

(e) The Board of Public Works shall develop the rules, regulations, and procedures authorized by this section in consultation with representatives of the county boards and the county governing bodies.

(f) The regulations and procedures of the Board of Public Works adopted under this section and their promulgation are exempt from § 8–127(b) of the State Finance and Procurement Article.

(g) (1) With respect to public school construction or public school capital improvements, including sites for school buildings, the authority, responsibilities, powers, and duties of the following are subject to the regulations adopted by the Board of Public Works under this section:

(i) The State Board;

(ii) The State Superintendent;

(iii) The county governments;

(iv) The county boards; and

(v) All other State or local governmental agencies under this article.

(2) If, as to public school construction or public school capital
improvements, there is any conflict between the regulations and procedures of the Board
of Public Works and the authority, responsibilities, powers, and duties of the individuals
and agencies specified in paragraph (1) of this subsection, the regulations and procedures
of the Board of Public Works shall prevail.

(h) The obligation of the State to pay the costs of public school construction and
public school capital improvements extends only to those projects or parts of projects that
comply with the regulations and procedures of the Board of Public Works.

(i) (1) This subsection does not apply to the proceeds from the sale, lease, or
disposition of public school buildings constructed under contracts executed before February
1, 1971.

(2) Consistent with § 4–115 of this article and regulations adopted by the
Board of Public Works to implement § 4–126 of this article, the Board of Public Works may
require by regulation that the portion of the proceeds received by a county from the sale,
lease, or disposal of any public school building that represent State funds provided within
15 years prior to the date of the transaction shall be used solely as part of the State funding
of the construction of future public school buildings in the county in which the sale, lease,
or disposal occurred, if the public school building was constructed under a contract executed
on or after February 1, 1971.

(3) The part of the proceeds from the sale, lease, or disposal of a public
school building that fairly represents the appraised value of land and that part of the cost
of the public school building that was funded by the county shall remain as the funds of the
county.

(4) A transfer of interest in a public school building in connection with a
financing of the cost of construction and improvements to such buildings is not a sale, lease,
or disposal of the public school facility.

(j) (1) Whether by budget bill or supplementary appropriation bill, all money
appropriated to carry out the purposes of this section is a separate fund that shall be
administered by the State Comptroller in accordance with the regulations adopted by the
Board of Public Works.

(2) Subject to paragraph (3) of this subsection, any unexpended allocations
of funds for previously approved projects shall be transferred to the fund established under
paragraph (1) of this subsection.

(3) (i) Any funds approved for a county for a project that has not been
contracted for within 2 years of the approval of the project, shall be:

1. Available for another eligible project in the county in the
   current fiscal year; or

2. Reserved for eligible projects in the county in the next
fiscal year, in addition to the new funds allocated for eligible projects in the county in the
next fiscal year.

(ii) Any funds reserved under subparagraph (i) of this paragraph that have not been used to contract for a project within 2 years of the date the funds were reserved shall be available for allocation to an eligible project in any county.

(4) On or before March 30, June 30, September 30, and December 31 of each year, the Interagency Committee shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, and the Department of Legislative Services on the balance in the fund as of the reporting date as the result of transfers or reversions required under this subsection and any expenditures.

5–301.3.

(A) In this section, “NET–ZERO” means that the total amount of energy used by a building on an annual basis is equal to or less than the amount of renewable energy created on the site.

(B) The Interagency Committee shall establish incentives for:

(1) The construction of net–zero school buildings; and

(2) The use of energy efficient or other preferred materials in public school construction.

(C) Before the Interagency Committee may provide any incentives established in accordance with subsection (B) of this section, the Interagency Committee shall:

(1) Notify the budget committees of the General Assembly in writing of the proposed incentives; and

(2) Allow the budget committees 30 days to review and comment on the proposed incentives.

5–302.

(a) (1) The Board of Public Works shall establish the Interagency Committee on School Construction as a unit within the Department for administrative and budgetary purposes.

(2) The Interagency Committee consists of the following members:

(i) The State Superintendent of Schools, or the Superintendent’s
designee;  

(ii) A member of the public appointed by the President of the Senate;  

(iii) A member of the public appointed by the Speaker of the House;  

(iv) The Secretary of the Department of Planning, or the Secretary’s  

designee; and  

(v) The Secretary of General Services, or the Secretary’s designee.  

