

HOUSE BILL 458

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3lr1673
CF SB 360

By: **Delegates J. Lewis, B. Barnes, and Smith**

Introduced and read first time: January 30, 2023

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public School Construction – Grant Programs, Approvals, and Administration –**
3 **Alterations**

4 FOR the purpose of repealing the School Safety Grant Program and the Aging Schools
5 Program as of a certain date; altering provisions relating to school construction
6 approvals by the State Superintendent of Schools; establishing the Interagency
7 Commission on School Construction as an independent unit of State government;
8 providing a removal process for members of the Interagency Commission on School
9 Construction; repealing the requirement for the Board of Public Works to approve
10 grants awarded under the Capital Grant Program for Local School Systems With
11 Significant Enrollment Growth or Relocatable Classrooms; requiring the
12 Department of General Services to develop life cycle cost analysis standards in
13 coordination with the Interagency Commission on School Construction and the State
14 Department of Education; and generally relating to public school construction grant
15 programs, approvals, and administration.

16 BY repealing
17 Article – Education
18 Section 5–317 and 5–324
19 Annotated Code of Maryland
20 (2022 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article – Education
23 Section 2–303(f), 4–115(b), (c)(1)(i), (2), and (3), 5–302(b) and (f), 5–313(c), and
24 5–327(d)
25 Annotated Code of Maryland
26 (2022 Replacement Volume)

27 BY repealing and reenacting, without amendments,
28 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 4–115(a) and 5–302(a) and (c) through (e)
2 Annotated Code of Maryland
3 (2022 Replacement Volume)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 That Section(s) 5–317 and 5–324 of Article – Education of the Annotated Code of Maryland
6 be repealed.

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

9 **Article – Education**

10 2–303.

11 (f) (1) Subject to the bylaws, rules, and regulations of the State Board, and
12 except as provided in paragraph (5) of this subsection, the State Superintendent, **OR THE**
13 **STATE SUPERINTENDENT’S DESIGNEE**, shall approve or disapprove each:

14 (i) Proposal for the purchase or sale of any ground, school site, or
15 building;

16 (ii) Plan or specification for the remodeling of a school building if the
17 remodeling costs more than ~~[\$350,000]~~ **\$500,000**;

18 (iii) Plan or specification for the construction of a new school building;
19 and

20 (iv) Change order that costs more than ~~[\$25,000]~~ **\$50,000** for the
21 remodeling, restoration, or construction of a school building.

22 (2) If the State Superintendent, **OR THE STATE SUPERINTENDENT’S**
23 **DESIGNEE**, disapproves any plan, specification, proposal, or change order, ~~[he]~~ **THE**
24 **STATE SUPERINTENDENT, OR THE STATE SUPERINTENDENT’S DESIGNEE**, shall state
25 in writing the reasons for ~~[his]~~ **THE** disapproval.

26 (3) If the construction is to be done by a county board, the board may not
27 begin until the plans and specifications are approved in writing by the State
28 Superintendent, **OR THE STATE SUPERINTENDENT’S DESIGNEE**.

29 (4) If the construction is to be done by contract, the contract is invalid
30 without the written approval of the State Superintendent, **OR THE STATE**
31 **SUPERINTENDENT’S DESIGNEE**.

32 (5) For the purchase of any ground or school site under paragraph (1) of
33 this subsection, the county board shall submit the purchase to the State Superintendent,

1 **OR THE STATE SUPERINTENDENT’S DESIGNEE**, for approval or disapproval not more
2 than 3 years before the project is submitted to the Interagency Commission on School
3 Construction for local planning approval.

4 4–115.

5 (a) In this subtitle, “county council” means, in Baltimore City, the Mayor and City
6 Council of Baltimore.

7 (b) With the approval of the State Superintendent, **OR THE STATE**
8 **SUPERINTENDENT’S DESIGNEE**, each county board may:

9 (1) Buy or otherwise acquire land, school sites, or buildings; and

10 (2) Rent, repair, improve, and build school buildings or approve contracts
11 for doing so, if the plans conform to the bylaws, rules, and regulations of the State Board.

12 (c) (1) (i) Except as provided in this subsection, if, with the approval of the
13 State Superintendent, **OR THE STATE SUPERINTENDENT’S DESIGNEE**, a county board
14 finds that any land, school site, or building no longer is needed for school purposes, it shall
15 inform the county commissioners or county council of the county board’s determination
16 under this subparagraph.

17 (2) In Harford County, if, with the approval of the State Superintendent,
18 **OR THE STATE SUPERINTENDENT’S DESIGNEE**, the county board finds that any land,
19 school site, or building is no longer needed for school purposes, it shall be transferred by
20 the county board to Harford County, Maryland, and disposed of in accordance with this
21 section.

22 (3) With the approval of the State Superintendent, **OR THE STATE**
23 **SUPERINTENDENT’S DESIGNEE**, the Cecil County Board may transfer, with or without
24 charge, any of its property to the board of trustees of a public community college.

25 5–302.

26 (a) There is an Interagency Commission on School Construction.

27 (b) The Interagency Commission is an independent [commission that functions
28 within the Department] **UNIT OF STATE GOVERNMENT**.

29 (c) The purpose of the Interagency Commission is to develop and approve policies,
30 procedures, guidelines, and regulations on State school construction allocations to local
31 jurisdictions in an independent and merit-based manner.

32 (d) The Interagency Commission consists of the following members:

- 1 (1) The State Superintendent of Schools, or the Superintendent's designee;
- 2 (2) The Secretary of Planning, or the Secretary's designee;
- 3 (3) The Secretary of General Services, or the Secretary's designee;
- 4 (4) Two members of the public appointed by the Governor;
- 5 (5) Two members of the public appointed by the President of the Senate;
- 6 and
- 7 (6) Two members of the public appointed by the Speaker of the House.

8 (e) The Governor, President of the Senate, and Speaker of the House jointly shall
9 select the Chair of the Interagency Commission.

10 (f) (1) An appointed member of the Interagency Commission may not be:

11 [(1)] (I) An individual who is a regulated lobbyist as described in §
12 5-702(a)(1), (2), (3), or (4) of the General Provisions Article;

13 [(2)] (II) A federal, State, or local elected official;

14 [(3)] (III) An employee of State or county government or a county board of
15 education; or

16 [(4)] (IV) An individual who has a business interest in, or contracts related
17 to, school construction in any jurisdiction in the State.

18 (2) AN APPOINTED MEMBER OF THE INTERAGENCY COMMISSION
19 MAY BE REMOVED FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM
20 THE DUTIES OF THE POSITION BY:

21 (I) THE GOVERNOR, IF APPOINTED BY THE GOVERNOR;

22 (II) THE PRESIDENT OF THE SENATE, IF APPOINTED BY THE
23 PRESIDENT OF THE SENATE; OR

24 (III) THE SPEAKER OF THE HOUSE, IF APPOINTED BY THE
25 SPEAKER OF THE HOUSE.

26 5-313.

27 (c) (1) The Program shall be implemented and administered by the
28 Interagency Commission on School Construction in accordance with this section.

- 1 (2) Grants awarded by the Interagency Commission under the Program[:
2 (i) Shall] **SHALL** be matched by local funds equal to the required
3 local cost–share established in accordance with § 5–303(d)(3) of this subtitle[: and
4 (ii) Shall be approved by the Board of Public Works].

5 5–327.

6 (d) The Interagency Commission, in coordination with the Department **AND THE**
7 **DEPARTMENT OF GENERAL SERVICES**, shall develop life cycle cost analysis standards.

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
9 effect June 30, 2026.

10 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
11 3 of this Act, this Act shall take effect July 1, 2023.