

HOUSE BILL 1390

F1

(4lr2277)

ENROLLED BILL

— Appropriations/Budget and Taxation —

Introduced by **Delegate Harris**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – ~~School Safety Grant Program – Extension~~ Public School**
3 **Construction – Funding and Administration**

4 FOR the purpose of establishing the State share for certain school construction projects that
5 meet certain criteria; repealing the provision of law that established the intent of the
6 General Assembly that a new Workgroup on the Assessment and Funding of School
7 Facilities be formed on or before a certain date; repealing certain requirements for
8 the Prince George’s County Board of Education relating to a certain public–private
9 partnership agreement; altering certain fiscal years for distributions from the Prince
10 George’s County Public–Private Partnership Fund; repealing the provision of law
11 that repeals the School Safety Grant Program on a certain date; altering the purpose
12 of the Nancy K. Kopp Public School Facilities Priority Fund in certain fiscal years;
13 decreasing the mandated appropriation to the Priority Fund; establishing the
14 Workgroup on the Assessment and Funding of School Facilities; clarifying the intent
15 of the General Assembly regarding funding for public school construction; requiring

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 the Prince George's County Board of Education to give priority to a certain project
 2 as the next major project in the capital improvement program of the Public School
 3 Construction Program; and generally relating to ~~the School Safety Grant Program~~
 4 public school construction funding and administration.

5 BY repealing

6 Chapter 32 of the Acts of the General Assembly of 2022

7 Section 3

8 BY adding to

9 Article – Economic Development

10 Section 10–650(c)(5)

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 4–126(e)(3)(ii), 4–126.1(c) and (e), 4–126.2(f), and 5–326

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Education

20 Section 4–126.2(a) and (b) and 5–317

21 Annotated Code of Maryland

22 (2022 Replacement Volume and 2023 Supplement)

23 BY repealing and reenacting, with amendments,

24 Chapter 32 of the Acts of the General Assembly of 2022

25 Section 4

26 BY repealing and reenacting, with amendments,

27 Chapter 679 of the Acts of the General Assembly of 2023

28 Section 1

29 BY repealing and reenacting, without amendments,

30 Chapter 679 of the Acts of the General Assembly of 2023

31 Section 4

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

33 That Section 3 of Chapter 32 of the Acts of the General Assembly of 2022 be repealed.

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

35 ~~That~~ SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as
 36 follows:

37 *Article – Economic Development*

1 10-650.

2 (c) (5) THE STATE SHARE OF ELIGIBLE COSTS FOR PROJECTS SHALL BE
3 100% IF:

4 (I) THE PROJECT IS LOCATED IN A COUNTY FOR WHICH THE
5 STATE SHARE FOR SCHOOL CONSTRUCTION PROJECTS IN FISCAL YEAR 2025 IS
6 BELOW 55% AND HAS NOT MORE THAN 60,000 FULL-TIME EQUIVALENT
7 ENROLLMENT IN FALL 2023, AS DEFINED IN § 5-201 OF THE EDUCATION ARTICLE;

8 (II) THE ALLOCATION UNDER SUBSECTION (B) OF THIS SECTION
9 IS TO BE USED FOR A PUBLIC HIGH SCHOOL THAT HAS THE HIGHEST RATE OF
10 STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS AS COMPARED TO
11 OTHER PUBLIC HIGH SCHOOLS IN THE SAME COUNTY;

12 (III) THE PROJECT IS CLASSIFIED AS A MAJOR RENOVATION; AND

13 (IV) THE PLANNING AND DESIGN FOR THE PROJECT OCCURS IN
14 FISCAL YEAR 2025 OR 2026.

15 Article – Education

16 4-126.

17 (e) (3) (ii) In Prince George’s County, projects that use alternative
18 financing methods under this section and receive State funding for a yearly availability
19 payment:

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

22 2. Shall comply with the requirements under subparagraph
23 (i)4 through 8 of this paragraph; and

24 3. If the project receives State funding for a yearly
25 availability payment from the Supplemental Public School Construction Financing Fund
26 under § 10-658 of the Economic Development Article, the project shall comply with a
27 four-party memorandum of understanding entered into and signed by the Prince George’s
28 County Board, Prince George’s County, the Maryland Stadium Authority, and the
29 Interagency Commission on School Construction that:

30 A. Subject to item G of this item, specifies the roles, rights,
31 terms, and responsibilities of each party with respect to school projects undertaken with a
32 private or public entity using alternative financing methods, including any amounts the

1 parties are required to deposit into the Prince George's County Public-Private Partnership
 2 Fund established under § 4-126.2 of this subtitle;

