

By: Eiland

H.B. No. 3854

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers of certain development corporations related
3 to Hurricane Ike disaster relief and to the validation of certain
4 governmental acts or proceedings of counties affected by Hurricane
5 Ike.

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

7 SECTION 1. Chapter 501, Local Government Code, is amended
8 by adding Subchapter J to read as follows:

9 SUBCHAPTER J. HURRICANE IKE DISASTER RELIEF

10 Sec. 501.451. APPLICABILITY. This subchapter applies only
11 to a corporation the creation of which was authorized by a unit
12 wholly or partly located in the Hurricane Ike disaster area, as
13 defined by Section 704, Heartland Disaster Tax Relief Act of 2008
14 (Pub. L. No. 110-343).

15 Sec. 501.452. PROJECTS RELATED TO HURRICANE IKE DISASTER
16 AREA. For a corporation to which this subchapter applies, in this
17 subtitle, "project":

18 (1) includes an undertaking the costs of which are
19 eligible to be paid from the proceeds of qualified Hurricane Ike
20 disaster area bonds under Section 704, Heartland Disaster Tax
21 Relief Act of 2008 (Pub. L. No. 110-343); and

22 (2) does not include:

23 (A) a qualified residential rental project, as
24 defined by Section 142(d), Internal Revenue Code of 1986; or

1 (B) a project the costs of which are payable from
2 qualified mortgage bonds, as defined by Section 143, Internal
3 Revenue Code of 1986.

4 Sec. 501.453. PROJECTS NOT ADMINISTERED BY ECONOMIC
5 DEVELOPMENT OFFICE. A project authorized under this subchapter and
6 bonds issued to pay all or part of the cost of a project under this
7 subchapter are not subject to the requirements of Subchapter F.

8 SECTION 2. Title 34, Revised Statutes, is amended by adding
9 Article 1677 to read as follows:

10 Art. 1677. GOVERNMENTAL ACTS AND PROCEEDINGS OF COUNTIES
11 AFFECTED BY HURRICANE IKE

12 Sec. 1. APPLICATION. This article applies to any county
13 located in the Hurricane Ike disaster area, as defined by Section
14 704, Heartland Disaster Tax Relief Act of 2008 (Pub. L. No.
15 110-343).

16 Sec. 2. PROCEEDINGS VALIDATED. The governmental acts and
17 proceedings of a county relating to a bond election that was held
18 November 4, 2008, and at which the ballot proposition was approved
19 by a majority of the voters voting on the proposition are validated
20 as of the dates they occurred. The validation includes the
21 preparation and wording of the ballot proposition, any action taken
22 by the county in calling and holding the bond election, and any
23 other action taken by the county before the effective date of this
24 article in connection with the issuance of any bonds approved in the
25 bond election. The acts and proceedings may not be held invalid
26 because they were not performed in accordance with law. A county
27 may take any further action or conduct any further proceeding

1 necessary to complete the issuance of the bonds approved at the bond
2 election, and, when issued, the bonds are valid and binding
3 obligations of the county in accordance with the terms of the bonds.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2009.