

**HB1290/163725/1**

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1290  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “results;” insert “requiring certain rights of the Interagency Commission to be specified in a certain memorandum of understanding; requiring local education agencies to take certain actions if a certain inspection requires the closure of a school building;”; in line 19, after “Fund;” insert “renaming the Public School Facilities Priority Fund to be the Nancy K. Kopp Public School Facilities Priority Fund;”; in line 21, after “purpose;” insert “altering the amount of certain required deposits into the Baltimore City Public School Construction Financing Fund; altering the authorized uses of money in the Education Trust Fund; repealing certain provisions of law that repealed the provisions of the Aging Schools Program and the School Safety Grant Program;”; in line 28, after “Section” insert “4-126(e)(3)(ii)3., 4-126.2.”; and in line 29, strike “5-326(i)” and substitute “5-326(a), (b), and (i)”.

On page 2, in line 4, strike “5-322(a) and (b), and 5-326(a) and (b)” and substitute “5-317, and 5-322(a) and (b)”; after line 11, insert:

“BY repealing and reenacting, without amendments,

Article – Education

Section 5-324

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

(As enacted by Chapter 20 of the Acts of the General Assembly of 2020)”;

in line 14, after “Section” insert “10-645(g)(2) and (h)(2), 10-649(g), and”; in line 24, strike “6-226(a)(2)(ii)101.” and substitute “6-226(a)(2)(ii)101. and 125.”;

and after line 26, insert:

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“BY repealing and reenacting, without amendments,  
Article - State Government  
Section 9–1A–30(a) through (c)  
Annotated Code of Maryland  
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article - State Government  
Section 9–1A–30(d)  
Annotated Code of Maryland  
(2021 Replacement Volume)

BY repealing  
Chapter 20 of the Acts of the General Assembly of 2020  
Section 8 and 11”.

AMENDMENT NO. 2

On page 2, after line 29, insert:

“4–126.

(e) (3) (ii) In Prince George’s County, projects that use alternative financing methods under this section and receive State funding for a yearly availability payment:

3. If the project receives State funding for a yearly availability payment from the Supplemental Public School Construction Financing Fund under § 10–658 of the Economic Development Article, the project shall comply with a four–party memorandum of understanding entered into and signed by the Prince George’s County Board, Prince George’s County, the Maryland Stadium Authority, and the Interagency Commission on School Construction that:

A. [Specifies] SUBJECT TO ITEM G OF THIS ITEM, SPECIFIES the roles, rights, terms, and responsibilities of each party with respect to school projects undertaken with a private or public entity using alternative financing methods, including any amounts the parties are required to deposit into the Prince George’s County Public–Private Partnership Fund established under § 4–126.2 of this subtitle;

B. Specifies that § 2–203(f) and Title 5, Subtitle 3 of this article and regulations governing the Public School Construction Program are not applicable to projects using alternative financing methods;

C. Requires the Prince George’s County Board to submit projects to the Interagency Commission on School Construction for review before commencement of the project;

D. Specifies the time frames in which the Interagency Commission on School Construction shall complete its review of projects;

E. Requires the Prince George’s County Board to submit annual reports to Prince George’s County, the Maryland Stadium Authority, and the Interagency Commission on School Construction during the term of the alternative financing method contract with the public or private entity; [and]

F. Specifies the terms under which each party will comply with the provisions of §§ 4–126.1 and 4–126.2 of this subtitle;

G. SPECIFIES THE ROLES OF THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION, INCLUDING THE INTERAGENCY COMMISSION’S RIGHTS RELATED TO:

- I. APPROVAL OF THE PROJECT AGREEMENT;
- II. APPROVAL OF SITE-SPECIFIC EDUCATIONAL SPECIFICATIONS;
- III. APPROVAL OF FINAL SITE SELECTIONS; AND
- IV. THE ROLE OF THE GOVERNING BODY OF THE PROGRAM.

4-126.2.