(3) The State Superintendent of Schools, or the Superintendent’s designee,  

shall be the Chairman of the Interagency Committee.  

(4) A member of the Interagency Committee on School Construction may  

not be:  

(i) An individual who is a regulated lobbyist as described in § 5–702(a)(1), (2), (3), or (4) of the General Provisions Article;  

(ii) A member of the General Assembly;  

(iii) An employee of a county government or board of education; or  

(iv) A local elected official.  

(5) The Board of Public Works may delegate the administrative and  

budgetary authority of the Board to the Interagency Committee as determined by the Board  
to be necessary and appropriate.  

(b) (1) The Department or any other State agency may lend its employees to  

serve as the staff for the Interagency Committee.  

(2) These employees shall be paid by the agency that employs them.  

(c) The Executive Director of the Interagency Committee shall be appointed by  

the Interagency Committee with the approval of the Board of Public Works.  

(d) (1) (i) The Interagency Committee shall prepare projections of school  

construction and capital improvement needs for submission to the Capital Debt  

Affordability Committee under § 8–112(c)(3) of the State Finance and Procurement Article.  

(ii) The projections shall be prepared in accordance with the  

regulations adopted by the Board under § 5–301 of this subtitle.  

(2) (i) The Board of Public Works or the Interagency Committee shall  

notify each county board and each local governing body of the annual allocation of school
construction funds recommended to the Board of Public Works by the Governor under the consolidated capital debt program of the State Finance and Procurement Article.

(ii) The notification shall be made immediately after the Governor has recommended the allocations so that each county may structure its respective school construction and capital improvement priorities in accordance with the annual allocation and any amendments.

(e) (1) Before May 1 of each year, the Board of Public Works may not approve public school construction projects that comprise more than 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

(2) On or before December 31 of each year, the Interagency Committee shall provide recommendations to the Board of Public Works for public school construction projects that comprise 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

(3) On or before March 1 of each year, the Interagency Committee shall provide recommendations to the Board of Public Works, the presiding officers and the budget committees of the General Assembly, and the Department of Legislative Services for public school construction projects that comprise 90% of the school construction allocation included in the capital budget submitted by the Governor for the following fiscal year.

(4) The remaining public school construction allocation for the following fiscal year may be allocated by the Board of Public Works as provided in regulation.

(f) (1) The Interagency Committee on School Construction is a public body and subject to Title 3 of the General Provisions Article.

(2) Deliberations and decisions regarding the eligibility of projects and allocation of funding shall be considered quasi–legislative functions for the purposes of the Open Meetings Law.

(G) The Interagency Committee shall allow any documents or data required by the Interagency Committee from any source, including local education agencies and State agencies, to be submitted electronically to the Interagency Committee.

(H) The Interagency Committee shall be a central repository for information on:

(1) The use of pre–fab and building system options;

(2) Procurement methods;
(3) School facility design and construction; and

(4) Best practices in school construction.

(I) In consultation with the School Construction Technical and Innovative Assistance Office in the Maryland Stadium Authority, the Interagency Committee shall:

(1) Provide technical assistance and support to local education agencies on the use of alternative financing and alternative project delivery methods for school construction;

(2) Develop a public–private partnership pilot program that:

   (i) Provides financial assistance to assist local education agencies interested in pursuing alternative financing to cover the cost of associated risks; and

   (ii) Requires local education agencies that use alternative financing to fully document the process, expectations, and results;

(3) Provide technical support for agreements between and among local education agencies and county governing bodies, including regional partnerships, to promote efficiency;

(4) Utilize and promote technological advances to make school building design more efficient and innovative; and

(5) Utilize and promote technology to streamline compliance review and project deliveries.

(J) The Interagency Committee shall work with a local education agency with declining enrollment to identify buildings for consolidation or find alternative uses for underutilized school buildings, subject to the approval of the county board.

5–309.

(A) It is the intent of the General Assembly that the Department and the Public School Construction Program encourage local education agencies to reuse recently used school designs, when educationally appropriate and cost effective over the useful life of the
project, within each county and across local school system boundaries.

(B) (1) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL DEVELOP AND PROVIDE INCENTIVES FOR LOCAL EDUCATION AGENCIES TO USE PROTOTYPE SCHOOL DESIGNS.

