

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 633

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM;  
2 AMENDING SECTION 33-909, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING  
3 TO THE AUTHORIZATION OF EXPENDITURES FOR ADDITIONAL PLANS AND INFORMA-  
4 TION, TO PROVIDE THAT THE PANEL SHALL NOTIFY THE APPLICANT WITHIN NINETY  
5 DAYS OF RECEIVING THE APPLICATION, TO PROVIDE THAT THE PANEL MAY REQUEST  
6 A LEGISLATIVE APPROPRIATION OF ADDITIONAL MONEYS AND TO MAKE TECHNICAL  
7 CORRECTIONS.  
8

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

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

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

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

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

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

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

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

41 (a) The identified school building safety hazards and such other infor-  
42 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) If the panel determines that it requires additional plans and in-  
12 formation, it may authorize the expenditure of up to one hundred fifty thou-  
13 sand dollars (\$150,000) per application from the public school facilities  
14 cooperative fund for the procurement thereof. In considering an applica-  
15 tion, the panel shall determine whether the plan as proposed is acceptable,  
16 or is acceptable with modifications as determined by the panel, or should be  
17 rejected. If the application is approved or approved with modifications,  
18 any expenditures authorized by the panel pursuant to this subsection shall  
19 be added to the project. The panel shall notify the applicant of its deci-  
20 sion, in writing, within ~~sixty ninety~~ (690) days of receiving the applica-  
21 tion. At the same time the panel notifies the applicant, the panel shall  
22 send notification of an approved application or a modified application to  
23 the state board of education, along with the panel's specifications for the  
24 project and its cost.

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

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

47 (8) Upon approval of an application or a modified application submitted  
48 by the administrator of the division of building safety pursuant to subsec-  
49 tion (2) (b) of this section, or upon receipt of certification from the county  
50 that the question submitted to the electorate pursuant to subsection (6) of

1 this section was not approved in the election, the panel shall certify the  
2 cost of the project, as approved by the panel, to the state department of edu-  
3 cation.

4 (a) The total cost of the project shall initially be paid by the state  
5 from the public school facilities cooperative fund. If the district  
6 supervisor determines that the amount approved by the panel is insuf-  
7 ficient to complete the project in a satisfactory manner, the panel  
8 may request a legislative appropriation of additional moneys from the  
9 public school facilities cooperative fund. If such an appropriation  
10 is approved, these additional moneys shall be added to the cost of the  
11 project.

12 (b) The district's share of costs that may be repaid through the levy  
13 provisions of this section shall not exceed the district's share of bond  
14 payment costs as calculated for the bond levy equalization support pro-  
15 gram in the fiscal year in which the application is made. Interest shall  
16 be charged on the unpaid balance of the district's share of costs, as  
17 such balance exists at the end of each fiscal year, at the rate of inter-  
18 est earned by the state treasurer on the investment of idle funds in that  
19 fiscal year.

20 (c) It shall be the responsibility of the state department of educa-  
21 tion to calculate a state-authorized plant facilities levy rate in ac-  
22 cordance with the provisions of subsection (9) of this section, which,  
23 when imposed over a maximum period not to exceed twenty (20) years, may  
24 yield the revenues needed to repay the school district's share of the  
25 cost of the project.

26 (d) The levy rate calculated by the state department of education shall  
27 be certified by the department to the county or counties wherein the  
28 boundaries of the school district are contained, for assessment of the  
29 levy and collection of the revenues by such county or counties in the  
30 manner provided by law. The revenues collected by imposition of the  
31 state-authorized plant facilities levy shall be remitted to the state  
32 treasurer for deposit to the public school facilities cooperative fund.

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

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

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

39 The initial levy rate so calculated shall be established as the minimum levy  
40 rate that shall be imposed for the amount of time required to reimburse the  
41 state for the school district's share of the project cost, but not to exceed  
42 twenty (20) years, even if this period would not provide reimbursement of  
43 the entire amount of the school district's share of the cost of the project.

44 The state department of education is authorized and directed to recalculate  
45 the levy rate on an annual basis, and is authorized to increase or decrease  
46 the levy rate according to the scheduled payback, but the levy rate shall not  
47 be less than the levy rate initially imposed. Provided however, if the levy  
48 rate calculated is estimated to raise more money than would be necessary to  
49 repay the district's share of costs, then the state department of education  
50 shall certify to the county or counties wherein the boundaries of the school

1 district are contained, the moneys necessary to repay the district's share  
2 of costs.

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