

By: Callegari

H.B. No. 417

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the acquisition of and compensation for real property,
3 including blighted property, for public purposes through
4 condemnation or certain other means.

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

6 SECTION 1. Section 373.002(b), Local Government Code, is
7 amended to read as follows:

8 (b) Activities conducted under this chapter are directed
9 toward the following purposes:

10 (1) elimination of [~~slums and~~] areas affected by
11 blight;

12 (2) prevention of blighting influences and of the
13 deterioration of property and neighborhood and community
14 facilities important to the welfare of the community;

15 (3) elimination of conditions detrimental to the
16 public health, safety, and welfare;

17 (4) expansion and improvement of the quantity and
18 quality of community services essential for the development of
19 viable urban communities;

20 (5) more rational use of land and other natural
21 resources;

22 (6) improved arrangement of residential, commercial,
23 industrial, recreational, and other necessary activity centers;

24 (7) restoration and preservation of properties of

1 special value for historic, architectural, or aesthetic reasons;

2 (8) reduction of the isolation of income groups in
3 communities and geographical areas, promotion of increased
4 diversity and vitality of neighborhoods through spatial
5 deconcentration of housing opportunities for persons of low and
6 moderate income, and revitalization of deteriorating or
7 deteriorated neighborhoods to attract persons of higher income; and

8 (9) alleviation of physical and economic distress
9 through the stimulation of private investment and community
10 revitalization in [~~slum or~~] blighted areas.

11 SECTION 2. Section 373.004, Local Government Code, is
12 amended to read as follows:

13 Sec. 373.004. GOALS OF PROGRAM. Through a community
14 development program, a municipality may conduct work or activities
15 designed to:

16 (1) improve the living and economic conditions of
17 persons of low and moderate income;

18 (2) benefit low or moderate income neighborhoods;

19 (3) aid in the prevention or elimination of [~~slums~~
20 ~~and~~] blighted areas;

21 (4) aid a federally assisted new community; or

22 (5) meet other urgent community development needs,
23 including an activity or function specified for a community
24 development program that incorporates a federally assisted new
25 community.

26 SECTION 3. Section 373.006, Local Government Code, is
27 amended to read as follows:

1 Sec. 373.006. REQUIRED PROCEDURES BEFORE ADOPTION OF
2 COMMUNITY DEVELOPMENT PROGRAM. Before exercising powers under
3 Section 373.005, the governing body of the municipality must:

4 (1) identify areas of the municipality in which
5 predominantly low and moderate income persons reside and each unit
6 of real property in the municipality~~[7]~~ that has the
7 characteristics of blight ~~[are blighted or slum areas]~~ or that is a
8 ~~[are]~~ federally assisted new community in the municipality
9 ~~[communities]~~;

10 (2) establish community development program areas in
11 which community development activities, building rehabilitation,
12 or the acquisition of privately owned buildings or land is
13 proposed;

14 (3) adopt, by resolution or ordinance, a plan under
15 which citizens may publicly comment on the proposed community
16 development program;

17 (4) conduct public hearings on the proposed program
18 before the 15th day before the date of its final adoption by the
19 governing body; and

20 (5) adopt the community development program by
21 resolution or ordinance.

22 SECTION 4. Sections 374.002(a) and (b), Local Government
23 Code, are amended to read as follows:

24 (a) The legislature finds that ~~[slum and]~~ blighted areas
25 exist in municipalities in this state and that those areas:

26 (1) are a serious and growing menace that is injurious
27 and inimical to the public health, safety, morals, and welfare of

1 the residents of this state;

2 (2) contribute substantially and increasingly to the
3 spread of disease and crime, requiring excessive and
4 disproportionate expenditures of public funds for the preservation
5 of the public health and safety, and for crime prevention,
6 correctional facilities, prosecution and punishment, treatment of
7 juvenile delinquency, and the maintenance of adequate police, fire,
8 and accident protection and other public services and facilities;
9 and

10 (3) constitute an economic and social liability,
11 substantially impair the sound growth of affected municipalities,
12 and retard the provision of housing accommodations.

