

1 H.348

2 Introduced by Representatives Fisher of Lincoln and Sharpe of Bristol

3 Referred to Committee on

4 Date:

5 Subject: Education; construction costs; dual vote; excess spending

6 Statement of purpose: This bill proposes to permit school districts to exclude
7 education spending attributable to a school construction project from the
8 calculations relating to excess spending and divided voting, without requiring
9 the approval of the commissioner of education, if the voters have approved the
10 capital construction costs and the district will receive no state aid for
11 construction in connection with the project.

12 An act relating to school construction costs

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. Sec. 45 of No. 200 of the Acts of 2008 is amended to read:

15 Sec. 45. CONTINUATION OF SUSPENSION OF STATE AID FOR
16 SCHOOL CONSTRUCTION

17 (a) In Sec. 36 of No. 52 of the Acts of 2007, the general assembly
18 suspended state aid for school construction in order to provide time to enable
19 the commissioner of education and the commissioner of finance and
20 management to make recommendations for a sustainable plan for state aid to

1 school construction. In the absence of a viable plan for funding school
2 construction, the general assembly hereby extends the period of suspension
3 until a plan is developed and adopted.

4 (b) Notwithstanding ~~subsection (a) of~~ Sec. 36(a) of No. 52 of the Acts of
5 2007 or any other provision of law, if a school district declares its intent to pay
6 for the cost of a school construction project without state aid provided pursuant
7 to chapter 123 of Title 16 and has received voter approval for the project on or
8 after March 7, 2007, then ~~the commissioner of education shall review the~~
9 ~~project as a preliminary application upon the district's request. In this case, the~~
10 ~~commissioner shall use the standards and processes of chapter 123 for~~
11 ~~determining preliminary approval, and shall~~ the district may deduct the portion
12 of education spending that is ~~approved~~ attributable in any year to the
13 construction project from the calculation of excess spending under 32 V.S.A.
14 § 5401(12) or from the calculation that determines whether a proposed budget
15 shall be presented as a divided question pursuant to 16 V.S.A. § 563(11)(A), or
16 from both calculations. ~~Preliminary approval received pursuant to this~~
17 ~~subsection is to be used solely for purposes of calculating whether the district~~
18 ~~has exceeded the excess spending threshold and neither preliminary approval~~
19 ~~nor the provision of technical assistance indicates that the district will receive~~
20 ~~state aid for school construction or preliminary approval for that aid when~~
21 ~~school construction aid is again available.~~ Notwithstanding ~~subsection (a) of~~

1 Sec. 36(a) of No. 52 of the Acts of 2007, upon the request of ~~the~~ a district, the
2 department shall provide technical assistance regarding the planning and
3 implementation of school renovation and construction.

4 (c) No year during which state aid for school construction is suspended
5 shall be included within the department's determination under 24 V.S.A.
6 § 2804(b) of whether amounts deposited in a reserve fund have been used
7 within five years of deposit.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage and shall apply retroactively to
10 construction projects receiving voter approval on or after March 7, 2007.