

HB1783/604465/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1783
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the second “county” insert “revenue authority”; in line 9, strike “a county or”; in line 12, after “reserves;” insert “repealing certain requirements relating to regulations for alternative financing methods; repealing the requirement for the use of certain standards and procedures for qualifying and approving certain alternative financing methods; providing that certain provisions of law and regulations do not apply to projects that use alternative financing methods; prohibiting a certain construction of certain provisions of this Act; requiring projects that use alternative financing methods and receive State funding to be submitted to the Interagency Commission on School Construction for review and to comply with certain requirements;”; in line 16, after “methods;” insert “exempting certain lease payments from a certain county funding requirement under certain circumstances; requiring the State Board of Education to approve a certain waiver request subject to certain limitations; authorizing the State Board to approve a certain waiver request subject to a certain limitation; requiring the State Board to determine the number of fiscal years that a certain waiver is applicable and the minimum requirement of certain funding for the fiscal year following the expiration of a certain waiver; renaming the Interagency Committee on School Construction to be the Interagency Commission on School Construction; repealing the requirement that the Board of Public Works establish the Interagency Committee; providing that the Interagency Commission is an independent commission that functions within the State Department of Education; providing for the purpose, membership, and chair of the Interagency Commission; prohibiting an appointed member of the Interagency Commission from being a certain elected official or government employee; repealing a provision authorizing the Board of Public Works to delegate certain administrative and budgetary authority; prohibiting a member of the Interagency Commission from receiving compensation, but authorizing the reimbursement of certain expenses; authorizing the Interagency Commission to employ

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staff; repealing the requirement that the Board of Public Works approve the appointment of the Executive Director; requiring the Interagency Commission, rather than the Board of Public Works, to define by regulation certain eligible and ineligible public school construction or capital improvement costs;”; in line 17, after “cost;” insert “requiring the Interagency Commission, rather than the Board of Public Works, to adopt certain regulations regarding modular construction and indoor air quality; requiring the State to pay certain costs of certain projects and improvements approved by the Interagency Commission, rather than by the Board of Public Works; authorizing the Interagency Commission, rather than the Board of Public Works, to adopt regulations for the administration of the Public School Construction Program;”; in line 18, after “to” insert “establish a process for appeal of Interagency Commission decisions, alter the agency authorized to withhold certain funds in certain circumstances, and”; in line 20, after “projects;” insert “exempting certain regulations and procedures of the Interagency Commission from certain restrictions on the use of certain bond sale proceeds; establishing that certain authority, responsibilities, powers, and duties of certain governmental entities are subject to the regulations adopted by the Interagency Commission for the Public School Construction Program; prohibiting the Interagency Commission from partially funding a certain school construction project unless the local education agency has requested partial funding; establishing that certain reserved funds may not supplant certain additional funding; requiring the Interagency Commission, rather than the Board of Public Works, to provide certain notice of a certain recommended allocation of school construction funds; requiring the Interagency Commission, rather than the Board of Public Works, to approve projects comprising a certain percent of a certain preliminary school construction allocation during a certain period of time each year; requiring the Interagency Commission to establish a certain appeal process for local jurisdictions; repealing the provision authorizing the Board of Public Works to allocate a certain remaining allocation; requiring the Interagency Commission, on or after a certain date each year, to approve a certain percent of the school construction allocation included in the capital budget bill as enacted; providing that certain decisions and project approvals by the Interagency Commission are final and not subject to additional appeals or approvals by certain other units;”; in line 21, strike “Committee on School Construction” and substitute “Commission”; in line 22,

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after “period;” insert “requiring certain incentives to be supplemental to certain other funding;”; in lines 23, 24, 25, and 30, in each instance, strike “Committee” and substitute “Commission”; in lines 26 and 27, strike “School Construction Technical and Innovative Assistance Office” and substitute “Maryland Stadium Authority; requiring the Interagency Commission to work with a local education agency with declining enrollment to take certain actions”; in line 28, strike “Committee” and substitute “Commission, in consultation with local education agencies,”; and in line 30, after “date;” insert “providing for the purpose of certain standards and requiring the standards to include certain categories; requiring the Interagency Commission to periodically review and update certain standards;”.

On page 2, in line 1, strike “annually thereafter” and substitute “to develop standards and procedures for certain updates”; in the same line, strike “follow certain standards” and substitute “cooperate”; in line 2, strike “annually”; in line 3, strike “requiring the Interagency Committee to compare certain data;”; in lines 4 and 5, in each instance, strike “Committee” and substitute “Commission”; in line 6, strike “establish rankings annually based on certain criteria” and substitute “share the data results with the Workgroup on the Assessment and Funding of School Facilities and, with the Workgroup, consider certain matters; requiring the Interagency Commission to adopt certain regulations based on the Workgroup’s recommendations, and not before a certain date, for use in certain funding decisions”; in line 7, after “schedules” insert “, based on industry standards,”; in lines 8 and 9, strike “requiring certain preventative maintenance schedules to be based on certain standards and to be subject to certain review and approval;”; in lines 11 and 12, in each instance, strike “Committee” and substitute “Commission”; in line 13, after “Library;” insert “requiring the Interagency Commission, rather than the Board of Public Works, to establish a process to allow a school system to obtain a waiver from certain high performance building requirements and to adopt certain regulations;”; in lines 28 and 34, in each instance, strike “Committee” and substitute “Commission”; in line 36, after “State;” insert “requiring the State Treasurer, as directed by the Interagency Commission, to supervise the distribution of any money that the General Assembly appropriates for certain public school construction; establishing the School Safety Grant Program; establishing the”

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purpose of the Program; requiring the Interagency Commission on School Construction to implement and administer the Program, in consultation with the Maryland Center for School Safety; requiring the Interagency Commission to provide certain grants under the Program; requiring the Interagency Commission to develop certain application procedures and eligibility requirements for the Program; requiring the Governor to provide a certain amount of money in the annual operating or capital budget bill for the Program; specifying that funding provided under the Program is supplemental to public school construction funding from other sources; requiring the Interagency Commission to adopt certain regulations for the Program; repealing the requirement that the Board of Public Works approve a grant under the solar energy pilot program; requiring the Interagency Commission, rather than the Board of Public Works, to adopt regulations requiring certain school construction project documents to include an evaluation of the use of solar technologies and regulations for funding certain projects at the Maryland School for the Blind;”; and strike beginning with “establishing” in line 38 down through “actions;” in line 40 and substitute “altering the State agency responsible for approving the use of money credited to the Public School Construction Fund; providing that Board of Public Works approval is not required for a contract or other authorization to spend the proceeds of a general obligation loan for public school construction projects; exempting capital expenditures for certain public school construction from certain review and approval requirements;”.