(2) THE INCENTIVES TO USE PROTOTYPE SCHOOL DESIGNS MAY INCLUDE EXPEDITED STATE REVIEW OF PROJECTS.

(C) BEFORE THE INTERAGENCY COMMITTEE MAY PROVIDE ANY INCENTIVES ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE INTERAGENCY COMMITTEE SHALL:

(1) NOTIFY THE BUDGET COMMITTEES OF THE GENERAL ASSEMBLY IN WRITING OF THE PROPOSED INCENTIVES; AND

(2) ALLOW THE BUDGET COMMITTEES 30 DAYS TO REVIEW AND COMMENT ON THE PROPOSED INCENTIVES.

5–310.

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

(2) “EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS” MEANS A UNIFORM SET OF CRITERIA AND MEASURES FOR EVALUATING THE PHYSICAL CONDITION AND EDUCATIONAL SUITABILITY OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL FACILITIES IN THE STATE.

(3) “FACILITY CONDITION INDEX” MEANS A CALCULATION TO DETERMINE THE RELATIVE CONDITION OF PUBLIC SCHOOL FACILITIES BY DIVIDING THE TOTAL REPAIR COST OF A FACILITY BY THE TOTAL REPLACEMENT COST OF A FACILITY.

[(a) (B) (1)] Each fiscal year, the Interagency Committee shall survey the condition of school buildings identified by the Department.

[(b) (2)] The [Department of General Services] INTERAGENCY COMMITTEE shall conduct the inspections of individual school buildings that [the Interagency Committee requires] ARE NECESSARY to complete the survey required in PARAGRAPH (1) OF THIS subsection [(a) of this section].

[(c) (3)] The Interagency Committee shall report to the Governor and the General Assembly, on or before October 1 of each year, in accordance with § 2–1246 of the
State Government Article, on the results of the survey for the prior fiscal year.

(C) On or before July 1, 2018, the Interagency Committee on School Construction shall adopt educational facilities sufficiency standards and, in accordance with subsection (D) of this section, a Maryland School Facility Index.

(D) The educational facilities sufficiency standards and the facility condition index shall be weighted to address the functional relevancy of specific facility deficiencies, as determined by the Interagency Committee, to create the Maryland School Facility Index.

(E) (1) On or before July 1, 2019, the Interagency Committee shall complete an initial statewide facilities assessment using the educational facilities sufficiency standards adopted under subsection (C) of this section.

(2) In completing the assessment the Interagency Committee shall:

   (i) Incorporate the Maryland School Facility Index established in subsection (D) of this section;

   (ii) Contract with an independent third-party vendor to conduct data collection and assessment;

   (iii) Utilize, to the extent possible, existing data sources, including the Educational Facilities Master Plan and the Maryland Association of Boards of Education; and

   (iv) Coordinate with local education agencies to identify data elements to be used in the facility assessment.

(F) (1) Following the completion of the initial statewide facilities assessment, the Interagency Committee shall develop standards to comprehensively update the facilities assessment such that facility assessment data is not older than 4 years.

(2) Local education agencies shall:

   (i) Follow the standards developed in paragraph (1) of this subsection; and
(II) CONTRIBUTE DATA ANNUALLY TO REGULARLY AND
COMPREHENSIVELY UPDATE THE ASSESSMENT.

(3) THE INTERAGENCY COMMITTEE SHALL COMPARE THE DATA
FROM THE INITIAL STATEWIDE FACILITIES ASSESSMENT TO THE DATA SUBMITTED
BY LOCAL EDUCATION AGENCIES UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

(4) (I) THE INTERAGENCY COMMITTEE SHALL ENTER THE
FACILITY ASSESSMENT DATA INTO AN INTEGRATED DATA SYSTEM, WHICH SHALL BE
KNOWN AS THE INTEGRATED MASTER FACILITY ASSET LIBRARY.

(II) THE INTERAGENCY COMMITTEE SHALL MANAGE THE
INTEGRATED MASTER FACILITY ASSET LIBRARY AND SHALL PROVIDE ACCESS TO
THE LIBRARY FOR ALL LOCAL EDUCATION AGENCIES USING A CLOUD–BASED
SYSTEM.

(G) AFTER COMPLETION OF THE INITIAL ASSESSMENT, AND ANNUALLY
THEREAFTER, THE INTERAGENCY COMMITTEE SHALL DETERMINE A RANKING OF
EACH PUBLIC ELEMENTARY AND SECONDARY SCHOOL FACILITY USING THE
MARYLAND SCHOOL FACILITY INDEX ESTABLISHED IN SUBSECTION (D) OF THIS
SECTION.

