

HOUSE BILL 888

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2lr2334

By: **Delegate McKay**

Introduced and read first time: February 7, 2022

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public School Construction – State Share of Eligible Costs – Regional School**

3 FOR the purpose of requiring the State to increase the percentage of eligible costs paid for
4 by the State by a certain number of percentage points for certain public school
5 construction or renovation projects, facility renewal, systemic renovation, or other
6 capital improvements for school facilities that are attended by students from a
7 certain number of school systems; and generally relating to the State share of eligible
8 costs for public school construction.

9 BY repealing and reenacting, without amendments,
10 Article – Education
11 Section 5–303(a)(1), (2)(i), (3), and (4)
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 5–303(c)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2021 Supplement)

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

21 **Article – Education**

22 5–303.

23 (a) (1) (i) The Interagency Commission shall define by regulation what
24 constitutes an eligible and ineligible public school construction or capital improvement cost.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Except as provided in paragraph (4) of this subsection, in order
2 for the cost of an item or a system funded with the proceeds of general obligation bonds to
3 be considered an eligible cost, it must have a median useful life of at least 15 years.

4 (2) (i) The Interagency Commission shall include modular construction
5 as an approved public school construction or capital cost.

6 (3) The cost of acquiring land may not be considered a construction or
7 capital improvement cost and may not be paid by the State.

8 (4) The Interagency Commission shall adopt regulations for the Public
9 School Construction Program that:

10 (i) Include architectural, engineering, consulting, and other
11 planning costs as eligible public school construction or capital improvement costs for a
12 project or improvement that has received local planning approval from the Interagency
13 Commission; and

14 (ii) Define eligibility for all furniture, fixtures, and equipment with
15 a median useful life of at least 15 years.

16 (c) (1) The State shall pay the costs in excess of available federal funds of the
17 State share of public school construction projects and public school capital improvements
18 in each county if:

19 [(1)] (I) The projects or improvements have been approved by the
20 Interagency Commission; and

21 [(2)] (II) Contracts have been executed on or after July 1, 1971 for the
22 projects or improvements.

23 (2) **IF A PUBLIC SCHOOL CONSTRUCTION OR RENOVATION PROJECT,
24 FACILITY RENEWAL, SYSTEMIC RENOVATION, OR OTHER CAPITAL IMPROVEMENT IS
25 PROPOSED FOR A SCHOOL FACILITY THAT IS ATTENDED BY STUDENTS FROM TWO OR
26 MORE SCHOOL SYSTEMS, THE STATE SHALL INCREASE THE PERCENTAGE OF
27 ELIGIBLE COSTS PAID BY THE STATE FOR THE PROJECT OR IMPROVEMENT BY 20
28 PERCENTAGE POINTS.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2022.