

**HOUSE BILL 657**  
**EMERGENCY BILL**

Unofficial Copy  
F3

1998 Regular Session  
(81r0485)

***ENROLLED BILL***  
***-- Appropriations/Budget and Taxation --***

Introduced by **Prince George's County Delegation**

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 **Prince George's County - ~~Construction of Facilities for Joint Use by the~~**  
3 **~~Board of Education and Other Public Agencies~~ School Construction**  
4 **PG 417-98**

5 FOR the purpose of authorizing the Board of Education of Prince George's County to  
6 construct school facilities for joint use by the Board and certain other Prince  
7 George's County public agencies on land owned by a public agency in the  
8 County; requiring the State and the Prince George's County government to  
9 provide certain funding for public school construction for a certain period;  
10 requiring a certain State/local cost sharing formula for public school  
11 construction costs in Prince George's County; providing that certain funds are  
12 contingent on certain conditions; providing that the release of projects for  
13 bidding is contingent on receipt of certain information and certain approvals;  
14 altering certain provisions relating to school construction, planning, and  
15 management in Prince George's County for certain purposes for a certain period;  
16 providing for the termination of this Act subject to a certain exception *certain*

1 exceptions; making this Act an emergency measure; and generally relating to  
 2 school construction in Prince George's County.

3 ~~BY repealing and reenacting, with amendments,~~  
 4 ~~Article - Education~~  
 5 ~~Section 5-301(h)~~  
 6 ~~Annotated Code of Maryland~~  
 7 ~~(1997 Replacement Volume and 1997 Supplement)~~

8 BY repealing and reenacting, without amendments,  
 9 Article - Education  
 10 Section 5-307(a) through (c)  
 11 Annotated Code of Maryland  
 12 (1997 Replacement Volume and 1997 Supplement)

13 BY adding to  
 14 Article - Education  
 15 Section 5-307(d)  
 16 Annotated Code of Maryland  
 17 (1997 Replacement Volume and 1997 Supplement)

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

20 **Article - Education**

21 ~~5-301.~~

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

26 (i) ~~The State Board;~~

27 (ii) ~~The State Superintendent;~~

28 (iii) ~~The county governments;~~

29 (iv) ~~The county boards; and~~

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

32 ~~(2) THE RULES, REGULATIONS, AND PROCEDURES ADOPTED BY THE~~  
 33 ~~BOARD OF PUBLIC WORKS SHALL INCLUDE PROVISIONS THAT IN PRINCE GEORGE'S~~  
 34 ~~COUNTY, THE COUNTY EXECUTIVE, THE COUNTY COUNCIL CHAIRMAN, AND THE~~

~~1 BOARD OF EDUCATION CHAIRMAN SHALL ENTER INTO BINDING CONTRACTS OR  
2 AGREEMENTS FOR SCHOOL CONSTRUCTION, PLANNING, AND MANAGEMENT,  
3 INCLUDING PROCEDURES TO HANDLE EMERGENCY MAINTENANCE OR REPAIRS TO  
4 SCHOOL FACILITIES, TO BE PLACED UNDER THE DIRECTION OF THE PRINCE  
5 GEORGE'S COUNTY GOVERNMENT.~~

~~6 (3) If, as to public school construction or public school capital  
7 improvements, there is any conflict between the rules, regulations, and procedures of  
8 the Board of Public Works and the authority, responsibilities, powers, and duties of  
9 the individuals and agencies specified in paragraph (1) of this subsection, the rules,  
10 regulations, and procedures of the Board of Public Works shall prevail.~~

11 5-307.

12 (a) The Interagency Committee on Public School Construction shall assist the  
13 Prince George's County Board of Education in developing an education facility master  
14 plan that encourages and supports the neighborhood school concept to improve the  
15 quality of education for all students in Prince George's County.

16 (b) The education facility master plan under subsection (a) of this section shall  
17 be updated annually.

18 (c) To the extent the Prince George's County Board of Education and the  
19 county consider appropriate, the neighborhood school concept of the education facility  
20 master plan may include interagency utilization of neighborhood schools, including  
21 joint use of school facilities and property of:

22 (1) The Maryland-National Capital Park and Planning Commission;

23 (2) The Prince George's County library system;

24 (3) The Prince George's County Health Department;

25 (4) The Prince George's County Police Department;

26 (5) The Prince George's County Department of Social Services; and

27 (6) The Prince George's County Department of Family Services.

