

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 385

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM;
2 AMENDING SECTION 33-909, IDAHO CODE, TO PROVIDE FOR MODIFICATIONS TO
3 A PLAN, TO ESTABLISH PROVISIONS RELATING TO THE STATE FIRE MARSHAL,
4 TO PROVIDE THAT A DISTRICT'S SHARE OF COSTS SHALL BE BASED UPON ACTUAL
5 FUNDS EXPENDED AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN
6 EMERGENCY.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 33-909, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 33-909. PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM -- FUND
12 CREATED. (1) In fulfillment of the constitutional requirement to provide a
13 general, uniform and thorough system of public, free common schools, it is
14 the intent of the state of Idaho to advance its responsibility for providing
15 a safe environment conducive to learning by providing a public school facil-
16 ities funding program to enable qualifying school districts to address un-
17 safe facilities identified as unsafe under the standards of the Idaho uni-
18 form school building safety act.

19 (2) Participation in the program, for the purpose of obtaining state
20 financial support to abate identified school building safety hazards, re-
21 quires submission of an application to the public school facilities coopera-
22 tive funding program panel. Application can be made by:

23 (a) Any school district that has failed to approve at least one (1) or
24 more bond levies for the repair, renovation or replacement of existing
25 unsafe facilities, within the two (2) year period immediately preceding
26 submission of the application; or

27 (b) The administrator of the division of building safety, for a school
28 district that has failed to address identified unsafe facilities as
29 provided in chapter 80, title 39, Idaho Code.

30 (3) There is hereby created within the office of the state board of
31 education the Idaho public school facilities cooperative funding program
32 panel, hereafter referred to as the panel. The panel shall consist of the
33 administrator of the division of building safety, the administrator of the
34 division of public works and the executive director of the state board of
35 education, or a designee appointed by a panel member. It shall be the duty
36 of the panel to consider all applications made to it, and to approve, modify
37 or reject an application based ~~on~~ upon the most economical solution to the
38 problem, as analyzed within a projected twenty (20) year time frame.

39 (4) The application shall contain the following information:

40 (a) The identified school building safety hazards and such other infor-
41 mation necessary to document the deficiencies;

1 (b) The school district's plan for abating the defects, including costs
2 and sources and amounts of revenue available to the school district;

3 (c) The market value for assessment purposes of the school district;
4 and

5 (d) A detailed accounting of all bond and plant facility levies of the
6 school district and the revenues raised by such levies.

7 For applications initiated by the administrator of the division of building
8 safety pursuant to subsection (2) (b) of this section, the school district
9 shall provide the information required in this subsection ~~(4)~~ if such infor-
10 mation is not available to the administrator.

11 (5) (a) If the panel determines that it requires additional plans and
12 information, it may authorize the expenditure of up to one hundred fifty
13 thousand dollars (\$150,000) per application from the public school fa-
14 cilities cooperative fund for the procurement thereof. In considering
15 an application, the panel shall determine whether the plan as proposed
16 is acceptable, or is acceptable with modifications as determined by
17 the panel, or should be rejected. If the application is approved or
18 approved with modifications, any expenditures authorized by the panel
19 pursuant to this subsection shall be added to the project. The panel
20 shall notify the applicant of its decision, in writing, within ninety
21 (90) days of receiving the application. At the same time the panel no-
22 tifies the applicant, the panel shall send notification of an approved
23 application or a modified application to the state board of education,
24 along with the panel's specifications for the project and its cost.

25 (b) The panel may, upon the recommendation of the district supervisor,
26 authorize modifications to the approved plan at any time prior to the
27 completion of the project, giving consideration to the interests of the
28 school district, the students and the electors in its determination.
29 Such modification may alter the scope of work or terminate the approved
30 plan. All modifications must meet the standards as outlined in this
31 section.

32 (6) If an application received from a school district is accepted or
33 modified by the panel, the local board of trustees of that school district,
34 at the next election held pursuant to section 34-106, Idaho Code, shall sub-
35 mit the question to the qualified electors of the school district of whether
36 to approve a bond in the amount of the cost of the project as approved by the
37 panel.

38 (7) Within thirty-five (35) calendar days of receiving notification
39 from the panel that an application submitted by the administrator of the di-
40 vision of building safety pursuant to subsection (2) (b) of this section has
41 been approved or modified by the panel, or within thirty-five (35) calendar
42 days of receiving certification from the panel that the question submitted
43 to the electorate pursuant to subsection (6) of this section was not approved
44 in the election, the state board of education shall appoint a district su-
45 pervisor for interim state supervision of the local school district. The
46 district supervisor shall be responsible for ensuring that the project, as
47 approved by the panel, is completed and shall regularly report to the panel
48 in a manner as determined by the panel upon approval of the project. The dis-
49 trict supervisor shall also have the authority granted to said position by
50 the provisions of section 6-2212, Idaho Code. A district supervisor's term

1 of service shall continue for the duration of the project, and such person
2 appointed as a district supervisor shall serve at the pleasure of the state
3 board of education.

