

By: Anchia

H.B. No. 3149

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and financing of energy efficiency, conservation, and indoor air quality standards for the design, construction, and renovation of public school instructional facilities.

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

SECTION 1. The heading to Chapter 46, Education Code, is amended to read as follows:

CHAPTER 46. ~~[ASSISTANCE WITH]~~ INSTRUCTIONAL FACILITIES AND
ASSISTANCE WITH PAYMENT OF EXISTING DEBT

SECTION 2. Chapter 46, Education Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. STANDARDS FOR INSTRUCTIONAL FACILITIES

Sec. 46.101. DEFINITION. In this subchapter, "instructional facility" has the meaning assigned by Section 46.001.

Sec. 46.102. ENERGY EFFICIENCY AND CONSERVATION STANDARDS FOR INSTRUCTIONAL FACILITIES. (a) In this section, "energy office" means the State Energy Conservation Office.

(b) The energy office shall adopt energy efficiency and conservation standards for the design, construction, and major renovation of instructional facilities to enable school districts to achieve long-term savings in energy and water costs through innovative building techniques.

1 (c) A building to which this section applies must be
2 designed and constructed or renovated so that the building achieves
3 certification under a high-performance building standard that:

4 (1) is developed and revised through a consensus-based
5 process;

6 (2) provides minimum requirements for energy use,
7 natural resources use, and indoor air quality;

8 (3) requires substantiating documentation for
9 certification;

10 (4) employs third-party, post-construction review and
11 verification for certification; and

12 (5) is determined by the energy office to be
13 nationally recognized in the building industry, such as:

14 (i) the Texas Collaborative for High Performance
15 Schools (TX-CHPS) Criteria;

16 (ii) the Green Building Initiative's Green
17 Globes program; or

18 (iii) the Leadership in Energy and Environmental
19 Design (LEED) Green Building Rating System.

20 (d) A school district that constructs a new instructional
21 facility or conducts a major renovation of an existing
22 instructional facility shall ensure that the instructional
23 facility meets the standards adopted by the energy office under
24 this section.

25 (e) The energy office may update the standards adopted under
26 this section not more frequently than once every three years. A
27 standard adopted under this section does not become effective until

1 the first anniversary of the date on which the standard was adopted.

2 (f) The energy office shall adopt rules necessary to
3 administer this section. The energy office shall require all rules
4 to be reviewed and published for comment by an advisory panel prior
5 to adoption. The advisory panel, to be appointed by the
6 Commissioner of Education, shall include:

7 (i) two superintendents or their designee;

8 (ii) one public school architect;

9 (iii) one public school engineer; and

10 (iv) one public school trustee.

11 SECTION 3. Section 44.902, Education Code, is amended to
12 read as follows:

13 Sec. 44.902. GOAL TO REDUCE CONSUMPTION OF ELECTRIC
14 ENERGY. The board of trustees of a school district may [~~shall~~]
15 establish a goal to reduce the school district's annual electric
16 consumption by five percent each state fiscal year for six years
17 beginning September 1, 2007.

18 SECTION 4. Section 46.003(a), Education Code, is amended to
19 read as follows:

20 (a) For each year, except as provided by Sections 46.005 and
21 46.006, a school district is guaranteed a specified amount per
22 student in state and local funds for each cent of tax effort, up to
23 the maximum rate under Subsection (b), to pay the principal of and
24 interest on eligible bonds issued to construct, acquire, renovate,
25 or improve an instructional facility. The amount of state support
26 is determined by the formula:

27
$$\text{FYA} = (\text{FYL} \times \text{ADA} \times \text{BTR} \times 100) - (\text{BTR} \times (\text{DPV}/100))$$

1 where:

2 "FYA" is the guaranteed facilities yield amount of state
3 funds allocated to the district for the year;

4 "FYL" is the dollar amount guaranteed level of state and
5 local funds per student per cent of tax effort, which is \$50 [~~\$35~~]
6 or a greater amount for any year provided by appropriation;

7 "ADA" is the greater of the number of students in average
8 daily attendance, as determined under Section 42.005, in the
9 district or 400;

10 "BTR" is the district's bond tax rate for the current year,
11 which is determined by dividing the amount budgeted by the district
12 for payment of eligible bonds by the quotient of the district's
13 taxable value of property as determined under Subchapter M, Chapter
14 403, Government Code, or, if applicable, Section 42.2521, divided
15 by 100; and

16 "DPV" is the district's taxable value of property as
17 determined under Subchapter M, Chapter 403, Government Code, or, if
18 applicable, Section 42.2521.

19 SECTION 5. Section 46.032(a), Education Code, is amended to
20 read as follows:

21 (a) Each school district is guaranteed a specified amount
22 per student in state and local funds for each cent of tax effort to
23 pay the principal of and interest on eligible bonds. The amount of
24 state support, subject only to the maximum amount under Section
25 46.034, is determined by the formula:

26
$$EDA = (EDGL \times ADA \times EDTR \times 100) - (EDTR \times (DPV/100))$$

27 where:

1 "EDA" is the amount of state funds to be allocated to the
2 district for assistance with existing debt;

3 "EDGL" is the dollar amount guaranteed level of state and
4 local funds per student per cent of tax effort, which is \$50 [~~\$35~~]
5 or a greater amount for any year provided by appropriation;

6 "ADA" is the number of students in average daily attendance,
7 as determined under Section 42.005, in the district;

8 "EDTR" is the existing debt tax rate of the district, which is
9 determined by dividing the amount budgeted by the district for
10 payment of eligible bonds by the quotient of the district's taxable
11 value of property as determined under Subchapter M, Chapter 403,
12 Government Code, or, if applicable, under Section 42.2521, divided
13 by 100; and

14 "DPV" is the district's taxable value of property as
15 determined under Subchapter M, Chapter 403, Government Code, or, if
16 applicable, under Section 42.2521.

17 SECTION 6. Not later than July 1, 2010, the State Energy
18 Conservation Office shall adopt rules establishing energy
19 efficiency, conservation, and indoor air quality standards for the
20 design, construction, and renovation of public school
21 instructional facilities as required by Section 46.102, Education
22 Code, as added by this Act.

23 SECTION 7. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2009.