

HOUSE BILL 1290

F1

(2lr0385)

ENROLLED BILL

— Appropriations/Budget and Taxation —

Introduced by **Delegate McIntosh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Education – Public School Construction – Funding and Administration**

3 FOR the purpose of requiring the Interagency Commission on School Construction to take
4 certain actions relating to public school construction, including updating certain
5 regulations, increasing the State share of certain school construction project costs
6 under certain circumstances, inspecting certain systems and equipment during
7 inspections of school buildings, establishing certain processes for appeals and for
8 reporting certain information regarding school buildings, and including certain
9 information in the Integrated Master Facility Asset Library; prohibiting the
10 Interagency Commission, unless certain conditions are met, from taking certain
11 actions relating to public school construction, including making a certain deduction
12 when calculating a certain State construction allocation, using facility assessment
13 data, and making funding decisions based on facility assessment results; requiring
14 certain rights of the Interagency Commission to be specified in a certain
15 memorandum of understanding; requiring local education agencies to take certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



actions if a certain inspection requires the closure of a school building; renaming the Local Share of School Construction Costs Revolving Loan Fund to be the School Construction Revolving Loan Fund; altering the purpose and eligibility criteria of the School Construction Revolving Loan Fund; providing for the repayment of loans to the School Construction Revolving Loan Fund; altering and extending certain mandated appropriations to the School Construction Revolving Loan Fund, the Healthy School Facility Fund, and the Public School Facilities Priority Fund; renaming the Public School Facilities Priority Fund to be the Nancy K. Kopp Public School Facilities Priority Fund; authorizing a county to use a loan from the School Construction Revolving Loan Fund for a certain purpose; 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; declaring the intent of the General Assembly regarding funding for public school construction; requiring the Interagency Commission and the Maryland Department of Health to make a certain determination about food preparation equipment used in schools; and generally relating to the funding and administration of public school construction.

BY repealing and reenacting, with amendments,

Article – Education

Section 4–126(e)(3)(ii)3., 4–126.2, 5–303(d)(3) and (5) and (k), 5–310(b), (f), and (g), 5–315, 5–322(j)(1), and ~~5–326(i)~~ 5–326(a), (b), and (i)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 5–303(d)(4), 5–310(a), ~~5–322(a) and (b), and 5–326(a) and (b)~~ 5–317, and 5–322(a) and (b)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY adding to

Article – Education

Section 5–303(l) and 5–327

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

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)

BY repealing and reenacting, with amendments,

1 Article – Economic Development
 2 Section 10–645(g)(2) and (h)(2), 10–649(g), and 10–650(c)
 3 Annotated Code of Maryland
 4 (2018 Replacement Volume and 2021 Supplement)

5 BY repealing and reenacting, without amendments,
 6 Article – State Finance and Procurement
 7 Section 6–226(a)(2)(i)
 8 Annotated Code of Maryland
 9 (2021 Replacement Volume)

10 BY repealing and reenacting, with amendments,
 11 Article – State Finance and Procurement
 12 Section ~~6–226(a)(2)(i)~~ 101. and 125.
 13 Annotated Code of Maryland
 14 (2021 Replacement Volume)

15 BY repealing and reenacting, without amendments,
 16 Article – State Government
 17 Section 9–1A–30(a) through (c)
 18 Annotated Code of Maryland
 19 (2021 Replacement Volume)

20 BY repealing and reenacting, with amendments,
 21 Article – State Government
 22 Section 9–1A–30(d)
 23 Annotated Code of Maryland
 24 (2021 Replacement Volume)

25 BY repealing
 26 Chapter 20 of the Acts of the General Assembly of 2020
 27 Section 8 and 11

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

30 **Article – Education**

31 4–126.

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

35 3. If the project receives State funding for a yearly
 36 availability payment from the Supplemental Public School Construction Financing Fund
 37 under § 10–658 of the Economic Development Article, the project shall comply with a

1 four-party memorandum of understanding entered into and signed by the Prince George's
2 County Board, Prince George's County, the Maryland Stadium Authority, and the
3 Interagency Commission on School Construction that:

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

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

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

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

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

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

23 G. SPECIFIES THE ROLES OF THE INTERAGENCY
24 COMMISSION ON SCHOOL CONSTRUCTION, INCLUDING THE INTERAGENCY
25 COMMISSION'S RIGHTS RELATED TO:

26 I. APPROVAL OF THE PROJECT AGREEMENT;

27 II. APPROVAL OF SITE-SPECIFIC EDUCATIONAL
28 SPECIFICATIONS;

29 III. APPROVAL OF FINAL SITE SELECTIONS; AND

30 IV. THE ROLE OF THE GOVERNING BODY OF THE
31 PROGRAM.

32 4-126.2.

