

Amendment to HB 175

1 Amend the bill by replacing section 1 with the following:

2
3 1 School Building Aid; Plans, Specifications, and Costs. Amend RSA 198:15-c to read as follows:

4 I.**(a)** A school district maintaining approved schools, desiring to avail itself of the grants
5 herein provided shall have the plans, specifications, and cost estimates for school plant construction
6 or proposals for the purchase of school buildings, or both, and the costs for them approved by the
7 department of education prior to the start of construction. For this purpose the district shall submit
8 its plans, specifications, cost, and purchase estimates in writing to the department of education on
9 such forms as the department prescribes. *A letter of intent shall be submitted to the*
10 *department no later than 18 months prior to the beginning of the biennium in which*
11 *school building aid grants are to be disbursed. The commissioner may waive the letter of*
12 *intent or submittal deadline for good cause. The letter of intent shall include a facilities*
13 *analysis describing any deficiencies in the facilities of the existing school building,*
14 *including but not be limited to:*

15 (1) *Building components that are inadequate to provide programs required*
16 *by state or federal law, rule, or regulation.*

17 (2) *Deterioration of existing buildings.*

18 (3) *Conditions that are unsafe or that threaten the security or health of*
19 *students or employees.*

20 (4) *Operational systems that have excessive operational costs and are*
21 *energy inefficient due to age or design characteristics.*

22 (5) *Alternatives with costs that have been considered.*

23 (6) *Any other items required by the department.*

24 (b) *The letter of intent shall be submitted on a form provided by the*
25 *department. To be considered for a school construction grant in either the first or second*
26 *year of the biennium, the complete building aid application shall be submitted no later*
27 *than July 1 of the year prior to the biennium in which school building aid grants are to be*
28 *disbursed. The building aid application shall include detailed drawings, cost estimates,*
29 *funding sources, preliminary design documents, maintenance impact analysis, proof of*
30 *good maintenance, and other documentation as required by the department and*
31 *identified in the department's school building construction rules.* A school district shall also
32 submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The
33 department of education shall coordinate with the public utilities commission to ensure that eligible

school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools. ~~[Applications for school building aid grants shall be submitted before September 1 of each year in order to be eligible for school building aid grants in the fiscal year following the year of submittal.]~~

(c) As deemed appropriate, emergency projects that are recommended by the commissioner of education and the school building authority shall be addressed on a case-by-case basis by the state board of education at any time during the school year. A school construction project requiring the replacement of all or a significant portion of a school facility which is declared uninhabitable or is identified as an imminent danger or substantial risk by the state fire marshal or a state or federal agency, and which results from an unanticipated and sudden natural or human disaster, shall qualify as an emergency project.

(d) Project proposals shall be funded to the extent of available appropriations in the fiscal year. School districts with projects for which there is insufficient state grant funding during the biennial budget may resubmit those projects to the department for future consideration in the next biennial budget cycle.

II.(a) The commissioner shall accept school building aid grant applications based upon completeness and submit a preliminary school building aid grant list, ***with applications ranked in accordance with subparagraph II(b) and rules of the department***, to the school building authority established pursuant to RSA 195-C. By ~~[January 15]~~ ***December 1*** of the fiscal year prior to the biennium in which school building aid grants are to be disbursed, the school building authority shall ~~[develop a rank ordered list of all school building construction and renovation proposals submitted by school districts and shall categorize each proposal based on school building and site criteria in descending order. The school building authority shall recommend prioritized proposals to be funded in descending rank order to the state board of education for approval.]~~ ***verify the ranking submitted by the commissioner and submit a list in descending rank order to the state board of education for approval. If the ranking submitted to the school building authority differs from the preliminary school building aid grant list, the school building authority shall justify the new ranking using the same criteria in subparagraph II(b) and in rules of the department. The state board of education shall approve and publish the descending rank order list of approved projects by January 15 of the fiscal year prior to the biennium in which school building aid grants are distributed.*** School districts which have projects approved for funding shall be notified by the department of education of the projected amount to be funded within 10 days of approval. The project rating system and criteria used to rate project applications which shall include an administrative review process for appeal of a school district's project point rating, shall be developed by the department of education and approved by

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1 the state board of education. The department of education, after review by the house finance
2 committee, the house special committee on education funding reform, and any senate committee
3 designated by the senate president, shall propose interim rules pursuant to RSA 541-A no later
4 than November 1, 2012, and final rules pursuant to RSA 541-A no later than April 30, 2013, relative
5 to the criteria set forth in this paragraph and the procedures necessary to implement this
6 paragraph.

