

1-1 By: Fraser S.B. No. 1033
1-2 (In the Senate - Filed February 20, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Economic Development;
1-4 March 24, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 24, 2009, sent to printer.)

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

1-8 relating to the purposes and powers of the Temple Health and
1-9 Bioscience Economic Development District.

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

1-11 SECTION 1. Section 3831.002, Special District Local Laws
1-12 Code, is amended by amending Subsection (a) and adding Subsection
1-13 (e) to read as follows:

1-14 (a) The creation of the district is essential to accomplish
1-15 the purposes of Section 52-a, Article III, and Section 59, Article
1-16 XVI, Texas Constitution, and to accomplish other public purposes
1-17 stated in this chapter, including:

1-18 (1) development and diversification of the economy of
1-19 the state;

1-20 (2) the elimination of unemployment or
1-21 underemployment in the state;

1-22 (3) the stimulation of agricultural innovation;

1-23 (4) fostering the growth of enterprises based on
1-24 agriculture; and

1-25 (5) the development or expansion of transportation or
1-26 commerce in the state.

1-27 (e) Property owners in the district benefit from the
1-28 district and its activities.

1-29 SECTION 2. Subchapter A, Chapter 3831, Special District
1-30 Local Laws Code, is amended by adding Section 3831.006 to read as
1-31 follows:

1-32 Sec. 3831.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

1-33 (a) All or part of the area of the district is eligible to be
1-34 included in:

1-35 (1) a tax increment reinvestment zone created by the
1-36 City of Temple under Chapter 311, Tax Code; or

1-37 (2) a tax abatement reinvestment zone created by the
1-38 City of Temple under Chapter 312, Tax Code.

1-39 (b) If the City of Temple creates a tax increment
1-40 reinvestment zone described by Subsection (a), the city and the
1-41 board of directors of the zone, by contract with the district, may:

1-42 (1) grant money deposited in the tax increment fund to
1-43 the district to be used by the district for any purpose, including
1-44 pledging the money as security for any bonds issued by the district
1-45 for an improvement project; or

1-46 (2) give the district the power to manage or implement
1-47 a reinvestment zone's project or financing plans.

1-48 SECTION 3. Section 3831.104, Special District Local Laws
1-49 Code, is amended to read as follows:

1-50 Sec. 3831.104. PROPERTY. The district may exercise any
1-51 type of property right, including the power to acquire, sell, or
1-52 lease as lessee or lessor, regarding any type of property interest
1-53 located inside or outside the boundaries of the district [~~in the~~
1-54 ~~district or for use in the district]~~ under terms determined by the
1-55 board.

1-56 SECTION 4. Section 3831.109, Special District Local Laws
1-57 Code, is amended to read as follows:

1-58 Sec. 3831.109. FEES FOR USE OF DISTRICT IMPROVEMENTS. The
1-59 district may establish and maintain reasonable and
1-60 nondiscriminatory rates, fares, charges, rents, or other fees or
1-61 compensation for the use of the improvements constructed by,
1-62 operated by, leased to or by, or maintained by the district.

1-63 SECTION 5. Subsection (a), Section 3831.111, Special
1-64 District Local Laws Code, is amended to read as follows:

2-1 (a) The district may establish projects inside or outside
2-2 the boundaries of the district for:
2-3 (1) bioscience and health products, including
2-4 projects related to:
2-5 (A) research and development;
2-6 (B) invention and discovery;
2-7 (C) commercialization;
2-8 (D) production and manufacturing of goods and
2-9 products, including projects for manufacturing facilities; and
2-10 (E) development of production process and
2-11 delivery system purposes in, involved in, based on, or related to,
2-12 or intended to advance the state of knowledge, skill, and
2-13 understanding of, the biosciences, including:
2-14 (i) wet laboratories;
2-15 (ii) clean rooms;
2-16 (iii) dry laboratories;
2-17 (iv) research and development facilities;
2-18 (v) genetics facilities and equipment;
2-19 (vi) pharmaceutical facilities and
2-20 equipment;
2-21 (vii) biotechnology incubators;
2-22 (viii) bioscience and biotechnology health
2-23 care facilities;
2-24 (ix) biotechnology facilities;
2-25 (x) bioscience facilities; and
2-26 (xi) other similar projects;
2-27 (2) bioscience education, including projects for
2-28 health or biotechnology education facilities, regardless of any
2-29 affiliation with other institutions of higher, vocational, or job
2-30 training education;
2-31 (3) access to public safety facilities and equipment;
2-32 (4) streets and roads;
2-33 (5) drainage services;
2-34 (6) wastewater services;
2-35 (7) potable water services;
2-36 (8) telecommunication facilities;
2-37 (9) demolition of existing structures;
2-38 (10) development and institution of water
2-39 conservation programs;
2-40 (11) chilled water services;
2-41 (12) steam services;
2-42 (13) industrial gases services;
2-43 (14) other utility and process and production
2-44 services; or
2-45 (15) the support of any other type of health or
2-46 bioscience projects.