On page 3, in lines 3 and 6, in each instance, strike “Committee” and substitute “Commission”; in line 8, after “date;” insert “providing that certain regulations regarding the Public School Construction Program continue to be in force and effect unless altered by the Interagency Commission; providing that the Interagency Commission on School Construction is the successor of the Interagency Committee on School Construction; providing that certain names and titles of a certain unit and officials in laws and other documents mean the names and titles of the successor unit and officials; providing for the continuity of certain matters and persons; requiring the publisher of the Annotated Code, in consultation with the Department of Legislative Services, to correct cross-references and terminology in the Code that are rendered incorrect by this Act; making certain conforming changes; making certain stylistic”.

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changes;”; in line 12, after “(h),” insert “5-202(d)(8) and (11) through (13).”; in the same line, strike “5-302, 5-309, and 5-310” and substitute “5-301.1, 5-301.2, 5-302, 5-303, 5-304, 5-307(a), 5-309, 5-310, 5-312, and 8-315”; in line 17, strike “5-301.3, 5-314, and 5-315” and substitute “5-202(d)(11), and 5-314 through 5-317”; after line 19, insert:

“BY repealing and reenacting, without amendments,

Article - Education

Section 5-202(d)(2)

Annotated Code of Maryland

(2018 Replacement Volume)”;

in line 22, strike “and 6-226(a)(2)(i)” and substitute “, 6-226(a)(2)(i), 7-326(a), and 12-202(g)”; in line 27, strike “and 6-226(a)(2)(ii)101. and 102.” and substitute “, 5-7B-07, 6-226(a)(2)(ii)101. and 102., 7-326(e), 8-301, and 12-202(a)”; in line 35, strike “adding to” and substitute “repealing and reenacting, with amendments.”; and in line 37, strike “10-610.1” and substitute “10-645(l) and 10-646(a), (d), and (e)”.

AMENDMENT NO. 2

On page 5 in lines 5, 6, and 9, on page 6 in line 11, and on page 7 in line 11, in each instance, after “COUNTY” insert “REVENUE AUTHORITY”.

On page 5, in lines 18, 19, and 26, in each instance, strike “COUNTY,”; and in lines 19, 20, and 26, in each instance, after “AUTHORITY” strike the comma.

On page 6, in line 27, after the second “COUNTY” insert “REVENUE AUTHORITY”; strike in their entirety lines 30 and 31; and in line 34, after “BOARD” insert “, WITH THE APPROVAL OF THE COUNTY GOVERNING BODY IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION,”.

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On pages 7 and 8, strike in their entirety the lines beginning with line 20 on page 7 through line 4 on page 8, inclusive.

On page 8, in lines 5 and 8, strike “(e)” and “(f)”, respectively, and substitute “**(C)**” and “**(D)**”, respectively; strike in their entirety lines 10 through 31, inclusive; and after line 31, insert:

“(E) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, § 2-303(F) AND TITLE 5, SUBTITLE 3 OF THIS ARTICLE AND THE REGULATIONS THAT GOVERN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM DO NOT APPLY TO PROJECTS THAT USE ALTERNATIVE FINANCING METHODS UNDER THIS SECTION.

(II) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE OR REQUIRE STATE APPROVAL BEFORE AN ALTERNATIVE FINANCING METHOD MAY BE USED BY A LOCAL SCHOOL SYSTEM.

(2) IF A PROJECT THAT RECEIVES STATE FUNDING USES ALTERNATIVE FINANCING METHODS UNDER THIS SECTION, THE PROJECT SHALL BE SUBMITTED TO THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION FOR REVIEW.

(3) PROJECTS THAT USE ALTERNATIVE FINANCING METHODS UNDER THIS SECTION AND RECEIVE STATE FUNDING SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

(I) THE STATE AND LOCAL COST-SHARE ESTABLISHED FOR EACH COUNTY IN REGULATIONS;

(II) THE MAXIMUM STATE CONSTRUCTION ALLOCATION FOR

EACH PROJECT APPROVED FOR STATE FUNDING;

(III) THE APPROVAL OF PROJECT FUNDING BY THE INTERAGENCY COMMISSION;

(IV) SMART GROWTH REQUIREMENTS;

(V) MINORITY BUSINESS ENTERPRISE REQUIREMENTS;

(VI) PREVAILING WAGE REQUIREMENTS;

(VII) ENVIRONMENTAL REQUIREMENTS; AND

(VIII) A REQUIREMENT FOR A PROCUREMENT PROCESS THAT INCLUDES PUBLIC NOTICE AND RESULTS IN THE MOST ADVANTAGEOUS PROPOSAL.”.

AMENDMENT NO. 3

On page 10, after line 3, insert:

“5-202.

(d) (2) Except as provided in paragraph (3)(i) of this subsection, for purposes of this subsection, the local appropriation on a per pupil basis for the prior fiscal year for a county is derived by dividing the county’s highest local appropriation to its school operating budget for the prior fiscal year by the county’s full-time equivalent enrollment for the prior fiscal year. For example, the calculation of the foundation aid for fiscal year 2003 shall be based on the highest local appropriation for the school operating budget for a county for fiscal year 2002. Program shifts between a county operating budget and a county school operating budget may not be used to artificially satisfy the requirements of this paragraph.

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(8) (i) The maintenance of effort requirement in paragraph (1)(ii) of this subsection does not apply to a county if the county requests and is granted a waiver from the requirement by the State Board based on:

1. A determination under this paragraph that the county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement;

2. Subject to paragraph (9) of this subsection, an agreement between the county and the county board to reduce recurring costs; [or]

3. Subject to paragraph (10) of this subsection, a determination that a county's ability to meet the maintenance of effort requirement is permanently impeded; OR

4. SUBJECT TO PARAGRAPH (11) OF THIS SUBSECTION, A DETERMINATION THAT LEASE PAYMENTS MADE BY THE COUNTY BOARD TO A COUNTY OR PRIVATE ENTITY HOLDING TITLE TO PROPERTY USED AS A PUBLIC SCHOOL BY A COUNTY BOARD IN ACCORDANCE WITH § 4-114(C)(1) OR (D) OF THIS ARTICLE.

(ii) In order to qualify for a waiver for a fiscal year, a county shall make a request for a waiver to the State Board by the earlier of the seventh day following the end of the legislative regular session or April 20 of the prior fiscal year.

(iii) The State Superintendent shall provide a preliminary assessment of a waiver request to the State Board before a public hearing held in accordance with subparagraph (iv) of this paragraph.

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(iv) Before acting on a request for a waiver, the State Board shall hold a public hearing in accordance with regulations adopted by the State Board.

