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H.B. No. 3484

A BILL TO BE ENTITLED

AN ACT

relating to certain acts and proceedings of certain local governments, including those related to tax increment financing, and the validity of certain acts and proceedings.

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

ARTICLE 1. VALIDITY OF CERTAIN ACTS OR PROCEEDINGS OF MUNICIPAL
MANAGEMENT DISTRICTS

SECTION 1.01. Subchapter A, Chapter 375, Local Government Code, is amended by adding Section 375.005 to read as follows:

Sec. 375.005. PRESUMPTION OF VALIDITY OF ACT OR PROCEEDING.

(a) This section applies to:

(1) a district created under this chapter; and

(2) a district created under a local law that in accordance with that local law operates wholly or partly under this chapter.

(b) On and after the second anniversary of the effective date of a governmental act or proceeding of a district, including a governmental act or proceeding related to the district's creation, boundaries, operation, administration, annexation or exclusion of land or other property, levy or collection of ad valorem taxes, or adoption or implementation of a service and improvement plan and the determination, levy, and collection of assessments pursuant to the plan, the governmental act or proceeding is conclusively presumed, as of the date it occurred, to be valid and to have

1 occurred in accordance with law.

2 (c) The presumption provided by Subsection (b) does not
3 apply to a governmental act or proceeding of a district regarding
4 which a lawsuit to annul or invalidate the act or proceeding is
5 filed on or before the second anniversary of the effective date of
6 the governmental act or proceeding.

7 (d) The presumption provided by Subsection (b) does not
8 apply to:

9 (1) a governmental act or proceeding of a district
10 that at the time the act or proceeding occurred was a misdemeanor or
11 felony under a statute of this state or the United States; or

12 (2) a district rule that, at the time it was passed,
13 was preempted by a statute of this state or the United States,
14 including Section 1.06 or 109.57, Alcoholic Beverage Code.

15 SECTION 1.02. The presumption provided by Section
16 375.005(b), Local Government Code, as added by this Act, does not
17 apply to:

18 (1) a governmental act or proceeding of a district
19 regarding which a lawsuit to annul or invalidate the act or
20 proceeding is filed on or before August 31, 2009; or

21 (2) a matter that on September 1, 2009:

22 (A) is involved in litigation, if the litigation
23 ultimately results in the matter being held invalid by a final
24 judgment of a court; or

25 (B) has been held invalid by a final judgment of a
26 court.

27 SECTION 1.03. (a) The legislature validates and confirms,

1 as of the dates on which they occurred, all governmental acts or
2 proceedings of a district created under Chapter 375, Local
3 Government Code, or a district that is created by a local law and
4 that operates wholly or partly under Chapter 375, Local Government
5 Code, including governmental acts and proceedings related to the
6 district's creation, boundaries, operation, administration,
7 annexation or exclusion of land or other property, levy or
8 collection of ad valorem taxes, or adoption or implementation of a
9 service and improvement plan and the determination, levy, and
10 collection of assessments pursuant to the plan, that were taken
11 before the effective date of this Act.

12 (b) Subsection (a) of this section does not apply to a
13 matter that on the 30th day after the effective date of this Act:

14 (1) is involved in litigation, if the litigation
15 ultimately results in the matter being held invalid by a final
16 judgment of a court; or

17 (2) has been held invalid by a final judgment of a
18 court.

19 ARTICLE 2. TAX INCREMENT FINANCING

20 SECTION 2.01. Section 311.002(1), Tax Code, is amended to
21 read as follows:

22 (1) "Project costs" means the expenditures made or
23 estimated to be made and monetary obligations incurred or estimated
24 to be incurred by the municipality or county designating
25 ~~[establishing]~~ a reinvestment zone that are listed in the project
26 plan as costs of public works, ~~[or]~~ public improvements, programs,
27 or other projects benefiting ~~[in]~~ the zone, plus other costs

1 incidental to those expenditures and obligations. "Project costs"
2 include:

3 (A) capital costs, including the actual costs of
4 the acquisition and construction of public works, public
5 improvements, new buildings, structures, and fixtures; the actual
6 costs of the acquisition, demolition, alteration, remodeling,
7 repair, or reconstruction of existing buildings, structures, and
8 fixtures; the actual costs of the remediation of conditions that
9 contaminate public or private land or buildings; the actual costs
10 of the preservation of the facade of a public or private building;
11 the actual costs of the demolition of public or private buildings;
12 and the actual costs of the acquisition of land and equipment and
13 the clearing and grading of land;

14 (B) financing costs, including all interest paid
15 to holders of evidences of indebtedness or other obligations issued
16 to pay for project costs and any premium paid over the principal
17 amount of the obligations because of the redemption of the
18 obligations before maturity;

19 (C) real property assembly costs;

20 (D) professional service costs, including those
21 incurred for architectural, planning, engineering, and legal
22 advice and services;

23 (E) imputed administrative costs, including
24 reasonable charges for the time spent by employees of the
25 municipality or county in connection with the implementation of a
26 project plan;

27 (F) relocation costs;

(G) organizational costs, including the costs of conducting environmental impact studies or other studies, the cost of publicizing the creation of the zone, and the cost of implementing the project plan for the zone;

(H) interest before and during construction and for one year after completion of construction, whether or not capitalized;

(I) the cost of operating the reinvestment zone and project facilities;

(J) the amount of any contributions made by the municipality or county from general revenue for the implementation of the project plan; ~~and~~

(K) the costs of a program described by Section 311.010(h);

(L) the costs of school buildings, other educational buildings, other educational facilities, or other buildings owned by or on behalf of a school district, community college district, or other political subdivision of this state;

(M) the costs of providing affordable housing or areas of public assembly in or outside of the zone; and

(N) payments made at the discretion of the governing body of the municipality or county that the governing body finds necessary or convenient to the creation of the zone or to the implementation of the project plans for the zone.