3 B. Specifies that § 2-303(f) and Title 5, Subtitle 3 of this
 4 article and regulations governing the Public School Construction Program are not
 5 applicable to projects using alternative financing methods;

6 C. Requires the Prince George's County Board to submit
 7 projects to the Interagency Commission on School Construction for review before
 8 commencement of the project;

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

11 E. Requires the Prince George's County Board to submit
 12 annual reports to Prince George's County, the Maryland Stadium Authority, and the
 13 Interagency Commission on School Construction during the term of the alternative
 14 financing method contract with the public or private entity;

15 F. Specifies the terms under which each party will comply
 16 with the provisions of §§ 4-126.1 and 4-126.2 of this subtitle; [and]

17 G. Specifies the roles of the Interagency Commission on
 18 School Construction, including the Interagency Commission's rights related to:

19 I. Approval of the Project Agreement;

20 II. Approval of site-specific educational specifications;

21 III. Approval of final site selections; and

22 IV. The role of the governing body of the program; AND

23 **H. SPECIFIES THAT THE GOVERNANCE STRUCTURE FOR**
 24 **THE PROGRAM IS THE PRINCE GEORGE'S COUNTY SUPERINTENDENT OF SCHOOLS,**
 25 **THE PRINCE GEORGE'S COUNTY EXECUTIVE, AND THE CHAIR OF THE PRINCE**
 26 **GEORGE'S COUNTY COUNCIL.**

27 4-126.1.

28 (c) (1) This section applies only if[, on or before July 1, 2024,] the Prince
 29 George's County Board enters into a public-private partnership agreement with a private
 30 entity to enhance the delivery of public school construction in Prince George's County.

31 (2) (i) Subject to subparagraph (ii) of this paragraph, before entering
 32 into a public-private partnership agreement under paragraph (1) of this subsection, the

1 public-private partnership agreement shall be reviewed by the Maryland Stadium
2 Authority and approved by the Interagency Commission on School Construction.

3 (ii) The approval of the Interagency Commission on School
4 Construction may not be unreasonably withheld or delayed as specified in the
5 memorandum of understanding required under § 4-126 of this subtitle.

6 (e) In fiscal year [2026] 2025 and each fiscal year thereafter through not later
7 than fiscal year 2055, if the Prince George's County Board and the private entity remain in
8 the public-private partnership agreement described under subsection (c) of this section and
9 the Prince George's County government [and the Prince George's County Board deposit]
10 DEPOSITS the payment in the manner described under subsection (d)(3) of this section, the
11 Interagency Commission on School Construction shall pay the Prince George's County
12 Board from the Prince George's County Public-Private Partnership Fund established
13 under § 4-126.2 of this subtitle for the payment required under the public-private
14 partnership agreement.

15 4-126.2.

16 (a) In this section, "Fund" means the Prince George's County Public-Private
17 Partnership Fund.

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

19 (f) The Fund consists of:

20 (1) Money deposited into the Fund by Prince George's County[, the Prince
21 George's County Board,] and the Maryland Stadium Authority;

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

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

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

26 5-317.

27 (a) In this section, "Program" means the School Safety Grant Program.

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

29 (2) The purpose of the Program is to provide grants to county boards for
30 school security improvements, including:

1 (i) Secure and lockable classroom doors for each classroom in the
2 school;

3 (ii) An area of safe refuge in each classroom in the school; and

4 (iii) Surveillance and other security technology for school monitoring
5 purposes.

6 (c) The Program shall be implemented and administered by the Interagency
7 Commission, in consultation with the Maryland Center for School Safety.

8 (d) The Interagency Commission shall:

9 (1) Provide grants to county boards for public school security
10 improvements;

11 (2) Develop a procedure for a county board to apply for a grant under the
12 Program; and

13 (3) Develop eligibility requirements for a county board to receive a grant
14 under the Program.

15 (e) In addition to the annual amount otherwise provided in the capital
16 improvement program of the Public School Construction Program, the Governor shall
17 provide an additional \$10,000,000 in the annual operating or capital budget bill that may
18 be used only to award grants under the Program.

19 (f) The State funding provided under the Program is supplemental to and is not
20 intended to take the place of funding that would otherwise be appropriated for public school
21 construction purposes to a county board from any other source.

22 (g) The Interagency Commission shall adopt regulations necessary to implement
23 this section.

24 5-326.

25 (a) In this section, "Fund" means the Nancy K. Kopp Public School Facilities
26 Priority Fund.

27 (b) There is a Nancy K. Kopp Public School Facilities Priority Fund.

28 (c) (1) Except as provided in paragraph (2) of this subsection, BEGINNING IN
29 FISCAL YEAR 2028, the purpose of the Fund is to provide State funds to address the facility
30 needs of the highest priority schools in the State as identified by the statewide facilities
31 assessment completed by the Interagency Commission on School Construction under §
32 5-310(e) of this subtitle, with highest priority given to schools with a severe facility issue
33 that required the school to be closed in the current school year or the previous school year.

