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By: **Delegates Haynes, Anderson, Bromwell, Burns, Cane, Cardin, Doory,  
Goodwin, Hammen, Holmes, Kelley, Kirk, Kullen, Lee, Marriott,  
Morhaim, Murray, Nathan-Pulliam, Paige, Parker, Patterson, Pugh,  
Ramirez, Ross, Sophocleus, F. Turner, V. Turner, and Vaughn**

Introduced and read first time: February 1, 2006

Assigned to: Appropriations

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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; providing that certain money  
14 received from the Fund is subject to a certain cost-share formula developed by  
15 the Board of Public Works; defining certain terms; providing for the termination  
16 of this Act; and generally relating to the establishment of the Deficiencies in  
17 Schools Correction Fund.

18 BY adding to  
19 Article - Education  
20 Section 5-302.1  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume and 2005 Supplement)

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

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**Article - Education**

2 5-302.1.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

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

6 (3) "INTERAGENCY COMMITTEE" MEANS THE INTERAGENCY  
7 COMMITTEE ON SCHOOL CONSTRUCTION.

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

9 (2) THE PURPOSE OF THE FUND IS TO PROVIDE ADDITIONAL MONEY TO  
10 AGING SCHOOLS FOR SCHOOL BUILDING RENOVATION AND CONSTRUCTION IN  
11 ORDER TO REMEDY THE HEALTH AND SAFETY NEEDS AND FACILITY DEFICIENCIES  
12 THAT DIRECTLY IMPACT STUDENT ACHIEVEMENT.

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

15 (4) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER  
16 SHALL ACCOUNT FOR THE FUND.

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

19 (C) (1) IN THE BUDGETS FOR FISCAL YEARS 2008 THROUGH 2012, THE  
20 GOVERNOR SHALL INCLUDE \$250,000,000 FOR THE FUND.

21 (2) THE \$250,000,000 INCLUDED IN EACH BUDGET AS PROVIDED IN  
22 PARAGRAPH (1) OF THIS SUBSECTION, SHALL BE COMPOSED OF:

23 (I) GENERAL FUNDS;

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

25 (III) A COMBINATION OF GENERAL FUNDS AND THE  
26 AUTHORIZATION OF NEW STATE DEBT.

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

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

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

5 (I) HEALTH AND SAFETY CRITERIA, INCLUDING:

- 6 1. INDOOR AIR QUALITY;
- 7 2. FIRE SAFETY;
- 8 3. BUILDING SYSTEMS, MATERIALS, OR CONDITIONS;
- 9 4. SECURITY;
- 10 5. POTABLE WATER;
- 11 6. LAVATORIES; AND
- 12 7. COMMUNICATIONS SYSTEMS; AND

13 (II) EDUCATIONAL PROGRAM SUPPORT CRITERIA, INCLUDING:

- 14 1. HUMAN COMFORT;
- 15 2. ACOUSTICS;
- 16 3. LIGHTING;
- 17 4. ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES;
- 18 5. TELECOMMUNICATIONS DISTRIBUTIONS SYSTEMS;
- 19 6. STUDENT CAPACITY;
- 20 7. FEATURES OF INSTRUCTIONAL AREAS; AND
- 21 8. FEATURES OF SUPPORT AREAS.

22 (E) ANY MONEY RECEIVED FROM THE FUND IS SUBJECT TO THE STATE AND  
23 LOCAL COST-SHARE FORMULA DEVELOPED BY THE BOARD OF PUBLIC WORKS  
24 UNDER § 5-301 OF THIS SUBTITLE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 July 1, 2006. It shall remain effective for a period of 7 years and, at the end of June  
27 30, 2013, with no further action required by the General Assembly, this Act shall be  
28 abrogated and of no further force and effect.