SECTION 2.02. Sections 311.003(a) and (b), Tax Code, are amended to read as follows:

(a) The governing body of a county by order may designate a

1 geographic area in the county or the governing body of a
 2 municipality by ordinance ~~[or the governing body of a county by~~
 3 ~~order]~~ may designate a [contiguous] geographic area that is in the
 4 corporate limits of the municipality, in the extraterritorial
 5 jurisdiction of the municipality, or in both ~~[in the jurisdiction~~
 6 ~~of the municipality or county]~~ to be a reinvestment zone to promote
 7 development or redevelopment of the area if the governing body
 8 determines that development or redevelopment would not occur solely
 9 through private investment in the reasonably foreseeable future.
 10 The area need not be contiguous if the governing body determines
 11 that the tracts included in the area are substantially related. The
 12 designation of an area that is wholly or partly located in the
 13 extraterritorial jurisdiction of a municipality is not affected by
 14 a subsequent annexation of real property in the reinvestment zone
 15 by the municipality. The tax increment base of a municipality that
 16 annexes an area in a zone after the area is included in the zone is
 17 computed as if the area were located in the corporate limits of the
 18 municipality at the time the area was included in the zone.

19 (b) Before adopting an ordinance or order designating
 20 ~~[providing for]~~ a reinvestment zone, the governing body of the
 21 municipality or county must prepare a preliminary reinvestment zone
 22 financing plan. ~~[As soon as the plan is completed, a copy of the~~
 23 ~~plan must be sent to the governing body of each taxing unit that~~
 24 ~~levies taxes on real property in the proposed zone.]~~

25 SECTION 2.03. Chapter 311, Tax Code, is amended by adding
 26 Section 311.0035 to read as follows:

27 Sec. 311.0035. PROCEDURE FOR DESIGNATING JOINT

1 REINVESTMENT ZONE. (a) The governing bodies of two or more
2 municipalities by ordinance adopted by each municipality may
3 designate a contiguous area in the jurisdiction of each of the
4 municipalities to be a joint reinvestment zone. Except as
5 otherwise provided by this section, each of the municipalities must
6 follow the procedures provided by Section 311.003 to designate an
7 area as a joint reinvestment zone. The ordinances adopted by all of
8 the municipalities designating an area as a joint reinvestment zone
9 must contain the same terms and must:

10 (1) describe the boundaries of the zone with
11 sufficient definiteness to identify with ordinary and reasonable
12 certainty the territory included in the zone;

13 (2) create a board of directors for the zone and
14 specify:

15 (A) the number of directors;
16 (B) the qualifications of directors;
17 (C) the manner in which directors are appointed;
18 (D) the terms of directors;
19 (E) the manner in which vacancies on the board
20 are filled; and

21 (F) the manner by which officers of the board are
22 selected;

23 (3) provide that the zone takes effect immediately on
24 adoption of the ordinance by the last of the municipalities in the
25 jurisdiction of which the area contained in the zone is located;

26 (4) provide a termination date for the zone;

27 (5) assign a name to the zone, which may include the

name of one or more of the designating municipalities and may contain a number;

(6) establish a tax increment fund for the zone; and

(7) contain findings that:

(A) improvements in the zone will significantly enhance the value of all taxable real property in the zone and will be of general benefit to the municipalities; and

(B) the area meets the requirements of Sections 311.005(a)(1) and (2) and (a-1).

(b) For purposes of complying with Subsection (a)(7)(A), the ordinances are not required to identify the specific parcels of real property to be enhanced in value.

(c) The boundaries of a joint reinvestment zone may be enlarged or reduced by ordinance of the governing bodies of the municipalities that designated the zone, subject to the restrictions contained in this section.

(d) The municipalities designating a joint reinvestment zone may exercise any power necessary and convenient to carry out this section and the other provisions of this chapter, including the powers listed in Section 311.008.

(e) Except as otherwise provided by this section, the board of directors of a joint reinvestment zone has the same powers and duties and is subject to the same limitations as the board of directors of a reinvestment zone designated by a single municipality. Sections 311.011, 311.012, 311.0123, 311.013, 311.014, 311.015, 311.016, 311.0163, and 311.018 apply to the municipalities designating a joint reinvestment zone, except that a

1 reference in those sections to a municipality means all of the
2 municipalities designating a joint reinvestment zone and an action
3 required of a municipality under those sections is considered to be
4 required of all of the municipalities designating a joint
5 reinvestment zone.

6 (f) Expenditures from tax increment financing funds or
7 bonds secured by tax increment financing may be made without regard
8 to the location from which the funds were derived or the location
9 within the joint reinvestment zone at which the funds are spent, but
10 only if those expenditures are authorized as required by this
11 chapter.

12 SECTION 2.04. Section 311.005(a), Tax Code, is amended to
13 read as follows:

14 (a) To be designated as a reinvestment zone, an area must:

15 (1) substantially arrest or impair the sound growth of
16 the municipality or county designating ~~creating~~ the zone, retard
17 the provision of housing accommodations, or constitute an economic
18 or social liability and be a menace to the public health, safety,
19 morals, or welfare in its present condition and use because of the
20 presence of:

21 (A) a substantial number of substandard, slum,
22 deteriorated, or deteriorating structures;

23 (B) the predominance of defective or inadequate
24 sidewalk or street layout;

25 (C) faulty lot layout in relation to size,
26 adequacy, accessibility, or usefulness;

27 (D) unsanitary or unsafe conditions;

(E) the deterioration of site or other improvements;

(F) tax or special assessment delinquency exceeding the fair value of the land;

(G) defective or unusual conditions of title;

(H) conditions that endanger life or property by fire or other cause; or

(I) structures, other than single-family residential structures, less than 10 percent of the square footage of which has been used for commercial, industrial, or residential purposes during the preceding 12 years, if the municipality has a population of 100,000 or more;

(2) be predominantly open, undeveloped, or underdeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the municipality or county;

(3) be in a federally assisted new community located in the municipality or county or in an area immediately adjacent to a federally assisted new community; or

(4) be an area described in a petition requesting that the area be designated as a reinvestment zone, if the petition is submitted to the governing body of the municipality or county by the owners of property constituting at least 50 percent of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located.

SECTION 2.05. Section 311.007, Tax Code, is amended to read

1 as follows:

2 Sec. 311.007. CHANGING BOUNDARIES OR TERM OF EXISTING ZONE.

3 (a) The ~~[Subject to the limitations provided by Section 311.006, if~~
4 ~~applicable, the]~~ boundaries of an existing reinvestment zone may be
5 reduced or enlarged by ordinance or resolution of the governing
6 body of the municipality or by order or resolution of the governing
7 body of the county that designated ~~[created]~~ the zone.

