

1-1 By: Callegari, Flynn (Senate Sponsor - Patrick) H.B. No. 387
1-2 (In the Senate - Received from the House April 16, 2007;
1-3 April 17, 2007, read first time and referred to Committee on
1-4 Government Organization; May 15, 2007, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 15, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the repeal of the law relating to the Texas National
1-9 Research Laboratory Commission.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 51.604, Education Code, is amended to
1-12 read as follows:

1-13 Sec. 51.604. USE OF FUND. The commissioner shall allocate
1-14 the fund to eligible nonprofit organizations for the purpose of:

1-15 (1) establishing or operating educational programs to
1-16 assist women or minority group members in preparing for or
1-17 participating in programs leading to an undergraduate degree in
1-18 engineering or science from an institution of higher education;

1-19 (2) disseminating information concerning:

1-20 (A) educational and career opportunities in
1-21 engineering and science; and

1-22 (B) the fund and programs funded under this
1-23 subchapter; and

1-24 (3) establishing or operating programs to assist women
1-25 and minority group members in preparing for careers in
1-26 superconductivity research, including:

1-27 (A) recruitment seminars and mentorship
1-28 programs, in cooperation with ~~[the Texas National Research~~
1-29 ~~Laboratory Commission and]~~ institutions of higher education that
1-30 conduct superconductivity research;

1-31 (B) career exploration programs, in cooperation
1-32 with public school districts; and

1-33 (C) career exploration programs, recruitment
1-34 seminars, and mentorship programs, in cooperation with engineering
1-35 and scientific research organizations.

1-36 SECTION 2. Section 65.33, Education Code, is amended to
1-37 read as follows:

1-38 Sec. 65.33. EMINENT DOMAIN. (a) The board has the power of
1-39 eminent domain to acquire for the use of the university system any
1-40 land that may be necessary and proper for carrying out its purposes
1-41 in the manner prescribed by Chapter 21, Property Code ~~[in Title 52,~~
1-42 ~~Revised Civil Statutes of Texas, 1925, as amended]~~.

1-43 (b) Whenever the board has been made trustees by a will,
1-44 instrument in writing, or otherwise of a trust for a scientific,
1-45 educational, philanthropic, or charitable purpose, or other trust
1-46 for a public purpose, it may act by a quorum of the board or a
1-47 majority of all members. Unless otherwise directed by the terms of
1-48 the will or instrument, as trustees the board may exercise for the
1-49 purpose of the trust the power of eminent domain and may condemn
1-50 land and other property as provided by Chapter 21, Property Code
1-51 ~~[Title 52, Revised Civil Statutes of Texas, 1925, as amended]~~.

1-52 (c) ~~[In the event that the federal government awards the~~
1-53 ~~Super-conducting Super Collider Accelerator project to one or more~~
1-54 ~~institutions of higher education in the State of Texas, one of which~~
1-55 ~~is a component of The University of Texas System and/or The Texas A~~
1-56 ~~& M University System, and the governor with the advice of the~~
1-57 ~~Houston Area Research Center Board determines that the board of~~
1-58 ~~regents of The University of Texas System should select the site for~~
1-59 ~~the construction of this project on permanent university fund~~
1-60 ~~lands, the board shall use its best efforts to find a suitable site~~
1-61 ~~on permanent university fund lands. If the board determines that it~~
1-62 ~~is not feasible to locate the project wholly on permanent~~
1-63 ~~university fund lands and the legislature has appropriated funds~~
1-64 ~~for such purpose, the board may exercise the power of eminent domain~~

to acquire, on behalf of the state, title and right-of-way easements in such land in addition to permanent university fund lands as the board may determine is necessary and appropriate for the project. If a component of both The University of Texas System and The Texas A & M University System are members of the consortium that is awarded the Super-conducting Super Collider Accelerator project, the board of regents of The University of Texas System shall not proceed to select a site and to exercise the power of eminent domain without a resolution of concurrence from the board of regents of The Texas A & M University System.