(a) In this section, "Fund" means the Prince George's County Public-Private Partnership Fund.

(b) There is a Prince George's County Public-Private Partnership Fund.

(c) The purpose of the Fund is to provide funds **TO PRINCE GEORGE'S COUNTY FOR PRINCE GEORGE'S COUNTY** to pay a public or private entity for the availability payment due under the Prince George's County public-private partnership agreement entered into in accordance with § 4-126.1 of this subtitle.

(d) The Interagency Commission on School Construction shall administer the Fund as described in the four-party memorandum of understanding entered into under § 4-126(e)(3)(ii) of this subtitle.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

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(f) The Fund consists of:

(1) Money deposited into the Fund by Prince George's County, the Prince George's County Board, and the Maryland Stadium Authority;

(2) Money deposited into the Fund by the State;

(3) Any investment earnings of the Fund; and

(4) Any other money from any other source accepted for the benefit of the Fund.

(g) (1) Except as provided in paragraph (2) of this subsection, the Fund may be used only to provide funding **TO PRINCE GEORGE'S COUNTY** for alternative financing methods under § 4-126 of this subtitle in Prince George's County.

(2) If Prince George's County receives State funding for an availability payment under § 4-126.1 of this subtitle, the funding received under § 4-126.1 of this subtitle may be used only to pay an availability payment to a private entity under the public-private partnership agreement entered into and approved in accordance with § 4-126.1 of this subtitle.

(h) Any appropriation to the Fund shall be used to supplement, but not supplant, money appropriated to Prince George's County for public school construction under the Public School Construction Program established in Title 5, Subtitle 3 of this article.

(i) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

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(j) If a memorandum of understanding is entered into under § 4–126 of this subtitle and State funding is provided for an availability payment, the Prince George’s County Board and Prince George’s County shall deposit into the Fund the amounts required under the memorandum of understanding.”.

On page 3, in line 13, strike “PROJECTS” and substitute “PROJECTIONS”.

On page 4, in line 18, strike “10%” and substitute “10 PERCENTAGE POINT”; in lines 22 and 26, in each instance strike “5%” and substitute “5 PERCENTAGE POINT”; in line 21, after “80%” insert “OR GREATER”; in lines 19 and 23, in each instance, after the second “PROJECT” insert “, WHEN A LOCAL SCHOOL SYSTEM SUBMITS A PROJECT FOR APPROVAL TO THE INTERAGENCY COMMISSION,”.

On page 5, in line 1, strike “100%” and substitute “120%”; in line 2, strike “5%” and substitute “5 PERCENTAGE POINT”; in line 8, after “THE” insert “SUM OF”; in line 9, strike “AN ADJACENT SCHOOL” and substitute “ALL ADJACENT SCHOOLS”; and in line 10, strike “ADJACENT” and substitute “PROJECT”.

On page 6, in line 9, strike “INCLUDE AN INSPECTION OF” and substitute “INCLUDE”.

On page 7, after line 3, insert:

“(III) DURING AN INSPECTION, IF AN ITEM UNDER SUBPARAGRAPH (II)1 THROUGH 6 OF THIS PARAGRAPH RISES TO SUCH A SEVERE LEVEL THAT REQUIRES THE SCHOOL TO BE CLOSED, THE LOCAL EDUCATION AGENCY SHALL SUBMIT A PLAN TO THE INTERAGENCY COMMISSION ON HOW TO ADDRESS THE ISSUE AND THE INTERAGENCY COMMISSION SHALL WORK TO PRIORITIZE FUNDING TO ADDRESS THE ISSUE.”.

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On page 9, in line 29, strike the brackets; and in line 30, strike “**SCHOOL SYSTEM**”.

On page 10, in line 1, after “the” insert “**STATE OR**”; in line 20, strike “**\$50,000,000**” and substitute “**\$40,000,000**”; and after line 25, 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;

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(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.”.