8 (b) The governing body of the municipality or county that
9 designated a reinvestment zone by ordinance or resolution or by
10 order or resolution, respectively, may extend the term of all or a
11 portion of the zone after notice and hearing in the manner provided
12 for the designation of the zone. A taxing unit other than the
13 municipality or county that designated the zone is not required to
14 participate in the zone or portion of the zone for the extended term
15 unless the taxing unit enters into a written agreement to do so ~~[may~~
16 ~~enlarge an existing reinvestment zone to include an area described~~
17 ~~in a petition requesting that the area be included in the zone if~~
18 ~~the petition is submitted to the governing body of the municipality~~
19 ~~or county by the owners of property constituting at least 50 percent~~
20 ~~of the appraised value of the property in the area according to the~~
21 ~~most recent certified appraisal roll for the county in which the~~
22 ~~area is located. The composition of the board of directors of the~~
23 ~~zone continues to be governed by Section 311.009(a) or (b),~~
24 ~~whichever applied to the zone immediately before the enlargement of~~
25 ~~the zone, except that the membership of the board must conform to~~
26 ~~the requirements of the applicable subsection of Section 311.009 as~~
27 ~~applied to the zone after its enlargement. The provision of Section~~

~~311.006(b) relating to the amount of property used for residential purposes that may be included in the zone does not apply to the enlargement of a zone under this subsection].~~

SECTION 2.06. Section 311.008, Tax Code, is amended by amending Subsection (b) and adding Subsections (f) and (g) to read as follows:

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

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

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

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

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

(A) acquire blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed real property or other property in a blighted area or in a federally assisted new community in the zone for the preservation or

1 restoration of historic sites, beautification or conservation, the
2 provision of public works or public facilities, or other public
3 purposes;

4 (B) acquire, construct, reconstruct, or install
5 public works, facilities, or sites or other public improvements,
6 including utilities, streets, street lights, water and sewer
7 facilities, pedestrian malls and walkways, parks, flood and
8 drainage facilities, or parking facilities, but not including
9 educational facilities; or

10 (C) in a reinvestment zone designated ~~[created]~~
11 on or before September 1, 1999, acquire, construct, or reconstruct
12 educational facilities in the municipality.

13 (f) The governing body of a municipality or county may
14 impose a fee:

15 (1) on property owners who submit a petition under
16 Section 311.005(a)(4) for processing the petition; or

17 (2) for reviewing a project designated or proposed to
18 be designated under this chapter.

19 (g) A fee under Subsection (f) must be reasonably related to
20 the estimated cost to the municipality or county of processing the
21 petition or reviewing the project, respectively.

22 SECTION 2.07. Section 311.0085(a), Tax Code, is amended to
23 read as follows:

24 (a) This section applies only to a municipality with a
25 population of less than 130,000 as shown by the 2000 federal
26 decennial census that has~~+~~

27 ~~[(1)]~~ territory in three counties~~+, and~~

1 ~~[(2) a population of less than 120,000].~~

2 SECTION 2.08. Sections 311.009(a), (b), and (e), Tax Code,
3 are amended to read as follows:

4 (a) Except as provided by Subsection (b), the board of
5 directors of a reinvestment zone consists of at least five and not
6 more than 15 members, unless more than 15 members are required to
7 satisfy the requirements of this subsection. Each taxing unit
8 other than the municipality or county that designated ~~[created]~~ the
9 zone that levies taxes on real property in the zone may appoint one
10 member of the board if the taxing unit has approved the payment of
11 all or part of the tax increment produced by the unit into the tax
12 increment fund for the zone. A unit may waive its right to appoint a
13 director. The governing body of the municipality or county that
14 designated ~~[created]~~ the zone may appoint not more than 10
15 directors to the board; except that if there are fewer than five
16 directors appointed by taxing units other than the municipality or
17 county, the governing body of the municipality or county may
18 appoint more than 10 members as long as the total membership of the
19 board does not exceed 15.

20 (b) If the zone was designated under Section 311.005(a)(4),
21 the governing body of the municipality or county that designated
22 the zone may provide that the board of directors of the zone
23 consists of nine members appointed as provided by this subsection,
24 unless more than nine members are required to comply with this
25 subsection. Each taxing unit ~~[school district, county, or~~
26 ~~municipality]~~, other than the municipality or county that
27 designated ~~[created]~~ the zone, that levies taxes on real property

1 in the zone may appoint one member of the board if the taxing unit
 2 ~~[school district, county, or municipality]~~ has approved the payment
 3 of all or part of the tax increment produced by the unit into the tax
 4 increment fund for the zone. The member of the state senate in
 5 whose district the zone is located is a member of the board, and the
 6 member of the state house of representatives in whose district the
 7 zone is located is a member of the board, except that either may
 8 designate another individual to serve in the member's place at the
 9 pleasure of the member. If the zone is located in more than one
 10 senate or house district, this subsection applies only to the
 11 senator or representative in whose district a larger portion of the
 12 zone is located than any other senate or house district, as
 13 applicable. If fewer than seven taxing units, other than the
 14 municipality or county that designated the zone, are eligible to
 15 appoint members of the board of directors of the zone, the
 16 municipality or county may appoint a number of members of the board
 17 such that the board comprises nine members. If at least seven
 18 taxing units, other than the municipality or county that designated
 19 the zone, are eligible to appoint members of the board of directors
 20 of the zone, the municipality or county may appoint one member.
 21 ~~[The remaining members of the board are appointed by the governing~~
 22 ~~body of the municipality or county that created the zone.]~~

23 (e) To be eligible for appointment to the board by the
 24 governing body of the municipality or county that designated
 25 ~~[created]~~ the zone, an individual must:

26 (1) if the board is covered by Subsection (a):

27 (A) be a resident of this state and a citizen of

1 the United States [~~qualified voter of the municipality or county,~~
2 ~~as applicable~~]; and [~~or~~]

3 (B) be at least 18 years of age [~~and own real~~
4 ~~property in the zone, whether or not the individual resides in the~~
5 ~~municipality or county~~]; or

6 (2) if the board is covered by Subsection (b):

7 (A) be at least 18 years of age; and

8 (B) own real property in the zone or be an
9 employee, tenant, or agent of a person that owns real property in
10 the zone.