13 (b) For these reasons, prevention and elimination of [~~slum~~
14 ~~and~~] blighted areas are matters of state policy and concern that may
15 be best addressed by the combined action of private enterprise,
16 municipal regulation, and other public action through approved
17 urban renewal plans. The legislature further finds that the repair
18 and rehabilitation of buildings and other improvements in affected
19 areas, public acquisition of real property, demolition of buildings
20 and other improvements as necessary to eliminate [~~slum or~~] blight
21 conditions or to prevent the spread of those conditions, the
22 disposition of property acquired in affected areas and incidental
23 to the purposes stated by this subsection, and other public
24 assistance to eliminate those conditions are public purposes for
25 which public money may be spent and the power of eminent domain
26 exercised.

27 SECTION 5. Sections 374.003(3), (18), (25), (26), and (28),

1 Local Government Code, are amended to read as follows:

2 (3) "Blighted area" means a tract or unit of property
3 [~~an area~~] that presents four or more of the following conditions for
4 at least one year after the date on which notice of the conditions
5 is provided to the property owner as required by Section
6 374.018(a)(1) or (b):

7 (A) the property contains uninhabitable, unsafe,
8 or abandoned structures;

9 (B) the property has inadequate provisions for
10 sanitation;

11 (C) there exists on the property an imminent harm
12 to life or other property caused by fire, flood, hurricane,
13 tornado, earthquake, storm, or other natural catastrophe declared
14 to be a disaster under Section 418.014, Government Code, or
15 certified as a disaster for federal assistance under Section
16 418.021, Government Code;

17 (D) the property has been identified by the
18 United States Environmental Protection Agency as a superfund site
19 under the federal Comprehensive Environmental Response,
20 Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et
21 seq.) or as environmentally contaminated to an extent that the
22 property requires remedial investigation or a feasibility study;

23 (E) the property has been the location of
24 substantiated and repeated illegal activity of which the property
25 owner knew or should have known;

26 (F) the maintenance of the property is below
27 county or municipal standards;

1 (G) the property is abandoned and contains a
2 structure that is not fit for its intended use because the
3 utilities, sewerage, plumbing, or heating or a similar service or
4 facility of the structure has been disconnected, destroyed,
5 removed, or rendered ineffective; or

6 (H) the property presents an economic liability
7 to the immediate area because of deteriorating structures or
8 hazardous conditions [~~is not a slum area, but that, because of~~
9 ~~deteriorating buildings, structures, or other improvements,~~
10 ~~defective or inadequate streets, street layout, or accessibility,~~
11 ~~unsanitary conditions, or other hazardous conditions, adversely~~
12 ~~affects the public health, safety, morals, or welfare of the~~
13 ~~municipality and its residents, substantially retards the~~
14 ~~provision of a sound and healthful housing environment, or results~~
15 ~~in an economic or social liability to the municipality. The term~~
16 ~~includes an area certified as a disaster area as provided by Section~~
17 ~~374.903].~~

18 (18) "Rehabilitation" means the restoration of
19 buildings or other structures to prevent deterioration of an area
20 that is tending to become a blighted area [~~or a slum area~~].

21 (25) "Urban renewal activities" includes [~~slum~~
22 ~~clearance,~~] redevelopment, rehabilitation, and conservation
23 activities to prevent further deterioration of an area that is
24 tending to become a blighted [~~or slum~~] area. The term includes:

25 (A) the acquisition of all or part of a [~~slum area~~
26 ~~or~~] blighted area or the acquisition of land that is predominantly
27 open and that, because of obsolete platting, diversity of

1 ownership, deterioration of structures or site improvements, or for
2 other reasons, substantially impairs or arrests the sound growth of
3 the community;

4 (B) the demolition and removal of buildings and
5 improvements;

6 (C) the installation, construction, or
7 reconstruction of streets, utilities, parks, playgrounds, and
8 other improvements necessary to fulfill urban renewal objectives in
9 accordance with an urban renewal plan;

10 (D) the disposition by the municipality of
11 property acquired in an urban renewal area for use in accordance
12 with an urban renewal plan, including the sale or initial lease of
13 the property at its fair value or the retention of the property;

14 (E) the implementation of plans for a program of
15 voluntary repair and rehabilitation of buildings or improvements in
16 accordance with an urban renewal plan; and

17 (F) the acquisition of real property in an urban
18 renewal area as necessary to remove or prevent the spread of blight
19 or deterioration or to provide land for needed public facilities.

