

Chapter 280 of the Acts of 2001, as amended by Chapter 288 of the Acts of 2002 and Chapter 388 of the Acts of 2003

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, notwithstanding any other provision of law, UNLESS REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS REQUIRE THE STATE TO PROVIDE A LARGER PERCENTAGE, for fiscal years 2002 through 2005, in each year, the State shall provide 90 percent of the eligible costs for up to and including \$20 million in public school construction projects in Baltimore City, and for funding above \$20 million, the State shall provide 75 percent of the eligible costs.

SECTION 7. AND BE IT FURTHER ENACTED, That, on or before July 1, 2005, at the request of the Interagency Committee on School Construction, the Board of Public Works shall adopt regulations, in accordance with Title 10, Subtitle 1 of the State Government Article, to implement the provisions of this Act and that:

(1) reduce the State rated classroom capacity for elementary grades 1 to 5 to 23 students per classroom;

(2) establish a planning priority process to evaluate requests for State planning approval in the annual Capital Improvement Programs of local education agencies;

(3) develop design guidelines and provide financial incentives, such as supplemental design funds or additional construction funding, for school construction projects that use innovative building techniques or include energy conservation, sustainable building, or green architecture design features; and

(4) establish a new State and local cost-share formula for each county for use beginning in fiscal year 2006, consistent with the recommendations contained in the Report of the Task Force to Study Public School Facilities, issued in February 2004 provided that:

(i) pay-as-you-go funding provided by a county shall be included in the local debt calculation used to determine the State share; and

(ii) the new State and local cost-share formula adopted under this section shall ensure that during fiscal year 2006 through fiscal year 2008, no county has a State share that is less than the county's State share in fiscal year 2005.

SECTION 8. AND BE IT FURTHER ENACTED, That the State Department of Education shall adopt regulations that provide for periodic surveys of the condition of public school facilities in Maryland at least every 4 years. The surveys should be similar to the Facility Assessment Survey that the State Department conducted, at the direction of the Task Force to Study Public School Facilities, in 2003. The State shall provide funds necessary to conduct the survey.

SECTION 9. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Board of Public Works and the Interagency Committee on School Construction establish an emergency repair fund to finance renovations and improvements to public schools that resolve deficiencies that present an immediate hazard to the health or safety of the students or staff of the schools, as certified by