11 SECTION 2.09. Section 311.0091, Tax Code, is amended by
12 amending Subsection (f) and adding Subsection (i) to read as
13 follows:

14 (f) Except as provided by Subsection (i), to [~~To~~] be
15 eligible for appointment to the board, an individual must:

16 (1) be a qualified voter of the municipality; or

17 (2) be at least 18 years of age and own real property
18 in the zone or be an employee or agent of a person that owns real
19 property in the zone.

20 (i) The eligibility criteria for appointment to the board
21 specified by Subsection (f) do not apply to an individual appointed
22 by a conservation and reclamation district:

23 (1) created under Section 59, Article XVI, Texas
24 Constitution; and

25 (2) the jurisdiction of which covers four counties.

26 SECTION 2.10. Sections 311.010(b), (g), and (h), Tax Code,
27 are amended to read as follows:

1 (b) The board of directors of a reinvestment zone and the
2 governing body of the municipality or county that designates
3 ~~[creates]~~ a reinvestment zone may each enter into agreements as the
4 board or the governing body considers necessary or convenient to
5 implement the project plan and reinvestment zone financing plan and
6 achieve their purposes. An agreement may provide for the
7 regulation or restriction of the use of land by imposing
8 conditions, restrictions, or covenants that run with the land. An
9 agreement may during the term of the agreement dedicate, pledge, or
10 otherwise provide for the use of revenue in the tax increment fund
11 to pay any project costs that benefit the reinvestment zone,
12 including project costs relating to the cost of buildings, schools,
13 or other educational facilities owned by or on behalf of a school
14 district, community college district, or other political
15 subdivision of this state, railroad or transit facilities,
16 affordable housing, the remediation of conditions that contaminate
17 public or private land or buildings, the preservation of the facade
18 of a private or public building, ~~[or]~~ the demolition of public or
19 private buildings, or the construction of a road, sidewalk, or
20 other public infrastructure in or out of the zone, including the
21 cost of acquiring the real property necessary for the construction
22 of the road, sidewalk, or other public infrastructure. An
23 agreement may dedicate revenue from the tax increment fund to pay
24 the costs of providing affordable housing or areas of public
25 assembly in or out of the zone. ~~[An agreement may dedicate revenue~~
26 ~~from the tax increment fund to pay a neighborhood enterprise~~
27 ~~association for providing services or carrying out projects~~

~~authorized under Subchapters E and G, Chapter 2303, Government Code, in the zone. The term of an agreement with a neighborhood enterprise association may not exceed 10 years.]~~

(g) Chapter 252, Local Government Code, does not apply to a dedication, pledge, or other use of revenue in the tax increment fund for a reinvestment zone ~~[by the board of directors of the zone in carrying out its powers]~~ under Subsection (b).

(h) Subject to the approval of the governing body of the municipality or county that designated ~~[created]~~ the zone, the board of directors of a reinvestment zone, as necessary or convenient to implement the project plan and reinvestment zone financing plan and achieve their purposes, may establish and provide for the administration of one or more programs for the public purposes of developing and diversifying the economy of the zone, eliminating unemployment and underemployment in the zone, and developing or expanding transportation, business, and commercial activity in the zone, including programs to make grants and loans ~~[from the tax increment fund of the zone in an aggregate amount not to exceed the amount of the tax increment produced by the municipality and paid into the tax increment fund for the zone]~~ for activities that benefit the zone and stimulate business and commercial activity in the zone. For purposes of this subsection, on approval of the municipality or county, the board of directors of the zone has all the powers of a municipality under Chapter 380, Local Government Code. The approval required by this subsection may be granted in an ordinance, in the case of a zone designated by a municipality, or in an order, in the case of a zone designated by a

1 county, approving a project plan or reinvestment zone financing
2 plan or approving an amendment to a project plan or reinvestment
3 zone financing plan.

4 SECTION 2.11. Section 311.01005, Tax Code, is amended by
5 adding Subsection (f) to read as follows:

6 (f) This section does not limit the power of the board of
7 directors of a reinvestment zone or the governing body of the
8 municipality that designates a reinvestment zone to dedicate,
9 pledge, or otherwise provide for the use of revenue in the tax
10 increment fund for the zone to finance the costs of a project
11 involving real property located outside the zone.

12 SECTION 2.12. Section 311.011, Tax Code, is amended by
13 amending Subsections (a), (b), (c), (d), and (g) and adding
14 Subsection (h) to read as follows:

15 (a) The board of directors of a reinvestment zone shall
16 prepare and adopt a project plan and a reinvestment zone financing
17 plan for the zone and submit the plans to the governing body of the
18 municipality or county that designated ~~created~~ the zone. ~~[The~~
19 ~~plans must be as consistent as possible with the preliminary plans~~
20 ~~developed for the zone before the creation of the board.]~~

21 (b) The project plan must include:

22 (1) a description of ~~[map showing]~~ existing uses and
23 conditions of real property in the zone and ~~[a map showing]~~ proposed
24 ~~[improvements to and proposed]~~ uses of that property;

25 (2) proposed changes of zoning ordinances, ~~[the master~~
26 ~~plan of the municipality,~~ building codes, other municipal
27 ordinances, and subdivision rules and regulations, if any, of the

1 county, if applicable; and

2 (3) ~~[a list of estimated nonproject costs; and~~

3 ~~[(4)]~~ a statement of a method of relocating persons to
4 be displaced, if any, as a result of implementing the plan.

5 (c) The reinvestment zone financing plan must include:

6 (1) a detailed list describing the estimated project
7 costs of the zone, including administrative expenses;

8 (2) a statement listing the proposed kind, number, and
9 location of all ~~[proposed]~~ public works or public improvements to
10 be financed by ~~[in]~~ the zone;

11 (3) a finding that the plan is economically feasible
12 ~~[an economic feasibility study];~~

13 (4) the estimated amount of bonded indebtedness to be
14 incurred;

15 (5) the estimated time when related costs or monetary
16 obligations are to be incurred;

17 (6) a description of the methods of financing all
18 estimated project costs and the expected sources of revenue to
19 finance or pay project costs, including the percentage of tax
20 increment to be derived from the property taxes of each taxing unit
21 anticipated to contribute tax increment to the zone that levies
22 taxes on real property in the zone;

23 (7) the current total appraised value of taxable real
24 property in the zone;

25 (8) the estimated captured appraised value of the zone
26 during each year of its existence; and

27 (9) the duration of the zone.

