

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; appropriations; school construction; environmental testing

4 Statement of purpose of bill as introduced: This bill proposes to establish the
5 School Construction Aid Task Force to examine, evaluate, and report on issues
6 relating to school construction aid. This bill also proposes, on or before
7 January 15, 2024, to require the Task Force to submit a written report with its
8 findings and recommendations for legislative action to the House Committees
9 on Corrections and Institutions, on Education, and on Ways and Means and the
10 Senate Committees on Education, on Finance, and on Institutions. The bill
11 also would pause testing of the indoor air quality of schools for
12 polychlorinated biphenyls until the report of the School Construction Aid Task
13 Force is submitted to the General Assembly and the General Assembly
14 approves further testing.

15 An act relating to school construction

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

17 Sec. 1. SCHOOL CONSTRUCTION AID TASK FORCE; REPORT

18 (a) Creation. There is created the School Construction Aid Task Force to
19 examine, evaluate, and report on issues relating to school construction aid.

1 (b) Membership. The Task Force shall be composed of the following
2 members:

3 (1) one current member of the House of Representatives, who shall be
4 appointed by the Speaker of the House;

5 (2) one current member of the Senate, who shall be appointed by the
6 Committee on Committees;

7 (3) the State Treasurer or designee, who shall serve as co-chair;

8 (4) the Secretary of Education or designee, who shall serve as co-chair;

9 (5) the Executive Director of the Vermont National Education
10 Association or designee;

11 (6) the Executive Director of the Vermont Principals' Association or
12 designee;

13 (7) the Executive Director of the Vermont School Boards Association or
14 designee;

15 (8) the Executive Director of the Vermont Superintendents Association
16 or designee;

17 (9) the Executive Director of the Municipal Bond Bank or designee;

18 (10) the President of the Vermont School Custodians and Maintenance
19 Association or designee;

20 (11) a person with expertise in historic preservation, appointed by the
21 Governor;

1 (12) a person with expertise in the construction industry specializing in
2 school facilities projects, appointed by the Governor; and

3 (13) a member of the American Industrial Hygiene Association,
4 appointed by the Governor.

5 (c) Powers and duties. The Task Force shall review the results of the
6 statewide school facilities inventory and conditions assessment and the school
7 construction funding report required by 2021 Acts and Resolves No. 72 and
8 study the following issues relating to school construction aid:

9 (1) the needs, both programmatic and health and safety, of Statewide
10 school construction projects;

11 (2) funding options for a statewide school construction program,
12 including any incentive plans;

13 (3) a governance structure for the oversight and management of a school
14 construction aid program; and

15 (4) criteria for prioritizing school construction funding.

16 (d) Assistance.

17 (1) The Task Force shall have the administrative, technical, and legal
18 assistance of the Agency of Education and the Office of the State Treasurer.

19 (2) The Office of the State Treasurer is authorized to contract for
20 services for the Task Force for technical assistance from a school construction
21 expert.

1 (e) Report. On or before January 15, 2024, the Task Force shall submit a
2 written report to the House Committees on Corrections and Institutions, on
3 Education, and on Ways and Means and the Senate Committees on Education,
4 on Finance, and on Institutions with its findings and any recommendations for
5 legislative action, including a recommendation on how the State should expend
6 the funding in the Education Fund reserved for future school construction.

7 (f) Meetings.

8 (1) The State Treasurer shall call the first meeting of the Task Force to
9 occur on or before July 15, 2023.

10 (2) A majority of the membership shall constitute a quorum.

11 (3) The Task Force shall cease to exist on July 1, 2024.

12 (g) Compensation and reimbursement.

13 (1) For attendance at meetings during adjournment of the General
14 Assembly, a legislative member of the Task Force serving in the member's
15 capacity as a legislator shall be entitled to per diem compensation and
16 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 10
17 meetings. These payments shall be made from monies appropriated to the
18 General Assembly.

19 (2) Other members of the Task Force shall be entitled to per diem
20 compensation and reimbursement of expenses as permitted under 32 V.S.A.

1 § 1010 for not more than 10 meetings. These payments shall be made from
2 monies appropriated to the Office of the State Treasurer.

3 (h) Appropriation. The sum of \$200,000.00 is appropriated to the Office of
4 the State Treasurer from the General Fund in fiscal year 2024 to hire a school
5 construction expert to assist the Task Force as described in subdivision (d)(2)
6 of this section.

7 Sec. 2. TESTING PAUSE; POLYCHLORINATED BIPHENYLS IN
8 SCHOOLS

9 (a) Notwithstanding the requirements and authority under 2021 Acts and
10 Resolves No. 74, Sec. E.709.1, 2022 Acts and Resolves No. 85, Sec. E709.2,
11 and 2022 Acts and Resolves No. 178, Sec. 2 for the Agency of Natural
12 Resources (ANR) to test the indoor air quality of schools for polychlorinated
13 biphenyls (PCBs), the Agency of Natural Resources shall not initiate testing
14 for PCBs at any school in the State after the effective date of this act until the
15 report of the School Construction Aid Task Force required by Sec. 1 of this act
16 has been submitted to the General Assembly and the General Assembly
17 approves further testing for PCBs in schools.

18 (b) If ANR initiated testing for PCBs in indoor air quality of a school prior
19 to the effective date of this act, the Agency shall complete the testing. If
20 testing of a school initiated prior to the effective date of this act indicates the
21 need for mitigation or remediation of PCBs in the school, ANR shall pay ?

1 percent of the cost of the mitigation or remediation from the ? Fund, with the
2 school district or municipality responsible for all remaining costs.

3 (c) Any funds appropriated to ANR under 2021 Acts and Resolves No. 74
4 or 2022 Acts and Resolves No.178 to conduct PCB testing in schools shall be
5 used solely to complete testing initiated prior to the effective date of this act
6 and to fund mitigation and remediation under subsection (b) of this act. At the
7 end of fiscal year 2023, all remaining funds shall revert to the Education Fund
8 to be held in reserve for future school construction needs as recommended by
9 the School Construction Aid Task Force established under Sec. 1 of this act.

10 (d) Pursuant to the nonappropriation clause in the standard terms and
11 conditions of State contracts required by Administrative Bulletin 3.5, ANR
12 shall at the end of fiscal year 2023 cancel any contracted services for PCB
13 testing of indoor air quality of schools scheduled to be initiated after the
14 effective date of this act.

15 Sec. 3. EFFECTIVE DATE

16 This act shall take effect on passage.