~~[(d)]~~ The taking of the property is declared to be for the use of the state. The board is ~~[shall]~~ not ~~[be]~~ required to deposit a bond or the amount equal to the award of damages by the commissioners as provided by Section 21.021, Property Code ~~[in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925]~~.

SECTION 3. Section 661.031(2), Government Code, is amended to read as follows:

(2) "State employee" means an individual who is an appointed officer or employee of a state agency and who normally works 900 hours or more a year. The term includes:

- (A) an hourly employee;
- (B) a temporary employee;
- (C) a person employed by:
 - (i) the Teacher Retirement System of Texas;
 - (ii) the Texas Education Agency;
 - (iii) the Texas Higher Education Coordinating Board;
 - (iv) ~~[the Texas National Research Laboratory Commission]~~;
 - ~~[(v)]~~ the Texas School for the Blind and Visually Impaired;
 - (v) ~~[(vi)]~~ the Texas School for the Deaf;
 - (vi) ~~[(vii)]~~ the Texas Youth Commission;
 - (vii) ~~[(viii)]~~ the Windham School District;
- or
- (viii) ~~[(ix)]~~ the Department of Assistive and Rehabilitative Services ~~[Texas Rehabilitation Commission]~~; and

(D) a classified, administrative, faculty, or professional employee of a state institution or agency of higher education who has accumulated vacation leave, sick leave, or both, during the employment.

SECTION 4. Section 661.061(2), Government Code, is amended to read as follows:

(2) "State employee" means an employee or appointed officer of a state agency. The term includes:

- (A) a full-time employee or officer;
- (B) a part-time employee or officer;
- (C) an hourly employee;
- (D) a temporary employee;
- (E) a person employed by:
 - (i) the Teacher Retirement System of Texas;
 - (ii) the Texas Education Agency;
 - (iii) the Texas Higher Education Coordinating Board;
 - (iv) ~~[the Texas National Research Laboratory Commission]~~;
 - ~~[(v)]~~ the Texas School for the Blind and Visually Impaired;
 - (v) ~~[(vi)]~~ the Texas School for the Deaf;
 - (vi) ~~[(vii)]~~ the Texas Youth Commission;
 - (vii) ~~[(viii)]~~ the Windham School District;
- or
- (viii) ~~[(ix)]~~ the Department of Assistive and Rehabilitative Services ~~[Texas Rehabilitation Commission]~~; or

(F) a classified, administrative, faculty, or professional employee of a state institution or agency of higher education who has accumulated vacation leave during the employment.

SECTION 5. Section 1232.101, Government Code, is amended to

3-1 read as follows:

3-2 Sec. 1232.101. ISSUANCE OF BONDS FOR CERTAIN STATE
 3-3 AGENCIES. With respect to all bonds authorized to be issued by the
 3-4 Texas Military Facilities Commission, [~~Texas National Research~~
 3-5 ~~Laboratory Commission~~], Parks and Wildlife Department, Texas
 3-6 Low-Level Radioactive Waste Disposal Authority, Stephen F. Austin
 3-7 State University, Midwestern State University, and Texas Southern
 3-8 University, the authority has the exclusive authority to act on
 3-9 behalf of those entities in issuing bonds on their behalf. In
 3-10 connection with those issuances and with the issuance of refunding
 3-11 bonds on behalf of those entities, the authority is subject to all
 3-12 rights, duties, and conditions surrounding issuance previously
 3-13 applicable to the issuing entity under the statute authorizing the
 3-14 issuance. A reference in an authorizing statute to the entity on
 3-15 whose behalf the bonds are being issued applies equally to the
 3-16 authority in its capacity as issuer on behalf of the entity.

3-17 SECTION 6. Sections 2301.062 and 2301.064, Government Code,
 3-18 are amended to read as follows:

3-19 Sec. 2301.062. AGREEMENTS. A public entity or state agency
 3-20 may make agreements with and accept donations, grants, and loans
 3-21 from any person, including the United States, this state, a
 3-22 department or agency of this state, a public entity, and a public or
 3-23 private corporation, including any authority [~~and the Texas~~
 3-24 ~~National Research Laboratory Commission~~].