(v) Except as provided in paragraph (9) of this subsection, when considering whether to grant a county's waiver request, the State Board shall consider the following factors:

1. External environmental factors such as a loss of a major employer or industry affecting a county or a broad economic downturn affecting more than one county;

2. A county's tax base;

3. Rate of inflation relative to growth of student population in a county;

4. Maintenance of effort requirement relative to a county's statutory ability to raise revenues;

5. A county's history of exceeding the required maintenance of effort amount under paragraph (1)(ii) of this subsection;

6. An agreement between a county and a county board that a waiver should be granted;

7. Significant reductions in State aid to a county and municipalities of the county for the fiscal year for which a waiver is requested;

8. The number of waivers a county has received in the past 5 years; and

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9. The history of compensation adjustments for employees of the county board and county government.

(vi) The State Board shall inform the county whether the waiver for a fiscal year is approved or denied in whole or in part no later than 30 days after receipt of an application or May 20 of the prior fiscal year, whichever is earlier.

(vii) Except as provided in paragraphs (9) and (10) of this subsection, if a county is granted a waiver from the provisions of this subsection by either the State Board or the General Assembly for any fiscal year, the minimum appropriation of local funds required under this subsection for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year in which the county met the maintenance of effort requirement under paragraph (1)(ii) of this subsection.

(11) (I) THIS PARAGRAPH APPLIES TO A COUNTY THAT REQUESTS A WAIVER UNDER PARAGRAPH (8)(I)4 OF THIS SUBSECTION.

(II) 1. THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN AGREED ON BY THE COUNTY AND THE COUNTY BOARD THAT IS ATTRIBUTABLE TO THE AMOUNT OF THE LEASE PAYMENT.

2. THE AMOUNT OF THE AGREED-ON WAIVER MAY BE LESS THAN THE ENTIRE AMOUNT OF THE LEASE PAYMENT.

3. THE AMOUNT OF THE AGREED-ON WAIVER MAY NOT:

A. EXCEED THE ENTIRE AMOUNT OF THE LEASE PAYMENT; OR

**B. REDUCE A COUNTY'S EDUCATION APPROPRIATION
BELOW THE AMOUNT REQUIRED IN PARAGRAPH (1)(I) OF THIS SUBSECTION.**

**(III) IF THE COUNTY AND COUNTY BOARD HAVE NOT AGREED
ON AN AMOUNT, THE STATE BOARD MAY GRANT A WAIVER ON A DETERMINATION
THAT THE LEASE PAYMENTS ARE COMPARABLE TO THE AMOUNT OF DEBT
SERVICE THAT WOULD OTHERWISE BE REQUIRED IF THE ALTERNATIVE
FINANCING HAD NOT BEEN USED.**

**(IV) IF THE STATE BOARD GRANTS A WAIVER UNDER THIS
PARAGRAPH, THE STATE BOARD SHALL DETERMINE THE NUMBER OF FISCAL
YEARS FOR WHICH THE WAIVER IS APPLICABLE AND THE MINIMUM
APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE
FISCAL YEAR AFTER THE EXPIRATION OF THE WAIVER.**

**[(11)](12) In making the calculations required under this subsection,
the Department shall consult with the Department of Budget and Management and the
Department of Legislative Services.**

**[(12)](13) (i) A county shall submit to the Superintendent the
county's approved budget no later than 7 days after approval of the budget or June 30,
whichever is earlier.**

**(ii) No later than 15 days after receipt of the county's approved
budget the Superintendent shall certify whether the county has met the funding
requirements established under this subsection and shall notify the county and county
board of that certification.**

~~[(13)](14)~~ On or before December 31 of each year the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on all waiver requests, maintenance of effort calculations made by the Department and the county, the Department’s decisions regarding waiver requests, the Department’s certification of whether a county has met the requirement, and any other information relating to a county’s request for a waiver and the Department’s maintenance of effort decisions.”.

AMENDMENT NO. 4

On page 4, in line 26, strike “COMMITTEE” and substitute “COMMISSION”.

On page 7, in lines 5 and 15, in each instance, strike “Board of Public Works” and substitute “INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION”; and in lines 7 and 8, strike “Board of Public Works” and substitute “INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION”.

On page 10, in line 5, in each instance, strike “Committee” and substitute “COMMISSION”; strike beginning with “For” in line 7 down through “Works” in line 8 and substitute “THE INTERAGENCY COMMISSION”; in lines 13 and 23, in each instance, strike “Board of Public Works” and substitute “INTERAGENCY COMMISSION”; and strike beginning with “Board” in line 15 down through “Construction” in line 16 and substitute “INTERAGENCY COMMISSION”.

On page 11, in lines 12 and 13, 16, and 18, in each instance, strike “Board of Public Works” and substitute “INTERAGENCY COMMISSION”.

On page 12, in line 16, strike “Board of Public Works” and substitute “INTERAGENCY COMMISSION”; in line 29, strike the first “the”; in the same line, after “of” insert “INTERAGENCY COMMISSION”; and strike beginning with “by” in line 29 down through “Works” in line 30.

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On page 13, in lines 3, 13 and 14, 18, 21, and 26 and 27, in each instance, strike “Board of Public Works” and substitute “**INTERAGENCY COMMISSION**”.

On page 14, in lines 1 and 2, 4, 7, 12, and 29, in each instance, strike “Board of Public Works” and substitute “**INTERAGENCY COMMISSION**”.

On page 15, in line 7, strike “Committee” and substitute “**COMMISSION**”.

On page 16, in line 24, strike “Committee” and substitute “**COMMISSION**”; in line 28, strike “Board” and substitute “**INTERAGENCY COMMISSION**”; and in line 29, strike “Board of Public Works or the Interagency Committee” and substitute “**INTERAGENCY COMMISSION**”.

On page 17, in lines 11 and 15, in each instance, strike “Committee” and substitute “**COMMISSION**”; and in lines 28, 29, 31, and 32, in each instance, strike “**COMMITTEE**” and substitute “**COMMISSION**”.

On page 18, in lines 5 and 24, in each instance, strike “**COMMITTEE**” and substitute “**COMMISSION**”.

On page 19, in lines 2, 7, 9, and 27, in each instance, strike “**COMMITTEE**” and substitute “**COMMISSION**”; and in lines 25 and 31, in each instance, strike “Committee” and substitute “**COMMISSION**”.

On page 20, in lines 2, 9, 10, 15, and 26, in each instance, strike “**COMMITTEE**” and substitute “**COMMISSION**”.

On page 21, in lines 6, 9, 14, and 27, in each instance, strike “**COMMITTEE**” and substitute “**COMMISSION**”.

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On page 22, in lines 8, 10, 19, and 30, in each instance, strike “**COMMITTEE**” and substitute “**COMMISSION**”.