1 (a) In this section, “Fund” means the Prince George’s County Public–Private
2 Partnership Fund.

3 (b) There is a Prince George’s County Public–Private Partnership Fund.

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

8 (d) The Interagency Commission on School Construction shall administer the
9 Fund as described in the four–party memorandum of understanding entered into under §
10 4–126(e)(3)(ii) of this subtitle.

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

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

15 (f) The Fund consists of:

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

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

19 (3) Any investment earnings of the Fund; and

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

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

25 (2) If Prince George’s County receives State funding for an availability
26 payment under § 4–126.1 of this subtitle, the funding received under § 4–126.1 of this
27 subtitle may be used only to pay an availability payment to a private entity under the
28 public–private partnership agreement entered into and approved in accordance with §
29 4–126.1 of this subtitle.

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

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

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

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

8 5-303.

9 (d) (3) The regulations adopted by the Interagency Commission shall contain
10 provisions:

11 (i) Subject to subsection (k) of this section, establishing a State and
12 local cost-share formula for each county that identifies the factors used in establishing the
13 formulas and the actual State and local cost-share percentages by the formula for each
14 county;

15 (ii) Requiring local education agencies to adopt educational facilities
16 master plans and annual capital improvement programs;

17 (iii) **[Providing] SUBJECT TO SUBSECTION (L) OF THIS SECTION,**
18 **PROVIDING** a method for establishing a maximum State construction allocation for each
19 project approved for State funding;

20 (iv) Referencing the policies stated in § 5-7B-07 of the State Finance
21 and Procurement Article;

22 (v) Requiring local school systems to adopt procedures consistent
23 with the minority business enterprise policies of the State as required under the Code of
24 Maryland Regulations;

25 (vi) Establishing a process for appeal of Interagency Commission
26 decisions, **INCLUDING AN APPEAL PROCESS SPECIFICALLY FOR APPROVED**
27 **ENROLLMENT ~~PROJECTS~~ PROJECTIONS FOR INDIVIDUAL PROJECTS TO THE FULL**
28 **INTERAGENCY COMMISSION;**

29 (vii) Requiring local education agencies to adopt, implement, and
30 periodically update comprehensive maintenance plans and preventative maintenance
31 plans;

32 (viii) Authorizing the Interagency Commission to withhold State
33 public school construction funds from a local education agency that fails to comply with the
34 requirements of item (vii) of this paragraph;

1 (ix) Requiring the development and submission of long-range plans,
2 including a requirement for the annual submission of a 10-Year Educational Facilities
3 Master Plan; and

4 (x) Requiring the submission of an annual Capital Improvement
5 Program, which may only be required to include plans for specific projects and requests for
6 planning and construction projects for the upcoming fiscal year.

7 (4) In adopting any of these requirements, the State Board and the
8 Interagency Commission shall provide for the maximum exercise of initiative by school
9 personnel in each county to ensure that the school buildings and improvements meet both
10 the needs of the local communities and the rules and regulations necessary to ensure the
11 proper operation of this section and the prudent expenditure of State funds.

12 (5) The Interagency Commission shall [update]:

13 (I) **UPDATE** the regulations required under paragraph (3)(i) of this
14 subsection every 2 years; **AND**

15 (II) **WHEN UPDATING THE REGULATIONS IN ACCORDANCE WITH**
16 **ITEM (I) OF THIS PARAGRAPH, LIMIT THE PERCENTAGE DECREASE IN THE STATE**
17 **SHARE OF SCHOOL CONSTRUCTION COSTS TO NOT MORE THAN 5% FOR EACH**
18 **COUNTY.**

19 (k) (1) A county is eligible for an adjustment to the local cost-share for school
20 construction projects under paragraph (2) of this subsection if:

21 (i) A county's median household income is in the bottom quartile in
22 the State; and

23 (ii) The State and local cost-share formula for the county is 50%
24 State and 50% local.

25 (2) (i) The local cost-share of a school construction project in a county
26 that is eligible under paragraph (1) of this subsection shall be reduced to equal the local
27 cost-share of the adjacent county that is less than 50% but closest to 50%.

28 (ii) The State cost-share of a school construction project in the
29 eligible county shall be increased by a percentage that is equal to the reduction under
30 subparagraph (i) of this paragraph.

