

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

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

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

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

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

SECTION 2. Section 372.127(c), Local Government Code, is amended to read as follows:

(c) A county must adopt an order providing whether a district has the authority to impose a hotel occupancy tax, sales and use tax, or ad valorem tax, and must provide the maximum rate at which the district may impose the tax. ~~[A tax rate approved by the commissioners court and pledged to secure bonds, notes, grant agreements, or development agreements may not be reduced until the~~

1 ~~obligations of those instruments have been satisfied.]~~

2 SECTION 3. Subchapter C, Chapter 382, Local Government
3 Code, is amended by adding Section 382.113 to read as follows:

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

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

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

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

14 SECTION 4. Section 382.153(c), Local Government Code, is
15 amended to read as follows:

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

23 SECTION 5. (a) The legislature validates and confirms all
24 governmental acts and proceedings before the effective date of this
25 Act of a district created under Subchapter C, Chapter 372, Local
26 Government Code, as that chapter existed before the effective date
27 of this Act, including acts of the district's board of directors.

1 (b) Subsection (a) does not apply to a matter that on the
2 effective date of this Act:

3 (1) is involved in litigation, if the litigation
4 ultimately results in the matter being held invalid by a final court
5 judgment; or

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

7 SECTION 6. (a) Sections 1 and 2 of this Act take effect
8 only if the Act of the 81st Legislature, Regular Session, 2009,
9 relating to nonsubstantive additions to and corrections in enacted
10 codes does not become law. If the Act of the 81st Legislature,
11 Regular Session, 2009, relating to nonsubstantive additions to and
12 corrections in enacted codes becomes law, Sections 1 and 2 of this
13 Act have no effect.

14 (b) Sections 3 and 4 of this Act take effect only if the Act
15 of the 81st Legislature, Regular Session, 2009, relating to
16 nonsubstantive additions to and corrections in enacted codes
17 becomes law. If the Act of the 81st Legislature, Regular Session,
18 2009, relating to nonsubstantive additions to and corrections in
19 enacted codes does not become law, Sections 3 and 4 of this Act have
20 no effect.

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