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H.445

Introduced by Representatives Cina of Burlington, Christie of Hartford, Elder of Starksboro, Headrick of Burlington, Hooper of Randolph, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Mulvaney-Stanak of Burlington, Priestley of Bradford, Sims of Craftsbury, Small of Winooski, and Stebbins of Burlington

Referred to Committee on

Date:

Subject: Public property; corrections; correctional facility; construction

Statement of purpose of bill as introduced: This bill proposes to place a moratorium on the study, design, acquisition, or construction of a new correctional facility, and the renovation or expansion of an existing correctional facility, in the State until July 1, 2028. This bill also proposes to end the period of suspension of State aid for school construction projects.

An act relating to education and corrections infrastructure in the State

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

* * * Findings, Purpose, and Intent * * *

Sec. 1. FINDINGS; PURPOSE; INTENT

(a) Findings. The General Assembly finds that:

1 (1) The social determinants of health affect public health and the social
2 determinants of crime impact public safety, and these social determinants are
3 intertwined.

4 (2) Education is an important social determinant of health and crime.

5 (3) Housing and living conditions are social determinants of health and
6 crime.

7 (4) Harsh social and physical environments in our schools lead to
8 incarceration in our prisons.

9 (5) Harsh social and physical environments in our prisons lead to
10 recidivism, trauma, and harm.

11 (b) Intent. It is the intent of the General Assembly to invest in a physical
12 and social environment that reduces harm, promotes recovery, and builds
13 resilience by stopping construction of prisons and by aiding construction of
14 schools.

15 (c) Purpose. The purpose of this act is to support public health and safety
16 by providing the benefits of education infrastructure and stopping the harm of
17 prison infrastructure.

18 * * * Corrections * * *

19 Sec. 2. 29 V.S.A. § 170a is added to read:

20 § 170a. CORRECTIONAL FACILITY; CONSTRUCTION, RENOVATION,
21 OR EXPANSION; MORATORIUM

1 Notwithstanding section 152 of this title or any other provision of law, the

2 State shall not:

3 (1) study, plan, design, acquire, lease, search for site locations for, or
4 construct a new correctional facility;

5 (2) expand the capacity of an existing correctional facility beyond its
6 current design or rated capacity;

7 (3) convert any part of an existing or dormant correctional facility for
8 the purpose of detention or incarceration, including to change or expand the
9 populations incarcerated in that facility;

10 (4) renovate an existing or dormant correctional facility beyond
11 requirements for maintenance or to comply with building code requirements;

12 or

13 (5) repair an existing or dormant correctional facility for the purposes of
14 expanding the facility or increasing its bed capacity.

15 Sec. 3. CORRECTIONAL FACILITY; CONSTRUCTION, RENOVATION,

16 OR EXPANSION; MORATORIUM; REPEAL

17 29 V.S.A. § 170a shall be repealed on July 1, 2028.

18 * * * School Construction * * *

19 Sec. 4. 2007 Acts and Resolves No. 52, Sec. 36 is amended to read:

20 Sec. 36. STATE AID FOR SCHOOL CONSTRUCTION; SUSPENSION

1 (a) The commissioner of education shall not accept, review, or act on any
2 applications for state aid under chapter 123 of Title 16 submitted after
3 March 7, 2007 unless, prior to March 7, 2007, the electorate voted funds or
4 authorized bonds, and thereafter all periods for reconsideration of the vote
5 have expired, except for those projects which are:

6 (1) eligible to be assigned first priority under 16 V.S.A. § 3448(a)(3);

7 (2) necessary to ensure the health and safety, as determined by the
8 commissioner, of students and employees using the building; or

9 (3) school consolidation projects eligible for 50 percent aid under
10 16 V.S.A. § 3448(a)(7)(C).

11 (b) It is the intent of the general assembly to use the time that state aid for
12 school construction is suspended to review the recommendations of the
13 commissioner of education and the commissioner of finance and management
14 reported under Sec. 38 of this act and, based on those recommendations,
15 develop a sustainable plan for state aid to school construction. If no plan is in
16 place by July 1, 2008, the general assembly will extend the period of
17 suspension until a plan is in place; provided, however, that any extension of the
18 period of suspension shall end on or before June 30, 2023.

1 Sec. 5. 2008 Acts and Resolves No. 200, Sec. 45, as amended by 2009 Acts
2 and Resolves No. 54, Sec. 22 is amended to read:

3 Sec. 45. CONTINUATION OF SUSPENSION OF STATE AID FOR
4 SCHOOL CONSTRUCTION

5 (a) In Sec. 36 of No. 52 of the Acts of 2007, the general assembly
6 suspended state aid for school construction in order to provide time to enable
7 the commissioner of education and the commissioner of finance and
8 management to make recommendations for a sustainable plan for state aid to
9 school construction. In the absence of a viable plan for funding school
10 construction, the general assembly hereby extends the period of suspension
11 until a plan is developed and adopted; provided, however, that the period of
12 suspension shall end on or before June 30, 2023.

13 * * *

14 Sec. 6. 2013 Acts and Resolves No. 51, Sec. 45 is amended to read:

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

17 (a) In 2007 Acts and Resolves No. 52, Sec. 36, the General Assembly
18 suspended state aid for school construction in order to permit the Secretary of
19 Education and the Commissioner of Finance and Management to recommend a
20 sustainable plan for state aid for school construction.

1 (b) In 2008 Acts and Resolves No. 200, Sec. 45, as amended by 2009 Acts
2 and Resolves No. 54, Sec. 22, the General Assembly, in the absence of a
3 recommendation, extended the suspension until a sustainable plan for state aid
4 for school construction is developed and adopted.

5 (c) State aid remains suspended ~~pursuant to the terms of 2008 Acts and~~
6 ~~Resolves No. 200, Sec. 45 as amended by 2009 Acts and Resolves No. 54,~~
7 ~~Sec. 22~~ until on or before June 30, 2023.

8 * * *

9 Sec. 7. STATE AID FOR SCHOOL CONSTRUCTION; END OF
10 SUSPENSION

11 Beginning in FY 2024, the Secretary of Education shall accept and review
12 any applications for State aid pursuant to 16 V.S.A. chapter 123 submitted
13 after March 7, 2024.

14 * * * Effective Date * * *

15 Sec. 8. EFFECTIVE DATE

16 This act shall take effect on July 1, 2023.