(H) (1) EACH COUNTY BOARD SHALL DEVELOP AND ADOPT
PREVENTATIVE MAINTENANCE SCHEDULES FOR THE PUBLIC SCHOOL FACILITIES
WITHIN THE JURISDICTION OF THE COUNTY BOARD.

(2) A COUNTY BOARD’S PREVENTATIVE MAINTENANCE SCHEDULE
SHALL BE:

(I) BASED ON INDUSTRY STANDARDS; AND

(II) SUBJECT TO REVIEW AND APPROVAL BY THE INTERAGENCY
COMMITTEE.

(3) ON OR BEFORE JULY 1 EACH YEAR, EACH COUNTY BOARD SHALL
REPORT TO THE INTERAGENCY COMMITTEE ON THE BOARD’S COMPLIANCE WITH
THE PREVENTATIVE MAINTENANCE SCHEDULES ADOPTED UNDER THIS
SUBSECTION.

(4) THE INFORMATION REPORTED IN ACCORDANCE WITH
PARAGRAPH (3) OF THIS SUBSECTION SHALL BE ENTERED INTO THE INTEGRATED
MASTER FACILITY ASSET LIBRARY.
5–314.

(A) The process for the review and approval of public school construction projects shall be in accordance with the provisions of this section.

(B) (1) Educational specifications and schematic designs for major construction projects are required to be:

   (I) Reviewed by the Department; and

   (II) Approved by the Interagency Committee.

   (2) To provide efficiency within the process, the Department and the Interagency Committee shall consider altering the review and approval process required under paragraph (1) of this subsection, including a rolling deadline for submission of documents, with schematic designs submitted following the completion of the educational specifications review.

(C) (1) Change orders for major construction projects and systemic renovation projects may not be:

   (I) Reviewed by the Department of General Services; and

   (II) Approved by the Interagency Committee.

   (2) A percentage of the State allocation related to change orders may not be withheld.

   (3) Local education agencies shall maintain contingency funds for each approved project to address unanticipated construction costs above the State allocation.

(D) (1) Except as provided in subsection (e) of this section, design and construction documents for major construction projects and systemic renovation projects are required to be:

   (I) Reviewed by the Department of General Services; and

   (II) Approved by the Interagency Committee.
(2) The Department of General Services and the Interagency Committee, in consultation with local education agencies, shall develop a timeline for submission, review, and approval of design and construction documents.

(E) (1) The provisions of subsection (d) of this section do not apply to a local education agency that successfully completes a certification process that meets the requirements of this subsection.

(2) Subject to the review and approval of the Interagency Committee, the Department of General Services shall develop a certification process through which a local education agency is able to demonstrate the expertise and capacity to complete the review of design and construction documents within the county.

(3) The certification process developed by the Department of General Services shall provide for a renewable, multiyear certification for a local education agency that successfully completes the certification process.

(F) School construction projects that are funded entirely with local funds are not required to be reviewed by the Department unless the project substantially alters or expands an existing school building that was built in part with State funds.

(G) If there is any conflict between the provisions of this section and the regulations and procedures of the Board of Public Works, the Interagency Committee, the Department, or the Department of General Services, the provisions of this section shall prevail.

5–315.

(A) In this section, “Fund” means the Local Share of School Construction Costs Revolving Loan Fund.

(B) There is a Local Share of School Construction Costs Revolving Loan Fund.

(C) The purpose of the Fund is to provide loans to local governments to forward fund the local share of school construction costs for local education agencies that rely on the local share to be fully funded in order to complete a project.
(D) The Interagency Committee shall administer the Fund.

(E) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article that shall be available in perpetuity for the purpose of providing loans in accordance with the provisions of this section.

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

(F) The Fund consists of:

(1) Money appropriated in the State budget to the Fund;

(2) Any interest earnings of the Fund;

(3) Repayments of principal and interest from loans made from the Fund; and

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

(G) The Fund may be used only to provide low- or no-interest loans to local governments.

(H) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(I) Money expended from the Fund is supplemental to and is not intended to take the place of funding that otherwise would be appropriated to local governments for school construction.

