
By: **Delegates Dembrow, Marriott, Minnick, Barve, Love, Edwards,
Mitchell, Conway, and R. Baker**

Introduced and read first time: February 28, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - State Payments for Public School Construction and**
3 **Improvements**

4 FOR the purpose of requiring the Board of Public Works to adopt regulations
5 establishing certain statewide averages for maximum per pupil area allowances
6 for public schools; requiring the State to use certain percentages to determine
7 the maximum State construction allocation for renovating, modernizing,
8 altering, or remodeling, in whole or in part, existing school buildings that have
9 been occupied for certain amounts of time; including certain improvements in
10 the calculation of the maximum State construction allocation; and generally
11 relating to State payments for school construction projects and capital
12 improvements.

13 BY repealing and reenacting, without amendments,
14 Article - Education
15 Section 5-301(a)(1) and (b)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Education
20 Section 5-301(e) and 5-303
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2000 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 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 (b) The State shall pay the costs in excess of available federal funds of all
7 public school construction projects and public school capital improvements in each
8 county if:

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

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

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

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

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

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

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

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

24 (v) Site improvements;

25 (vi) Competitive bidding;

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

28 (viii) The actual construction of school buildings or their
29 improvements;

30 (ix) The relative roles of different State and local governmental
31 agencies in the planning and construction of school buildings or school capital
32 improvements; and

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

1 (3) THE RULES, REGULATIONS, AND PROCEDURES ADOPTED BY THE
2 BOARD OF PUBLIC WORKS SHALL CONTAIN A STATEWIDE AVERAGE OF MAXIMUM
3 PER PUPIL AREA ALLOWANCES OF:

4 (I) 125 SQUARE FEET FOR ELEMENTARY SCHOOLS;

5 (II) 135 SQUARE FEET FOR MIDDLE SCHOOLS; AND

6 (III) 170 SQUARE FEET FOR HIGH SCHOOLS.

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

13 5-303.

14 (a) (1) TO DETERMINE THE MAXIMUM STATE CONSTRUCTION ALLOCATION
15 FOR RENOVATING, MODERNIZING, ALTERING, OR REMODELING, IN WHOLE OR IN
16 PART, AN EXISTING SCHOOL BUILDING, THE STATE SHALL USE THE FOLLOWING
17 PERCENTAGES OF THE BUILDING COST PER SQUARE FOOT MULTIPLIED BY THE
18 NUMBER OF SQUARE FEET APPROVED FOR THE PROJECT:

19 (I) FOR A BUILDING THAT HAS BEEN OCCUPIED FOR 15 YEARS OR
20 LESS, 0 PERCENT;

21 (II) FOR A BUILDING THAT HAS BEEN OCCUPIED FOR 16 TO 25
22 YEARS, 75 PERCENT;

23 (III) FOR A BUILDING THAT HAS BEEN OCCUPIED FOR 26 TO 39
24 YEARS, 85 PERCENT; OR

25 (IV) FOR A BUILDING THAT HAS BEEN OCCUPIED FOR 40 YEARS OR
26 MORE, 100 PERCENT.

27 (2) ALL EXISTING AREA OR STRUCTURES OF A SCHOOL BUILDING THAT
28 MUST BE RENOVATED, MODERNIZED, ALTERED, OR REMODELED FOR A PROJECT
29 SHALL BE INCLUDED IN THE CALCULATION OF THE MAXIMUM STATE
30 CONSTRUCTION ALLOCATION, REGARDLESS OF HOW LONG THE AREA OR
31 STRUCTURE HAS EXISTED.

32 (B) (1) For the purposes of this section, replacement cost shall be determined
33 by the product of the area of a building that is over 40 years old times the current cost
34 per square foot of building construction which may not include:

35 (i) Specialized costs of demolition;

36 (ii) Site development;

1 (iii) The fees of architects and engineers; or

2 (iv) Air conditioning.

3 (2) All existing area that is not at least 40 years old shall be excluded
4 from this calculation.

5 [(b)] (C) If a county board finds, after preparing feasibility and life cycle cost
6 studies, that it is appropriate and economically beneficial to renovate an existing
7 school building that, in whole or part, has been in continuous educational use for 40
8 years or more and the cost of the proposed renovation work is not more than the
9 replacement cost of the building or part of a building of the same area and purpose,
10 the Interagency Committee on School Construction and the Board of Public Works
11 shall consider a request for State funding on the basis of these findings.

12 [(c)] (D) Before it is considered for funding, the project shall be:

13 (1) Justified as to need and continued purpose; and

14 (2) Included in an annual capital improvement program that has been
15 approved by the Interagency Committee on School Construction and the Board of
16 Public Works.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2001.