1 (2) [[If] IN FISCAL YEAR 2027, OR IF the statewide facilities assessment
2 is not completed, the purpose of the Fund is to provide State funds to address the severity
3 of issues in a school, including:

4 (i) Air conditioning;

5 (ii) Heating;

6 (iii) Indoor air quality;

7 (iv) Mold remediation;

8 (v) Temperature regulation;

9 (vi) Plumbing, including the presence of lead in drinking water
10 outlets in school buildings;

11 (vii) Windows; and

12 (viii) Any additional severe issues in the school that require the school
13 to be closed.

14 (d) The Interagency Commission on School Construction shall administer the
15 Fund.

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

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

20 (f) The Fund consists of:

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

22 (2) Any interest earnings of the Fund; and

23 (3) Any other money from any other source accepted for the benefit of the
24 Fund.

25 (g) The Fund may be used only for the purpose established under subsection (c)
26 of this section.

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

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

2 (i) In fiscal year 2027 and each fiscal year thereafter, the Governor shall
3 appropriate in the annual State operating or capital budget bill at least [\$80,000,000]
4 \$70,000,000 to the Fund.

5 (j) Expenditures from the Fund may be made only in accordance with the State
6 budget.

7 (k) Money expended from the Fund is supplemental to and is not intended to take
8 the place of funding that otherwise would be appropriated in the annual State operating or
9 capital budget bill to primary and secondary schools under this article.

10 Chapter 32 of the Acts of 2022

11 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
12 Assembly that:

13 (1) beginning in fiscal year 2023, within the current debt affordability
14 guidelines, the State should provide at least \$450,000,000 each year for public school
15 construction in order to maintain a relatively stable number of funded projects in the
16 Capital Improvement Program; and

17 (2) the annual goal established under item (1) of this section:

18 (I) should be recalculated prior to the Public School Facilities
19 Priority Fund being funded; AND

20 (II) DOES NOT INCLUDE FUNDING PROVIDED FOR PUBLIC
21 SCHOOL CONSTRUCTION THROUGH THE BUILT TO LEARN PROGRAM.

22 Chapter 679 of the Acts of 2023

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That Section(s) [5-317 and] 5-324 of Article – Education of the Annotated Code of
25 Maryland be repealed.

26 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
27 effect June 30, 2026.

28 SECTION 3. AND BE IT FURTHER ENACTED, That:

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

30 (b) The Workgroup consists of the following members:

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

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

5 (3) the State Superintendent of Schools, or the State Superintendent of
6 Schools' designee;

7 (4) the State Treasurer, or the State Treasurer's designee;

8 (5) the Chair of the Interagency Commission on School Construction, or the
9 Chair's designee;

10 (6) the Secretary of Budget and Management, or the Secretary's designee;

11 (7) one member who represents the trades, appointed by the Maryland State
12 and DC AFL-CIO; and

13 ~~(7)~~ (8) the Secretary of General Services, or the Secretary's designee.

14 (c) The President of the Senate and the Speaker of the House jointly shall appoint
15 the chair of the Workgroup.

16 (d) The Department of Legislative Services, in consultation with the Interagency
17 Commission on School Construction, shall provide staff for the Workgroup.

18 (e) A member of the Workgroup:

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

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

22 (f) On or after June 1, 2025, the Workgroup shall:

23 (1) consider how the relative condition of public school facilities within the
24 educational facilities sufficiency standards and the facility condition index should be
25 prioritized, taking into account local priorities and in consultation with local jurisdictions,
26 including whether the prioritization should be by category and by local jurisdiction or
27 statewide;

28 (2) determine whether the results should be incorporated into school
29 construction funding decisions; and

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

4 (g) On or before January 1, 2026, the Workgroup shall report its findings and
5 recommendations to the Governor and, in accordance with § 2-1257 of the State
6 Government Article, the General Assembly.

7 SECTION 4. AND BE IT FURTHER ENACTED, That the Prince George’s County
8 Board of Education shall give priority to High Point High School as the next major project
9 as a priority in the capital improvement program of the Public School Construction
10 Program after New Northern Adelphi Area High School.

11 SECTION 5. AND BE IT FURTHER ENACTED, That the Interagency Commission
12 on School Construction, on or before December 15, 2024, shall report to the General
13 Assembly, in accordance with § 2-1257 of the State Government Article, on the eligibility for
14 school construction funding for artificial intelligence weapon detection systems.

15 SECTION ~~2~~ ~~5~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 ~~July~~ June 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.