On page 23, in lines 2, 9, and 23, in each instance, strike “**COMMITTEE**” and substitute “**COMMISSION**”.

On page 24, in lines 1 and 25, in each instance, strike “**COMMITTEE**” and substitute “**COMMISSION**”.

On page 28, in lines 1, 16, 23, 26, and 29, in each instance, strike “Committee” and substitute “Commission”.

On page 29, in lines 1, 11, 17, 24, and 26, in each instance, strike “Committee” and substitute “Commission”.

On page 30, in line 31, strike “Committee” and substitute “Commission”.

On page 31, in line 3, strike “Committee” and substitute “Commission”.

AMENDMENT NO. 5

On page 10, in line 5, strike “(a)”; after line 6, insert:

“5-302.

(a) [(1) The Board of Public Works shall establish the] **THERE IS AN Interagency [Committee] COMMISSION on School Construction.**

(b) **THE INTERAGENCY COMMISSION IS AN INDEPENDENT COMMISSION THAT FUNCTIONS [as a unit] within the Department [for administrative and budgetary purposes].**

(C) THE PURPOSE OF THE INTERAGENCY COMMISSION IS TO DEVELOP AND APPROVE POLICIES, PROCEDURES, GUIDELINES, AND REGULATIONS ON STATE SCHOOL CONSTRUCTION ALLOCATIONS TO LOCAL JURISDICTIONS IN AN INDEPENDENT AND MERIT-BASED MANNER.

[(2)] (D) The Interagency [Committee] COMMISSION consists of the following members:

[(i)] (1) The State Superintendent of Schools, or the Superintendent's designee;

(2) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;

(3) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(4) TWO MEMBERS OF THE PUBLIC APPOINTED BY THE GOVERNOR;

[(ii)] (5) [A member] TWO MEMBERS of the public appointed by the President of the Senate; AND

[(iii)] (6) [A member] TWO MEMBERS of the public appointed by the Speaker of the House[;

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

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

[(3) (E) The [State Superintendent of Schools, or the Superintendent's designee,] GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE JOINTLY shall [be the Chairman] SELECT THE CHAIR of the Interagency [Committee] COMMISSION.

[(4) (F) [A] AN APPOINTED member of the Interagency [Committee on School Construction] COMMISSION may not be:

[(i) (1) An individual who is a regulated lobbyist as described in § 5-702(a)(1), (2), (3), or (4) of the General Provisions Article;

[(ii) (2) A [member of the General Assembly] FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL; OR

[(iii) (3) An employee of [a] STATE OR county government or A COUNTY board of education]; or

(iv) A local elected official].

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

(G) AN APPOINTED MEMBER OF THE INTERAGENCY COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

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

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

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

(H) (1) THE INTERAGENCY COMMISSION IS A PUBLIC BODY AND SUBJECT TO TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.

(2) DELIBERATIONS AND DECISIONS REGARDING THE ELIGIBILITY OF PROJECTS AND ALLOCATION OF FUNDING SHALL BE CONSIDERED QUASI-LEGISLATIVE FUNCTIONS FOR THE PURPOSES OF THE OPEN MEETINGS ACT.

(I) (1) THE INTERAGENCY COMMISSION MAY EMPLOY STAFF, INCLUDING CONTRACTUAL STAFF, IN ACCORDANCE WITH THE STATE BUDGET.

(2) THE INTERAGENCY COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE INTERAGENCY COMMISSION.

(3) (I) THE DEPARTMENT OR ANY OTHER STATE AGENCY MAY LEND ITS EMPLOYEES TO SERVE AS THE STAFF FOR THE INTERAGENCY COMMISSION.

(II) THESE EMPLOYEES SHALL BE PAID BY THE AGENCY THAT EMPLOYS THEM.

5-303.”;

in line 7, strike “(b)” and substitute “**(A)**”; and in line 23, strike “(b-1)” and substitute “**(B)**”.

On page 12, in line 7, strike “At the recommendation of the Interagency Committee,”.

On page 13, in line 10, strike “**PLAN**” and substitute “**PROGRAM**”.

On pages 15 and 16, strike in their entirety the lines beginning with line 11 on page 15 through line 23 on page 16, inclusive, and substitute:

5-304.”.

On page 16, in line 24, strike “(d)” and substitute “**(A)**”; and in line 28, strike “§ 5-301” and substitute “**§ 5-303**”.

On page 17, in line 1, strike “to the Board of Public Works”; in lines 1 and 2, strike “the consolidated capital debt program” and substitute “**§ 8-113**”; in lines 7, 28, and 32, strike “(e)”, “**(G)**”, and “**(H)**”, respectively, and substitute “**(B)**”, “**(D)**”, and “**(E)**”, respectively; in line 7, strike “Board of Public Works” and substitute “**INTERAGENCY COMMISSION**”; in line 12, strike “provide recommendations to the Board of Public Works for” and substitute “**APPROVE**”; after line 14, insert:

“(3) THE INTERAGENCY COMMISSION SHALL ESTABLISH AN APPEAL PROCESS TO ALLOW LOCAL JURISDICTIONS TO REQUEST FUNDING FOR

PROJECTS THAT WERE NOT APPROVED BY THE INTERAGENCY COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION.”;

in line 15, strike “(3)” and substitute “**(4)**”; in line 16, strike “the Board of Public Works,”; in line 17, strike the comma; and strike in their entirety lines 21 through 27, inclusive, and substitute:

“(5) ON OR AFTER MAY 1 EACH YEAR, THE INTERAGENCY COMMISSION SHALL APPROVE 100% OF THE SCHOOL CONSTRUCTION ALLOCATION INCLUDED IN THE CAPITAL BUDGET BILL AS ENACTED.

(C) THE FOLLOWING ACTIONS BY THE INTERAGENCY COMMISSION ARE FINAL AND ARE NOT SUBJECT TO ADDITIONAL APPEALS OR APPROVALS BY ANOTHER UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT:

(1) A DECISION MADE BY THE INTERAGENCY COMMISSION UNDER THE APPEAL PROCESS ESTABLISHED BY THE INTERAGENCY COMMISSION; AND

(2) THE APPROVAL OF PUBLIC SCHOOL CONSTRUCTION PROJECTS UNDER THIS SUBTITLE.”.

On page 18, in lines 3 and 24, strike “**(I)**” and “**(J)**”, respectively, and substitute “**(F)**” and “**(G)**”, respectively.

On page 23, in lines 22 and 23, strike “**THE BOARD OF PUBLIC WORKS,**”.