20 (26) "Urban renewal area" means a [~~slum area,~~
21 blighted area~~, or a combination of those areas~~] that the governing
22 body of a municipality designates as appropriate for an urban
23 renewal project.

24 (28) "Urban renewal project" includes any of the
25 following activities undertaken in accordance with an urban renewal
26 plan:

27 (A) municipal activities in an urban renewal area

1 that are designed to eliminate or to prevent the development or
2 spread of [~~slums and~~] blighted areas;

3 (B) [~~slum clearance and redevelopment in an urban~~
4 ~~renewal area,~~

5 [(C)] rehabilitation or conservation in an urban
6 renewal area;

7 (C) [(D)] development of open land that, because
8 of location or situation, is necessary for sound community growth
9 and that is to be developed, by replatting and planning, for
10 predominantly residential uses; or

11 (D) [(E)] any combination or part of the
12 activities described by Paragraphs (A)-(C) [(A)-(D)].

13 SECTION 6. Section 374.011, Local Government Code, is
14 amended by amending Subsection (a) and adding Subsection (d) to
15 read as follows:

16 (a) Except as provided by Section 374.012, a municipality
17 may not exercise a power granted under this chapter unless:

18 (1) the governing body of the municipality adopts a
19 resolution that finds that a [~~slum area or~~] blighted area exists in
20 the municipality and that the rehabilitation, the conservation, or
21 the [~~slum clearance and~~] redevelopment of the area is necessary for
22 the public health, safety, morals, or welfare of the residents of
23 the municipality; and

24 (2) a majority of the municipality's voters voting in
25 an election held as provided by Subsection (b) favor adoption of the
26 resolution.

27 (d) The governing body of the municipality must determine

1 that each unit of real property included in a resolution under
2 Subsection (a) has the characteristics of blight.

3 SECTION 7. Section 374.012(c), Local Government Code, is
4 amended to read as follows:

5 (c) The resolution ordering the election and the notice of
6 the election must contain:

7 (1) a complete legal description of each unit of
8 property [~~the area~~] included in the proposed project;

9 (2) a statement of the nature of the proposed project;
10 [~~and~~]

11 (3) a statement of the total amount of local funds to
12 be spent on the proposed project; and

13 (4) a statement that each unit of property has the
14 characteristics of blight.

15 SECTION 8. Section 374.013(a), Local Government Code, is
16 amended to read as follows:

17 (a) To further the urban renewal objectives of this chapter,
18 a municipality may formulate a workable program to use appropriate
19 private and public resources, including the resources specified by
20 Subsection (b), to encourage urban rehabilitation, to provide for
21 the redevelopment of [~~slum and~~] blighted areas, or to undertake
22 those activities or other feasible municipal activities as may be
23 suitably employed to achieve the objective of the program. The
24 program must specifically include provisions relating to:

25 (1) prevention, through diligent enforcement of
26 housing and occupancy controls and standards, of the expansion of
27 blight into areas of the municipality that are free from blight; and

1 (2) rehabilitation or conservation of [~~slum and~~
2 blighted areas as far as practicable to areas that are free from
3 blight through replanning, removing congestion, providing parks,
4 playgrounds, and other public improvements, encouraging voluntary
5 rehabilitation and requiring the repair and rehabilitation of
6 deteriorated or deteriorating structures[~~, and the clearance and~~
7 ~~redevelopment of slum areas~~].

8 SECTION 9. Section 374.014(a), Local Government Code, is
9 amended to read as follows:

10 (a) A municipality may not prepare an urban renewal plan for
11 an area unless the governing body of the municipality has, by
12 resolution, declared the area to be a [~~slum area, a~~ blighted area[~~, or both,~~
13 ~~or both,~~] and has designated the area as appropriate for an urban
14 renewal project. The governing body may not approve an urban
15 renewal plan until a general plan has been prepared for the
16 municipality. A municipality may not acquire real property for an
17 urban renewal project until the governing body has approved the
18 urban renewal plan as provided by Subsection (d).

