

SENATE BILL 334

F1

EMERGENCY BILL

7lr0577
CF 7lr2654

By: **Senators Ferguson, Conway, Currie, Guzzone, McFadden, Nathan-Pulliam, Robinson, and Rosapepe**

Introduced and read first time: January 25, 2017

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Education – School Emergency Air-Conditioning Fund – Established**

3 FOR the purpose of establishing the School Emergency Air-Conditioning Fund as a special,
4 nonlapsing fund; specifying the purpose of the Fund; requiring the Interagency
5 Committee on School Construction to administer the Fund; requiring the State
6 Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying
7 the contents of the Fund; specifying the purpose for which the Fund may be used;
8 providing for the investment of money in and expenditures from the Fund; requiring
9 interest earnings of the Fund to be credited to the Fund; specifying that money
10 expended from the Fund is supplemental to certain other funds; requiring the
11 Governor to make a certain appropriation in certain fiscal years to the Fund;
12 requiring a certain priority order in which the Interagency Committee on School
13 Construction must allocate funds; requiring the Interagency Committee on School
14 Construction to establish certain application procedures; exempting the Fund from
15 a certain provision of law requiring interest earnings on State money to accrue to the
16 General Fund of the State; defining a certain term; making this Act an emergency
17 measure; and generally relating to the School Emergency Air-Conditioning Fund.

18 BY adding to

19 Article – Education

20 Section 5-314

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2016 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – State Finance and Procurement

25 Section 6-226(a)(2)(i)

26 Annotated Code of Maryland

27 (2015 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – State Finance and Procurement
3 Section 6–226(a)(2)(ii)94. and 95.
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2016 Supplement)

6 BY adding to
7 Article – State Finance and Procurement
8 Section 6–226(a)(2)(ii)96.
9 Annotated Code of Maryland
10 (2015 Replacement Volume and 2016 Supplement)

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

13 **Article – Education**

14 **5–314.**

15 (A) IN THIS SECTION, “FUND” MEANS THE SCHOOL EMERGENCY
16 AIR–CONDITIONING FUND.

17 (B) THERE IS A SCHOOL EMERGENCY AIR–CONDITIONING FUND.

18 (C) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO PUBLIC
19 PRIMARY AND SECONDARY SCHOOLS IN THE STATE TO INSTALL AIR CONDITIONING.

20 (D) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL
21 ADMINISTER THE FUND.

22 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
23 SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

24 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
25 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

26 (F) THE FUND CONSISTS OF:

27 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

28 (2) ANY INTEREST EARNINGS OF THE FUND; AND

29 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
30 THE BENEFIT OF THE FUND.

1 **(G) THE FUND MAY BE USED ONLY IN ACCORDANCE WITH SUBSECTION (K)**
2 **OF THIS SECTION.**

3 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
4 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

5 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
6 **THE FUND.**

7 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
8 **WITH THE STATE BUDGET.**

9 **(J) MONEY EXPENDED FROM THE FUND FOR EMERGENCY**
10 **AIR CONDITIONING UNDER THIS SECTION IS SUPPLEMENTAL TO AND IS NOT**
11 **INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**
12 **APPROPRIATED TO PRIMARY AND SECONDARY SCHOOLS UNDER THIS ARTICLE.**

13 **(K) (1) IN EACH OF FISCAL YEARS 2019 THROUGH 2022, THE GOVERNOR**
14 **SHALL APPROPRIATE AT LEAST \$7,500,000 TO THE FUND.**

15 **(2) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION**
16 **SHALL ALLOCATE THE FUNDS IN THE FOLLOWING PRIORITY:**

17 **(i) FOR THE INSTALLATION OF AIR CONDITIONING IN SCHOOL**
18 **BUILDINGS THAT, AS OF JULY 1, 2016, DID NOT HAVE ANY SOURCE OF**
19 **AIR CONDITIONING INCLUDING WINDOW UNITS;**

20 **(ii) FOR THE INSTALLATION OF CENTRAL AIR-CONDITIONING**
21 **SYSTEMS IN SCHOOL BUILDINGS THAT, AS OF JULY 1, 2016, DID NOT HAVE CENTRAL**
22 **AIR CONDITIONING BUT DID HAVE OTHER AIR CONDITIONING INCLUDING WINDOW**
23 **UNITS; AND**

24 **(iii) FOR THE REPLACEMENT OF AIR-CONDITIONING UNITS,**
25 **INCLUDING CENTRAL AND WINDOW UNITS, THAT HAVE REACHED THE END OF THE**
26 **EXPECTED LIFE-CYCLE OF THE EQUIPMENT.**

27 **(L) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL**
28 **ESTABLISH APPLICATION PROCEDURES FOR SCHOOL SYSTEMS TO REQUEST FUNDS**
29 **UNDER THIS SECTION.**

30 **Article – State Finance and Procurement**

1 (a) (2) (i) Notwithstanding any other provision of law, and unless
2 inconsistent with a federal law, grant agreement, or other federal requirement or with the
3 terms of a gift or settlement agreement, net interest on all State money allocated by the
4 State Treasurer under this section to special funds or accounts, and otherwise entitled to
5 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
6 Fund of the State.

7 (ii) The provisions of subparagraph (i) of this paragraph do not apply
8 to the following funds:

9 94. the Community Program Fund; [and]

10 95. the Maryland Corps Program Fund; AND

11 96. THE SCHOOL EMERGENCY AIR-CONDITIONING
12 FUND.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
14 measure, is necessary for the immediate preservation of the public health or safety, has
15 been passed by a ye and nay vote supported by three-fifths of all the members elected to
16 each of the two Houses of the General Assembly, and shall take effect from the date it is
17 enacted.