AMENDMENT NO. 6

On page 14, in line 5, after “(h)” insert “**(1)**”; and after line 7, insert:

“(2) THE INTERAGENCY COMMISSION MAY NOT PARTIALLY FUND AN ELIGIBLE SCHOOL CONSTRUCTION PROJECT FOR A SYSTEMIC RENOVATION UNLESS THE LOCAL EDUCATION AGENCY HAS REQUESTED PARTIAL FUNDING.”

On page 15, in line 2, after “year” insert “, AND MAY NOT SUPPLANT NEW FUNDS ALLOCATED IN THE NEXT FISCAL YEAR OR IN LATER FISCAL YEARS”.

On page 19, after line 6, insert:

“(C) (1) IN THIS SUBSECTION, “NET-ZERO” MEANS THAT THE TOTAL AMOUNT OF ENERGY USED BY A BUILDING ON AN ANNUAL BASIS IS EQUAL TO OR LESS THAN THE AMOUNT OF RENEWABLE ENERGY CREATED ON THE SITE.

(2) THE INTERAGENCY COMMISSION SHALL ESTABLISH INCENTIVES FOR:

(i) THE CONSTRUCTION OF NET-ZERO SCHOOL BUILDINGS;
AND

(ii) THE USE OF ENERGY EFFICIENT OR OTHER PREFERRED MATERIALS IN PUBLIC SCHOOL CONSTRUCTION.

(D) THE INCENTIVES ESTABLISHED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL BE SUPPLEMENTAL TO AND ARE NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED TO LOCAL EDUCATION AGENCIES FOR SCHOOL CONSTRUCTION.”;

in line 7, strike “(C)” and substitute “(E)”; and in line 8, strike “SUBSECTION (B)” and substitute “SUBSECTION (B) OR (C)”.

On page 18, in line 11, after “ASSISTANCE” insert “THAT SHALL BE SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR SCHOOL CONSTRUCTION”.

AMENDMENT NO. 7

On page 19, in line 19, strike “CONDITION” and substitute “ATTRIBUTES”; and in line 22, after “RELATIVE” insert “PHYSICAL”.

On page 20, in line 2, after the second comma insert “IN CONSULTATION WITH LOCAL EDUCATION AGENCIES,”; strike beginning with the first comma in line 4 down through “INDEX” in line 5 and substitute “A FACILITY CONDITION INDEX FOR MARYLAND PUBLIC SCHOOLS”; strike in their entirety lines 6 through 9, inclusive, and substitute:

“(D) (1) THE PURPOSE OF THE EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS IS TO ESTABLISH UNIFORM STANDARDS FOR THE ASSESSMENT OF THE PHYSICAL ATTRIBUTES, CAPACITY, AND EDUCATIONAL SUITABILITY OF PUBLIC SCHOOL FACILITIES IN MARYLAND.

(2) THE STANDARDS SHALL INCLUDE AT LEAST THE FOLLOWING CATEGORIES:

(I) BUILDING CONDITION RELATED TO LIFE SAFETY AND HEALTH;

(II) BUILDING SYSTEMS;

(III) BUILDING CAPACITY AND UTILIZATION, INCLUDING THE ABILITY TO HOUSE STUDENTS IN PERMANENT SPACE;

(IV) ACADEMIC SPACE, INCLUDING SPECIALTY CLASSROOM SPACE; AND

(V) PHYSICAL EDUCATION AND OUTDOOR RECREATIONAL SPACE.

(3) THE INTERAGENCY COMMISSION SHALL PERIODICALLY REVIEW AND UPDATE THE EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS.”;

in lines 12 and 13, strike “SUBSECTION (C)” and substitute “SUBSECTIONS (C) AND (D)”; in lines 16 and 17, strike “MARYLAND SCHOOL FACILITY INDEX ESTABLISHED IN” and substitute “FACILITY CONDITION INDEX ADOPTED UNDER”; in line 17, strike “(D)” and substitute “(C)”; in line 27, after “STANDARDS” insert “AND PROCEDURES”; and in lines 30 and 31, strike “FOLLOW THE STANDARDS DEVELOPED IN PARAGRAPH (1) OF THIS SUBSECTION” and substitute “COOPERATE WITH THE INTERAGENCY COMMISSION TO UPDATE THE FACILITY ASSESSMENT”.

On page 21, in line 1, strike “ANNUALLY” and substitute “AS REQUESTED”; in lines 1 and 2, strike “REGULARLY AND COMPREHENSIVELY”; strike in their entirety lines 3 through 5, inclusive; in line 6, strike “(4)” and substitute “(3)”; in line 13, after “(G)” insert “(1)”; in the same line, after “INITIAL” insert “FACILITY”; in lines 13 and 14, strike “AND ANNUALLY THEREAFTER,”; strike beginning with “DETERMINE” in line 14 down through “SECTION” in line 17 and substitute “SHARE THE DATA RESULTS WITH THE WORKGROUP ON THE ASSESSMENT AND FUNDING OF SCHOOL FACILITIES AND, WITH THE WORKGROUP, SHALL CONSIDER:

(I) HOW THE RELATIVE CONDITION OF PUBLIC SCHOOL FACILITIES WITHIN THE EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS AND THE FACILITY CONDITION INDEX SHOULD BE PRIORITIZED, TAKING INTO

ACCOUNT LOCAL PRIORITIES AND IN CONSULTATION WITH LOCAL JURISDICTIONS; AND

(II) IF DETERMINED TO BE APPROPRIATE, USE OF THE ASSESSMENT RESULTS IN FUNDING DECISIONS.

(2) BASED ON THE RECOMMENDATIONS OF THE WORKGROUP ON THE ASSESSMENT AND FUNDING OF SCHOOL FACILITIES, AND NOT BEFORE MAY 1, 2020, FOR USE IN FUNDING DECISIONS BEGINNING NO SOONER THAN FISCAL YEAR 2021, THE INTERAGENCY COMMISSION SHALL ADOPT REGULATIONS ESTABLISHING THE USE OF THE FACILITY ASSESSMENT RESULTS IN ANNUAL SCHOOL CONSTRUCTION FUNDING DECISIONS”;

in line 18, strike “EACH” and substitute “EXCEPT AS PROVIDED IN § 5-314(E) OF THIS SUBTITLE, EACH”; in line 19, after “SCHEDULES” insert “BASED ON INDUSTRY STANDARDS”; strike in their entirety lines 21 through 25, inclusive; in lines 26 and 31, in each instance, strike “(3)” and substitute “(2)”; and in line 30, strike “(4)” and substitute “(3)”.

