

HB1390/533128/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1390
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**School Safety Grant Program – Extension**” and substitute “**Public School Construction – Funding and Administration**”; in line 3, after “of” insert “repealing the provision of law that established the intent of the General Assembly that a new Workgroup on the Assessment and Funding of School Facilities be formed on or before a certain date; repealing certain requirements for the Prince George’s County Board of Education relating to a certain public–private partnership agreement; altering certain fiscal years for distributions from the Prince George’s County Public–Private Partnership Fund;”; in line 4, after “date;” insert “altering the purpose of the Nancy K. Kopp Public School Facilities Priority Fund in certain fiscal years; decreasing the mandated appropriation to the Priority Fund; establishing the Workgroup on the Assessment and Funding of School Facilities; clarifying the intent of the General Assembly regarding funding for public school construction; requiring the Prince George’s County Board of Education to give priority to a certain project as the next major project in the capital improvement program of the Public School Construction Program;”; in lines 4 and 5, strike “the School Safety Grant Program” and substitute “public school construction funding and administration”; after line 5, insert:

“BY repealing

Chapter 32 of the Acts of the General Assembly of 2022
Section 3

BY repealing and reenacting, with amendments,

Article - Education
Section 4–126(e)(3)(ii), 4–126.1(c) and (e), 4–126.2(f), and 5–326
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)”;

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in line 8, after “Section” insert “4–126.2(a) and (b) and”; after line 10, insert:

“BY repealing and reenacting, with amendments,
Chapter 32 of the Acts of the General Assembly of 2022
Section 4”;

after line 16, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That Section 3 of Chapter 32 of the Acts of the General Assembly of 2022
be repealed.”;

and in lines 17 and 18, strike “SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That” and substitute “SECTION 2. AND BE IT FURTHER ENACTED, That”.

AMENDMENT NO. 2

On page 1, after line 19, 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:

1. Do not have to comply with the requirements under subparagraph (i)1 through 3 of this paragraph;

2. Shall comply with the requirements under subparagraph (i)4 through 8 of this paragraph; and

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:

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A. 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 § 2-303(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;

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

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; AND

H. SPECIFIES THAT THE GOVERNANCE STRUCTURE FOR THE PROGRAM IS THE PRINCE GEORGE'S COUNTY SUPERINTENDENT OF

(Over)

SCHOOLS, THE PRINCE GEORGE'S COUNTY EXECUTIVE, AND THE CHAIR OF THE PRINCE GEORGE'S COUNTY COUNCIL.

4-126.1.

(c) (1) This section applies only if[, on or before July 1, 2024,] the Prince George's County Board enters into a public-private partnership agreement with a private entity to enhance the delivery of public school construction in Prince George's County.

(2) (i) Subject to subparagraph (ii) of this paragraph, before entering into a public-private partnership agreement under paragraph (1) of this subsection, the public-private partnership agreement shall be reviewed by the Maryland Stadium Authority and approved by the Interagency Commission on School Construction.

(ii) The approval of the Interagency Commission on School Construction may not be unreasonably withheld or delayed as specified in the memorandum of understanding required under § 4-126 of this subtitle.

(e) In fiscal year [2026] 2025 and each fiscal year thereafter through not later than fiscal year 2055, if the Prince George's County Board and the private entity remain in the public-private partnership agreement described under subsection (c) of this section and the Prince George's County government [and the Prince George's County Board deposit] DEPOSITS the payment in the manner described under subsection (d)(3) of this section, the Interagency Commission on School Construction shall pay the Prince George's County Board from the Prince George's County Public-Private Partnership Fund established under § 4-126.2 of this subtitle for the payment required under the public-private partnership agreement.

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.

(f) The Fund consists of:

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(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.”.

On page 2, after line 25, insert:

“5–326.

(a) In this section, “Fund” means the Nancy K. Kopp Public School Facilities Priority Fund.

(b) There is a Nancy K. Kopp Public School Facilities Priority Fund.

(c) (1) Except as provided in paragraph (2) of this subsection, **BEGINNING IN FISCAL YEAR 2028**, the purpose of the Fund is to provide State funds to address the facility needs of the highest priority schools in the State as identified by the statewide facilities assessment completed by the Interagency Commission on School Construction under § 5–310(e) of this subtitle, with highest priority given to schools with a severe facility issue that required the school to be closed in the current school year or the previous school year.

(2) [If] **IN FISCAL YEAR 2027, OR IF** the statewide facilities assessment is not completed, the purpose of the Fund is to provide State funds to address the severity of issues in a school, including:

(i) Air conditioning;

(ii) Heating;

(iii) Indoor air quality;

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(iv) Mold remediation;

(v) Temperature regulation;

(vi) Plumbing, including the presence of lead in drinking water outlets in school buildings;

(vii) Windows; and

(viii) Any additional severe issues in the school that require the school to be closed.

(d) The Interagency Commission on School Construction shall administer the Fund.

(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.

(f) The Fund consists of:

(1) Money appropriated in the State budget to the Fund;

(2) Any interest earnings of the Fund; and

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

(g) The Fund may be used only for the purpose established under subsection (c) of this section.

(h) (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.

(i) In fiscal year 2027 and each fiscal year thereafter, the Governor shall appropriate in the annual State operating or capital budget bill at least **[\$80,000,000]** **\$70,000,000** to the Fund.

(j) Expenditures from the Fund may be made only in accordance with the State budget.

(k) Money expended from the Fund is supplemental to and is not intended to take the place of funding that otherwise would be appropriated in the annual State operating or capital budget bill to primary and secondary schools under this article.

Chapter 32 of the Acts of 2022

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) beginning in fiscal year 2023, within the current debt affordability guidelines, the State should provide at least \$450,000,000 each year for public school construction in order to maintain a relatively stable number of funded projects in the Capital Improvement Program; and

(2) the annual goal established under item (1) of this section:

(I) should be recalculated prior to the Public School Facilities Priority Fund being funded; AND

(II) DOES NOT INCLUDE FUNDING PROVIDED FOR PUBLIC SCHOOL CONSTRUCTION THROUGH THE BUILT TO LEARN PROGRAM.”;

and after line 31, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on the Assessment and Funding of School Facilities.

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(b) The Workgroup consists of the following members;

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the State Superintendent of School's designee;

(4) the State Treasurer, or the State Treasurer's designee;

(5) the Chair of the Interagency Commission on School Construction, or the Chair's designee;

(6) the Secretary of Budget and Management, or the Secretary's designee; and

(7) the Secretary of General Services, or the Secretary's designee.

(c) The President of the Senate and the Speaker of the House jointly shall appoint the chair of the Workgroup.

(d) The Department of Legislative Services, in consultation with the Interagency Commission on School Construction, shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

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(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) On or after June 1, 2025, the Workgroup shall:

(1) 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;

(2) determine whether the results should be incorporated into school construction funding decisions; and

(3) if the Workgroup determines that the assessment results should be incorporated into school construction funding decisions, determine how the assessment results should be incorporated into school construction funding.

(g) On or before January 1, 2026, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That the Prince George's County Board of Education shall give priority to High Point High School as the next major project as a priority in the capital improvement program of the Public School Construction Program after New Northern Adelphi Area High School."

On page 3, in line 1, strike "2." and substitute "5."; and in the same line, strike "July" and substitute "June".