31 (3) **A COUNTY SHALL RECEIVE:**

32 (I) **A ~~10%~~ 10 PERCENTAGE POINT INCREASE IN THE STATE**
33 **SHARE OF A SCHOOL CONSTRUCTION PROJECT IF THE PROPOSED SCHOOL**

1 CONSTRUCTION PROJECT, WHEN A LOCAL SCHOOL SYSTEM SUBMITS A PROJECT
 2 FOR APPROVAL TO THE INTERAGENCY COMMISSION, IS AT A SCHOOL WITH A
 3 CONCENTRATION OF POVERTY LEVEL, AS DEFINED IN § 5-223 OF THIS TITLE, OF
 4 80% OR GREATER;

5 (II) A ~~5%~~ 5 PERCENTAGE POINT INCREASE IN THE STATE SHARE
 6 OF A SCHOOL CONSTRUCTION PROJECT IF THE PROPOSED SCHOOL CONSTRUCTION
 7 PROJECT, WHEN A LOCAL SCHOOL SYSTEM SUBMITS A PROJECT FOR APPROVAL TO
 8 THE INTERAGENCY COMMISSION, IS AT A SCHOOL WITH A CONCENTRATION OF
 9 POVERTY LEVEL, AS DEFINED IN § 5-223 OF THIS TITLE, OF LESS THAN 80% BUT
 10 GREATER THAN 55%;

11 (III) A ~~5%~~ 5 PERCENTAGE POINT INCREASE IN THE STATE SHARE
 12 OF A SCHOOL CONSTRUCTION PROJECT IF THE PROPOSED SCHOOL CONSTRUCTION
 13 PROJECT IS AT A SCHOOL THAT, IN THE MOST RECENT SCHOOL MAINTENANCE
 14 EFFECTIVENESS ASSESSMENT BY THE INTERAGENCY COMMISSION, RECEIVED AN
 15 ASSESSMENT RATING OF:

16 1. GOOD;

17 2. SUPERIOR; OR

18 3. ADEQUATE AND THE SCHOOL'S CURRENT SCHOOL
 19 FACILITY ASSESSMENT PERCENT OF EXPECTED USEFUL LIFE IS AT LEAST ~~100%~~
 20 120%; AND

21 (IV) A ~~5%~~ 5 PERCENTAGE POINT INCREASE IN THE STATE SHARE
 22 OF A SCHOOL CONSTRUCTION PROJECT IF THE PROPOSED PROJECT IS TO BUILD A
 23 NET-ZERO SCHOOL.

24 (L) THE INTERAGENCY COMMISSION MAY MAKE AN ELIGIBLE
 25 ENROLLMENT DEDUCTION FOR AN ADJACENT SCHOOL WHEN CALCULATING THE
 26 MAXIMUM STATE CONSTRUCTION ALLOCATION FOR A PROJECT APPROVED FOR
 27 STATE FUNDING UNDER SUBSECTION (D)(3)(II) OF THIS SECTION ONLY IF THE SUM
 28 OF AVAILABLE SEAT COUNT IN AN ADJACENT SCHOOL ALL ADJACENT SCHOOLS IS
 29 15% OR MORE OF THE ADJACENT PROJECT SCHOOL'S ENROLLMENT.

30 5-310.

31 (a) (1) In this section the following words have the meanings indicated.

32 (2) "Educational facilities sufficiency standards" means a uniform set of
 33 criteria and measures for evaluating the physical attributes and educational suitability of
 34 public elementary and secondary school facilities in the State.

1 5. **LEAD PAINT;**

2 6. **ASBESTOS;**

3 7. **KITCHEN SANITARY EQUIPMENT;**

4 8. **LIGHTING;**

5 9. **EMERGENCY COMMUNICATION SYSTEM, WITH**
6 **RESPECT TO REMAINING USEFUL LIFE;**

7 10. **HEALTH ROOM ATTRIBUTES;**

8 11. **SAFETY EQUIPMENT IN EACH LABORATORY SPACE;**

9 **AND**

10 12. **THE FUNCTIONALITY OF:**

11 A. **HEATING, VENTILATION, AND AIR-CONDITIONING**
12 **BUILDING SYSTEMS;**

13 B. **LIFE SAFETY BUILDING SYSTEMS;**

14 C. **ROOFS; AND**

15 D. **ANY ADDITIONAL CRITICAL BUILDING SYSTEMS**
16 **IDENTIFIED BY THE INTERAGENCY COMMISSION.**

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

23 (3) The Interagency Commission shall report to the Governor and the
24 General Assembly, on or before October 1 of each year, in accordance with § 2-1257 of the
25 State Government Article, on the results of the survey for the prior fiscal year.