19 SECTION 10. Sections 374.015(a) and (d), Local Government
20 Code, are amended to read as follows:

21 (a) A municipality may exercise all powers necessary or
22 convenient to carry out the purposes of this chapter, including the
23 power to:

24 (1) conduct preliminary surveys to determine if
25 undertaking an urban renewal project is feasible;

26 (2) conduct urban renewal projects within its area of
27 operation;

1 (3) execute contracts and other instruments necessary
2 or convenient to the exercise of its powers under this chapter;

3 (4) provide, arrange, or contract for the furnishing
4 or repair by any person of services, privileges, works, streets,
5 roads, public utilities, or other facilities in connection with an
6 urban renewal project, including installation, construction, and
7 reconstruction of streets, utilities, parks, playgrounds, and
8 other public improvements necessary to carry out an urban renewal
9 project;

10 (5) acquire any real property, including
11 improvements, and any personal property necessary for
12 administrative purposes, that is necessary or incidental to an
13 urban renewal project, hold, improve, clear, or prepare the
14 property for redevelopment, mortgage or otherwise encumber or
15 dispose of the real property, insure or provide for the insurance of
16 real or personal property or municipal operations against any risk
17 or hazard and to pay premiums on that insurance, and enter any
18 necessary contracts;

19 (6) invest urban renewal project funds held in
20 reserves or sinking funds, or not required for immediate
21 disbursement, in property or securities in which banks may legally
22 invest funds subject to their control, redeem bonds issued under
23 Section 374.026 at the redemption price established in the bond, or
24 purchase those bonds at less than the redemption price, and cancel
25 the bonds redeemed or purchased;

26 (7) borrow money and apply for and accept advances,
27 loans, grants, contributions, and other forms of financial

1 assistance from the federal, state, or county government, other
2 public body, or other public or private sources for the purposes of
3 this chapter, give any required security, and make and carry out any
4 contracts in connection with the financial assistance;

5 (8) make plans necessary to carry out this chapter in
6 its area of operation, contract with any person in making and
7 carrying out the plans, and adopt, approve, modify or amend the
8 plans;

9 (9) develop, test, and report methods and techniques
10 for the prevention of [~~slums~~ and] urban blight, conduct
11 demonstrations and other activities in connection with those
12 methods and techniques, and apply for, accept, and use federal
13 grants made for those purposes;

14 (10) prepare plans and provide reasonable assistance
15 for the relocation of persons displaced from an urban renewal
16 project area, including families, business concerns, and others, as
17 necessary to acquire possession and to clear the area in order to
18 conduct the urban renewal project;

19 (11) appropriate funds and make expenditures as
20 necessary to implement this chapter and, subject to Subsection (c),
21 levy taxes and assessments for that purpose;

22 (12) close, vacate, plan, or replan streets, roads,
23 sidewalks, ways, or other places, plan, replan, zone, or rezone any
24 part of the municipality and make exceptions from building
25 regulations, and enter agreements with an urban renewal agency
26 vested with urban renewal powers under Subchapter C, which may
27 extend over any period, restricting action to be taken by the

1 municipality under any of the powers granted under this chapter;

2 (13) organize, coordinate, and direct the
3 administration of this chapter within the area of operation as
4 those provisions apply to the municipality to most effectively
5 promote and achieve the purposes of this chapter and establish new
6 municipal offices or reorganize existing offices as necessary to
7 most effectively implement those purposes; and

8 (14) issue tax increment bonds.

9 (d) A [~~Except as provided by Section 374.016, a~~]
10 municipality may acquire by condemnation any interest in real
11 property, including a fee simple interest, that the municipality
12 considers necessary for or in connection with an urban renewal
13 project. Property dedicated to a public use may be acquired in that
14 manner, except that property belonging to the state or to a
15 political subdivision of the state may not be acquired without the
16 consent of the state or political subdivision.

17 SECTION 11. Section 374.017(d), Local Government Code, is
18 amended to read as follows:

19 (d) Real property or an interest in real property subject to
20 this section may only be sold, leased, or otherwise transferred or
21 retained at not less than the fair value of the property for uses in
22 accordance with the urban renewal plan. In determining the fair
23 value, the municipality shall consider:

24 (1) the uses provided in the urban renewal plan;

25 (2) any restrictions on and any covenants, conditions,
26 and obligations assumed by the purchaser, lessee, or municipality
27 in retaining the property;

1 (3) the objectives of the plan for the prevention of
2 the recurrence of [~~slums or~~] blighted areas; and

3 (4) any other matters that the municipality specifies
4 as appropriate.