On page 22, in line 2, strike “THE” and substitute “NOTWITHSTANDING § 2-303(F) OF THIS ARTICLE, THE”; in line 5, strike “EDUCATIONAL” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, EDUCATIONAL”; in line 6, strike “BE”; in line 7, strike “REVIEWED” and substitute “BE REVIEWED”; in the same line, strike “DEPARTMENT” and substitute “INTERAGENCY COMMISSION”; and strike line 8 in its entirety and substitute:

“(II) PRIOR TO FINALIZATION BY A LOCAL EDUCATION AGENCY, HAVE ANY CONCERNS OR RECOMMENDATIONS OF THE INTERAGENCY COMMISSION SATISFACTORILY RESOLVED.”.

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On page 23, in line 5, strike “**SUBSECTION (D)**” and substitute “**SUBSECTIONS (B) AND (D)**”; in the same line, after “**SECTION**” insert “**AND § 5-310(H) OF THIS SUBTITLE**”; in line 11, after “**OF**” insert “**EDUCATIONAL SPECIFICATIONS, SCHEMATIC DESIGNS,**”; in line 12, after “**DOCUMENTS**” insert “**, OR PREVENTATIVE MAINTENANCE SCHEDULE COMPLIANCE**”; and in line 14, strike “**MULTIYEAR**” and substitute “**5-YEAR**”.

AMENDMENT NO. 8

On page 18, strike beginning with “**THE**” in line 3 down through “**IN**” in line 4.

On pages 26 and 27, strike in their entirety the lines beginning with line 8 on page 26 through line 1 on page 27, inclusive.

AMENDMENT NO. 9

On page 25, after line 4, insert:

5-316.

AS DIRECTED BY THE INTERAGENCY COMMISSION, THE STATE TREASURER SHALL SUPERVISE THE DISTRIBUTION OF ANY MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES FOR PUBLIC SCHOOL CONSTRUCTION FOR:

- (1) BUILDINGS;**
- (2) EQUIPMENT;**
- (3) NEW CONSTRUCTION; OR**
- (4) ANY OTHER CAPITAL EXPENDITURE.”.**

AMENDMENT NO. 10

On page 25, after line 4, insert:

“5-317.

(A) IN THIS SECTION, “PROGRAM” MEANS THE SCHOOL SAFETY GRANT PROGRAM.

(B) (1) THERE IS A SCHOOL SAFETY GRANT PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO COUNTY BOARDS FOR SCHOOL SECURITY IMPROVEMENTS, INCLUDING:

(I) SECURE AND LOCKABLE CLASSROOM DOORS FOR EACH CLASSROOM IN THE SCHOOL;

(II) AN AREA OF SAFE REFUGE IN EACH CLASSROOM IN THE SCHOOL; AND

(III) SURVEILLANCE AND OTHER SECURITY TECHNOLOGY FOR SCHOOL MONITORING PURPOSES.

(C) THE PROGRAM SHALL BE IMPLEMENTED AND ADMINISTERED BY THE INTERAGENCY COMMISSION, IN CONSULTATION WITH THE MARYLAND CENTER FOR SCHOOL SAFETY.

(D) THE INTERAGENCY COMMISSION SHALL:

(1) PROVIDE GRANTS TO COUNTY BOARDS FOR PUBLIC SCHOOL SECURITY IMPROVEMENTS;

(Over)

(2) DEVELOP A PROCEDURE FOR A COUNTY BOARD TO APPLY FOR A GRANT UNDER THE PROGRAM; AND

(3) DEVELOP ELIGIBILITY REQUIREMENTS FOR A COUNTY BOARD TO RECEIVE A GRANT UNDER THE PROGRAM.

(E) IN ADDITION TO THE ANNUAL AMOUNT OTHERWISE PROVIDED IN THE CAPITAL IMPROVEMENT PROGRAM OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM, THE GOVERNOR SHALL PROVIDE AN ADDITIONAL \$10,000,000 IN THE ANNUAL OPERATING OR CAPITAL BUDGET BILL THAT MAY BE USED ONLY TO AWARD GRANTS UNDER THE PROGRAM.

(F) THE STATE FUNDING PROVIDED UNDER THE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR PUBLIC SCHOOL CONSTRUCTION PURPOSES TO A COUNTY BOARD FROM ANY OTHER SOURCE.

(G) THE INTERAGENCY COMMISSION SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.”.

AMENDMENT NO. 11

On page 25, in line 23, after “RATING” insert “**OR A COMPARABLE RATING SYSTEM OR BUILDING CODE AS AUTHORIZED IN § 3-601.1 OF THIS ARTICLE**”; and in line 24, strike “**LEED CERTIFICATION OF THE SCHOOL BUILDINGS, INCLUDING**”.

AMENDMENT NO. 12

On page 21, after line 32, insert:

“**5-312.**

(a) In this section, “high performance building” has the meaning stated in § 3–602.1 of the State Finance and Procurement Article.

(b) This section applies to the construction of new schools that have not initiated a Request For Proposal for the selection of an architectural and engineering consultant on or before July 1, 2009.

(c) Except as provided in subsection (d) of this section, a new school that receives State public school construction funds shall be constructed to be a high performance building.

(d) (1) The [Board of Public Works] INTERAGENCY COMMISSION shall establish a process to allow a school system to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

(i) Include a review by the Interagency [Committee] COMMISSION to determine if the construction of a high performance building is not practicable; and

(ii) Require the approval of a waiver by the Interagency [Committee] COMMISSION.

(e) For fiscal years 2010 through 2014 only, the State shall pay 50% of the local share of the extra costs, identified and approved by the Interagency [Committee] COMMISSION, that are incurred in constructing a new school to meet the high performance building requirements of this section.

(f) The [Board of Public Works] INTERAGENCY COMMISSION shall adopt regulations to implement the requirements of this section.”.

On page 25, before line 5, insert:

“[5-301.1.] 5-318.

(a) (1) There is a solar energy pilot program to promote the use of solar energy systems to generate electricity in public school buildings in the State.

(2) The pilot program shall be implemented and administered by the Interagency [Committee on School Construction] COMMISSION and shall operate as provided in this section.

(b) The Interagency [Committee] COMMISSION shall:

(1) Encourage all local boards in the State to study, design, and construct or renovate school buildings that are energy efficient and use solar energy systems to generate electricity to meet some of the school building’s electrical energy needs, electrical energy demand, or a combination of the electrical energy needs and electrical energy demand;

(2) Provide grants out of State funds dedicated for this program to local boards to assist in implementing the use of solar energy systems at existing public schools or in new or renovated school building projects; and

(3) Develop a procedure for a local board to apply for a grant in accordance with subsection (c) of this section.

(c) (1) A local board may apply to the Interagency [Committee] COMMISSION for a grant to cover 90% of the cost to purchase and install a solar energy

system to generate a portion of the school building's electrical energy needs or electrical energy demand.

(2) A local board that receives a grant under this subsection shall pay:

(i) 10% of the cost to purchase and install the solar energy system; and

(ii) All architectural or engineering fees for the design and supervision of the installation of the solar energy system.