26 (f) (1) Following the completion of the initial statewide facilities assessment,
27 the Interagency Commission shall develop standards and procedures to comprehensively
28 update the facilities assessment such that facility assessment data is not older than 4 years.

29 (2) Local education agencies shall:

1 (i) Cooperate with the Interagency Commission to update the
2 facility assessment; and

3 (ii) Contribute data as requested to update the assessment.

4 (3) (i) The Interagency Commission shall enter the facility assessment
5 data into an integrated data system, which shall be known as the Integrated Master
6 Facility Asset Library.

7 (ii) The Interagency Commission shall manage the Integrated
8 Master Facility Asset Library and shall provide access to the Library for all local education
9 agencies using a cloud-based system.

10 **(4) THE INTEGRATED MASTER FACILITY ASSET LIBRARY SHALL**
11 **INCLUDE PREVENTIVE MAINTENANCE SCHEDULES ACCESSIBLE TO EACH LOCAL**
12 **EDUCATION AGENCY.**

13 (g) (1) **(I)** [After completion of the initial facility assessment] **EXCEPT AS**
14 **PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** the Interagency Commission
15 [shall share the data results with the Workgroup on the Assessment and Funding of School
16 Facilities and, with the Workgroup, shall consider:

17 (i) How the relative condition of public school facilities within the
18 educational facilities sufficiency standards and the facility condition index should be
19 prioritized, taking into account local priorities and in consultation with local jurisdictions;
20 and

21 (ii) If determined to be appropriate, use of the assessment results in
22 funding decisions] **MAY NOT USE ANY FACILITY ASSESSMENT DATA UNTIL THE**
23 **INTERAGENCY COMMISSION ESTABLISHES THE INTEGRATED MASTER FACILITY**
24 **ASSET LIBRARY.**

25 **(II) AFTER THE INTERAGENCY COMMISSION HAS ESTABLISHED**
26 **THE INTEGRATED MASTER FACILITY ASSET LIBRARY, AND ON OR AFTER MAY 1,**
27 **2026, THE INTERAGENCY COMMISSION SHALL ADOPT REGULATIONS ESTABLISHING**
28 **THE USE OF THE FACILITY ASSESSMENT RESULTS IN ANNUAL SCHOOL**
29 **CONSTRUCTION FUNDING DECISIONS BEGINNING NOT SOONER THAN FISCAL YEAR**
30 **2027.**

31 (2) [During the consideration process under paragraph (1)(i) of this
32 subsection, the Interagency Commission and the Workgroup shall:

33 (i) Evaluate each school's facilities using the replacement value of a
34 modern system; and

1 (ii) Prioritize building systems that are furthest beyond the useful
2 life of the system] **BEFORE THE INTEGRATED MASTER FACILITY ASSET LIBRARY IS**
3 **ESTABLISHED, THE INTERAGENCY COMMISSION MAY USE FACILITY ASSESSMENT**
4 **DATA TO:**

5 (I) **PROVIDE CONTEXT TO PROGRAMS THE INTERAGENCY**
6 **COMMISSION ADMINISTERS;**

7 (II) **WORK WITH LOCAL EDUCATION AGENCIES;**

8 (III) **FULFILL LEGISLATIVE REQUESTS;**

9 (IV) **COMPLETE ANY INTERAGENCY COMMISSION ANALYSIS OR**
10 **REPORT; AND**

11 (V) **ASSIST WITH ANY EXTERNAL REPORTS.**

12 [(3) Based on the recommendations of the Workgroup on the Assessment
13 and Funding of School Facilities, and not before May 1, 2022, for use in funding decisions
14 beginning no sooner than fiscal year 2023, the Interagency Commission shall adopt
15 regulations establishing the use of the facility assessment results in annual school
16 construction funding decisions.]

17 5–315.

18 (a) In this section, “Fund” means the [Local Share of School Construction Costs
19 Revolving Loan] **SCHOOL CONSTRUCTION REVOLVING LOAN** Fund.

20 (b) There is a [Local Share of School Construction Costs Revolving Loan]
21 **SCHOOL CONSTRUCTION REVOLVING LOAN** Fund.

22 (c) The purpose of the Fund is to provide loans to local governments to forward
23 fund the **STATE OR** local share of school construction costs for local education agencies that
24 rely on the **STATE OR** local share to be fully funded in order to complete a project.

