

HOUSE BILL 118

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71r1096

By: **Delegates Glassman, Impallaria, James, Lawton, McComas, McDonough, Riley, Rudolph, and Stifler**

Introduced and read first time: January 24, 2007

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Priority Funding for Public School and Transportation**
3 **Projects for BRAC**

4 FOR the purpose of requiring the Interagency Committee on School Construction, in
5 making recommendations to the Board of Public Works for public school
6 construction projects, to make a high priority the funding of any project that is
7 needed to accommodate projected student population growth resulting from
8 recommendations of the 2005 Defense Base Realignment and Closure
9 Commission; requiring the Maryland Department of Transportation, in its
10 Consolidated Transportation Program, to include as a priority any capital
11 project that is needed to accommodate projected transportation needs resulting
12 from recommendations of the 2005 Defense Base Realignment and Closure
13 Commission; and generally relating to priority funding for public school and
14 transportation projects that are needed to accommodate growth generated by
15 Base Realignment and Closure (BRAC) recommendations.

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 5–302
19 Annotated Code of Maryland
20 (2006 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 2–103.1(c)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2006 Supplement)

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

5 **Article - Education**

6 5-302.

7 (a) (1) The Board of Public Works shall establish the Interagency
8 Committee on School Construction as a unit within the Department for administrative
9 and budgetary purposes.

10 (2) The Interagency Committee consists of the following members:

11 (i) The State Superintendent of Schools, or the
12 Superintendent's designee;

13 (ii) A member of the public appointed by the President of the
14 Senate;

15 (iii) A member of the public appointed by the Speaker of the
16 House;

17 (iv) The Secretary of the Department of Planning, or the
18 Secretary's designee; and

19 (v) The Secretary of General Services, or the Secretary's
20 designee.

21 (3) The State Superintendent of Schools, or the Superintendent's
22 designee, shall be the Chairman of the Interagency Committee.

23 (4) A member of the Interagency Committee on School Construction
24 may not be:

25 (i) An individual who is a regulated lobbyist as described in §
26 15-701(a)(1), (2), (3), or (4) of the State Government Article;

27 (ii) A member of the General Assembly;

1 (iii) An employee of a county government or board of education;
2 or

3 (iv) A local elected official.

4 (5) The Board of Public Works may delegate the administrative and
5 budgetary authority of the Board to the Interagency Committee as determined by the
6 Board to be necessary and appropriate.

7 (b) (1) The Department or any other State agency may lend its employees
8 to serve as the staff for the Interagency Committee.

9 (2) These employees shall be paid by the agency that employs them.

10 (c) The Executive Director of the Interagency Committee shall be appointed
11 by the Interagency Committee with the approval of the Board of Public Works.

12 (d) (1) (i) The Interagency Committee shall prepare projections of
13 school construction and capital improvement needs for submission to the Capital Debt
14 Affordability Committee under § 8–112(c)(3) of the State Finance and Procurement
15 Article.

16 (ii) The projections shall be prepared in accordance with the
17 regulations adopted by the Board under § 5–301 of this subtitle.

18 (2) (i) The Board of Public Works or the Interagency Committee
19 shall notify each county board and each local governing body of the annual allocation
20 of school construction funds recommended to the Board of Public Works by the
21 Governor under the consolidated capital debt program of the State Finance and
22 Procurement Article.

23 (ii) The notification shall be made immediately after the
24 Governor has recommended the allocations so that each county may structure its
25 respective school construction and capital improvement priorities in accordance with
26 the annual allocation and any amendments.

27 (e) (1) (I) On or before December 31 of each year, the Interagency
28 Committee shall provide recommendations to the Board of Public Works for public
29 school construction projects that comprise 75% of the preliminary school construction
30 allocation, determined under § 8–113 of the State Finance and Procurement Article,
31 for the following fiscal year.

1 **(II) IN ITS RECOMMENDATIONS TO THE BOARD OF PUBLIC**
2 **WORKS FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS, THE INTERAGENCY**
3 **COMMITTEE SHALL MAKE A HIGH PRIORITY OF THE FUNDING OF ANY PUBLIC**
4 **SCHOOL CONSTRUCTION PROJECT THAT IS NEEDED TO ACCOMMODATE**
5 **PROJECTED STUDENT POPULATION GROWTH RESULTING FROM THE 2005**
6 **DEFENSE BASE REALIGNMENT AND CLOSURE COMMISSION FINAL APPROVED**
7 **RECOMMENDATIONS THAT WERE MADE TO THE PRESIDENT UNDER THE**
8 **DEFENSE BASE REALIGNMENT AND CLOSURE ACT OF 1990, AS AMENDED.**

9 (2) The remaining public school construction allocation for the
10 following fiscal year may be allocated by the Board of Public Works as provided in
11 regulation.