5 SECTION 12. Section 374.021(b), Local Government Code, is
6 amended to read as follows:

7 (b) In this section, "urban renewal project powers"
8 includes the rights, powers, functions, and duties of a
9 municipality under this chapter. The term does not include the
10 power to:

11 (1) determine an area as a [~~slum area,~~
12 area[~~, or both~~] and to designate that area as appropriate for an
13 urban renewal project;

14 (2) approve and amend urban renewal plans and hold
15 public hearings relating to those plans;

16 (3) establish a general plan for the locality as a
17 whole;

18 (4) establish a workable program under Section
19 374.013;

20 (5) make determinations and findings under Section
21 374.011(a), 374.013(b), or 374.014(d);

22 (6) issue general obligation bonds; and

23 (7) appropriate funds, levy taxes and assessments, and
24 exercise other functions under Subdivisions (11) and (12) of
25 Section 374.015(a).

26 SECTION 13. Subchapter B, Chapter 374, Local Government
27 Code, is amended by adding Sections 374.018 and 374.019 to read as

1 follows:

2 Sec. 374.018. LIMITATIONS ON CHARACTERIZATIONS OF BLIGHT.

3 (a) Notwithstanding any other law, an area may not be considered a
4 blighted area on the basis of a condition described by Section
5 374.003 unless:

6 (1) the municipality has given notice in writing to
7 the property owner by first class mail regarding the condition to
8 the:

- 9 (A) last known address of the property owner; and
10 (B) physical address of the property; and

11 (2) the property owner fails to take reasonable
12 measures to remedy the condition.

13 (b) If a mailing address for the property owner cannot be
14 determined, the municipality shall post notice in writing regarding
15 the condition in a conspicuous place on the property.

16 (c) An area may not be considered a blighted area solely for
17 an aesthetic reason.

18 (d) A determination by a municipality that a unit of real
19 property has the characteristics of blight is valid for two years.

20 (e) After the two-year period prescribed by Subsection (d),
21 a municipality may make a new determination that the unit of real
22 property has the characteristics of blight and redesignate the unit
23 of real property as a blighted area for another two-year period.

24 (f) A municipality may remove a determination of blight
25 under this chapter if the municipality finds that the property
26 owner has remedied the condition that was the basis for the
27 determination.

1 Sec. 374.019. COMMON OWNER PROPERTY. For the purposes of
2 this chapter and Chapter 21, Property Code, if a municipality
3 determines that two or more contiguous units of real property that
4 are owned by the same person have the characteristics of blight, the
5 municipality may treat those units of property as one unit of
6 property.

7 SECTION 14. Section 2206.001(b), Government Code, is
8 amended to read as follows:

9 (b) A governmental or private entity may not take private
10 property through the use of eminent domain if the taking:

11 (1) confers a private benefit on a particular private
12 party through the use of the property;

13 (2) is for a public use that is merely a pretext to
14 confer a private benefit on a particular private party; or

15 (3) is for economic development purposes, unless the
16 economic development results [~~is a secondary purpose resulting~~]
17 from municipal community development or municipal urban renewal
18 activities to eliminate an existing affirmative harm on society
19 from [~~slum or~~] blighted areas under:

20 (A) Chapter 373 or 374, Local Government Code,
21 other than an activity described by Section 373.002(b)(5), Local
22 Government Code; or

23 (B) Section 311.005(a)(1)(I), Tax Code.

24 SECTION 15. Section 21.041, Property Code, is amended to
25 read as follows:

26 Sec. 21.041. EVIDENCE. As the basis for assessing actual
27 damages to a property owner from a condemnation, the special

1 commissioners shall admit evidence on:

2 (1) the value of the property being condemned;

3 (2) the injury to the property owner, including the
4 financial damages associated with the cost of relocating from the
5 condemned property, if the property was habitable, to another
6 property that allows the property owner to have a standard of living
7 comparable to the property owner's standard of living before the
8 condemnation of the property;

9 (3) the benefit to the property owner's remaining
10 property; and

11 (4) the use of the property for the purpose of the
12 condemnation.