(d) The governing body of the municipality or county that designated ~~[created]~~ the zone must approve a project plan or reinvestment zone financing plan after its adoption by the board. The approval must be by ordinance, in the case of a municipality, or by order, in the case of a county, that finds that the plan is feasible ~~[and conforms to the master plan, if any, of the municipality or to subdivision rules and regulations, if any, of the county]~~.

(g) A ~~[An amendment to the project plan or the reinvestment zone financing plan for a zone does not apply to a]~~ school district that participates in a ~~[the]~~ zone is not required to increase the percentage or amount of the tax increment to be contributed by the school district because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the governing body of the school district by official action approves the amendment ~~[, if the amendment:~~

~~[(1) has the effect of directly or indirectly increasing the percentage or amount of the tax increment to be contributed by the school district, or~~

~~[(2) requires or authorizes the municipality or county creating the zone to issue additional tax increment bonds or notes]~~.

(h) Unless specifically provided otherwise in the plan, all amounts contained in the project plan or reinvestment zone financing plan, including amounts of expenditures relating to project costs and amounts relating to participation by taxing units, are considered estimates and do not act as a limitation on

1 the described items.

2 SECTION 2.13. Sections 311.012(a) and (c), Tax Code, are
3 amended to read as follows:

4 (a) The amount of a taxing unit's tax increment for a year is
5 the amount of property taxes levied and assessed by the unit for
6 that year on the captured appraised value of real property taxable
7 by the unit and located in a reinvestment zone or the amount of
8 property taxes levied and collected by the unit for that year on the
9 captured appraised value of real property taxable by the unit and
10 located in a reinvestment zone. The governing body of a taxing unit
11 shall determine which of the methods specified by this subsection
12 is used to calculate the amount of the unit's tax increment.

13 (c) The tax increment base of a taxing unit is the total
14 taxable [appraised] value of all real property taxable by the unit
15 and located in a reinvestment zone for the year in which the zone
16 was designated under this chapter. If the boundaries of a zone are
17 enlarged, the tax increment base is increased by the taxable value
18 of the real property added to the zone for the year in which the
19 property was added. If the boundaries of a zone are reduced, the
20 tax increment base is reduced by the taxable value of the real
21 property removed from the zone for the year in which the property
22 was originally included in the zone's boundaries. If the
23 municipality that designates a zone does not levy an ad valorem tax
24 in the year in which the zone is designated, the tax increment base
25 is determined by the appraisal district in which the zone is located
26 using assumptions regarding exemptions and other relevant
27 information provided to the appraisal district by the municipality.

SECTION 2.14. Sections 311.013(f), (g), (l), and (n), Tax Code, are amended to read as follows:

(f) A taxing unit is not required to pay into the tax increment fund any of its tax increment produced from property located in a reinvestment zone designated under Section 311.005(a) or in an area added to a reinvestment zone under Section 311.007 unless the taxing unit enters into an agreement to do so with the governing body of the municipality or county that designated ~~created~~ the zone. A taxing unit may enter into an agreement under this subsection at any time before or after the zone is designated ~~created~~ or enlarged. The agreement may include conditions for payment of that tax increment into the fund and must specify the portion of the tax increment to be paid into the fund and the years for which that tax increment is to be paid into the fund. In addition to any other terms to which the parties may agree, the agreement may specify the projects to which a participating taxing unit's tax increment will be dedicated and that the taxing unit's participation may be computed with respect to a base year later than the original base year of the zone. The agreement and the conditions in the agreement are binding on the taxing unit, the municipality or county, and the board of directors of the zone.

(g) Subject to the provisions of Section 311.0125, in lieu of permitting a portion of its tax increment to be paid into the tax increment fund, and notwithstanding the provisions of Section 312.203, a taxing unit, including ~~other than~~ a municipality ~~city~~, may elect to offer the owners of taxable real property in a reinvestment zone designated ~~created~~ under this chapter an

1 exemption from taxation of all or part of the value of the property.
2 To be effective, an [Any] agreement under this subsection to exempt
3 real property [concerning an exemption] from ad valorem taxes must
4 be approved by:

5 (1) the board of directors of the reinvestment zone;
6 and

7 (2) the governing body of each taxing unit that
8 imposes taxes on real property in the reinvestment zone and
9 deposits or agrees to deposit any of its tax increment into the tax
10 increment fund for the zone ~~[shall be executed in the manner and~~
11 ~~subject to the limitations of Chapter 312; provided, however, the~~
12 ~~property covered by the agreement need not be in a zone created~~
13 ~~pursuant to Chapter 312. A taxing unit may not offer a tax~~
14 ~~abatement agreement to property owners in the zone after it has~~
15 ~~entered into an agreement that its tax increments would be paid into~~
16 ~~the tax increment fund pursuant to Subsection (f)]~~.

17 (1) The governing body of a municipality or county that
18 designates an area as a reinvestment zone may determine, in the
19 designating ordinance or order adopted under Section 311.003 or in
20 the ordinance or order adopted under Section 311.011 approving the
21 reinvestment zone financing plan for the zone, the portion of the
22 tax increment produced by the municipality or county that the
23 municipality or county is required to pay into the tax increment
24 fund for the zone. If a municipality or county does not determine
25 the portion of the tax increment produced by the municipality or
26 county that the municipality or county is required to pay into the
27 tax increment fund for a reinvestment zone, the municipality or

1 county is required to pay into the fund for the zone the entire tax
2 increment produced by the municipality or county, except as
3 provided by Subsection (b)(1).

4 (n) This subsection applies only to a school district whose
5 taxable value computed under Section 403.302(d), Government Code,
6 is reduced in accordance with Subdivision (4) [~~(5)~~] of that
7 subsection. In addition to the amount otherwise required to be paid
8 into the tax increment fund, the district shall pay into the fund an
9 amount equal to the amount by which the amount of taxes the district
10 would have been required to pay into the fund in the current year if
11 the district levied taxes at the rate the district levied in 2005
12 exceeds the amount the district is otherwise required to pay into
13 the fund in the year of the reduction[, ~~not to exceed the amount the~~
14 ~~school district realizes from the reduction in the school~~
15 ~~district's taxable value under Section 403.302(d)(5), Government~~
16 ~~Code~~].

