

HOUSE BILL 9

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F1

2004 Regular Session  
4r0884

(PRE-FILED)

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By: **Delegate Boschert**

Requested: November 6, 2003

Introduced and read first time: January 14, 2004

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - State Aid for School Construction - Relocatable Classrooms**  
3 **and Walkways**

4 FOR the purpose of classifying certain relocatable classrooms as permanent  
5 classrooms; requiring the Board of Public Works to define the cost of purchasing  
6 certain relocatable classrooms and the cost of constructing certain walkways as  
7 an approved public school construction or capital improvement cost; providing  
8 for the termination of this Act; and generally relating to State aid for local school  
9 construction of relocatable classrooms and walkways.

10 BY repealing and reenacting, with amendments,  
11 Article - Education  
12 Section 5-301  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2003 Supplement)

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

17 **Article - Education**

18 5-301.

19 (a) (1) [For] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION  
20 AND FOR the purposes of this section other than subsection (c), the Board of Public  
21 Works shall define by regulation what constitutes an approved public school  
22 construction or capital improvement cost.

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

25 (3) (I) A RELOCATABLE CLASSROOM WITH A CONNECTING WALKWAY  
26 TO THE MAIN SCHOOL BUILDING SHALL BE CLASSIFIED AS A PERMANENT  
27 CLASSROOM.

1 (II) THE COST OF PURCHASING A RELOCATABLE CLASSROOM AND  
2 THE COST OF CONSTRUCTING A WALKWAY CONNECTING THE RELOCATABLE  
3 CLASSROOM TO THE MAIN SCHOOL BUILDING SHALL CONSTITUTE AN APPROVED  
4 PUBLIC SCHOOL CONSTRUCTION OR CAPITAL IMPROVEMENT COST.

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

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

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

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

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

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

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

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

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

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

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

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

34 (v) Site improvements;

35 (vi) Competitive bidding;

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

3 (viii) The actual construction of school buildings or their  
4 improvements;

5 (ix) The relative roles of different State and local governmental  
6 agencies in the planning and construction of school buildings or school capital  
7 improvements; and

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

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

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

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

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

24 (g) The rules, regulations, and procedures of the Board of Public Works  
25 adopted under this section and their promulgation are exempt from §§ 10-101  
26 through 10-305 of the State Government Article and § 8-127(b) of the State Finance  
27 and Procurement Article of the Code.

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

32 (i) The State Board;

33 (ii) The State Superintendent;

34 (iii) The county governments;

35 (iv) The county boards; and

1 (v) All other State or local governmental agencies under this  
2 article.

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

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

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

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

20 (i) Constructed under a contract executed on or after February 1,  
21 1971; and

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

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 July 1, 2004. It shall remain effective for a period of 10 years and, at the end of June  
33 30, 2014, with no further action required by the General Assembly, this Act shall be  
34 abrogated and of no further force and effect.