7 (b) The commissioner of the department of education shall accept school building
8 construction proposals based upon completeness. The department of education shall consider and
9 score each proposal based on the following criteria:

10 (1) Unsafe conditions.

11 (2) Facilities not in compliance with the Americans With Disabilities Act, or
12 obsolete, inefficient, or unsuitable facilities or mechanical and building systems.

13 (3) Overcrowding and associated influences to instructional areas and
14 programming.

15 (4) Enrollment projections and population shifts.

16 (5) Whether a school district has made a reasonable attempt to accommodate
17 maintenance activities including scheduled and unscheduled repairs, upkeep, minor alterations,
18 enhancements to buildings, and preventive maintenance necessary to achieve the design life
19 expectancy of building systems and components. ***School districts shall be required to provide***
20 ***maintenance records and other documentation, if necessary, concerning maintenance***
21 ***program activities for scheduled and unscheduled repairs, upkeep, minor alterations, and***
22 ***enhancements of district buildings.***

23 (6) A school district's fiscal capacity based on measurable criteria such as the
24 percentage of pupils eligible for free and reduced price meals.

25 (7) School security design and integration of security systems.

26 (8) A school district which initiated and completed a locally ***or state grant*** funded
27 school renovation project to remedy ~~[a safety]~~ ***an imminent danger, substantial risk, or***
28 ***security infrastructure*** condition identified by the state fire marshal ***or the department of***
29 ***safety, division of homeland security and emergency management,*** on or before June 30,
30 ~~[2017]~~ ***2019*** shall be eligible to include any ***such*** corrected ~~[safety]~~ condition in a subsequent
31 application for school building aid submitted by the school district ~~[after June 30, 2017]~~. This
32 subparagraph shall ~~[not apply to a school district or a school that received state emergency funding~~
33 ~~or other state aid to remedy the safety condition on or before June 30, 2017]~~ ***enable a school***
34 ***district having remedied an imminent danger, substantial risk, or security condition***
35 ***prior to June 30, 2019 to receive application point credit, but such district shall not be***
36 ***eligible to receive additional school construction grant funding for the remedied***
37 ***condition.***

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1 (9) The project contributes to operational cost efficiencies, consolidation, or reduced
2 property taxes.

3 (10) ***High performance of design that provides environments that are energy***
4 ***and resource efficient. Energy and resource efficient designs are those that improve***
5 ***indoor air quality, air temperature, or water quality; reduce heating costs; provide better***
6 ***lighting; and increase average attendance.***

7 (11) Any other criteria that the state board of education may determine are
8 necessary.

9 (c) ~~[The school building authority shall recommend those proposals to be funded in~~
10 ~~descending rank order to the state board of education for approval. The state board of education~~
11 ~~shall publish the list by January 15 of each year. Those proposals not approved shall be considered~~
12 ~~for approval in the next biennial budget. Project proposals shall be funded to the extent of available~~
13 ~~appropriations in the fiscal year.~~

14 (d) A school district, a city maintaining a school department within its corporate
15 organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an
16 area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from
17 one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA
18 194:22, with projects for which there is insufficient state grant funding may resubmit those projects
19 to the department pursuant to the provisions of this section.

20 III. Necessary costs of the purchase of school buildings may be determined by any
21 recognized method of real estate appraisal with appropriate adjustments for remodeling or other
22 expenditures. Upon approval of the construction or purchase, or both, by the department of
23 education, the school district shall be entitled to receive a grant as provided herein.

24 ***IV. A school district that accepts school building aid for construction shall engage***
25 ***a clerk of the works as the owner's on-site representative, unless the commissioner waives***
26 ***such requirement as unnecessary. The owner shall specifically define the authority of the***
27 ***clerk of the works in writing. The clerk of the works shall have an understanding of all***
28 ***aspects of construction; however, technical skill in any particular construction trade is***
29 ***not necessary. The clerk of the works shall either have his or her own general***
30 ***comprehensive liability and accident insurance or be covered by the owner's insurance.***

2019-0191h

AMENDED ANALYSIS

This bill:

- I. Establishes a timeline for school districts to apply for building aid grants.
- II. Clarifies information to be provided in building aid applications.
- III. Provides for emergency projects.
- IV. Requires an on-site clerk of the works to represent the owner of the property.