3-25 Sec. 2301.064. USE OF FUNDS. A public entity or state
 3-26 agency may:

3-27 (1) use its funds, including tax revenues, to plan,
 3-28 acquire, construct, own, operate, maintain, or enhance eligible
 3-29 projects, including, in the case of a public entity, eligible
 3-30 projects located outside the jurisdiction or boundaries of the
 3-31 public entity if the governing body of the public entity determines
 3-32 that the project will contribute to the development and
 3-33 diversification of the economy, the elimination of unemployment or
 3-34 underemployment, or the development or expansion of commerce within
 3-35 the public entity;

3-36 (2) levy taxes to provide for payment of amounts
 3-37 required under agreements with any person, including the United
 3-38 States, the state, a department and agency of this state, a public
 3-39 entity, and a public or private corporation, including any
 3-40 authority [~~and the Texas National Research Laboratory Commission~~];
 3-41 and

3-42 (3) pledge tax revenue to the payment of agreements.

3-43 SECTION 7. Section 25.07(b), Tax Code, is amended to read as
 3-44 follows:

3-45 (b) Except as provided by Subsections (b) and (c) of Section
 3-46 11.11 of this code, a leasehold or other possessory interest in
 3-47 exempt property may not be listed if:

3-48 (1) the property is permanent university fund land;
 3-49 (2) the property is county public school fund
 3-50 agricultural land;

3-51 (3) the property is a part of a public transportation
 3-52 facility owned by an incorporated city or town and:

3-53 (A) is an airport passenger terminal building or
 3-54 a building used primarily for maintenance of aircraft or other
 3-55 aircraft services, for aircraft equipment storage, or for air
 3-56 cargo;

3-57 (B) is an airport fueling system facility;

3-58 (C) is in a foreign-trade zone:

3-59 (i) that has been granted to a joint airport
 3-60 board under Chapter 129, Acts of the 65th Legislature, Regular
 3-61 Session, 1977 (Article 1446.8, Vernon's Texas Civil Statutes);

3-62 (ii) the area of which in the portion of the
 3-63 zone located in the airport operated by the joint airport board does
 3-64 not exceed 2,500 acres; and

3-65 (iii) that is established and operating
 3-66 pursuant to federal law; or

3-67 (D)(i) is in a foreign trade zone established
 3-68 pursuant to federal law after June 1, 1991, which operates pursuant
 3-69 to federal law;

(ii) is contiguous to or has access via a taxiway to an airport located in two counties, one of which has a population of 500,000 or more according to the federal decennial census most recently preceding the establishment of the foreign trade zone; and

(iii) is owned, directly or through a corporation organized under the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), by the same incorporated city or town which owns the airport;

(4) the interest is in a part of:

(A) a park, market, fairground, or similar public facility that is owned by an incorporated city or town; or

(B) a convention center, visitor center, sports facility with permanent seating, concert hall, arena, or stadium that is owned by an incorporated city or town as such leasehold or possessory interest serves a governmental, municipal, or public purpose or function when the facility is open to the public, regardless of whether a fee is charged for admission;

(5) the interest involves only the right to use the property for grazing or other agricultural purposes; or

~~(6) [the property is owned by the Texas National Research Laboratory Commission or by a corporation formed by the Texas National Research Laboratory Commission under Section 465.008(g), Government Code, and is used or is useful in connection with an eligible undertaking as defined by Section 465.021, Government Code, or~~

~~[(7)]~~ the property is:

(A) owned by a municipality, a public port, or a navigation district created or operating under Section 59, Article XVI, Texas Constitution, or under a statute enacted under Section 59, Article XVI, Texas Constitution; and

(B) used as an aid or facility incidental to or useful in the operation or development of a port or waterway or in aid of navigation-related commerce.

SECTION 8. The following laws are repealed:

(1) Chapter 465, Government Code; and

(2) Sections 151.349 and 171.086, Tax Code.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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