

By: Gallegos

S.B. No. 157

A BILL TO BE ENTITLED

AN ACT

relating to the sale or lease of certain school district real property in certain school districts.

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

SECTION 1. Section 11.154(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 11.1542, the [The] board of trustees of an independent school district may, by resolution, authorize the sale of any property, other than minerals, held in trust for public school purposes.

SECTION 2. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.1542 to read as follows:

Sec. 11.1542. SALE OR LEASE OF CERTAIN REAL PROPERTY. (a) The board of trustees of an independent school district that has an enrollment of more than 200,000 students may not sell or lease district real property that is part of or located near a school campus if the sale or lease would leave the school's students without adequate property on which to engage in recreational activities.

(b) The commissioner by rule shall adopt guidelines a board of trustees must use in making a determination of whether a sale or lease of school district real property would result in adequate property remaining for students' recreational purposes. In adopting those guidelines, the commissioner shall provide for

1 elementary schools to have adequate property remaining for recess,
2 team activities, and any other activity determined by the
3 commissioner and for secondary schools to have adequate property
4 remaining for team sports and any other activity determined by the
5 commissioner.

6 SECTION 3. Section 11.1542, Education Code, as added by
7 this Act, applies only to sale or lease of school district property
8 under a contract entered into on or after September 1, 2003. Sale
9 or lease of school district property under a contract entered into
10 before September 1, 2003, is governed by the law in effect on the
11 date the contract was entered into, and that law is continued in
12 effect for that purpose.

13 SECTION 4. This Act takes effect September 1, 2003.