

By: Ellis

S.B. No. 701

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to state assistance to fund public school instructional  
3 facilities that meet certain design and construction, renovation,  
4 or improvement standards.

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

6 SECTION 1. Section 46.003(a), Education Code, is amended to  
7 read as follows:

8 (a) For each year, except as provided by Sections 46.005 and  
9 46.006, a school district is guaranteed a specified amount per  
10 student in state and local funds for each cent of tax effort, up to  
11 the maximum rate under Subsection (b), to pay the principal of and  
12 interest on eligible bonds issued to construct, acquire, renovate,  
13 or improve an instructional facility. The amount of state support  
14 is determined by the formula:

15 
$$\text{FYA} = (\text{FYL} \times \text{ADA} \times \text{BTR} \times 100) - (\text{BTR} \times (\text{DPV}/100))$$

16 where:

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

19 "FYL" is the dollar amount guaranteed level of state and  
20 local funds per student per cent of tax effort, which is \$35 or a  
21 greater amount for any year provided by appropriation or provided  
22 for under Section 46.0031;

23 "ADA" is the greater of the number of students in average  
24 daily attendance, as determined under Section 42.005, in the

1 district or 400;

2 "BTR" is the district's bond tax rate for the current year,  
3 which is determined by dividing the amount budgeted by the district  
4 for payment of eligible bonds by the quotient of the district's  
5 taxable value of property as determined under Subchapter M, Chapter  
6 403, Government Code, or, if applicable, Section 42.2521, divided  
7 by 100; and

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

11 SECTION 2. Subchapter A, Chapter 46, Education Code, is  
12 amended by adding Section 46.0031 to read as follows:

13 Sec. 46.0031. INCREASED ALLOTMENT AMOUNT FOR INSTRUCTIONAL  
14 FACILITIES USING HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND  
15 CONSTRUCTION, RENOVATION, OR IMPROVEMENT STANDARDS. (a) This  
16 section applies to state support to pay the principal and interest  
17 only on eligible bonds as provided by Section 46.003(e) issued for  
18 the design and construction or acquisition of an instructional  
19 facility described by Subsection (b) or for the renovation or  
20 improvement of an instructional facility described by Subsection  
21 (b) the cost of which is more than 50 percent of the value of the  
22 facility.

23 (b) An instructional facility to which this section applies  
24 must be designed and constructed, renovated, or improved so that  
25 the facility achieves certification under a high-performance  
26 building standard that:

27 (1) exceeds, by at least 15 percent, building code

1 standards for energy and water efficiency existing at the beginning  
2 of construction, renovation, or improvement;

3 (2) establishes minimum requirements for indoor air  
4 quality;

5 (3) requires substantiating documentation for  
6 certification;

7 (4) employs third-party, postconstruction measurement  
8 and verification for certification; and

9 (5) is determined by the state energy conservation  
10 office to be nationally recognized in the building industry.

11 (c) For an instructional facility to which this section  
12 applies, the dollar amount guaranteed level of state and local  
13 funds per student per cent of tax effort ("FYL") under Section  
14 46.003(a) is an amount equal to the amount specified by Section  
15 46.003(a) or by appropriation, as applicable, plus 10 percent of  
16 the applicable amount.

17 (d) This section applies only if a sufficient amount of  
18 money is appropriated to fund the minimum increased amount under  
19 Subsection (c) for each year of the state fiscal biennium beginning  
20 September 1, 2009. This subsection expires September 1, 2011.

21 SECTION 3. Section 46.032(a), Education Code, is amended to  
22 read as follows:

23 (a) Each school district is guaranteed a specified amount  
24 per student in state and local funds for each cent of tax effort to  
25 pay the principal of and interest on eligible bonds. The amount of  
26 state support, subject only to the maximum amount under Section  
27 46.034, is determined by the formula:

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

2 where:

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

5           "EDGL" is the dollar amount guaranteed level of state and  
6 local funds per student per cent of tax effort, which is \$35 or a  
7 greater amount for any year provided by appropriation or provided  
8 for under Section 46.0321;

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

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

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

20           SECTION 4. Subchapter B, Chapter 46, Education Code, is  
21 amended by adding Section 46.0321 to read as follows:

22           Sec. 46.0321. INCREASED ALLOTMENT AMOUNT FOR INSTRUCTIONAL  
23 FACILITIES USING HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND  
24 CONSTRUCTION, RENOVATION, OR IMPROVEMENT STANDARDS. (a) This  
25 section applies to state support to pay existing debt only for the  
26 design and construction or acquisition of an instructional facility  
27 described by Subsection (b) or for the renovation or improvement of

1 an instructional facility described by Subsection (b) the cost of  
2 which is more than 50 percent of the value of the facility.

3 (b) An instructional facility to which this section applies  
4 must be designed and constructed, renovated, or improved so that  
5 the facility achieves certification under a high-performance  
6 building standard that:

7 (1) exceeds, by at least 15 percent, building code  
8 standards for energy and water efficiency existing at the beginning  
9 of construction, renovation, or improvement;

10 (2) establishes minimum requirements for indoor air  
11 quality;

12 (3) requires substantiating documentation for  
13 certification;

14 (4) employs third-party, postconstruction measurement  
15 and verification for certification; and

16 (5) is determined by the state energy conservation  
17 office to be nationally recognized in the building industry.

18 (c) For an instructional facility to which this section  
19 applies, the dollar amount guaranteed level of state and local  
20 funds per student per cent of tax effort ("EDGL") under Section  
21 46.032(a) is increased to an amount equal to the amount specified by  
22 Section 46.032(a) or by appropriation, as applicable, plus 10  
23 percent of the applicable amount.

24 SECTION 5. This Act takes effect September 1, 2009.