(J) (1) Subject to paragraph (2) of this subsection, the Interagency Committee shall establish application procedures and eligibility criteria for loans from the Fund.

(2) The eligibility criteria shall include that a local government is:
(I) IN NEED OF A LOAN TO FORWARD FUND THE LOCAL SHARE
OF SCHOOL CONSTRUCTION COSTS IN ORDER TO COMPLETE A PROJECT; AND

(II) ABLE TO DEMONSTRATE THE ABILITY TO REPAY THE LOAN
IF REQUIRED AT A LATER DATE.

Article – State Finance and Procurement

4–809.

(a) There is a Maryland Green Building Council.

(f) The Maryland Green Building Council shall:

(1) evaluate current high performance building technologies;

(2) provide recommendations concerning the most cost–effective green
building technologies that the State might consider requiring in the construction of State
facilities, including consideration of the additional cost associated with the various
technologies;

(3) provide recommendations concerning how to expand green building in
the State;

(4) develop a list of building types for which green building technologies
should not be applied, taking into consideration the operational aspects of facilities
evaluated, and the utility of a waiver process where appropriate; [and]

(5) establish a process for receiving public input; AND

(6) DEVELOP GUIDELINES FOR NEW PUBLIC SCHOOL BUILDINGS TO
ACHIEVE THE EQUIVALENT OF THE CURRENT VERSION OF THE U.S. GREEN
BUILDING COUNCIL’S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL
DESIGN) GREEN BUILDING RATING SYSTEM SILVER RATING WITHOUT REQUIRING
LEED CERTIFICATION OF THE SCHOOL BUILDINGS, INCLUDING AN INDEPENDENT
CERTIFICATION THAT THE BUILDINGS HAVE ACHIEVED THE REQUIRED STANDARDS.

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

101. the Advance Directive Program Fund; [and]

102. the Make Office Vacancies Extinct Matching Fund; AND

103. THE LOCAL SHARE OF SCHOOL CONSTRUCTION COSTS REVOLVING LOAN FUND.

Article – Economic Development

10–610.1.

(A) THERE IS A SCHOOL CONSTRUCTION TECHNICAL AND INNOVATIVE ASSISTANCE OFFICE IN THE AUTHORITY.

(B) THE PURPOSE OF THE OFFICE IS TO:

(1) PROVIDE TECHNICAL ASSISTANCE ON PUBLIC SCHOOL CONSTRUCTION PROJECTS, INCLUDING PROJECT SCOPE, PROJECT DELIVERY METHOD, AND RESEARCH–BASED BEST PRACTICES IN ALL AREAS OF SCHOOL DESIGN AND CONSTRUCTION; AND

(2) EXPLORE AND PROMOTE EFFICIENT, EFFECTIVE, ECONOMICAL, AND INNOVATIVE WAYS TO CONSTRUCT PUBLIC SCHOOL FACILITIES IN THE STATE.

(C) TO CARRY OUT THE PURPOSES OF THIS SECTION, IN CONSULTATION WITH THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION, THE OFFICE MAY:

(1) FACILITATE THE USE OF ALTERNATIVE FINANCING METHODS FOR SCHOOL CONSTRUCTION BY:

(I) PROVIDING TECHNICAL ASSISTANCE TO LOCAL EDUCATION AGENCIES THAT ARE INTERESTED IN PURSUEING ALTERNATIVE FINANCING METHODS FOR SCHOOL CONSTRUCTION;

(II) DEVELOPING TEMPLATE LEASE AGREEMENTS BETWEEN DEVELOPERS AND LOCAL EDUCATION AGENCIES; AND

(III) EXPLORING THE FINANCIAL INCENTIVES THAT MAY ENCOURAGE LOCAL EDUCATION AGENCIES TO PURSUE ALTERNATIVE FINANCING METHODS FOR SCHOOL CONSTRUCTION; AND
(2) PERFORM ANY OTHER ACT NECESSARY.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the State should provide at least $345 million for public school construction in fiscal year 2019.

(b) (1) It is the intent of the General Assembly that, as soon as practicable and within the current debt affordability guidelines, the State should provide at least $400 million each year for public school construction.

(2) The $400 million annual goal may be phased in over several years if fiscal constraints prevent the State from fully funding the goal in one fiscal year.