17 SECTION 2.15. Section 311.014(b), Tax Code, is amended to
18 read as follows:

19 (b) Tax increment and other funds deposited in the tax
20 increment fund of the zone shall be administered by the governing
21 body of the municipality or county that designated the zone or, if
22 delegated by the governing body, by the board of directors of the
23 zone, to implement the project plan and reinvestment zone financing
24 plan for the zone during the term of the zone, as it may be extended,
25 and for any period in which the zone remains in existence for
26 collection and disbursement pursuant to Section 311.017(d). Money
27 may be disbursed from the fund only to satisfy claims of holders of

1 tax increment bonds or notes issued for the zone, to pay project
2 costs for the zone, to make payments pursuant to an agreement made
3 under Section 311.010(b) or a program under Section 311.010(h)
4 dedicating revenue from the tax increment fund, or to repay other
5 obligations incurred for the zone.

6 SECTION 2.16. Sections 311.015(a) and (1), Tax Code, are
7 amended to read as follows:

8 (a) A municipality or county designating ~~[creating]~~ a
9 reinvestment zone may issue tax increment bonds or notes, the
10 proceeds of which may be used to make payments pursuant to
11 agreements made under Section 311.010(b), to make payments pursuant
12 to programs under Section 311.010(h), to pay project costs for the
13 reinvestment zone on behalf of which the bonds or notes were issued,
14 or to satisfy claims of holders of the bonds or notes. The
15 municipality or county may issue refunding bonds or notes for the
16 payment or retirement of tax increment bonds or notes previously
17 issued by it. In lieu of issuing bonds or notes under this
18 subsection, a municipality may issue certificates of obligation
19 under Subchapter C, Chapter 271, Local Government Code, to pay the
20 project costs for a zone and may use tax increment from the zone to
21 pay debt service on the certificates.

22 (1) A tax increment bond or note must mature on or before the
23 date by which the final payments of tax increment into the tax
24 increment fund are due ~~[within 20 years of the date of issue]~~.

25 SECTION 2.17. Section 311.016(a), Tax Code, is amended to
26 read as follows:

27 (a) On or before the 150th ~~[90th]~~ day following the end of

1 the fiscal year of the municipality or county, the governing body of
2 a municipality or county shall submit to the chief executive
3 officer of each taxing unit that levies property taxes on real
4 property in a reinvestment zone designated [~~created~~] by the
5 municipality or county a report on the status of the zone. The
6 report must include:

7 (1) the amount and source of revenue in the tax
8 increment fund established for the zone;

9 (2) the amount and purpose of expenditures from the
10 fund;

11 (3) the amount of principal and interest due on
12 outstanding bonded indebtedness;

13 (4) the tax increment base and current captured
14 appraised value retained by the zone; and

15 (5) the captured appraised value shared by the
16 municipality or county and other taxing units, the total amount of
17 tax increments received, and any additional information necessary
18 to demonstrate compliance with the tax increment financing plan
19 adopted by the governing body of the municipality or county.

20 SECTION 2.18. Section 311.016(b), Tax Code, as amended by
21 Chapters 977 (H.B. 1820) and 1094 (H.B. 2120), Acts of the 79th
22 Legislature, Regular Session, 2005, is reenacted to read as
23 follows:

24 (b) The municipality or county shall send a copy of a report
25 made under this section to:

26 (1) the attorney general; and

27 (2) the comptroller.

SECTION 2.19. Section 311.017, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1), (c), (d), and (e) to read as follows:

(a) A reinvestment zone terminates on the earlier of:

(1) the termination date designated in the ordinance or order, as applicable, designating ~~[creating]~~ the zone or an earlier or later termination date designated by an ordinance or order adopted under Section 311.007(b) ~~[subsequent to the ordinance or order creating the zone]~~; or

(2) the date on which all project costs, tax increment bonds and interest on those bonds, and other obligations have been paid in full.

(a-1) Notwithstanding the designation of a later termination date under Section 311.007(b), a taxing unit that taxes real property located in the zone, other than the municipality or county that designated the zone, is not required to pay any of its tax increment into the tax increment fund for the zone for any tax year after the termination date designated in the ordinance or order designating the zone unless the governing body of the taxing unit enters into an agreement to do so with the governing body of the municipality or county that designated the zone.

(c) A zone designated under other law as described by Section 311.0031 terminates for purposes of this chapter on the date specified in the ordinance or order designating the zone as a reinvestment zone under this chapter, regardless of whether the zone has terminated under the other law under which the zone was originally designated.

(d) Subject to Subsection (a-1), if tax increment bonds or other obligations issued or incurred for the zone are outstanding when the zone terminates, the zone remains in existence solely for the purpose of collecting and disbursing tax increment with respect to tax years during the designated term of the zone, as it may have been extended. Those funds shall be used to pay the tax increment bonds or other obligations issued or incurred for the zone. Notwithstanding the other provisions of this subsection or the extension of the term of a zone under Section 311.007, the termination date of a zone for purposes of any contract entered into by the board, or by the municipality or county that designated the zone, remains the termination date designated by ordinance or order in effect on the date the contract was executed unless a subsequent amendment to the contract expressly provides otherwise.

(e) After termination of the zone, the governing body of the municipality or county that designated the zone may continue the zone for an additional period for the purpose of continuing the implementation of the reinvestment zone project plan and financing plan. In that event, although tax increment shall cease to be deposited with respect to tax years following termination of the zone, the zone shall retain all remaining funds, property, and assets of the zone to be used to implement the plans as authorized by the governing body.

SECTION 2.20. Chapter 311, Tax Code, is amended by adding Section 311.021 to read as follows:

Sec. 311.021. ACT OR PROCEEDING PRESUMED VALID. (a) A governmental act or proceeding of a municipality or county, the

1 board of directors of a reinvestment zone, or an entity acting under
2 Section 311.010(f) relating to the designation, operation, or
3 administration of a reinvestment zone or the implementation of a
4 project plan or reinvestment zone financing plan under this chapter
5 is conclusively presumed, as of the date it occurred, valid and to
6 have occurred in accordance with all applicable statutes and rules
7 if:

8 (1) the second anniversary of the effective date of
9 the act or proceeding has expired; and

10 (2) a lawsuit to annul or invalidate the act or
11 proceeding has not been filed on or before the later of that second
12 anniversary or August 1, 2009.

