

## **BILL ANALYSIS**

Senate Research Center  
76R9258 KKA-F

S.B. 1286  
By: Lucio  
Education  
4/6/1999  
As Filed

### **DIGEST**

Currently, Texas does not have a perpetual revenue stream or revolving fund to finance school facility projects. Historically, the legislature has proposed a set amount of monies, through the appropriations bill, to finance school facilities initiatives. This bill would create the public education facilities fund with revenue that would offset the need for the legislature to appropriate funds in the appropriations bill for school facilities.

### **PURPOSE**

As proposed, S.B. 1286 establishes the public education facilities fund.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the commissioner of education in SECTION 1 (Section 47.003(a), Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 2I, Education Code, by adding Chapter 47, as follows:

#### **CHAPTER 47. PUBLIC EDUCATION FACILITIES ASSISTANCE FUND**

Sec. 47.001. DEFINITIONS. Defines “fund” and “instructional facility.”

Sec. 47.002. FUND. Provides that the public education facilities fund (fund) consists of amounts transferred under Section 3a, Article VII, Texas Constitution, gifts or grants accepted by the commissioner of education (commissioner) under Subsection (d), and certain other income earned from the investment of the fund. Authorizes distributions from the fund to be made without appropriation in a manner provided by this chapter and Section 3a, Article VII, Texas Constitution, and to be used only for the purposes stated in that section. Requires the commissioner to administer the fund and provide for the investment of the fund in a certain manner. Authorizes the commissioner to pay reasonable administrative expenses for the income of the fund, not to exceed an amount authorized by the General Appropriations Act. Requires the commissioner to solicit and accept gifts or grants from various sources for the fund.

Sec. 47.003. FINANCIAL ASSISTANCE. Requires the commissioner to establish, by rule, a grant program to assist school districts in the acquisition and improvement of land and capital equipment for instructional purposes. Authorizes the grants to be provided for certain improvements or renovations of instructional facilities. Requires the commissioner to consider certain aspects of the school district in determining the amount and award of a grant under this section. Authorizes the commissioner to require a local commitment of funds as a condition of a grant under this section. Requires the commissioner to develop an application process allowing a school district to apply for assistance for projects under this section and Chapter 46. Requires the comptroller to distribute to school districts, from amounts available for distribution from the fund, amounts from the fund in accordance with grants awarded by the commissioner.

SECTION 2. Effective date: January 1, 2000, provided that voters of this state approve a constitutional amendment creating a public education facilities assistance fund; without such approval, this Act has no effect. Requires the commissioner to adopt certain rules by September 1, 2000, if this Act takes effect under Subsection (a) of this section.

SECTION 3. Emergency clause.