25 (d) The Interagency Commission shall administer the Fund.

26 (e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
27 the State Finance and Procurement Article that shall be available in perpetuity for the
28 purpose of providing loans in accordance with the provisions of this section.

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

1 (f) The Fund consists of:

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

3 (2) Any interest earnings of the Fund;

4 (3) Repayments of principal and interest from loans made from the Fund;

5 and

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

8 (g) The Fund may be used only to provide low- or no-interest loans to local
9 governments.

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

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

13 (i) Money expended from the Fund is supplemental to and is not intended to take
14 the place of funding that otherwise would be appropriated to local governments for school
15 construction.

16 (j) (1) Subject to paragraph (2) of this subsection, the Interagency
17 Commission shall establish application procedures and eligibility criteria for loans from the
18 Fund.

19 (2) The eligibility criteria shall include that a local ~~government is~~
20 ~~SCHOOL SYSTEM:~~

21 (i) [In] **IS IN** need of a loan to forward fund the **STATE OR** local
22 share of school construction costs in order to complete a project; [and]

23 (ii) [Able] **IS ABLE** to demonstrate the ability to repay the loan if
24 required at a later date; **AND**

25 **(III) HAS RECEIVED PLANNING APPROVAL FOR THE PROJECT**
26 **FROM THE INTERAGENCY COMMISSION.**

27 **(3) THE INTERAGENCY COMMISSION SHALL GIVE PRIORITY IN**
28 **AWARDING LOANS FROM THE FUND TO COUNTIES THAT HAVE:**

29 **(I) NOT ADVANCED CONSTRUCTION FUNDING FOR PROJECTS**
30 **IN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM THAT THE INTERAGENCY**
31 **COMMISSION HAS APPROVED FOR PLANNING; AND**

1 (II) LIMITED DEBT CAPACITY.

2 (K) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
3 COUNTY SHALL REPAY A LOAN FROM THE FUND NOT LESS THAN 5 YEARS AFTER
4 RECEIVING THE LOAN FROM THE FUND.

5 (2) THE INTERAGENCY COMMISSION MAY ESTABLISH A PROCEDURE
6 FOR A WAIVER FROM THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS
7 SUBSECTION.

8 (L) (1) IN FISCAL YEAR 2023, THE GOVERNOR SHALL INCLUDE IN THE
9 ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST ~~\$50,000,000~~ \$40,000,000
10 TO THE FUND.

11 (2) IN FISCAL YEAR 2024, THE GOVERNOR SHALL INCLUDE IN THE
12 ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$20,000,000 TO THE FUND.

13 (3) IN EACH OF FISCAL YEARS 2025 AND 2026, THE GOVERNOR SHALL
14 INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST
15 \$10,000,000 TO THE FUND.

16 5-317.

17 (a) In this section, "Program" means the School Safety Grant Program.

18 (b) (1) There is a School Safety Grant Program.

19 (2) The purpose of the Program is to provide grants to county boards for
20 school security improvements, including:

21 (i) Secure and lockable classroom doors for each classroom in the
22 school;

23 (ii) An area of safe refuge in each classroom in the school; and

24 (iii) Surveillance and other security technology for school monitoring
25 purposes.

26 (c) The Program shall be implemented and administered by the Interagency
27 Commission, in consultation with the Maryland Center for School Safety.

28 (d) The Interagency Commission shall:

1 (1) Provide grants to county boards for public school security
2 improvements;

3 (2) Develop a procedure for a county board to apply for a grant under the
4 Program; and

5 (3) Develop eligibility requirements for a county board to receive a grant
6 under the Program.

7 (e) In addition to the annual amount otherwise provided in the capital
8 improvement program of the Public School Construction Program, the Governor shall
9 provide an additional \$10,000,000 in the annual operating or capital budget bill that may
10 be used only to award grants under the Program.

11 (f) The State funding provided under the Program is supplemental to and is not
12 intended to take the place of funding that would otherwise be appropriated for public school
13 construction purposes to a county board from any other source.

14 (g) The Interagency Commission shall adopt regulations necessary to implement
15 this section.

16 5-322.

17 (a) In this section, "Fund" means the Healthy School Facility Fund.

18 (b) There is a Healthy School Facility Fund.

19 (j) (1) (i) In each of fiscal years 2020 through 2022, the Governor shall
20 appropriate at least \$30,000,000 to the Fund.