13 (b) This section does not apply to:

14 (1) an act or proceeding that was void at the time it
15 occurred;

16 (2) an act or proceeding that, under a statute of this
17 state or the United States, was a misdemeanor or felony at the time
18 the act or proceeding occurred;

19 (3) a rule that, at the time it was passed, was
20 preempted by a statute of this state or the United States, including
21 Section 1.06 or 109.57, Alcoholic Beverage Code; or

22 (4) a matter that on the effective date of the Act
23 enacting this section:

24 (A) is involved in litigation if the litigation
25 ultimately results in the matter being held invalid by a final
26 judgment of a court; or

27 (B) has been held invalid by a final judgment of a

1 court.

2 SECTION 2.21. Section 42.2516(b), Education Code, is
3 amended to read as follows:

4 (b) Subject to Subsections (b-1), (b-2), (f-1), (g), and
5 (h), but notwithstanding any other provision of this title, a
6 school district is entitled to state revenue necessary to provide
7 the district with the sum of:

8 (1) the amount of state revenue necessary to maintain
9 state and local revenue per student in weighted average daily
10 attendance in the amount equal to the greater of:

11 (A) the amount of state and local revenue per
12 student in weighted average daily attendance for the maintenance
13 and operations of the district available to the district for the
14 2005-2006 school year;

15 (B) the amount of state and local revenue per
16 student in weighted average daily attendance for the maintenance
17 and operations of the district to which the district would have been
18 entitled for the 2006-2007 school year under this chapter, as it
19 existed on January 1, 2006, or, if the district would have been
20 subject to Chapter 41, as that chapter existed on January 1, 2006,
21 the amount to which the district would have been entitled under that
22 chapter, based on the funding elements in effect for the 2005-2006
23 school year, if the district imposed a maintenance and operations
24 tax at the rate adopted by the district for the 2005 tax year; or

25 (C) the amount of state and local revenue per
26 student in weighted average daily attendance for the maintenance
27 and operations of the district to which the district would have been

entitled for the 2006-2007 school year under this chapter, as it existed on January 1, 2006, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2006, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2005-2006 school year, if the district imposed a maintenance and operations tax at the rate equal to the rate described by Section 26.08(i) or (k)(1), Tax Code, as applicable, for the 2006 tax year;

(2) an amount equal to the product of \$2,500 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402; ~~and~~

(3) an amount equal to the product of \$275 multiplied by the number of students in average daily attendance in grades nine through 12 in the district; and

(4) an amount equal to the amount the district is required to pay into the tax increment fund for a reinvestment zone under Section 311.013(n), Tax Code, in the current tax year.

SECTION 2.22. Section 42.253, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The amounts to be paid under Section 42.2516(b)(4) shall be paid at the same time as other state revenue is paid to the district. Payments shall be based on amounts paid under Section 42.2516(b)(4) for the preceding year. Any deficiency shall be paid to the district at the same time the final amount to be paid to the district is determined, and any overpayment shall be deducted from

1 the payments the district would otherwise receive in the following
2 year.

3 SECTION 2.23. Sections 403.302(d) and (i), Government Code,
4 are amended to read as follows:

5 (d) For the purposes of this section, "taxable value" means
6 the market value of all taxable property less:

7 (1) the total dollar amount of any residence homestead
8 exemptions lawfully granted under Section 11.13(b) or (c), Tax
9 Code, in the year that is the subject of the study for each school
10 district;

11 (2) one-half of the total dollar amount of any
12 residence homestead exemptions granted under Section 11.13(n), Tax
13 Code, in the year that is the subject of the study for each school
14 district;

15 (3) the total dollar amount of any exemptions granted
16 before May 31, 1993, within a reinvestment zone under agreements
17 authorized by Chapter 312, Tax Code;

18 (4) subject to Subsection (e), the total dollar amount
19 of any captured appraised value of property that:

20 (A) is within a reinvestment zone designated
21 ~~[created]~~ on or before May 31, 1999, or is proposed to be included
22 within the boundaries of a reinvestment zone as the boundaries of
23 the zone and the proposed portion of tax increment paid into the tax
24 increment fund by a school district are described in a written
25 notification provided by the municipality or the board of directors
26 of the zone to the governing bodies of the other taxing units in the
27 manner provided by Section 311.003(e), Tax Code, before May 31,

1 1999, and within the boundaries of the zone as those boundaries
2 existed on September 1, 1999, including subsequent improvements to
3 the property regardless of when made;

4 (B) generates taxes paid into a tax increment
5 fund created under Chapter 311, Tax Code, under a reinvestment zone
6 financing plan approved under Section 311.011(d), Tax Code, on or
7 before September 1, 1999; and

8 (C) is eligible for tax increment financing under
9 Chapter 311, Tax Code;

10 (5) ~~[for a school district for which a deduction from~~
11 ~~taxable value is made under Subdivision (4), an amount equal to the~~
12 ~~taxable value required to generate revenue when taxed at the school~~
13 ~~district's current tax rate in an amount that, when added to the~~
14 ~~taxes of the district paid into a tax increment fund as described by~~
15 ~~Subdivision (4)(B), is equal to the total amount of taxes the~~
16 ~~district would have paid into the tax increment fund if the district~~
17 ~~levied taxes at the rate the district levied in 2005,]~~

18 ~~[(6)]~~ the total dollar amount of any captured
19 appraised value of property that:

20 (A) is within a reinvestment zone:

21 (i) designated ~~[created]~~ on or before
22 December 31, 2008, by a municipality with a population of less than
23 18,000; and

24 (ii) the project plan for which includes
25 the alteration, remodeling, repair, or reconstruction of a
26 structure that is included on the National Register of Historic
27 Places and requires that a portion of the tax increment of the zone

1 be used for the improvement or construction of related facilities
2 or for affordable housing;

3 (B) generates school district taxes that are paid
4 into a tax increment fund created under Chapter 311, Tax Code; and

5 (C) is eligible for tax increment financing under
6 Chapter 311, Tax Code;

7 (6) [~~(7)~~] the total dollar amount of any exemptions
8 granted under Section 11.251 or 11.253, Tax Code;

9 (7) [~~(8)~~] the difference between the comptroller's
10 estimate of the market value and the productivity value of land that
11 qualifies for appraisal on the basis of its productive capacity,
12 except that the productivity value estimated by the comptroller may
13 not exceed the fair market value of the land;

