

House Bill 3480

Sponsored by Representatives NOLAN, HUNT, BURLEY; Representatives GALIZIO, KOMP, THATCHER, TOMEI, WITT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows Department of Education to award grants to school districts for capital costs. Requires capital projects for which grants funds are received to meet energy efficiency standards.

Continuously appropriates moneys in school capital matching subaccount of Education Stability Fund to department for grants.

Allocates from Administrative Services Economic Development Fund to school capital matching subaccount amount by which moneys in fund available for allocation in each biennium is more than five percent greater than amount projected to be available for allocation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to school district capital projects; appropriating money; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"ADMw" means the weighted average daily membership, as calculated under ORS**
6 **327.013.**

7 (b) **"Capital costs" means those costs associated with the construction and maintenance**
8 **of public school facilities, as those terms are defined in ORS 327.300.**

9 (c) **"School district" has the meaning given that term in ORS 332.002.**

10 (d) **"Subaccount" means the school capital matching subaccount created within the Ed-**
11 **ucation Stability Fund under section 4 (8), Article XV of the Oregon Constitution.**

12 (2) **Each fiscal year, the Department of Education may award school capital matching**
13 **grants to school districts. To qualify for a grant, a school district must submit an application**
14 **to the department and must have a capital project for which the school district has secured**
15 **funding.**

16 (3) **The total amount of all grants awarded under this section shall be based on:**

17 (a) **The total amount of moneys in the subaccount and the total amount of moneys**
18 **projected to be deposited into the subaccount for the biennium;**

19 (b) **The projected number of capital projects for which school districts may seek grant**
20 **funds; and**

21 (c) **The total capital costs for which school districts may seek grant funds.**

22 (4) **The department shall base the amount of a grant on the total assessed value of tax-**
23 **able property in the school district and the district ADMw. The department may award a**
24 **grant to a school district in an amount up to _____ percent of the capital costs of a project.**
25 **The department shall award grants to school districts in such a way that the percentage of**
26 **the capital costs of a project covered by the grant is inversely proportional to the total as-**
27 **sessed value of taxable property in the school district per ADMw.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) A school district that receives a grant under this section must agree to meet the
 2 energy efficiency standards required by section 2 of this 2007 Act for the capital project for
 3 which the school district receives the grant.

4 (6) Moneys in the subaccount are continuously appropriated to the department for pur-
 5 poses of awarding grants to school districts under this section.

6 (7) The State Board of Education may adopt rules necessary to administer this section.

7 **SECTION 2.** (1) As used in this section:

8 (a) "LEED" means the Leadership in Energy and Environmental Design rating system
 9 for certification of energy efficient and environmentally sustainable buildings established by
 10 the United States Green Building Council.

11 (b) "LEED Gold" means the third of four tiers of standards for certification in the LEED
 12 rating system.

13 (c) "LEED Silver" means the second of four tiers of standards for certification in the
 14 LEED rating system.

15 (2) A capital project for which a school district receives a grant under section 1 of this
 16 2007 Act must be planned and designed in a manner that causes the capital project to:

17 (a) Qualify for LEED Gold certification or a substantially equivalent certification identi-
 18 fied by the State Department of Energy;

19 (b) Qualify for LEED Silver certification or a substantially equivalent certification iden-
 20 tified by the department; or

21 (c) Meet other high performance building standards required under subsection (3) of this
 22 section.

23 (3) A school district may receive a grant under section 1 of this 2007 Act for a capital
 24 project that is not anticipated to qualify for LEED Gold or LEED Silver certification, as de-
 25 scribed in subsection (2) of this section, if the department:

26 (a) Determines that LEED certification is not practicable for a particular type of capital
 27 project; and

28 (b) Establishes other planning, design, construction or renovation standards that are
 29 appropriate for the project and intended to result in the energy efficient and environmentally
 30 sustainable operation of the project.

31 **SECTION 3.** (1) As soon as is practicable after the end of the biennium, the Oregon State
 32 Lottery Commission shall determine the actual amount of moneys in the Administrative
 33 Services Economic Development Fund that was available for allocation for that biennium.

34 (2) If the actual amount of moneys in the fund that was available for allocation exceeds
 35 by more than five percent the amount projected in the budget report prepared by the com-
 36 mission under ORS 461.140 to be available for allocation from the fund for that biennium,
 37 there is allocated from the fund to the school capital matching subaccount created within
 38 the Education Stability Fund under section 4 (8), Article XV of the Oregon Constitution, an
 39 amount equal to the amount that is more than five percent above the amount projected.

40 (3) The amount allocated under subsection (2) of this section may not include the
 41 portions of the amount that are required to be transferred to the:

42 (a) Education Stability Fund under section 4 (4)(d), Article XV of the Oregon Constitu-
 43 tion;

44 (b) School capital matching subaccount under section 4 (5)(b), Article XV of the Oregon
 45 Constitution; or

1 (c) Parks and natural resources fund under section 4 (10), Article XV of the Oregon
2 Constitution.

3 SECTION 4. Section 3 of this 2007 Act applies to biennia beginning on or after July 1,
4 2005.

5 SECTION 5. This 2007 Act being necessary for the immediate preservation of the public
6 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
7 on its passage.

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