13 SECTION 16. Section 21.042(d), Property Code, is amended to
14 read as follows:

15 (d) In estimating injury or benefit under Subsection (c),
16 the special commissioners shall consider an injury or benefit that
17 is peculiar to the property owner, including the property owner's
18 financial damages described by Section 21.041(2), and that relates
19 to the property owner's ownership, use, or enjoyment of the
20 particular parcel of real property, but they may not consider an
21 injury or benefit that the property owner experiences in common
22 with the general community.

23 SECTION 17. Sections 21.046(a) and (b), Property Code, are
24 amended to read as follows:

25 (a) A department, agency, instrumentality, or political
26 subdivision of this state shall [~~may~~] provide a relocation advisory
27 service for an individual, a family, a business concern, a farming

1 or ranching operation, or a nonprofit organization that [~~if the~~
2 ~~service~~] is compatible with the Federal Uniform Relocation
3 Assistance Advisory Program, 42 U.S.C. Section 4601 [~~23 U.S.C.A.~~
4 ~~501,~~] et seq.

5 (b) This state or a political subdivision of this state
6 shall [~~may~~], as a cost of acquiring real property, pay moving
7 expenses and rental supplements, make relocation payments, provide
8 financial assistance to acquire replacement housing, and
9 compensate for expenses incidental to the transfer of the property
10 if an individual, a family, the personal property of a business, a
11 farming or ranching operation, or a nonprofit organization is
12 displaced in connection with the acquisition.

13 SECTION 18. Section 311.002, Tax Code, is amended by adding
14 Subdivision (5) to read as follows:

15 (5) "Blighted area" has the meaning assigned by
16 Section 374.003(3), Local Government Code.

17 SECTION 19. Sections 311.008(b) and (e), Tax Code, are
18 amended to read as follows:

19 (b) A municipality or county may exercise any power
20 necessary and convenient to carry out this chapter, including the
21 power to:

22 (1) cause project plans to be prepared, approve and
23 implement the plans, and otherwise achieve the purposes of the
24 plan;

25 (2) acquire real property by purchase [~~, condemnation,~~
26 ~~or other means~~] to implement project plans and sell that property on
27 the terms and conditions and in the manner it considers advisable;

1 (3) enter into agreements, including agreements with
2 bondholders, determined by the governing body of the municipality
3 or county to be necessary or convenient to implement project plans
4 and achieve their purposes, which agreements may include
5 conditions, restrictions, or covenants that run with the land or
6 that by other means regulate or restrict the use of land; and

7 (4) consistent with the project plan for the zone:

8 (A) acquire ~~[blighted, ——— deteriorated,~~
9 ~~deteriorating, undeveloped, or inappropriately developed]~~ real
10 property or other property in a blighted area, an undeveloped area,
11 or in a federally assisted new community in the zone for the
12 preservation or restoration of historic sites, beautification or
13 conservation, the provision of public works or public facilities,
14 or other public purposes;

15 (B) acquire, construct, reconstruct, or install
16 public works, facilities, or sites or other public improvements,
17 including utilities, streets, street lights, water and sewer
18 facilities, pedestrian malls and walkways, parks, flood and
19 drainage facilities, or parking facilities, but not including
20 educational facilities; ~~[or]~~

21 (C) in a reinvestment zone created on or before
22 September 1, 1999, acquire, construct, or reconstruct educational
23 facilities in the municipality; or

24 (D) acquire by condemnation any interest,
25 including a fee simple interest, in real property that is a blighted
26 area and necessary for the reinvestment zone.

27 (e) A municipality or county may acquire by condemnation an

1 interest in real property only if the taking is in accordance with
2 Chapter 2206, Government Code. [~~The implementation of a project~~
3 ~~plan to alleviate a condition described by Section 311.005(a)(1),~~
4 ~~(2), or (3) and to promote development or redevelopment of a~~
5 ~~reinvestment zone in accordance with this chapter serves a public~~
6 ~~purpose.~~]

7 SECTION 20. (a) The following provisions of the Local
8 Government Code are repealed:

9 (1) Section 374.003(19); and

10 (2) Section 374.016.

11 (b) Section 311.008(c), Tax Code, is repealed.

12 SECTION 21. The change in law made by this Act applies only
13 to a condemnation proceeding in which the condemnation petition is
14 filed on or after the effective date of this Act. A condemnation
15 proceeding pending on the effective date of this Act is governed by
16 the law in effect immediately before the effective date of this Act,
17 and that law is continued in effect for that purpose.

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