(3) The Interagency [Committee] COMMISSION may award a grant under this section for a solar energy system project [with the approval of the Board of Public Works].

(d) Local school systems are encouraged to seek private funding to implement the pilot program.

(e) The total savings of electrical energy needs and electrical energy demand costs that result from the installation and use of solar energy systems under this section shall remain with the local school system.

(f) (1) The Interagency [Committee] COMMISSION and the Maryland Energy Administration shall cooperate with, assist, provide technical assistance to, and advise school systems to identify appropriate existing public school buildings and public school construction projects that would benefit from the installation of solar energy systems.

(2) The Interagency [Committee] COMMISSION shall adopt procedures necessary to implement this section.

[5-301.2.] 5-319.

(a) The [Board of Public Works] INTERAGENCY COMMISSION shall adopt regulations that require the design development documents for the construction or major renovation of school buildings submitted by a county board to the Interagency [Committee] COMMISSION to include:

(1) An evaluation of the use of solar technologies, including photovoltaic or solar water heating, based on life cycle costs; and

(2) If an evaluation determines that solar technologies are not appropriate for a construction or major renovation project, a report that explains why the use of the technology is not appropriate.

(b) On or before December 31 of each year, the Interagency [Committee] COMMISSION shall submit a report on the number of public school construction and major renovation projects in each jurisdiction that use solar technologies to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

[5-303.] 5-320.

(a) (1) For the purposes of this section, replacement cost shall be determined by the product of the area of a building that is over 40 years old times the current cost per square foot of building construction which may not include:

(i) Specialized costs of demolition;

(ii) Site development;

(iii) The fees of architects and engineers; or

(iv) Air conditioning.

(2) All existing area that is not at least 40 years old shall be excluded from this calculation.

(b) If a county board finds, after preparing feasibility and life cycle cost studies, that it is appropriate and economically beneficial to renovate an existing school building that, in whole or part, has been in continuous educational use for 40 years or more and the cost of the proposed renovation work is not more than the replacement cost of the building or part of a building of the same area and purpose, the Interagency [Committee on School Construction and the Board of Public Works] COMMISSION shall consider a request for State funding on the basis of these findings.

(c) Before it is considered for funding, the project shall be:

(1) Justified as to need and continued purpose; and

(2) Included in an annual capital improvement program that has been approved by the Interagency [Committee on School Construction and the Board of Public Works] COMMISSION.

[5-304.] 5-321.

(a) The indebtedness of a county may not be considered to be increased by the receipt of money by a county from participation in the General Public School Construction Loan of 1956 or any similar act.

(b) A county may not be required to levy ad valorem taxes on its taxable basis for the purpose of repaying to the State any money received by the county as a result of these acts during the calendar year 1958 or after or the interest or carrying charges with respect to this money.

(Over)

(c) All money received by a county during the calendar year 1958 or after because of the participation of the county in the General Public School Construction Loan of 1956 or any similar act shall be deducted from the funds due the county under the applicable provisions of State law that relate to the:

(1) Income tax;

(2) Tax on racing;

(3) Recordation tax;

(4) Tax on amusements;

(5) License tax; and

(6) School building construction aid program under [~~§ 5-301(c)~~] ~~§ 5-303(C)~~ of this subtitle, provided that money may not be deducted for any general public school construction loans that no longer require repayment by the county under [~~§ 5-301(c)~~] ~~§ 5-303(C)~~ of this subtitle.

(d) All obligations in connection with funds received by a county from the General Public School Construction Loan of 1956 or any similar act are self-liquidating obligations, incurred for self-liquidating projects within the meaning of those terms as used in any charter or public general or public local law of this State.

(e) Any law that is inconsistent with the provisions of this section is repealed to the extent of the inconsistency.

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(a) Notwithstanding § 4-114 of this article and subject to regulations adopted by the [Board of Public Works] INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION, for fiscal years 2013 through 2028, the Maryland School for the Blind shall be eligible for funding under the Public School Construction Program in accordance with Title 5, Subtitle 3 of this article.

(b) The [Board of Public Works] INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION shall adopt regulations for funding school construction and school capital improvements at the Maryland School for the Blind in accordance with the requirements set forth in Title 5, Subtitle 3 of this article that apply to school construction and school capital improvement projects funded for county boards of education.”.

On page 18, after line 27, insert:

“5-307.

(a) The Interagency [Committee on Public School Construction] COMMISSION shall assist the Prince George’s County Board of Education in developing an education facility master plan that encourages and supports the neighborhood school concept to improve the quality of education for all students in Prince George’s County.”.

On page 25, after line 25, insert:

“5-7B-07.

(a) It shall be the policy of the State that the emphasis of funding for public school construction projects shall be to target the rehabilitation of existing schools to ensure that facilities in established neighborhoods are of equal quality to new schools.

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(b) This section may not be construed to prohibit the provision of school construction funding outside a priority funding area.

(c) The [Public School Interagency Committee] INTERAGENCY COMMISSION on School Construction shall [continue to] review and [make recommendations on] APPROVE school funding projects [to the Board of Public Works].”.

On page 26, after line 6, insert:

“7-326.

(a) In this section, “Fund” means the Public School Construction Fund.

(e) Subject to the approval of the [Board of Public Works] INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION, money credited to the Fund shall be used only for public school construction projects and public school capital improvements consistent with the provisions of Title 5, Subtitle 3 of the Education Article.”.

AMENDMENT NO. 13

On page 26, before line 7, insert:

“8-301.

(a) Except as provided in subsection (b) of this section or in other law, a contract to spend the proceeds of a general obligation loan that has been authorized by any act of the General Assembly may not be executed until the Board of Public Works approves the contract.

(b) (1) Approval by the Board of Public Works is not required if the act merely authorizes a county or municipal corporation to borrow money and no State funds are involved.

(2) APPROVAL BY THE BOARD OF PUBLIC WORKS IS NOT REQUIRED FOR A CONTRACT OR OTHER AUTHORIZATION TO SPEND THE PROCEEDS OF A GENERAL OBLIGATION LOAN FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS.

12-202.

(a) This section does not apply to capital expenditures:

(1) FOR PUBLIC SCHOOL CONSTRUCTION UNDER TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE; OR

(2) by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways.

(g) The Board shall supervise the expenditure of any money that the General Assembly appropriates for:

(1) buildings;

(2) equipment;

(3) new construction; or

(4) any other capital expenditure.”.

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AMENDMENT NO. 14

On page 26, after line 7, insert:

“10-645.

