
By: **Delegates Morhaim, Hurson, Mohorovic, Hubbard, Nathan-Pulliam,
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Introduced and read first time: January 24, 2000

Assigned to: Ways and Means

Reassigned: Appropriations, January 31, 2000

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2000

CHAPTER _____

1 AN ACT concerning

2 **School Construction - ~~Energy Efficiency~~ Task Force to Study Sustainable**
3 **Public School Buildings**

4 FOR the purpose of ~~requiring the Board of Public Works to adopt regulations that~~
5 ~~incorporate certain energy efficient project design factors; stating legislative~~
6 ~~intent; and generally relating to energy efficiency in public school construction~~
7 establishing the Task Force to Study Sustainable Public School Buildings;
8 providing for the membership and duties of the Task Force; requiring the
9 Governor to appoint the Chair of the Task Force; requiring the Task Force to
10 submit a certain report to the Governor and the General Assembly on or before
11 a certain date; requiring the Interagency Committee on School Construction to
12 staff the Task Force; providing for the termination of this Act; and generally
13 relating to the Task Force to Study Sustainable Public School Buildings.

14 ~~BY repealing and reenacting, with amendments,~~
15 ~~Article - Education~~
16 ~~Section 5-301~~
17 ~~Annotated Code of Maryland~~
18 ~~(1999 Replacement Volume)~~

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

1 **Article—Education**

2 ~~5-301.~~

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

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

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

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

12 (III) UTILIZING WINDOWS THAT MAXIMIZE WINTER SOLAR GAIN
13 AND MINIMIZE SUMMER OVERHEATING;

14 (IV) EMPLOYING HIGH EFFICIENCY LIGHTING PRODUCTS AND
15 ELECTRICAL SYSTEMS;

16 (V) EMPLOYING HIGH EFFICIENCY MECHANICAL AND
17 VENTILATION SYSTEMS;

18 (VI) HARVESTING RAINWATER;

19 (VII) DESIGNING EASY ACCESS FOR PEDESTRIANS, BIKES, AND MASS
20 TRANSIT; AND

21 (VIII) ENCOURAGING CONTRACTORS TO RECYCLE.

22 [(2)] (3) The cost of acquiring land may not be considered a construction
23 or capital improvement cost and may not be paid by the State.

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

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

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

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

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

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

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

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

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

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

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

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

20 (v) Site improvements;

21 (vi) Competitive bidding;

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

24 (viii) The actual construction of school buildings or their
25 improvements;

26 (ix) The relative roles of different State and local governmental
27 agencies in the planning and construction of school buildings or school capital
28 improvements; and

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

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

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

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

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

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

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

17 (i) The State Board;

18 (ii) The State Superintendent;

19 (iii) The county governments;

20 (iv) The county boards; and

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

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

28 (i) The obligation of the State to pay the costs of public school construction
29 ~~and public school capital improvements extends only to those projects or parts of~~
30 ~~projects that comply with the rules, regulations, and procedures of the Board of Public~~
31 ~~Works.~~

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

35 (2) By rule or regulation, the Board of Public Works may require that the
36 ~~proceeds received by a county from the sale, lease, or disposal of any public school~~
37 ~~building shall be used solely as part of the State funding of the construction of future~~

1 public school buildings in the county in which the sale, lease, or disposal occurred, if
2 the public school building was:

3 (i) ~~Constructed under a contract executed on or after February 1,~~
4 ~~1971; and~~

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

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

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

14 (a) There is a Task Force to Study Sustainable Public School Buildings.

15 (b) The Task Force shall consist of the following members:

16 (1) a member of the Senate of Maryland, appointed by the President of
17 the Senate;

18 (2) a member of the Maryland House of Delegates, appointed by the
19 Speaker of the House;

20 (3) four representatives of county school systems familiar with the
21 design, construction, operation, and maintenance of public school buildings,
22 appointed by the Governor;

23 (4) a representative of the Interagency Committee on School
24 Construction, appointed by the Governor;

25 (5) a representative of the Department of General Services, appointed by
26 the Secretary;

27 (6) a representative of the Department of Education, appointed by the
28 State Superintendent;

29 (7) a representative of the Maryland Energy Administration, appointed
30 by the Governor;

31 (8) a representative of the Department of Natural Resources, appointed
32 by the Secretary;

33 (9) a representative of the Governor's Council on Management and
34 Productivity, appointed by the Governor;

1 (10) a representative of the Maryland Association of Counties, appointed
2 by the Governor;

3 (11) a representative of the Public School Superintendents Association of
4 Maryland, appointed by the Governor;

5 (12) a representative of the Maryland Association of Boards of Education,
6 appointed by the Governor;

7 (13) a representative of the Maryland State Teachers Association,
8 appointed by the Governor;

9 (14) a representative of the Maryland State Parent Teachers Association,
10 appointed by the Governor;

11 (15) a nonsenior representative of the Maryland Association of Student
12 Councils, appointed by the Governor;

13 (16) a representative of a utility company in Maryland, appointed by the
14 Governor;

15 (17) a mechanical engineer with expertise in public school building
16 design, appointed by the Governor;

17 (18) an architect with expertise in public school building design,
18 appointed by the Governor;

19 (19) a contractor with expertise in building public schools, appointed by
20 the Governor;

21 (20) a representative of the Sustainable Buildings Industry Council,
22 appointed by the Executive Director; and

23 (21) a representative of the Geothermal Heat Pump Consortium,
24 appointed by the Executive Director.

25 (c) The Governor shall designate the Chair of the Task Force.

26 (d) The Task Force shall study the implementation of the following six basic
27 principles of sustainable public school buildings in public school building construction
28 in Maryland:

29 (1) the conservation of energy use and the maximization of renewable
30 energy use;

31 (2) the use of environmentally preferable materials;

32 (3) the enhancement of indoor environmental quality;

33 (4) the optimization of site potential;

1 (5) the protection and conservation of water resources; and

2 (6) the optimization of operation and maintenance practices.

3 (e) On or before December 15, 2001, the Task Force shall submit to the
4 Governor and, in accordance with § 2-1246 of the State Government Article, the
5 General Assembly a report containing the findings of the Task Force and the
6 recommendations of the Task Force on how best to design, construct, operate, and
7 maintain sustainable public school buildings in the State.

8 (f) The Interagency Committee on School Construction shall provide staff
9 support for the Task Force.

10 (g) A member of the Task Force:

11 (1) may not receive compensation; but

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
15 General Assembly that ~~the Board of Public Works shall insure that the school~~
16 ~~buildings and improvements are models of energy efficiency and shall be designed,~~
17 ~~constructed, and equipped with all energy efficiency measures, site selection methods,~~
18 ~~materials and devices that result in maximum energy efficiency over the life of the~~
19 ~~building~~ all public school buildings to be built or renovated in the State be designed,
20 constructed, operated, and maintained consistent with the six basic principles of
21 sustainable public school buildings specified in Section 1 of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 ~~October~~ July 1, 2000. It shall remain effective for a period of 1 year and 6 months and,
24 at the end of December 31, 2001, with no further action required by the General
25 Assembly, this Act shall be abrogated and of no further force and effect.