

By: West

S.B. No. 430

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to higher education facilities as authorized projects in a  
3 public improvement district.

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

5 SECTION 1. Section 372.003(b), Local Government Code, is  
6 amended to read as follows:

7 (b) A public improvement project may include:

8 (1) landscaping;

9 (2) erection of fountains, distinctive lighting, and  
10 signs;

11 (3) acquiring, constructing, improving, widening,  
12 narrowing, closing, or rerouting of sidewalks or of streets, any  
13 other roadways, or their rights-of-way;

14 (4) construction or improvement of pedestrian malls;

15 (5) acquisition and installation of pieces of art;

16 (6) acquisition, construction, or improvement of  
17 libraries;

18 (7) acquisition, construction, or improvement of  
19 off-street parking facilities;

20 (8) acquisition, construction, improvement, or  
21 rerouting of mass transportation facilities;

22 (9) acquisition, construction, or improvement of  
23 water, wastewater, or drainage facilities or improvements;

24 (10) the establishment or improvement of parks;

1 (11) projects similar to those listed in Subdivisions  
2 (1)-(10);

3 (12) acquisition, by purchase or otherwise, of real  
4 property in connection with an authorized improvement;

5 (13) special supplemental services for improvement  
6 and promotion of the district, including services relating to  
7 advertising, promotion, health and sanitation, water and  
8 wastewater, public safety, security, business recruitment,  
9 development, recreation, and cultural enhancement; ~~and~~

10 (14) payment of expenses incurred in the  
11 establishment, administration, and operation of the district; and

12 (15) acquisition, construction, maintenance, or  
13 improvement of buildings and other facilities commonly used for  
14 teaching, research, or the preservation of knowledge by an  
15 institution of higher education or for auxiliary purposes of the  
16 institution, including administration, student services and  
17 housing, athletics, performing arts, and alumni support.

18 SECTION 2. Subchapter A, Chapter 372, Local Government  
19 Code, is amended by adding Section 372.0045 to read as follows:

20 Sec. 372.0045. AUTHORIZED HIGHER EDUCATION FACILITIES;  
21 LEASE TO INSTITUTION OF HIGHER EDUCATION. (a) In this section,  
22 "institution of higher education" has the meaning assigned by  
23 Section 61.003, Education Code.

24 (b) The governing body of a municipality or county that  
25 establishes a public improvement district to finance a public  
26 improvement project described by Section 372.003(b)(15) may enter  
27 into a memorandum of understanding with an institution of higher

1 education that provides educational services in the municipality or  
2 county under which the municipality or county leases the public  
3 improvement project to the institution, at a nominal rate, for use  
4 by the institution in providing teaching, research, public service,  
5 or auxiliary enterprise activities to students of the institution.

6 (c) A memorandum of understanding entered into by a  
7 municipality or county under this section must include adequate  
8 controls to ensure that the lease of the public improvement project  
9 promotes the municipality's or county's interests and provides a  
10 public benefit to the area served by the district.

11 SECTION 3. Section 61.0572, Education Code, is amended by  
12 adding Subsection (f) to read as follows:

13 (f) Approval of the board is not required for buildings or  
14 other facilities financed by a public improvement district under  
15 Subchapter A, Chapter 372, Local Government Code.

16 SECTION 4. Section 61.058, Education Code, is amended by  
17 adding Subsection (c) to read as follows:

18 (c) This section does not apply to construction, repair, or  
19 rehabilitation of buildings or other facilities financed by a  
20 public improvement district under Subchapter A, Chapter 372, Local  
21 Government Code.

22 SECTION 5. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2009.