On page 11, in line 1, strike “each of fiscal years” and substitute “**FISCAL YEAR**”; in the same line, strike “**THROUGH 2026**”; after line 2, insert:

**“(III) IN EACH OF FISCAL YEARS 2024 THROUGH 2026, THE GOVERNOR SHALL APPROPRIATE AT LEAST \$90,000,000 TO THE FUND.”;**

in line 3, strike “(iii)” and substitute “**(IV)**”; after line 5, insert:

**“5-324.**

(a) Repealed.

(b) Repealed.



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(c) Repealed.

(d) Repealed.

(e) Repealed.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants from an appropriation in the State budget or general obligation bonds to county boards under the Aging Schools Program administered by the Interagency Commission on School Construction in amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) In fiscal year 2013 and in each fiscal year thereafter, the funding level for a county is the following amounts for the following counties:

- (i) Allegany County..... \$97,791;
- (ii) Anne Arundel County ..... \$506,038;
- (iii) Baltimore City..... \$1,387,924;
- (iv) Baltimore County..... \$874,227;
- (v) Calvert County..... \$38,292;
- (vi) Caroline County ..... \$50,074;
- (vii) Carroll County ..... \$137,261;
- (viii) Cecil County..... \$96,024;
- (ix) Charles County ..... \$50,074;

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- (x) Dorchester County ..... \$38,292;
- (xi) Frederick County ..... \$182,622;
- (xii) Garrett County..... \$38,292;
- (xiii) Harford County ..... \$217,379;
- (xiv) Howard County ..... \$87,776;
- (xv) Kent County ..... \$38,292;
- (xvi) Montgomery County ..... \$602,651;
- (xvii) Prince George’s County..... \$1,209,426;
- (xviii) Queen Anne’s County ..... \$50,074;
- (xix) St. Mary’s County ..... \$50,074;
- (xx) Somerset County..... \$38,292;
- (xxi) Talbot County..... \$38,292;
- (xxii) Washington County ..... \$134,904;
- (xxiii) Wicomico County..... \$106,627; and
- (xxiv) Worcester County..... \$38,292.”;

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in line 7, after “the” insert “NANCY K. KOPP”; and in line 8, after “a” insert “NANCY K. KOPP”.

On page 13, after line 4, insert:

“10-645.

(g) (2) The money deposited into the Baltimore City Public School Construction Financing Fund in accordance with this subsection shall be at least:

(i) \$4,000,000 by November 1, 2014;

(ii) an additional \$4,000,000 by May 1, 2015;

(iii) an additional \$4,000,000 by November 1, 2015;

(iv) an additional \$4,000,000 by May 1, 2016; and

(v) until the bonds are no longer outstanding and unpaid:

1. an additional [\$5,000,000] \$10,000,000 by each November 1; and

2. an additional [\$5,000,000] \$10,000,000 by each May 1.

(h) (2) Beginning on July 1, 2015, and continuing until the bonds that have been issued to finance improvements to Baltimore City public school facilities are no longer outstanding and unpaid, in addition to the amount withheld under paragraph (1) of this subsection, the State Comptroller shall withhold from any installment due the Baltimore City Board of School Commissioners from the General State School Fund and deposit into the Baltimore City Public School Construction Financing Fund the following amounts, to be paid in equal bi-monthly payments:

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(i) \$10,000,000 for fiscal year 2016; and

(ii) [\$20,000,000] **\$10,000,000** for fiscal year 2017 and each fiscal year thereafter.

10-649.

(g) (1) In accordance with § 9-1A-30 of the State Government Article, the Comptroller shall deposit a portion of the money in the Education Trust Fund into the Supplemental Public School Construction Financing Fund **FOR THE PROGRAM TO BE KNOWN AS THE BUILT TO LEARN PROGRAM.**

(2) The funds under paragraph (1) of this subsection shall be deposited in the following amounts:

(i) in fiscal year 2022 – \$30,000,000;

(ii) in fiscal year 2023 – \$60,000,000; and

(iii) in fiscal year 2024 and each fiscal year thereafter – \$125,000,000.