4 (8) The abatement of unsafe public school facilities through the pub-
5 lic school facilities cooperative funding program shall be performed exclu-
6 sively in accordance with the regular permitting, plan review and inspec-
7 tion requirements of the division of building safety. The state fire marshal
8 shall have exclusive authority to perform the powers and duties prescribed
9 in section 41-254, Idaho Code, for such facilities while the unsafe condi-
10 tion is being abated and under the jurisdiction of the panel-appointed dis-
11 trict supervisor. The Idaho building code board shall function as a board
12 of appeals for the division of building safety for such construction in ac-
13 cordance with the provisions of section 39-4107, Idaho Code. Upon success-
14 ful completion of the construction in accordance with applicable building
15 codes, a certificate of occupancy shall be issued by the administrator of the
16 division of building safety. Upon issuance of a certificate of occupancy,
17 responsibility for ensuring the safety of the facility or portion thereof so
18 constructed will then be returned to the school district and responsibility
19 for ensuring subsequent compliance with building codes returned to the au-
20 thority having jurisdiction.

21 (9) Upon approval of an application or a modified application submitted
22 by the administrator of the division of building safety pursuant to subsec-
23 tion (2) (b) of this section, or upon receipt of certification from the county
24 that the question submitted to the electorate pursuant to subsection (6) of
25 this section was not approved in the election, the panel shall certify the
26 cost of the project, as approved by the panel, to the state department of edu-
27 cation.

28 (a) The total cost of the project shall initially be paid by the state
29 from the public school facilities cooperative fund. If the district
30 supervisor determines that the amount approved by the panel is insuf-
31 ficient to complete the project in a satisfactory manner, the panel
32 may request a legislative appropriation of additional moneys from the
33 public school facilities cooperative fund. If such an appropriation
34 is approved, these additional moneys shall be added to the cost of the
35 project.

36 (b) The district's share of costs shall be based upon actual funds ex-
37 pended. The district's share of costs that may be repaid through the
38 levy provisions of this section shall not exceed the district's share of
39 bond payment costs as calculated for the bond levy equalization support
40 program in the fiscal year in which the application is made. Interest
41 shall be charged on the unpaid balance of the district's share of costs,
42 as such balance exists at the end of each fiscal year, at the rate of in-
43 terest earned by the state treasurer on the investment of idle funds in
44 that fiscal year.

45 (c) It shall be the responsibility of the state department of educa-
46 tion to calculate a state-authorized plant facilities levy rate in ac-
47 cordance with the provisions of subsection (10) of this section, which,
48 when imposed over a maximum period not to exceed twenty (20) years, may
49 yield the revenues needed to repay the school district's share of the
50 cost of the project.

1 (d) The levy rate calculated by the state department of education shall
2 be certified by the department to the county or counties wherein the
3 boundaries of the school district are contained, for assessment of the
4 levy and collection of the revenues by such county or counties in the
5 manner provided by law. The revenues collected by imposition of the
6 state-authorized plant facilities levy shall be remitted to the state
7 treasurer for deposit to the public school facilities cooperative fund.

8 (10) The annual state-authorized plant facilities levy rate shall be
9 limited to the greater of:

10 (a) The difference between the school district's combined bond and
11 plant facilities levy rates, and the statewide average bond and plant
12 facility levy rates; or

13 (b) The statewide average plant facility levy rate.

14 The initial levy rate so calculated shall be established as the minimum levy
15 rate that shall be imposed for the amount of time required to reimburse the
16 state for the school district's share of the project cost, but not to exceed
17 twenty (20) years, even if this period would not provide reimbursement of
18 the entire amount of the school district's share of the cost of the project.
19 The state department of education is authorized and directed to recalculate
20 the levy rate on an annual basis and is authorized to increase or decrease
21 the levy rate according to the scheduled payback, but the levy rate shall not
22 be less than the levy rate initially imposed. Provided however, if the levy
23 rate calculated is estimated to raise more money than would be necessary to
24 repay the district's share of costs, then the state department of education
25 shall certify to the county or counties wherein the boundaries of the school
26 district are contained, the moneys necessary to repay the district's share
27 of costs.

28 (11) There is hereby created in the state treasury a public school fa-
29 cilities cooperative fund. The fund shall contain such moneys as may be di-
30 rected pursuant to appropriation. Moneys in the fund shall be used exclu-
31 sively to finance the public school facilities cooperative funding program
32 and are hereby continuously appropriated for such purposes as authorized by
33 this section. Moneys in the fund shall be invested by the state treasurer in
34 the same manner as provided under section 67-1210, Idaho Code, with respect
35 to other idle moneys in the state treasury. Interest earned on the invest-
36 ments shall be credited to the school district building account.

37 SECTION 2. An emergency existing therefor, which emergency is hereby
38 declared to exist, this act shall be in full force and effect on and after its
39 passage and approval.