

By: Shapiro

S.B. No. 962

A BILL TO BE ENTITLED

AN ACT

relating to state assistance for public school facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 45.054, Education Code, is amended to read as follows:

Sec. 45.054. ELIGIBILITY. To be eligible for approval by the commissioner, bonds must be issued:

(1) under Subchapter A of this chapter or under Subchapter A, Chapter 1207, Government Code, to make a deposit under Subchapter B or C of that chapter, by an accredited school district; and

(2) for the construction, acquisition, renovation, or improvement of an instructional facility, as defined by Section 46.001.

SECTION 2. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0541 to read as follows:

Sec. 45.0541. LIMITATION ON GUARANTEED AMOUNT. A school district may not receive a guarantee for the portion of the principal amount of bonds issued to construct an instructional facility that exceeds the amount for which the school district issuing the bonds would be entitled to state assistance under Section 46.0023.

SECTION 3. Section 45.055, Education Code, is amended by adding Subsection (b-1) to read as follows:

1 (b-1) If any portion of the bonds to be guaranteed
2 represents the cost of constructing an instructional facility, the
3 application must contain information sufficient for the
4 commissioner to determine the extent to which the school district
5 would be entitled to state assistance under Section 46.0023 for the
6 facility.

7 SECTION 4. Subchapter A, Chapter 46, Education Code, is
8 amended by adding Sections 46.0021-46.0024 to read as follows:

9 Sec. 46.0021. MODEL PLANS FOR SCHOOL FACILITIES. (a) The
10 agency shall develop model plans that districts may use in
11 constructing school facilities. In making the plans, the agency
12 shall consider:

13 (1) the intended use of the facility as a primary or
14 secondary school;

15 (2) the size of the school district constructing the
16 facility;

17 (3) the geographic region in which the facility will
18 be constructed; and

19 (4) requirements regarding the curriculum offered by
20 the school to be constructed.

21 (b) The model plans must:

22 (1) provide for the most cost-effective construction
23 of a school facility that meets applicable building codes and
24 educational requirements; and

25 (2) comply with sustainable design standards,
26 developed by the agency in cooperation with the State Energy
27 Conservation Office, to minimize a school facility's environmental

1 impact by:

2 (A) providing for the use of recycled building
3 materials;

4 (B) including systems for collecting and using
5 rainwater;

6 (C) maximizing the use of natural light to light
7 interior spaces;

8 (D) using renewable energy sources, including
9 wind, solar, or geothermal energy;

10 (E) including outdoor instructional spaces;

11 (F) including water habitat for native animals;

12 and

13 (G) using landscaping elements that are
14 sensitive to the natural environment.

15 (c) Using the model plans, the commissioner shall establish
16 a cost factor for the construction of school facilities.

17 (d) The agency shall develop the model plans not later than
18 September 1, 2006. This subsection expires September 1, 2006.

19 Sec. 46.0022. REGIONAL CONSTRUCTION COST INDEX. (a) The
20 agency shall develop a regional index that accounts for differences
21 in construction costs in various regions of the state. Each school
22 district in this state shall be assigned to a region for purposes of
23 this subsection.

24 (b) The agency shall develop the index not later than
25 September 1, 2006. This subsection expires September 1, 2006.

26 Sec. 46.0023. COST LIMIT ON AID FOR INSTRUCTIONAL FACILITY.

27 (a) A school district is not entitled to state assistance under

1 this subchapter for any portion of the cost of constructing an
2 instructional facility that exceeds the cost determined using the
3 model plans developed under Section 46.0021 and the appropriate
4 regional construction cost index under Section 46.0022.

5 (b) A school district may use local funds to pay the portion
6 of the cost of constructing an instructional facility that exceeds
7 the amount for which the district may receive state assistance
8 under this subchapter.

9 (c) The commissioner may exempt a school district from the
10 application of Subsection (a) if the district demonstrates to the
11 commissioner's satisfaction that extraordinary circumstances
12 justify spending a greater amount on an instructional facility than
13 the amount for which the district may receive state assistance
14 under Subsection (a).

15 Sec. 46.0024. COST STANDARDS FOR MIXED-USE FACILITIES. The
16 commissioner shall establish reasonable cost standards for
17 sports-related facilities that are predominantly used for teaching
18 subjects such as physical education, drama, and music.

19 SECTION 5. (a) Section 45.054, Education Code, as amended
20 by this Act, applies only to the guarantee of bonds under Subchapter
21 C, Chapter 45, Education Code, for which an application is
22 submitted to the commissioner of education on or after September 1,
23 2005.

24 (b) Sections 45.0541 and 45.055(b-1), Education Code, as
25 added by this Act, apply only to the guarantee of bonds under
26 Subchapter C, Chapter 45, Education Code, for which an application
27 is submitted to the commissioner of education on or after January 1,

1 2007.

2 (c) Section 46.0023, Education Code, as added by this Act,
3 applies only to the payment of state assistance under Subchapter A,
4 Chapter 46, Education Code, for which an application is submitted
5 to the commissioner of education on or after January 1, 2007.

6 SECTION 6. This Act takes effect September 1, 2005.