21 (ii) ~~In each of fiscal years~~ **FISCAL YEAR 2023 [and 2024] THROUGH**
22 **2026**, the Governor shall appropriate at least \$40,000,000 to the Fund.

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

25 ~~(iii)~~ **(IV)** For each of fiscal years 2021 through [2024] **2026**, 50% of
26 the funds appropriated under subparagraphs (i) and (ii) of this paragraph shall be awarded
27 to public schools in Baltimore City.

28 5-324.

29 (a) Repealed.

30 (b) Repealed.

1 (c) Repealed.

2 (d) Repealed.

3 (e) Repealed.

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

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

11 (i) Allegany County..... \$97,791;

12 (ii) Anne Arundel County \$506,038;

13 (iii) Baltimore City..... \$1,387,924;

14 (iv) Baltimore County..... \$874,227;

15 (v) Calvert County..... \$38,292;

16 (vi) Caroline County \$50,074;

17 (vii) Carroll County \$137,261;

18 (viii) Cecil County..... \$96,024;

19 (ix) Charles County \$50,074;

20 (x) Dorchester County \$38,292;

21 (xi) Frederick County \$182,622;

22 (xii) Garrett County..... \$38,292;

23 (xiii) Harford County \$217,379;

24 (xiv) Howard County \$87,776;

25 (xv) Kent County \$38,292;

26 (xvi) Montgomery County \$602,651;

- 1 (xvii) Prince George’s County..... \$1,209,426;
- 2 (xviii) Queen Anne’s County \$50,074;
- 3 (xix) St. Mary’s County \$50,074;
- 4 (xx) Somerset County..... \$38,292;
- 5 (xxi) Talbot County..... \$38,292;
- 6 (xxii) Washington County \$134,904;
- 7 (xxiii) Wicomico County..... \$106,627; and
- 8 (xxiv) Worcester County..... \$38,292.

9 5–326.

10 (a) In this section, “Fund” means the NANCY K. KOPP Public School Facilities
11 Priority Fund.

12 (b) There is a NANCY K. KOPP Public School Facilities Priority Fund.

13 (i) [(1) In fiscal years 2025 and 2026, the Governor shall appropriate in the
14 annual State operating or capital budget bill at least \$40,000,000 to the Fund.

15 (2) In fiscal year 2027 and each fiscal year thereafter, the Governor shall
16 appropriate in the annual State operating or capital budget bill at least \$80,000,000 to the
17 Fund.

18 **5–327.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) “BASELINE TOTAL COST OF OWNERSHIP” MEANS THE TYPICAL
22 TOTAL COST OF OWNERSHIP OF A NEW SCHOOL BUILDING OR A SCHOOL FACILITY
23 RENEWAL, AS CALCULATED BY THE INTERAGENCY COMMISSION.

24 (3) “ESTIMATED TOTAL COST OF OWNERSHIP” MEANS THE TOTAL
25 COST OF OWNERSHIP OF A NEW SCHOOL BUILDING OR A SCHOOL FACILITY RENEWAL
26 AND THE CONCOMITANT ANALYSIS AS ESTIMATED BY A LOCAL EDUCATION AGENCY
27 BEFORE THE CONSTRUCTION OF A NEW SCHOOL BUILDING OR A SCHOOL FACILITY
28 RENEWAL BEGINS.

1 (4) (I) “PROJECTED ACTUAL TOTAL COST OF OWNERSHIP AS
2 CONSTRUCTED” MEANS THE TOTAL COST OF OWNERSHIP OF A NEW SCHOOL
3 BUILDING OR A SCHOOL FACILITY RENEWAL AND THE CONCOMITANT ANALYSIS AS
4 CALCULATED BY A LOCAL EDUCATION AGENCY AFTER THE CONSTRUCTION OF THE
5 NEW SCHOOL BUILDING OR THE SCHOOL FACILITY RENEWAL IS COMPLETE.

6 (II) “PROJECTED ACTUAL TOTAL COST OF OWNERSHIP AS
7 CONSTRUCTED” INCLUDES THE SUM OF:

8 1. THE ACTUAL COSTS OF CONSTRUCTION AND
9 OPERATION OF THE NEW SCHOOL BUILDING OR THE SCHOOL FACILITY RENEWAL AS
10 OF THE DATE OF THE CALCULATION; AND

11 2. AN ESTIMATION OF FUTURE COSTS.

