
By: **Delegates Impallaria, Kohl, and McDonough**

Introduced and read first time: February 8, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public School Construction - Plans and Specifications**

3 FOR the purpose of providing that certain plans and specifications for a school
4 construction project or capital improvement are the exclusive property of the
5 county board of education that commissioned the plans and specifications;
6 authorizing a county board of education to use, sell, or otherwise convey, subject
7 to a fee limitation, certain school construction or capital improvement plans and
8 specifications; providing that the authority to use, sell, or otherwise convey
9 certain plans and specifications for a school construction project or capital
10 improvement is exclusive to the county board that commissioned the original
11 plans and specifications; providing that the authority granted to the county
12 board under this Act supersedes any claim or right to the contrary asserted by
13 any other person or entity; requiring a county board that needs to modify certain
14 school construction or capital improvement plans or specifications that the
15 county board is using, bought, or obtained from another county board to offer a
16 certain contract to the originating architects before opening a certain contract to
17 competitive bidding; providing for the application of this Act; and generally
18 relating to the use, sale, or other conveyance by a county board of education of
19 the plans and specifications for a school construction project or capital
20 improvement.

21 BY adding to
22 Article - Education
23 Section 5-301(k)
24 Annotated Code of Maryland
25 (2004 Replacement Volume and 2005 Supplement)

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

1

Article - Education

2 5-301.

3 (K) (1) THE ORIGINAL PLANS AND SPECIFICATIONS FOR A SCHOOL
4 CONSTRUCTION PROJECT OR A PUBLIC SCHOOL CAPITAL IMPROVEMENT ARE THE
5 PROPERTY OF THE COUNTY BOARD THAT COMMISSIONED THE PLANS AND
6 SPECIFICATIONS.

7 (2) (I) ON COMPLETION OF A SCHOOL CONSTRUCTION PROJECT OR A
8 PUBLIC SCHOOL CAPITAL IMPROVEMENT, THE COUNTY BOARD MAY USE, SELL, OR
9 OTHERWISE CONVEY ITS ORIGINAL PLANS AND SPECIFICATIONS FOR THE SCHOOL
10 CONSTRUCTION PROJECT OR THE PUBLIC SCHOOL CAPITAL IMPROVEMENT TO
11 ANOTHER COUNTY BOARD.

12 (II) A COUNTY BOARD MAY NOT CHARGE ANOTHER COUNTY BOARD
13 A FEE FOR THE USE, SALE, OR OTHER CONVEYANCE OF ITS ORIGINAL PLANS AND
14 SPECIFICATIONS AS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH
15 THAT IS GREATER THAN 50% OF THE COST TO THE COUNTY BOARD FOR THE
16 ORIGINAL PLANS AND SPECIFICATIONS.

17 (3) THE AUTHORITY GRANTED TO A COUNTY BOARD UNDER THIS
18 SUBSECTION TO USE, SELL, OR OTHERWISE CONVEY ITS ORIGINAL PLANS AND
19 SPECIFICATIONS FOR A SCHOOL CONSTRUCTION PROJECT OR A PUBLIC SCHOOL
20 CAPITAL IMPROVEMENT TO ANOTHER COUNTY BOARD:

21 (I) IS THE EXCLUSIVE AUTHORITY OF THE COUNTY BOARD THAT
22 COMMISSIONED THE ORIGINAL PLANS AND SPECIFICATIONS; AND

23 (II) SUPERSEDES ANY CONTRACT OR RIGHT TO THE CONTRARY
24 ASSERTED BY ANY OTHER PERSON OR ENTITY.

25 (4) A COUNTY BOARD REQUIRED TO MODIFY THE ORIGINAL PLANS AND
26 SPECIFICATIONS FOR A SCHOOL CONSTRUCTION PROJECT OR A PUBLIC SCHOOL
27 CAPITAL IMPROVEMENT THAT THE COUNTY BOARD IS USING, BOUGHT, OR
28 OBTAINED FROM ANOTHER COUNTY BOARD SHALL OFFER THE CONTRACT TO
29 MODIFY THE PLANS OR SPECIFICATIONS TO THE ORIGINATING ARCHITECTS BEFORE
30 OPENING THE MODIFICATION CONTRACT TO COMPETITIVE BIDDING.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act:

32 (1) shall apply only to the preparation and development of original plans
33 and specifications for a school construction project or a public school capital
34 improvement for which a county board executes a contract on or after the effective
35 date of this Act; and

36 (2) may not be applied to any original plans and specifications for a
37 school construction project or a public school capital improvement for which a county
38 board executed a contract prior to the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2006.