(3) The Comptroller shall deposit 50% of the funds under paragraph (2) of this subsection on or before November 1 each year and the other 50% on or before May 1 each year.”.

On page 14, after line 2, insert:

“125. the **NANCY K. KOPP** Public School Facilities Priority Fund;

Article – State Government

9–1A–30.

(a) In this section, “supplemental funding” means funding to:

(1) ensure access to public education that allows children in the State to compete in the global economy of the future;

(2) provide funding for high–quality early education programs;

(3) provide opportunities for public school students to participate in career and technical education programs that lead to an identified job skill or certificate;

(4) allow students to obtain college credit and degrees while in high school at no cost to the students;

(5) support the advancement and professionalization of educators in public education; and

(6) maintain, renovate, or construct public schools.

(b) There is an Education Trust Fund which is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(c) (1) There shall be credited to the Education Trust Fund all proceeds allocated to the Fund under § 9–1A–27 of this subtitle and all judgments paid to the Fund under § 11–210 of the Education Article.

(2) Money in the Education Trust Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

(Over)

(d) Money in the Education Trust Fund shall be used [to] FOR THE FOLLOWING PURPOSES, IN THE FOLLOWING ORDER OF PRIORITY:

(1) REQUIRED DEPOSITS UNDER § 10-649(G) OF THE ECONOMIC DEVELOPMENT ARTICLE INTO THE SUPPLEMENTAL PUBLIC SCHOOL CONSTRUCTION FINANCING FUND ESTABLISHED UNDER § 10-658 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

(2) [provide] REQUIRED funding for public elementary and secondary education, through continuation of the funding and formulas established under the programs commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter 288 of the Acts of the General Assembly of 2002, including the funding for regional differences in the cost of education under § 5-202(f) of the Education Article; and

[2] (3) [provide] supplemental funding for education and public schools.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Chapter 20 of the Acts of 2020**

[SECTION 8. AND BE IT FURTHER ENACTED, That Section(s) 5-317 and 5-324 of Article – Education of the Annotated Code of Maryland be repealed.]

[SECTION 11. AND BE IT FURTHER ENACTED, That, contingent on the consolidation of funding, on or before June 30, 2026, for the Aging Schools Program and the School Safety Grant Program into the Public School Facilities Priority Fund established in Section 6 of this Act, Section 8 of this Act shall take effect July 1, 2026.]”;

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in lines 3, 10, 17, 21, and 33, strike “2.”, “3.”, “4.”, “5.”, and “6.”, respectively, and substitute “3.”, “4.”, “5.”, “6.”, and “7.”, respectively; in line 13, strike “\$400,000,000” and substitute “\$450,000,000”; in line 14, after “construction” insert “in order to maintain a relatively stable number of funded projects in the Capital Improvement Program”; in line 31, strike the second “and”; and in line 32, after “pathways” insert “; and

(6) prekindergarten space.”.

On page 15, in lines 3 and 7, strike “7.” and “8.”, respectively, and substitute “8.” and “11.”, respectively; and after line 6, insert:

“SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Maryland Stadium Authority shall use \$10,000,000 of available funds held in reserve for Baltimore City from revenues deposited in the Baltimore City Public School Construction Facilities Fund in accordance with § 10–645(g) of the Economic Development Article to provide the local share of Baltimore City projects for the program to be known as the Built to Learn Program in accordance with § 10–649(g) of the Economic Development Article.

SECTION 10. AND BE IT FURTHER ENACTED, That the increases in the State share of a school construction project under § 5–303(k)(3) of the Education Article under Section 1 of this Act may not apply to the Capital Improvement Program for fiscal year 2023 but shall apply prospectively to any projects under the program to be known as the Built to Learn Program in accordance with § 10–649(g) of the Economic Development Article approved by the Interagency Commission on School Construction after the effective date of this Act.”.