

By: Villarreal

H.B. No. 2316

A BILL TO BE ENTITLED

1 AN ACT

2 relating to allowing certain tax units to impose a fee for  
3 processing a petition requesting that an area in the unit be  
4 designated as a tax increment financing reinvestment zone.

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

6 SECTION 1. Section 311.008, Tax Code, is amended by adding  
7 Subsection (f) to read as follows:

8 (a) In this section, "educational facility" includes  
9 equipment, real property, and other facilities, including a public  
10 school building, that are used or intended to be used jointly by the  
11 municipality or county and an independent school district.

12 (b) A municipality or county may exercise any power  
13 necessary and convenient to carry out this chapter, including the  
14 power to:

15 (1) cause project plans to be prepared, approve and  
16 implement the plans, and otherwise achieve the purposes of the  
17 plan;

18 (2) acquire real property by purchase, condemnation,  
19 or other means to implement project plans and sell that property on  
20 the terms and conditions and in the manner it considers advisable;

21 (3) enter into agreements, including agreements with  
22 bondholders, determined by the governing body of the municipality  
23 or county to be necessary or convenient to implement project plans  
24 and achieve their purposes, which agreements may include

1 conditions, restrictions, or covenants that run with the land or  
2 that by other means regulate or restrict the use of land; and

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

4 (A) acquire blighted, deteriorated,  
5 deteriorating, undeveloped, or inappropriately developed real  
6 property or other property in a blighted area or in a federally  
7 assisted new community in the zone for the preservation or  
8 restoration of historic sites, beautification or conservation, the  
9 provision of public works or public facilities, or other public  
10 purposes;

11 (B) acquire, construct, reconstruct, or install  
12 public works, facilities, or sites or other public improvements,  
13 including utilities, streets, street lights, water and sewer  
14 facilities, pedestrian malls and walkways, parks, flood and  
15 drainage facilities, or parking facilities, but not including  
16 educational facilities; ~~or~~

17 (C) in a reinvestment zone created on or before  
18 September 1, 1999, acquire, construct, or reconstruct educational  
19 facilities in the municipality; or

20 (5) impose a fee reasonably related to the estimated  
21 cost to the municipality or county for reviewing a project  
22 designated or proposed to be designated pursuant to this chapter.

23 (c) The powers authorized by Subsection (b)(2) prevail over  
24 any law or municipal charter to the contrary.

25 (d) A municipality or county may make available to the  
26 public on request financial information regarding the acquisition  
27 by the municipality or county of land in the zone when the

1 municipality or county acquires the land.

2 (e) The implementation of a project plan to alleviate a  
3 condition described by Section 311.005(a)(1), (2), or (3) and to  
4 promote development or redevelopment of a reinvestment zone in  
5 accordance with this chapter serves a public purpose.

6 (f) The governing body of a municipality or county may  
7 impose a reasonable fee on the property owners who submit a petition  
8 under Section 311.005(a)(4) for processing the petition.

9 SECTION 2. The change in law made by this Act applies to a  
10 petition requesting designation of a reinvestment zone submitted on  
11 or after the effective date of this Act. A petition requesting  
12 designation of a reinvestment zone submitted before the effective  
13 date of this Act is governed by the law in effect when the petition  
14 was submitted, and the former law is continued in effect for that  
15 purpose.

16 SECTION 3. This Act takes effect September 1, 2009