12 (5) “SCHOOL FACILITY RENEWAL” MEANS A CAPITAL IMPROVEMENT
13 PROJECT FOR AN EXISTING SCHOOL THAT, ON COMPLETION:

14 (I) WILL REDUCE THE SCHOOL’S FACILITY CONDITION INDEX,
15 AS DEFINED IN § 5–310 OF THIS SUBTITLE, TO 0.15 OR LOWER; AND

16 (II) RESULTS IN A LIKE-NEW OPERATIONAL CONDITION FOR
17 THE SCHOOL.

18 (6) “STATE SHARE PERCENTAGE” MEANS THE PERCENTAGE OF
19 ELIGIBLE COSTS, AS DEFINED IN REGULATIONS ADOPTED IN ACCORDANCE WITH §
20 5–303 OF THIS SUBTITLE, FOR THE CONSTRUCTION OF A NEW SCHOOL BUILDING OR
21 A SCHOOL FACILITY RENEWAL PAID FOR BY THE STATE.

22 (B) IF A PROJECT FOR THE CONSTRUCTION OF A NEW SCHOOL BUILDING OR
23 A SCHOOL FACILITY RENEWAL HAS AN ESTIMATED TOTAL COST OF OWNERSHIP THAT
24 IS AT LEAST 15% LESS THAN THE BASELINE TOTAL COST OF OWNERSHIP, THE
25 COUNTY SHALL RECEIVE A ~~5%~~ 5 PERCENTAGE POINT INCREASE IN THE STATE
26 SHARE PERCENTAGE FOR THAT PROJECT.

27 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A PROJECT
28 HAS A PROJECTED ACTUAL TOTAL COST OF OWNERSHIP AS CONSTRUCTED THAT IS
29 NOT AT LEAST 15% LESS THAN THE BASELINE TOTAL COST OF OWNERSHIP, THE
30 COUNTY THAT RECEIVED A ~~5%~~ 5 PERCENTAGE POINT INCREASE IN THE STATE
31 SHARE PERCENTAGE FOR THAT PROJECT SHALL REPAY THAT AMOUNT TO THE
32 INTERAGENCY COMMISSION.

33 (2) THE INTERAGENCY COMMISSION SHALL ESTABLISH A PROCESS
34 FOR A COUNTY TO REPAY THE INTERAGENCY COMMISSION THE AMOUNT OF THE 5%

1 INCREASE IN THE STATE SHARE PERCENTAGE OF A PROJECT THAT MET THE
2 REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION, IF APPROXIMATELY 12
3 TO 17 MONTHS AFTER THE DATE ON WHICH CONSTRUCTION IS COMPLETE AND THE
4 LOCAL EDUCATION AGENCY BEGINS USING THE BUILDING OR RENEWAL FOR ITS
5 INTENDED PURPOSE, THE PROJECTED ACTUAL TOTAL COST OF OWNERSHIP AS
6 CONSTRUCTED IS NOT AT LEAST 15% LESS THAN THE BASELINE TOTAL COST OF
7 OWNERSHIP.

8 (D) THE INTERAGENCY COMMISSION, IN COORDINATION WITH THE
9 DEPARTMENT, SHALL DEVELOP LIFE CYCLE COST ANALYSIS STANDARDS.

10 (E) THE INTERAGENCY COMMISSION SHALL ADOPT REGULATIONS TO
11 CARRY OUT THIS SECTION.

12 Article – Economic Development

13 10-645.

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

- 16 (i) \$4,000,000 by November 1, 2014;
17 (ii) an additional \$4,000,000 by May 1, 2015;
18 (iii) an additional \$4,000,000 by November 1, 2015;
19 (iv) an additional \$4,000,000 by May 1, 2016; and
20 (v) until the bonds are no longer outstanding and unpaid:
21 1. an additional [\$5,000,000] \$10,000,000 by each November
22 1; and
23 2. an additional [\$5,000,000] \$10,000,000 by each May 1.

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

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

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

3 10-649.

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

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

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

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

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

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

16 10-650.

17 (c) (1) Except as otherwise provided in paragraphs (2) [and (3)] **THROUGH (4)**
18 of this subsection, the allocation of bond proceeds authorized in § 10-628 of this subtitle
19 represents the State share of eligible public school construction or capital improvement
20 costs as established by regulation in accordance with § 5-303 of the Education Article,
21 which shall include architectural, engineering, consulting, and other planning costs as
22 eligible costs.

23 (2) For a county that receives the minimum State share of eligible school
24 construction costs and has advanced construction funding for projects in the Public School
25 Construction Program that the Interagency Commission on School Construction has
26 approved for planning, the State share of eligible costs for the allocation of bond proceeds
27 authorized in § 10-628 of this subtitle shall include 150% of the applicable gross area
28 baseline in gross square foot per student for each project.

