
By: **Senator McFadden**

Introduced and read first time: February 17, 2005

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education - Deficiencies in Schools Correction**
3 **Fund**

4 FOR the purpose of establishing the Deficiencies in Schools Correction Fund;
5 providing for the purpose of the Fund and that the Treasurer shall hold the
6 Fund and the Comptroller shall account for the Fund; requiring the Board of
7 Public Works to administer the Fund; authorizing the Board of Public Works to
8 adopt regulations for the administration of the Fund; requiring the Governor to
9 include a certain amount of funding in the budgets for certain fiscal years;
10 requiring the Interagency Committee on School Construction to make
11 recommendations to the Board of Public Works, on or before a certain date each
12 year, for certain school construction projects that are eligible for an allocation
13 from the Fund under certain circumstances; defining certain terms; providing
14 for the termination of this Act; and generally relating to the establishment of the
15 Deficiencies in Schools Correction Fund.

16 BY adding to
17 Article - Education
18 Section 5-302.1
19 Annotated Code of Maryland
20 (2004 Replacement Volume and 2004 Supplement)

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

23 **Article - Education**

24 5-302.1.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (2) "FUND" MEANS THE DEFICIENCIES IN SCHOOLS CORRECTION FUND.

1 (3) "INTERAGENCY COMMITTEE" MEANS THE INTERAGENCY
2 COMMITTEE ON SCHOOL CONSTRUCTION.

3 (B) (1) THERE IS A DEFICIENCIES IN SCHOOLS CORRECTION FUND.

4 (2) THE PURPOSE OF THE FUND IS TO PROVIDE ADDITIONAL MONEY TO
5 SCHOOLS FOR SCHOOL BUILDING RENOVATION AND CONSTRUCTION IN ORDER TO
6 REMEDY THE HEALTH AND SAFETY NEEDS AND FACILITY DEFICIENCIES THAT
7 DIRECTLY IMPACT STUDENT ACHIEVEMENT.

8 (3) THE FUND SHALL BE FUNDED AS PROVIDED IN SUBSECTION (C) OF
9 THIS SECTION.

10 (4) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER
11 SHALL ACCOUNT FOR THE FUND.

12 (5) THE BOARD OF PUBLIC WORKS SHALL ADMINISTER THE FUND AND
13 MAY ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE FUND.

14 (C) (1) IN THE BUDGETS FOR FISCAL YEARS 2007 THROUGH 2011, THE
15 GOVERNOR SHALL INCLUDE \$250,000,000 FOR THE FUND.

16 (2) THE \$250,000,000 INCLUDED IN EACH BUDGET AS PROVIDED IN
17 PARAGRAPH (1) OF THIS SUBSECTION, SHALL BE COMPRISED OF:

18 (I) GENERAL FUNDS;

19 (II) THE AUTHORIZATION OF NEW STATE DEBT; OR

20 (III) A COMBINATION OF GENERAL FUNDS AND THE
21 AUTHORIZATION OF NEW STATE DEBT.

22 (3) THE FUNDING REQUIREMENT IN PARAGRAPH (1) OF THIS
23 SUBSECTION REPRESENTS A MINIMUM LEVEL OF STATE SUPPORT FOR THE FUND
24 THAT THE GOVERNOR MAY EXCEED AS STATE RESOURCES PERMIT.

25 (D) (1) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE INTERAGENCY
26 COMMITTEE SHALL PROVIDE RECOMMENDATIONS TO THE BOARD OF PUBLIC WORKS
27 FOR PUBLIC SCHOOL RENOVATION OR CONSTRUCTION PROJECTS THAT ARE
28 ELIGIBLE FOR AN ALLOCATION FROM THE FUND.

29 (2) IN DETERMINING WHETHER A PUBLIC SCHOOL RENOVATION OR
30 CONSTRUCTION PROJECT IS ELIGIBLE FOR AN ALLOCATION FROM THE FUND, THE
31 INTERAGENCY COMMITTEE SHALL EVALUATE THE MINIMUM EDUCATIONAL
32 ADEQUACY OF THE SCHOOL FACILITY AND CONSIDER THE FOLLOWING:

33 (I) HEALTH AND SAFETY CRITERIA, INCLUDING:

34 1. INDOOR AIR QUALITY;

35 2. FIRE SAFETY;

- 1 3. BUILDING SYSTEMS, MATERIALS, OR CONDITIONS;
- 2 4. SECURITY;
- 3 5. POTABLE WATER;
- 4 6. LAVATORIES; AND
- 5 7. COMMUNICATIONS SYSTEMS.
- 6 (II) EDUCATIONAL PROGRAM SUPPORT CRITERIA, INCLUDING:
- 7 1. HUMAN COMFORT;
- 8 2. ACOUSTICS;
- 9 3. LIGHTING;
- 10 4. ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES;
- 11 5. TELECOMMUNICATIONS DISTRIBUTIONS SYSTEMS;
- 12 6. STUDENT CAPACITY;
- 13 7. FEATURES OF INSTRUCTIONAL AREAS; AND
- 14 8. FEATURES OF SUPPORT AREAS.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2005. It shall remain effective for a period of 7 years and, at the end of June
17 30, 2012, with no further action required by the General Assembly, this Act shall be
18 abrogated and of no further force and effect.