

1-1 By: Shapiro S.B. No. 1736
1-2 (In the Senate - Filed March 9, 2007; March 21, 2007, read
1-3 first time and referred to Subcommittee on Emerging Technologies
1-4 and Economic Development; April 19, 2007, reported adversely, with
1-5 favorable Committee Substitute from Committee on Business and
1-6 Commerce by the following vote: Yeas 8, Nays 0; April 19, 2007,
1-7 sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR S.B. No. 1736 By: Janek

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the powers, duties, and financing of cultural education
1-12 facilities finance corporations.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subdivision (5), Section 3, Cultural Education
1-15 Facilities Finance Corporation Act (Article 1528m, Vernon's Texas
1-16 Civil Statutes), is amended to read as follows:

1-17 (5) "Cultural facility" means any capital expenditure
1-18 by a user. The term includes:

1-19 (A) real property or an interest in real
1-20 property, including buildings and improvements, or equipment,
1-21 furnishings, or other personal property that:

1-22 (i) is found by the board to be necessary or
1-23 convenient to finance, refinance, acquire, construct, enlarge,
1-24 remodel, renovate, improve, furnish, or equip for cultural
1-25 education or community benefit;

1-26 (ii) is made available for use by the
1-27 general public, the user, or community groups; and

1-28 (iii) is used for a purpose described by
1-29 Section 2(a)(1) of this Act; ~~and~~

1-30 (B) a facility in which any of the following
1-31 entities engage in any activity in which the entity is permitted to
1-32 engage:

1-33 (1) a nonprofit corporation exempt from the state
1-34 franchise tax under Section 171.063, Tax Code;

1-35 (2) an organization described in Section 11.18, Tax
1-36 Code; or

1-37 (3) an organization described in Section 501(c)(3),
1-38 Internal Revenue Code of 1986; and

1-39 (C) facilities incidental, subordinate, or
1-40 related to or appropriate in connection with property described by
1-41 Paragraph (A) or (B) of this subdivision, located within the state,
1-42 regardless of the date of construction or acquisition.

1-43 SECTION 2. Subsection (b), Section 4, Cultural Education
1-44 Facilities Finance Corporation Act (Article 1528m, Vernon's Texas
1-45 Civil Statutes), is amended to read as follows:

1-46 (b) The corporation shall be created and organized in the
1-47 same manner as a health facilities development corporation under
1-48 Chapter 221, Health and Safety Code, and has the same powers,
1-49 authority, and rights:

1-50 (1) with respect to cultural facilities and health
1-51 facilities that a health facilities development corporation has
1-52 with respect to health facilities under Chapter 221, Health and
1-53 Safety Code; and

1-54 (2) with respect to educational facilities, housing
1-55 facilities, and other facilities incidental, subordinate, or
1-56 related to those facilities that a nonprofit corporation created
1-57 under Section 53.35(b), Education Code, or an authority created
1-58 under Section 53.11, Education Code, has under Chapter 53,
1-59 Education Code.

1-60 SECTION 3. This Act takes effect immediately if it receives
1-61 a vote of two-thirds of all the members elected to each house, as
1-62 provided by Section 39, Article III, Texas Constitution. If this
1-63 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2007.

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