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By: **Senator McFadden (By Request - Baltimore City Administration)**

Introduced and read first time: February 4, 2005

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Baltimore City Public Schools - Facilities**

3 FOR the purpose of repealing a provision of law requiring the transfer of certain  
4 public school facilities and property in Baltimore City from the Mayor and City  
5 Council of Baltimore to the Baltimore City Board of School Commissioners;  
6 repealing a requirement that prohibits the State from funding certain capital  
7 improvements to public school buildings in Baltimore City under certain  
8 circumstances; providing that certain property used for certain purposes may be  
9 held by the Mayor and City Council of Baltimore; requiring that certain public  
10 school buildings held by a certain entity be transferred to the Mayor and City  
11 Council of Baltimore by a certain date; and generally relating to public school  
12 facilities in the Baltimore City Public School System.

13 BY repealing and reenacting, with amendments,  
14 Chapter 105 of the Acts of the General Assembly of 1997  
15 Section 3

16 BY repealing  
17 Chapter 545 of the Acts of the General Assembly of 2002  
18 Section 9

19 BY repealing and reenacting, with amendments,  
20 Article - Education  
21 Section 4-114(a)  
22 Annotated Code of Maryland  
23 (2004 Replacement Volume and 2004 Supplement)

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

26 **Chapter 105 of the Acts of 1997**

27 SECTION 3. AND BE IT FURTHER ENACTED, That on the effective date of  
28 the Act, all the functions, powers, duties, equipment, assets, liabilities, and all the

1 certificated and noncertificated employees of the Baltimore City Public School System  
 2 shall be transferred to the New Baltimore City Board of School Commissioners and to  
 3 the Chief Executive Officer of the Board. If assets are not sufficient to fund liabilities  
 4 transferred, the liabilities shall be retained by the Mayor and City Council.  
 5 Additionally, during any fiscal year after Fiscal Year 1997, liability for payments at  
 6 separation or retirement of employees from the Board for leave accumulated and  
 7 unused prior to June 30, 1997, on terms applicable as of that date, shall be shared as  
 8 follows: (1) liability up to \$3,500,000 shall be borne by the New Baltimore City Board  
 9 of School Commissioners provided that such amount is transferred annually to the  
 10 Board as part of the Education Budget; (2) liability exceeding \$3,500,000 shall be  
 11 shared equally by the New Baltimore City Board of School Commissioners and the  
 12 Mayor and City Council, provided that the total aggregate liability of the Board under  
 13 this subsection (2) for all fiscal years combined may not exceed \$10,500,000; and (3)  
 14 liability in excess of \$10,500,000 shall be borne by the Mayor and City Council. THIS  
 15 SECTION DOES NOT APPLY TO PUBLIC SCHOOL BUILDINGS AND REAL PROPERTY  
 16 HELD UNDER CLEAR DEED AND TITLE BY THE MAYOR AND CITY COUNCIL OF  
 17 BALTIMORE.

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### Chapter 545 of the Acts of 2002

19 [SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding §§  
 20 4-114 and 4-115 of the Education Article as amended by Chapter 105 of the Acts of  
 21 1997, the Board of Public Works, for the period from July 1, 1997 through June 30,  
 22 2009, may approve State funding for capital improvements to public school buildings  
 23 in Baltimore City on property held under a clear deed and title by either the  
 24 Baltimore City Board of School Commissioners or the Mayor and City Council of  
 25 Baltimore. However, State funds for the construction of new schools in Baltimore City  
 26 may only be approved on sites with clear deed and title held by the Baltimore City  
 27 Board of School Commissioners.]

28

### Article - Education

29 4-114.

30 (a) All property granted, conveyed, devised, or bequeathed for the use of a  
 31 particular public school or school system:

32 (1) Except as provided in subsection (c) of this section, shall be held in  
 33 trust for the benefit of the school or school system by the appropriate county board OR,  
 34 IN BALTIMORE CITY, BY THE MAYOR AND CITY COUNCIL OF BALTIMORE; and

35 (2) Is exempt from all State and local taxes.

36 SECTION 2. AND BE IT FURTHER ENACTED, That on the effective date of  
 37 this Act, all public school buildings in Baltimore City on property held under a clear  
 38 deed and title by the Baltimore City Board of School Commissioners shall be  
 39 transferred to the Mayor and City Council of Baltimore.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2005.