(1) On October 1, 2013, and each January 15 thereafter, the Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency [Committee] COMMISSION on School Construction jointly shall report to the Governor, the Board of Public Works and, in accordance with § 2-1246 of the State Government Article, the fiscal committees of the General Assembly, on the progress of replacements, renovations, and maintenance of Baltimore City public school facilities, including actions:

- (1) taken during the previous fiscal year; and
- (2) planned for the current fiscal year.

10-646.

(a) Before any bonds are issued to finance improvements to a Baltimore City public school facility:

(1) a four-party memorandum of understanding that meets the requirements of this section shall be entered into and signed by the Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency [Committee] COMMISSION on School Construction; and

(2) the Baltimore City Board of School Commissioners shall submit a long-term educational facilities master plan to the Joint Audit Committee and the budget committees, in accordance with § 2-1246 of the State Government Article.

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(d) (1) The memorandum of understanding shall authorize the Authority to design and improve, or contract for the design and improvement of, a Baltimore City public school facility.

(2) The authority granted to the Authority under paragraph (1) of this subsection is subject to the rights and responsibilities of the Interagency [Committee] COMMISSION on School Construction for the design and construction of a Baltimore City public school facility.

(e) The memorandum of understanding shall require:

(1) specific parameters regarding the roles, rights, and responsibilities of each party with respect to the process for and management of program development, scheduling, budgeting, procurement, design, construction administration, capital equipping, and maintenance of improvements to a Baltimore City public school facility;

(2) specific parameters regarding the authority of the Baltimore City Board of School Commissioners over educational programs and issues relating to the Baltimore City Public Schools' 10-Year Plan, including educational specifications, feasibility studies, and design elements of educational buildings, which shall provide that at the completion of schematic design, all parties shall agree to project scope, schedule, and budget;

(3) specific parameters for a review and comment period for any proposed amendments to the Baltimore City Public Schools' 10-Year Plan, as referenced in § 10-645(a) of this subtitle;

(4) specific procedures related to the role of the Interagency [Committee] COMMISSION on School Construction related to improvements to a Baltimore City public school facility financed under this subtitle, which shall provide for efficiencies in cost, schedules, and processes;

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(5) a process for determining which planned projects for improvements to Baltimore City public school facilities will proceed as planned or will be postponed or canceled;

(6) a pledge by Baltimore City, subject to annual appropriation, to deposit the following into the Baltimore City Public School Construction Financing Fund:

(i) all revenues and receipts from the beverage container tax imposed by Baltimore City Ordinance No. 12-45, enacted June 26, 2012; and

(ii) 10% of the participation rent paid to Baltimore City by the operator of the video lottery facility located in Baltimore City;

(7) a partnership between the Baltimore City Board of School Commissioners, the Baltimore City Department of Planning, Housing, Recreation, and Parks, and the Mayor of Baltimore City to coordinate new investment in Baltimore City public school facilities with the community development goals of Baltimore City;

(8) a plan for any new or substantially renovated Baltimore City public school facilities to be available for recreational opportunities for the community;

(9) a plan to present all architectural plans for all major renovation and new public school construction buildings and sites to the Baltimore City Planning Department's Urban Design and Architectural Review Panel for schematic and final design review;

(10) a process developed and agreed to by Baltimore City and the Baltimore City Board of School Commissioners to expedite the closure of public school buildings as provided in the Baltimore City Public Schools' 10-Year Plan approved on January 8, 2013, and to arrange for the productive use of the closed buildings through the surplus process;

(11) a plan developed by the Baltimore City Board of School Commissioners and approved by the Interagency [Committee] COMMISSION on School Construction for preventative and ongoing maintenance for existing, new, and renovated Baltimore City public school facilities, including funding sufficient to implement the plan;

(12) a plan developed by the Baltimore City Board of School Commissioners and approved by the Interagency [Committee] COMMISSION on School Construction providing for minimum school utilization standards;

(13) the creation of a “Stat” program for the Baltimore City Public Schools’ 10–Year Plan;

(14) specific parameters for Baltimore City public school facilities financed under this subtitle regarding:

(i) property management, maintenance plans and standards, annual inspections, and property insurance; and

(ii) any claims, losses, or damages arising from the Authority’s improvement of any Baltimore City public school facility;

(15) a process to resolve disputes and revise the memorandum of understanding, if necessary; and

(16) an allocation of the public school improvements to be undertaken by the Authority and the Baltimore City Board of School Commissioners, respectively.”.

AMENDMENT NO. 15

On page 28, in line 8, after “shall” insert “:

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(i) consider how the relative condition of public school facilities within the educational facilities sufficiency standards and the facility condition index should be prioritized, taking into account local priorities and in consultation with local jurisdictions, including whether the prioritization should be by category and by local jurisdiction or statewide;

(ii);

in line 9, strike the period and substitute “; and”; in line 10, strike “(2)” and substitute “(iii)”; in the same line, strike “If” and substitute “if”; in line 11, strike “the Workgroup shall”; and after line 12, insert:

“(2) The Workgroup shall also consider whether the State should provide funding incentives for local jurisdictions that reduce the total cost of ownership of public school facilities.”.

AMENDMENT NO. 16

On pages 28 and 29, strike in their entirety the lines beginning with line 32 on page 28 through line 13 on page 29, inclusive.

On page 29, in line 14, strike “7.” and substitute “6.”.

On page 30, in line 14, strike the second “and”; in line 15, after “process” insert “; and”

(5) review the cost per student of school construction projects for new or replacement schools and major renovations of existing school facilities and examine the differences in cost per student by type of school across local jurisdictions”;

in line 24, strike “and”; and in line 26, after “schools” insert “; and”

(5) options for increasing the State share of eligible school construction costs for projects with lower than average cost per student for each type of school”.

AMENDMENT NO. 17

On page 31, after line 6, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That the regulations regarding the Public School Construction Program that were adopted before June 1, 2018, by the Board of Public Works that do not conflict with the provisions of this Act continue to be in force and effect unless otherwise altered by the Interagency Commission on School Construction.

SECTION 9. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(a) The Interagency Commission on School Construction is the successor of the Interagency Committee on School Construction.

(b) In every law, executive order, rule, regulation, policy, or document created by an official, an employee, or a unit of this State, the names and titles of those agencies and officials mean the names and titles of the successor agency or official.

SECTION 10. AND BE IT FURTHER ENACTED, That any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended by this Act and validly entered into or existing before the effective date of this Act and every right, duty, or interest flowing from a statute amended by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended by this Act as though the amendment had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit.

SECTION 11. AND BE IT FURTHER ENACTED, That:

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(1) the continuity of every commission, office, department, agency, or other unit is retained; and

(2) the personnel, records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected."

On page 30, in line 30, strike "8." and substitute "7.".

On page 31, in line 7, strike "9." and substitute "13.".