2-47 SECTION 6. Subsection (a), Section 3831.114, Special
2-48 District Local Laws Code, is amended to read as follows:

2-49 (a) The board by resolution may authorize the creation of a
2-50 nonprofit corporation[~~, including a scientific corporation,~~] under
2-51 the Business Organizations Code. The nonprofit corporation may be
2-52 organized to perform biomedical or scientific research or provide
2-53 biomedical or scientific education for the benefit of the public.
2-54 The nonprofit corporation shall assist and act for the district in
2-55 implementing a project or providing a service authorized by this
2-56 chapter or Chapter 431, Transportation Code.

2-57 SECTION 7. Section 3831.160, Special District Local Laws
2-58 Code, is amended by amending Subsection (a) and adding Subsections
2-59 (c), (d), (e), (f), and (g) to read as follows:

2-60 (a) The district may issue obligations, including revenue
2-61 bonds, to pay the costs of a project located inside or outside the
2-62 boundaries of [in] the district. The proceeds of bonds or other
2-63 obligations that are payable wholly or partly from ad valorem taxes
2-64 may not be used for a project located outside the district.

2-65 (c) Revenue bonds or other district obligations may be
2-66 payable from and secured by:

2-67 (1) revenue derived from the district's operations,
2-68 including district projects;

2-69 (2) proceeds of a grant or other funds received by the

3-1 district;
3-2 (3) revenue derived from a lease or contract entered
3-3 into by the district; or
3-4 (4) assessments collected by the district.
3-5 (d) Revenue bonds or other district obligations may be
3-6 secured by a mortgage or deed of trust lien on the district's
3-7 interest in a project or property, including a fee title or a
3-8 leasehold interest.
3-9 (e) The district may issue general obligation bonds if
3-10 general obligation bonds are authorized by an election held under
3-11 Subchapter F.
3-12 (f) For purposes of this chapter, the district:
3-13 (1) is an issuer under Chapter 1371, Government Code,
3-14 and may issue bonds or obligations under that chapter; and
3-15 (2) may issue refunding bonds or obligations under
3-16 Chapter 1207, Government Code.
3-17 (g) Except for water, sewer, or drainage projects financed
3-18 by taxes imposed by the district, the district may issue bonds or
3-19 other obligations and pursue projects without an order of the Texas
3-20 Commission on Environmental Quality under Section 49.181(a), Water
3-21 Code.
3-22 SECTION 8. Section 3831.201, Special District Local Laws
3-23 Code, is amended to read as follows:
3-24 Sec. 3831.201. IMPOSITION OF AD VALOREM TAX. If authorized
3-25 at an election held under Section 3831.255, the district by order:
3-26 (1) may [~~by order~~] impose an annual ad valorem tax on
3-27 taxable property in the district to pay for projects or district
3-28 operating expenses; and
3-29 (2) shall [~~by order~~] impose an ad valorem tax to pay
3-30 for obligations that are payable wholly or partly from ad valorem
3-31 taxes.
3-32 SECTION 9. This Act takes effect immediately if it receives
3-33 a vote of two-thirds of all the members elected to each house, as
3-34 provided by Section 39, Article III, Texas Constitution. If this
3-35 Act does not receive the vote necessary for immediate effect, this
3-36 Act takes effect September 1, 2009.

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