
By: **Delegates Morhaim, Hurson, Mohorovic, Hubbard, Nathan-Pulliam,
Finifter, and Zirkin**

Introduced and read first time: January 24, 2000

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **School Construction - Energy Efficiency**

3 FOR the purpose of requiring the Board of Public Works to adopt regulations that
4 incorporate certain energy efficient project design factors; stating legislative
5 intent; and generally relating to energy efficiency in public school construction.

6 BY repealing and reenacting, with amendments,
7 Article - Education
8 Section 5-301
9 Annotated Code of Maryland
10 (1999 Replacement Volume)

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

13 **Article - Education**

14 5-301.

15 (a) (1) For the purposes of this section other than subsection (c), the Board
16 of Public Works shall define by regulation what constitutes an approved public school
17 construction or capital improvement cost.

18 (2) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS THAT
19 INCORPORATE ENERGY EFFICIENT PROJECT DESIGN FACTORS THAT INCLUDE:

20 (I) MAXIMIZING THE ORIENTATION AND INTEGRATION OF THE
21 BUILDING WITH RESPECT TO WIND AND SOLAR ENERGY RESOURCES;

22 (II) DESIGNING BUILDING SHELLS AND UTILIZING INSULATION IN
23 A MANNER THAT ADDRESSES ENERGY FLOWS;

24 (III) UTILIZING WINDOWS THAT MAXIMIZE WINTER SOLAR GAIN
25 AND MINIMIZE SUMMER OVERHEATING;

1 (IV) EMPLOYING HIGH EFFICIENCY LIGHTING PRODUCTS AND
2 ELECTRICAL SYSTEMS;

3 (V) EMPLOYING HIGH EFFICIENCY MECHANICAL AND
4 VENTILATION SYSTEMS;

5 (VI) HARVESTING RAINWATER;

6 (VII) DESIGNING EASY ACCESS FOR PEDESTRIANS, BIKES, AND MASS
7 TRANSIT; AND

8 (VIII) ENCOURAGING CONTRACTORS TO RECYCLE.

9 [(2)] (3) The cost of acquiring land may not be considered a construction
10 or capital improvement cost and may not be paid by the State.

11 (b) The State shall pay the costs in excess of available federal funds of all
12 public school construction projects and public school capital improvements in each
13 county if:

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

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

18 (c) (1) In this subsection, "local debt for school construction" includes any
19 debt incurred as the result of money made available to a county under a bond issue
20 that obligates the credit of the State.

21 (2) Except for general public school construction loan debt outstanding
22 or obligated as of June 30, 1967 for which repayment by a county is no longer
23 required, the State shall reimburse each county for the full costs of principal and
24 interest payments on any local debt for school construction outstanding or obligated
25 as of June 30, 1967.

26 (d) The State shall pay all of the annual cost of debt service on school
27 construction debt incurred by each county that was outstanding or obligated on or
28 after June 30, 1967 for contracts let before June 30, 1967.

29 (e) (1) The Board of Public Works may adopt rules, regulations, and
30 procedures for the administration of the programs provided for by subsections (b) and
31 (d) of this section.

32 (2) The rules, regulations, and procedures adopted by the Board of Public
33 Works may contain requirements for:

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

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

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

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

5 (v) Site improvements;

6 (vi) Competitive bidding;

7 (vii) The hiring of personnel in connection with school construction
8 or capital improvements;

9 (viii) The actual construction of school buildings or their
10 improvements;

11 (ix) The relative roles of different State and local governmental
12 agencies in the planning and construction of school buildings or school capital
13 improvements; and

14 (x) School construction and capital improvements necessary or
15 appropriate for the proper implementation of this section.

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

22 (f) (1) The Board of Public Works shall develop the rules, regulations, and
23 procedures authorized by this section in consultation with representatives of the
24 county boards and the county governing bodies.

25 (2) Before the adoption, amendment, or repeal of any rule, regulation, or
26 procedure under this section, the Board of Public Works shall give notice of its
27 intended action to the county boards and to the county governing bodies.

28 (3) The Board of Public Works shall permit each county board and
29 county governing body to submit its views with respect to the intended action.

30 (g) The rules, regulations, and procedures of the Board of Public Works
31 adopted under this section and their promulgation are exempt from §§ 10-101
32 through 10-405 of the State Government Article and § 8-127(b) of the State Finance
33 and Procurement Article of the Code.

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

- 1 (i) The State Board;
- 2 (ii) The State Superintendent;
- 3 (iii) The county governments;
- 4 (iv) The county boards; and
- 5 (v) All other State or local governmental agencies under this
- 6 article.

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

12 (i) The obligation of the State to pay the costs of public school construction
13 and public school capital improvements extends only to those projects or parts of
14 projects that comply with the rules, regulations, and procedures of the Board of Public
15 Works.

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

19 (2) By rule or regulation, the Board of Public Works may require that the
20 proceeds received by a county from the sale, lease, or disposal of any public school
21 building shall be used solely as part of the State funding of the construction of future
22 public school buildings in the county in which the sale, lease, or disposal occurred, if
23 the public school building was:

24 (i) Constructed under a contract executed on or after February 1,
25 1971; and

26 (ii) Paid for primarily with State funds under this section.

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
36 General Assembly that the Board of Public Works shall insure that the school
37 buildings and improvements are models of energy efficiency and shall be designed,

1 constructed, and equipped with all energy efficiency measures, site selection methods,
2 materials and devices that result in maximum energy efficiency over the life of the
3 building.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2000.