14 (8) [~~(9)~~] the portion of the appraised value of
15 residence homesteads of individuals who receive a tax limitation
16 under Section 11.26, Tax Code, on which school district taxes are
17 not imposed in the year that is the subject of the study, calculated
18 as if the residence homesteads were appraised at the full value
19 required by law;

20 (9) [~~(10)~~] a portion of the market value of property
21 not otherwise fully taxable by the district at market value because
22 of:

23 (A) action required by statute or the
24 constitution of this state that, if the tax rate adopted by the
25 district is applied to it, produces an amount equal to the
26 difference between the tax that the district would have imposed on
27 the property if the property were fully taxable at market value and

1 the tax that the district is actually authorized to impose on the
2 property, if this subsection does not otherwise require that
3 portion to be deducted; or

4 (B) action taken by the district under Subchapter
5 B or C, Chapter 313, Tax Code;

6 (10) [~~(11)~~] the market value of all tangible personal
7 property, other than manufactured homes, owned by a family or
8 individual and not held or used for the production of income;

9 (11) [~~(12)~~] the appraised value of property the
10 collection of delinquent taxes on which is deferred under Section
11 33.06, Tax Code;

12 (12) [~~(13)~~] the portion of the appraised value of
13 property the collection of delinquent taxes on which is deferred
14 under Section 33.065, Tax Code; and

15 (13) [~~(14)~~] the amount by which the market value of a
16 residence homestead to which Section 23.23, Tax Code, applies
17 exceeds the appraised value of that property as calculated under
18 that section.

19 (i) If the comptroller determines in the annual study that
20 the market value of property in a school district as determined by
21 the appraisal district that appraises property for the school
22 district, less the total of the amounts and values listed in
23 Subsection (d) as determined by that appraisal district, is valid,
24 the comptroller, in determining the taxable value of property in
25 the school district under Subsection (d), shall for purposes of
26 Subsection (d)(13) [~~(d)(14)~~] subtract from the market value as
27 determined by the appraisal district of residence homesteads to

1 which Section 23.23, Tax Code, applies the amount by which that
 2 amount exceeds the appraised value of those properties as
 3 calculated by the appraisal district under Section 23.23, Tax Code.
 4 If the comptroller determines in the annual study that the market
 5 value of property in a school district as determined by the
 6 appraisal district that appraises property for the school district,
 7 less the total of the amounts and values listed in Subsection (d) as
 8 determined by that appraisal district, is not valid, the
 9 comptroller, in determining the taxable value of property in the
 10 school district under Subsection (d), shall for purposes of
 11 Subsection (d)(13) [~~(d)(14)~~] subtract from the market value as
 12 estimated by the comptroller of residence homesteads to which
 13 Section 23.23, Tax Code, applies the amount by which that amount
 14 exceeds the appraised value of those properties as calculated by
 15 the appraisal district under Section 23.23, Tax Code.

16 SECTION 2.24. Section 373A.151(b), Local Government Code,
 17 is amended to read as follows:

18 (b) In addition to other provisions of this subchapter that
 19 modify or supersede the application of Chapter 311, Tax Code, to a
 20 zone established under this subchapter, Section [~~Sections~~] 311.005
 21 [~~and 311.006~~], Tax Code, does [~~do~~] not apply to a zone established
 22 under this subchapter.

23 SECTION 2.25. Sections 311.003(e), (f), and (g), 311.006,
 24 and 311.013(d) and (e), Tax Code, are repealed.

25 SECTION 2.26. (a) The legislature validates and confirms
 26 all governmental acts and proceedings of a municipality or county,
 27 the board of directors of a reinvestment zone, or an entity acting

1 under Section 311.010(f), Tax Code, that were taken before the
2 effective date of this article and relate to or are associated with
3 the designation, operation, or administration of a reinvestment
4 zone or the implementation of a project plan or reinvestment zone
5 financing plan under Chapter 311, Tax Code, including the extension
6 of the term of a reinvestment zone, as of the dates on which they
7 occurred. The acts and proceedings may not be held invalid because
8 they were not in accordance with Chapter 311, Tax Code, or other
9 law.

10 (b) Subsection (a) of this section does not apply to any
11 matter that on the 30th day after the effective date of this
12 article:

13 (1) is involved in litigation if the litigation
14 ultimately results in the matter being held invalid by a final
15 judgment of a court; or

16 (2) has been held invalid by a final judgment of a
17 court.

18 SECTION 2.27. (a) Section 311.002(1), Tax Code, as amended
19 by this Act, applies to all costs described by that subdivision
20 regardless of when they were incurred.

21 (b) Section 311.0091, Tax Code, as amended by this Act,
22 applies only to an individual appointed by a conservation and
23 reclamation district to the board of directors of a reinvestment
24 zone on or after the effective date of this article. An individual
25 appointed by a conservation and reclamation district to the board
26 of a reinvestment zone before the effective date of this article is
27 governed by Section 311.0091, Tax Code, as that section existed

1 immediately before the effective date of this article, and the
2 former law is continued in effect for that purpose.

3 (c) Section 311.012(c), Tax Code, as amended by this Act,
4 applies only to the determination of the tax increment base of a
5 taxing unit for a tax year beginning on or after the effective date
6 of this article, except that if the tax increment base of a taxing
7 unit for a tax year beginning before the effective date was
8 determined in the manner provided by Section 311.012(c), Tax Code,
9 as amended by this Act, the determination is validated as if the
10 amendment were in accordance with Section 311.012(c), Tax Code, as
11 that section existed immediately before the effective date of this
12 article.

13 SECTION 2.28. Section 42.2516, Education Code, as amended
14 by this Act, applies as if Subsection (b)(4) of that section were in
15 effect in the state fiscal year beginning September 1, 2006, and any
16 amounts due a school district under Subsection (b)(4) of that
17 section for the state fiscal years beginning September 1, 2006,
18 September 1, 2007, and September 1, 2008, shall be paid to the
19 district in the state fiscal year beginning September 1, 2009, at
20 the time payments are made to the district under Section 42.259(f),
21 Education Code.

22 SECTION 2.29. This article takes effect immediately if this
23 Act receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this article takes effect September 1, 2009.

1 ARTICLE 3. EFFECTIVE DATE

2 SECTION 3.01. Except as otherwise provided by this Act,
3 this Act takes effect September 1, 2009.