(c) The annual goal established under subsection (b) of this section should be recalculated after the initial school facility assessment required by § 5–310(e) of the Education Article is completed and the Workgroup on the Assessment and Funding of School Facilities established under Section 3 of this Act reports its findings and recommendations.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on the Assessment and Funding of School Facilities.

(b) The Workgroup consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools;

(4) the State Treasurer, or the State Treasurer’s designee;

(5) one representative of the Maryland Association of Counties, appointed by the Maryland Association of Counties;

(6) one representative of the Maryland Association of Boards of Education, appointed by the Executive Director of the Association; and

(7) one representative of the Public School Superintendents Association of Maryland, appointed by the Executive Director of the Association.

(c) The State Superintendent of Schools shall chair the Workgroup.
(d) The Interagency Committee on School Construction and the Department of Legislative Services shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) After the initial school facility assessment required by § 5–310(e) of the Education Article is completed, the Workgroup shall determine whether the results should be incorporated into school construction funding decisions.

(2) If the Workgroup determines that the assessment results should be incorporated into school construction funding decisions, the Workgroup shall determine how the assessment results should be incorporated into school construction funding.

(g) On or before December 1, 2019, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That the Interagency Committee on School Construction shall:

(1) update the State and local cost–share formula every 2 years; and

(2) adopt a common definition of local pay–as–you–go funding so that all local jurisdictions are reporting comparable data to be included in the local debt calculation used to determine the State share.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) (1) The Interagency Committee on School Construction shall explore the feasibility of regional school construction projects, including regional public–private partnership zones and regional career and technical education high schools.

(2) Additionally, the Interagency Committee on School Construction shall develop mechanisms and incentives to provide State funding for regional school construction projects.

(b) On or before July 1, 2018, the Interagency Committee on School Construction shall report on the feasibility and financing of regional school construction projects to the Commission on Innovation and Excellence in Education.

SECTION 6. AND BE IT FURTHER ENACTED, That:
(a) The Interagency Committee on School Construction shall review the public school construction and capital improvement costs that are eligible and ineligible for State funding, including:

(1) whether to make project design costs eligible for State funding;

(2) whether to reduce or eliminate State support for systemic renovations to focus available resources on major construction projects; and

(3) whether a system or an item that has not exceeded its median useful life may be eligible for State funding under certain circumstances, such as the system or item has failed despite a documented record of preventative maintenance or the system or item is no longer supported by the manufacturer.

(b) On or before July 1, 2019, the Interagency Committee on School Construction shall report on its review of eligible and ineligible costs to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on Educational Development Specifications.

(b) The Workgroup consists of relevant stakeholders selected by the Interagency Committee on School Construction, which shall include:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) local education agency facility designers and planners; and

(4) other members with expertise in school design and construction.

(c) The Executive Director of the Interagency Committee on School Construction shall chair the Workgroup.

(d) The Interagency Committee on School Construction shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State
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Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) review the square footage allocations that are currently used to calculate the State maximum allowable square footage for a project to identify any overly restrictive requirements and to determine if alternative methodologies or allocation could result in more efficient use of space in school buildings;

(2) review the Maryland State Department of Education school design standards and guidelines to ensure that the standards and guidelines:

(i) are aligned with the space allowance for each type of space, such as health suites, classrooms, and community use areas; and

(ii) are not overly specific;

(3) examine the use of regional cost–per–square–foot figures in the State allowable cost–per–square–foot figures that are established annually, which would reflect the different construction and labor markets in regions of the State; and

(4) review the State Rated Capacity process.

(g) The Workgroup shall make recommendations regarding:

(1) the square footage allocations that should be used to calculate the State maximum allowable square footage allocations, including recommendations on community use space in schools, especially in community schools and in schools with a high proportion of students eligible for free and reduced–price meals;

(2) the Maryland State Department of Education school design standards and guidelines;

(3) the use of regional cost–per–square–foot figures in the State allowable cost–per–square–foot figures; and

(4) updates to the State Rated Capacity process, including any updates necessary to address special programs and adjacent schools.

(h) On or before July 1, 2019, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) The Interagency Committee on School Construction shall examine the effect of prevailing wage requirements on school construction costs, including in:
(1) different regions of the State; and

(2) counties with different State and local cost–share percentages.

On or before July 1, 2020, the Interagency Committee on School Construction shall report on its examination of the effect of prevailing wage requirements on school construction costs to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.