28 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PRINCE  
29 GEORGE'S COUNTY BOARD OF EDUCATION MAY CONSTRUCT A SCHOOL FACILITY  
30 PLANNED FOR JOINT USE BY THE COUNTY BOARD AND A PUBLIC AGENCY LISTED IN  
31 SUBSECTION (C) OF THIS SECTION ON PROPERTY OWNED BY A PUBLIC AGENCY  
32 OTHER THAN THE COUNTY BOARD.

33 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 July 1, 1998.~~

35 SECTION 2. AND BE IT FURTHER ENACTED, That for fiscal years 1999  
36 through 2002, in each year, the State shall provide at least \$35 million for public

1 school construction projects in Prince George's County and the Prince George's  
2 County government shall provide a minimum of \$32 million for public school  
3 construction projects, and such additional funds as may be necessary to match the  
4 annual State appropriation for public school construction projects in Prince George's  
5 County. For fiscal years 2000 through 2002, the full level of State funding shall be  
6 contingent on future economic conditions and review and approval by the State  
7 Superintendent of Schools of the Prince George's County Board of Education's  
8 Comprehensive Plan described in the 1998 Memorandum of Understanding signed by  
9 the parties to Vaughns, et al. v. Board of Education of Prince George's County, et al.  
10 and submitted to the United States District Court.

11 SECTION 3. AND BE IT FURTHER ENACTED, That for fiscal years 1999  
12 through 2002, in each year, the State shall provide 75 percent of the eligible costs for  
13 up to \$35 million in public school construction costs in Prince George's County. At  
14 least \$20 million of the State funds must be spent each year on neighborhood school  
15 projects. For funding above \$35 million, the State shall provide 60 percent of the  
16 eligible costs. Neighborhood school projects shall be identified by the Interagency  
17 Committee on Public School Construction and shall include new public schools and  
18 additions or improvements to existing public schools which serve students reassigned  
19 to their local communities based upon the Community Schools Education Plan  
20 developed by the Prince George's County Board of Education.

21 SECTION 4. AND BE IT FURTHER ENACTED, That prior to any school  
22 construction projects being released for bidding as a result of State funding in fiscal  
23 years 1999 through 2002, the Prince George's County Board of Education, the County  
24 Executive, and the County Council shall submit to the Interagency Committee on  
25 School Construction the most recent Community Schools Education Plan and the  
26 Prince George's County Board of Education Capital Improvement Program and a  
27 letter of endorsement of the plan and program. The Interagency Committee shall  
28 review the information submitted and determine which projects or portions thereof  
29 are justified and which qualify as neighborhood school projects. Prior to any approval  
30 from the Interagency Committee to release any projects for bidding, the educational  
31 programs and services proposed for each project shall be reviewed and approved by  
32 the State Superintendent of Schools for consistency with practices and strategies that  
33 result in improved student achievement and academic and social success.

34 SECTION 5. AND BE IT FURTHER ENACTED, That:

35 (a) Except as provided in subsection (b) of this section and Section 6 of this  
36 Act, this Act shall remain effective until June 30, 2002, and, at the end of June 30,  
37 2002, with no further action required by the General Assembly, this Act shall be  
38 abrogated and of no further force and effect.

39 (b) As to school construction projects for which the construction contract has  
40 been approved by the Interagency Committee on School Construction on or before  
41 June 30, 2002, the provisions of § 5-301(h)(2) of the Education Article as enacted by  
42 this Act shall remain in effect for the duration of the contract Notwithstanding any  
43 other provision of this Act, § 5-307(d) of the Education Article as enacted by this Act

1 shall remain in effect and shall not terminate without further action by the General  
2 Assembly.

3 SECTION 6. AND BE IT FURTHER ENACTED, That except as provided in  
4 Section 5(b) of this Act, the provisions of this Act shall be null and void if any party to  
5 the Memorandum of Understanding in the case of Vaughns, et al. v. Board of  
6 Education of Prince George's County, et al. declares the Memorandum of  
7 Understanding null and void or if the District Judge of the United States District  
8 Court for the District of Maryland declares the Memorandum of Understanding null  
9 and void.

10 SECTION 7. AND BE IT FURTHER ENACTED, That this Act is an emergency  
11 measure, is necessary for the immediate preservation of the public health and safety,  
12 has been passed by a ye and nay vote supported by three-fifths of all the members  
13 elected to each of the two Houses of the General Assembly, and shall take effect from  
14 the date it is enacted.