12 (f) (1) The Interagency Committee on School Construction is a public
13 body and subject to the Open Meetings Law under Title 10, Subtitle 5 of the State
14 Government Article.

15 (2) Deliberations and decisions regarding the eligibility of projects and
16 allocation of funding shall be considered quasi-legislative functions for the purposes of
17 the Open Meetings Law.

18 **Article – Transportation**

19 2–103.1.

20 (c) (1) The Consolidated Transportation Program shall:

21 (i) Be revised annually; and

22 (ii) Include:

23 1. A list of Program priorities, **TO INCLUDE ANY**
24 **CAPITAL PROJECT THAT IS NEEDED TO ACCOMMODATE PROJECTED**
25 **TRANSPORTATION NEEDS RESULTING FROM THE 2005 DEFENSE BASE**
26 **REALIGNMENT AND CLOSURE COMMISSION FINAL APPROVED**
27 **RECOMMENDATIONS THAT WERE MADE TO THE PRESIDENT UNDER THE**
28 **DEFENSE BASE REALIGNMENT AND CLOSURE ACT OF 1990, AS AMENDED;**

29 2. A statement of the Department's projected annual
30 operating costs, set forth separately for the Office of the Secretary and for each modal
31 administration;

- 1 3. Expanded descriptions of major capital projects;
- 2 4. A list of major capital projects for the current year,
3 the budget request year, and the 4 successive planning years;
- 4 5. A list of anticipated minor capital projects, including a
5 specific list of anticipated special projects for the current year and the budget request
6 year and an estimate of the Program level for each of the 4 successive planning years;
- 7 6. A list of major bridge work projects;
- 8 7. A summary of the capital and operating programs, as
9 defined by the Secretary, for the Maryland Transportation Authority;
- 10 8. For each listed major capital project, an indication
11 whether the revenue source anticipated to support that project consists of federal,
12 special, general, or other funds;
- 13 9. The Department’s estimates of the levels and sources
14 of revenues to be used to fund the projects in the Program;
- 15 10. A glossary of terms; and
- 16 11. A cross–reference table for the information contained
17 in the various parts of the State Report on Transportation.

18 (2) In addition to the items listed in paragraph (1) of this subsection,
19 the Consolidated Transportation Program shall include:

- 20 (i) A summary of current efforts and future plans, prepared
21 after consultation with the Director of Bicycle and Pedestrian Access and the Bicycle
22 and Pedestrian Advisory Committee established under § 2–606 of this title:
 - 23 1. To develop and promote bicycle and pedestrian
24 transportation; and
 - 25 2. Working together with local jurisdictions, to
26 accommodate in a safe and effective manner pedestrians and bicycles within a
27 reasonable distance for walking and bicycling to rail stops, light rail stops, and subway
28 stations;

1 (ii) A listing of all bicycle and pedestrian transportation projects
2 expected to use State or federal highway funds; and

3 (iii) Reflected under the Office of the Secretary, any
4 technology-related project to be funded from the account established under § 2-111 of
5 this subtitle, along with a description and projected cost of each.

6 (3) Annually, the Consolidated Transportation Program shall include
7 a report that:

8 (i) Identifies each major capital project for which the budget
9 bill or a supplemental budget amendment first requests funds for the project
10 development phase or for the construction phase;

11 (ii) With respect to each major capital project for which funds
12 are requested in the budget request year, states:

13 1. The amount of the funds requested; and

14 2. The total estimated cost of the project;

15 (iii) Identifies significant changes in the cost, scope, design, or
16 scheduling of major capital projects for each completed fiscal year;

17 (iv) When there is a significant change in cost, states the
18 amount by which the expenditures that have been authorized exceed the original
19 project estimate;

20 (v) When there is a significant change, states:

21 1. The amount by which costs exceed projected costs
22 during each completed fiscal year; and

23 2. The total amount that has been expended for a major
24 capital project; and

25 (vi) Includes any other information that the Secretary believes
26 would be useful to the members of the General Assembly or other recipients of the
27 Consolidated Transportation Program.

28 (4) The total operating and capital expenditures for the Department or
29 for the Office of the Secretary or any modal administration projected in the

1 Consolidated Transportation Program for the budget request year may not exceed the
2 budget request for the Department, Office, or modal administration for that year.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.