

By: Uresti

S.B. No. 2491

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of certain public improvement districts.

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

SECTION 1. (a) Section 372.1011, Local Government Code, is amended to read as follows:

Sec. 372.1011. APPLICABILITY. This subchapter applies only to:

(1) a county with a population of 1.2 million [~~825,000~~] or more, other than a county that:

(A) borders on the Gulf of Mexico or a bay or inlet of the gulf; or

(B) has two municipalities located wholly or partly in its boundaries each having a population of 300,000 or more; or

(2) a county with a population of 70,000 or more that is adjacent to a county described by Subdivision (1) in which a municipality with a population of 35,000 or more is primarily situated and includes all or a part of the extraterritorial jurisdiction of a municipality with a population of 1.1 million or more.

(b) This section takes effect only if the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

1 If the Act of the 81st Legislature, Regular Session, 2009, relating
2 to nonsubstantive additions to and corrections in enacted codes
3 becomes law, this section has no effect.

4 SECTION 2. Subchapter C, Chapter 372, Local Government
5 Code, is amended by adding Section 372.1245 to read as follows:

6 Sec. 372.1245. ANNEXATION OR EXCLUSION OF LAND. (a) A
7 district may annex or exclude land from the district as provided by
8 Subchapter J, Chapter 49, Water Code.

9 (b) Before a district may adopt an order adding or excluding
10 land, the district must obtain the consent of:

11 (1) the county that created the district by a
12 resolution of the county commissioners court; and

13 (2) if Section 372.113(c) applies to the district, a
14 municipality in which the district is located by a resolution
15 adopted by the municipality's governing body.

16 SECTION 3. Subsection (c), Section 372.127, Local
17 Government Code, is amended to read as follows:

18 (c) A county must adopt an order providing whether a
19 district has the authority to impose a hotel occupancy tax, sales
20 and use tax, or ad valorem tax, and must provide the maximum rate at
21 which the district may impose the tax. [~~A tax rate approved by the
22 commissioners court and pledged to secure bonds, notes, grant
23 agreements, or development agreements may not be reduced until the
24 obligations of those instruments have been satisfied.~~]

25 SECTION 4. (a) Section 382.002, Local Government Code, is
26 amended to read as follows:

27 Sec. 382.002. APPLICABILITY. This chapter applies only

1 to:

2 (1) a county with a population of 1.2 million
3 [~~825,000~~] or more, other than a county that:

4 (A) borders on the Gulf of Mexico or a bay or
5 inlet of the gulf; or

6 (B) has two municipalities located wholly or
7 partly in its boundaries each having a population of 300,000 or
8 more; or

9 (2) a county with a population of 70,000 or more that
10 is adjacent to a county described by Subdivision (1) in which a
11 municipality with a population of 35,000 or more is primarily
12 situated and includes all or a part of the extraterritorial
13 jurisdiction of a municipality with a population of 1.1 million or
14 more.

15 (b) This section takes effect only if the Act of the 81st
16 Legislature, Regular Session, 2009, relating to nonsubstantive
17 additions to and corrections in enacted codes becomes law. If the
18 Act of the 81st Legislature, Regular Session, 2009, relating to
19 nonsubstantive additions to and corrections in enacted codes does
20 not become law, this section has no effect.

21 SECTION 5. Subchapter C, Chapter 382, Local Government
22 Code, is amended by adding Section 382.113 to read as follows:

23 Sec. 382.113. ANNEXATION OR EXCLUSION OF LAND. (a) A
24 district may annex or exclude land from the district as provided by
25 Subchapter J, Chapter 49, Water Code.

26 (b) Before a district may adopt an order adding or excluding
27 land, the district must obtain the consent of:

1 (1) the county that created the district by a
2 resolution of the county commissioners court; and

3 (2) if Section 382.101(c) applies to the district, a
4 municipality in which the district is located by a resolution
5 adopted by the municipality's governing body.

6 SECTION 6. Subsection (c), Section 382.153, Local
7 Government Code, is amended to read as follows:

8 (c) A county must adopt an order providing whether a
9 district has the authority to impose a hotel occupancy tax, sales
10 and use tax, or ad valorem tax, and must provide the maximum rate at
11 which the district may impose the tax. [~~A tax rate approved by the~~
12 ~~commissioners court and pledged to secure bonds, notes, grant~~
13 ~~agreements, or development agreements may not be reduced until the~~
14 ~~obligations of those instruments have been satisfied.]~~

15 SECTION 7. (a) The legislature validates and confirms all
16 governmental acts and proceedings before the effective date of this
17 Act of a district created under Subchapter C, Chapter 372, Local
18 Government Code, as that chapter existed before the effective date
19 of this Act, including acts of the district's board of directors.

20 (b) Subsection (a) of this section does not apply to a
21 matter that on the effective date of this Act:

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

25 (2) has been held invalid by a final court judgment.

26 SECTION 8. (a) Sections 2 and 3 of this Act take effect
27 only if the Act of the 81st Legislature, Regular Session, 2009,

1 relating to nonsubstantive additions to and corrections in enacted
2 codes does not become law. If the Act of the 81st Legislature,
3 Regular Session, 2009, relating to nonsubstantive additions to and
4 corrections in enacted codes becomes law, Sections 2 and 3 of this
5 Act have no effect.

6 (b) Sections 5 and 6 of this Act take effect only if the Act
7 of the 81st Legislature, Regular Session, 2009, relating to
8 nonsubstantive additions to and corrections in enacted codes
9 becomes law. If the Act of the 81st Legislature, Regular Session,
10 2009, relating to nonsubstantive additions to and corrections in
11 enacted codes does not become law, Sections 5 and 6 of this Act have
12 no effect.

13 SECTION 9. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.