29 (3) In Baltimore City, the bond proceeds authorized under § 10-628 of this
30 subtitle may be used for furniture, fixtures, equipment, design, and the staff necessary to
31 manage the school construction projects.

32 (4) **A COUNTY MAY USE A LOAN FROM THE SCHOOL CONSTRUCTION**
33 **REVOLVING LOAN FUND ESTABLISHED UNDER § 5-315 OF THE EDUCATION**

1 **ARTICLE TO REPRESENT THE STATE OR LOCAL SHARE OF ELIGIBLE PUBLIC SCHOOL**
 2 **CONSTRUCTION OR CAPITAL IMPROVEMENT COSTS.**

3 **Article – State Finance and Procurement**

4 6–226.

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

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

13 101. the [Local Share of School Construction Costs Revolving
 14 Loan] **SCHOOL CONSTRUCTION REVOLVING LOAN** Fund;

15 125. the NANCY K. KOPP Public School Facilities Priority
 16 Fund;

17 **Article – State Government**

18 9–1A–30.

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

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

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

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

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

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

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

1 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That it is the intent of the
2 General Assembly that:

3 (1) beginning in fiscal year 2023, within the current debt affordability
4 guidelines, the State should provide at least ~~\$400,000,000~~ \$450,000,000 each year for public
5 school construction in order to maintain a relatively stable number of funded projects in
6 the Capital Improvement Program; and

7 (2) the annual goal established under item (1) of this section should be
8 recalculated prior to the Public School Facilities Priority Fund being funded.

9 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That the Interagency
10 Commission on School Construction shall update the State and local cost–share formula:

11 (1) for fiscal years 2025 and 2026, to align with the changes Chapter 36 of
12 the Acts of the General Assembly of 2021 made to the Foundation Program and the
13 Guaranteed Tax Base Program; and

14 (2) to apply the adjustments to the State and local cost–share formula
15 required under § 5–303(k)(3) of the Education Article under Section 1 of this Act to the
16 annual capital improvement program of the Public School Construction Program, healthy
17 school facilities under § 5–322 of the Education Article, and supplemental public school
18 construction under Title 10, Subtitle 6 of the Economic Development Article.

19 SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That, on or before October 1,
20 2023, the Interagency Commission on School Construction shall update the baseline gross
21 square footage per student for the Gross Area Baselines calculation to align with the
22 standards and requirements in Chapter 36 of the Acts of the General Assembly of 2021,
23 including:

24 (1) instructional space for English–language learners;

25 (2) community schools and schools eligible for Concentration of Poverty
26 grants;

27 (3) collaborative planning spaces for teachers, taking into consideration
28 that there will be more teachers in schools as additional collaborative time during the
29 school day is phased in;

30 (4) break–out space for more one–on–one and small group instruction; ~~and~~

31 (5) career and technical education pathways; and

32 (6) prekindergarten space.

1 SECTION ~~6~~ 7. AND BE IT FURTHER ENACTED, That the Interagency
 2 Commission on School Construction and the Maryland Department of Health shall
 3 determine the minimum equipment needed in each school for food preparation, to be used
 4 by the Interagency Commission on School Construction for surveys of school buildings
 5 under § 5–310(b) of the Education Article, as enacted by Section 1 of this Act.

6 SECTION ~~7~~ 8. AND BE IT FURTHER ENACTED, That it is the intent of the
 7 General Assembly for the Interagency Commission on School Construction to work with
 8 the Department of Legislative Services to verify survey data completed under § 5–310 of
 9 the Education Article, as enacted by Section 1 of this Act, through at least July 1, 2025.

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

17 SECTION 10. AND BE IT FURTHER ENACTED, That the increases in the State
 18 share of a school construction project under § 5–303(k)(3) of the Education Article under
 19 Section 1 of this Act may not apply to the Capital Improvement Program for fiscal year
 20 2023 but shall apply prospectively to any projects *any school construction project approved*
 21 for State funding prior to the effective date of this Act and may not apply to any school
 22 construction project funded with proceeds from bonds issued prior to April 1, 2022, under
 23 the program to be known as the Built to Learn Program in accordance with § 10–649(g) of
 24 the Economic Development Article approved by the Interagency Commission on School
 25 Construction after the effective date of this Act.

26 SECTION ~~8~~ 11. AND BE IT FURTHER ENACTED, That this Act shall take effect
 27 July 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.