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HOUSE JOINT RESOLUTION NO. 105

Offered January 14, 2004

Prefiled January 13, 2004

Establishing a joint subcommittee to study the level of the Commonwealth's assistance to localities that is necessary for developing adequate K-12 school infrastructure. Report.

 Patron—Drake

 Referred to Committee on Rules

WHEREAS, the 1998 report of the Commission on Educational Infrastructure (HD 75) found that localities estimated \$4.1 billion of school construction expenditures over a five-year period, which would remedy less than two-thirds of the known construction deficiencies estimated at \$6.2 billion; and

WHEREAS, the same report found that localities underreported K-12 capital needs by 54 percent, increasing the actual unmet capital needs of Virginia's school divisions to in excess of \$8.9 billion; and

WHEREAS, Virginia's local governments are struggling to make even a portion of the necessary capital investments required for K-12 school construction; and

WHEREAS, school maintenance and construction costs continue to rise and the gap between school construction needs and actual construction required continues to grow; and

WHEREAS, Virginia's local governments need assistance from the Commonwealth to obtain sufficient funds for the next five to ten years to pursue capital building projects for K-12 school infrastructure; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the level of the Commonwealth's assistance to localities that is necessary for developing adequate K-12 school infrastructure. The joint subcommittee shall consist of 26 members that include 14 legislative members, eight nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: six members of the Senate to be appointed by the Senate Committee on Privileges and Elections; eight members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three nonlegislative citizen members to be appointed by the Senate Committee on Privileges and Elections, as follows: one nationally recognized bond lawyer, one representative of the Virginia Municipal League, and one representative of the Virginia Association of Counties; five nonlegislative citizen members to be appointed by the Speaker of the House of Delegates, as follows: three who shall have expertise in school design and construction, or funding public school and capital construction, one licensed architect who specializes in school design, and one citizen-at-large; and the Secretary of Education, the President of the State Board of Education, the Superintendent of Public Instruction, and the Attorney General or their designees to serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall consider, among other issues it may deem relevant: (i) physical and technical infrastructure needs of K-12 schools throughout the Commonwealth; (ii) availability of local funding sources to meet those needs; (iii) public-private partnerships that may be available to meet a portion of those needs; (iv) the priority of each of those needs; (v) the level of commitment by the Commonwealth needed and appropriate to supplement local efforts in meeting those needs; (vi) the level of the Commonwealth's debt capacity available over the next 10 years to assist with capital projects for K-12 schools; (vii) the appropriate bond structure, including issuer, type of debt obligation, period of time over which the debt should be issued, and potential revenue sources for repayment; and (viii) the method for prioritizing and distributing the proceeds thereof.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. The Office of the Attorney General shall provide additional assistance for staff support and other services, as needed. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2004 interim and four meetings for the 2005 interim, and the direct costs of this study shall not exceed \$ 34,400 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

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59 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members
60 or a majority of the House members appointed to the joint subcommittee (i) vote against the
61 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
62 joint subcommittee.

63 The joint subcommittee shall complete its meetings for the first year by November 30, 2004, and for
64 the second year by November 30, 2005, and the chairman shall submit to the Division of Legislative
65 Automated Systems an executive summary of its findings and recommendations no later than the first
66 day of the next Regular Session of the General Assembly for each year. Each executive summary shall
67 state whether the joint subcommittee intends to submit to the General Assembly and the Governor a
68 report of its findings and recommendations for publication as a document. The executive summaries and
69 reports shall be submitted as provided in the procedures of the Division of Legislative Automated
70 Systems for the processing of legislative documents and reports and shall be posted on the General
71 Assembly's website.

72 Implementation of this resolution is subject to subsequent approval and certification by the Joint
73 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
74 delay the period for the conduct of the study, or authorize additional meetings during both the 2004 and
75 2005 interims.