

1-1 By: Uresti S.B. No. 2491
1-2 (In the Senate - Filed April 2, 2009; April 6, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 28, 2009, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; April 28, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the powers and duties of certain public improvement
1-9 districts.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter C, Chapter 372, Local Government
1-12 Code, is amended by adding Section 372.1245 to read as follows:

1-13 Sec. 372.1245. ANNEXATION OR EXCLUSION OF LAND. (a) A
1-14 district may annex or exclude land from the district as provided by
1-15 Subchapter J, Chapter 49, Water Code.

1-16 (b) Before a district may adopt an order adding or excluding
1-17 land, the district must obtain the consent of:

1-18 (1) the county that created the district by a
1-19 resolution of the county commissioners court; and

1-20 (2) if Section 372.113(c) applies to the district, a
1-21 municipality in which the district is located by a resolution
1-22 adopted by the municipality's governing body.

1-23 SECTION 2. Subsection (c), Section 372.127, Local
1-24 Government Code, is amended to read as follows:

1-25 (c) A county must adopt an order providing whether a
1-26 district has the authority to impose a hotel occupancy tax, sales
1-27 and use tax, or ad valorem tax, and must provide the maximum rate at
1-28 which the district may impose the tax. ~~[A tax rate approved by the~~
1-29 ~~commissioners court and pledged to secure bonds, notes, grant~~
1-30 ~~agreements, or development agreements may not be reduced until the~~
1-31 ~~obligations of those instruments have been satisfied.]~~

1-32 SECTION 3. Subchapter C, Chapter 382, Local Government
1-33 Code, is amended by adding Section 382.113 to read as follows:

1-34 Sec. 382.113. ANNEXATION OR EXCLUSION OF LAND. (a) A
1-35 district may annex or exclude land from the district as provided by
1-36 Subchapter J, Chapter 49, Water Code.

1-37 (b) Before a district may adopt an order adding or excluding
1-38 land, the district must obtain the consent of:

1-39 (1) the county that created the district by a
1-40 resolution of the county commissioners court; and

1-41 (2) if Section 382.101(c) applies to the district, a
1-42 municipality in which the district is located by a resolution
1-43 adopted by the municipality's governing body.

1-44 SECTION 4. Subsection (c), Section 382.153, Local
1-45 Government Code, is amended to read as follows:

1-46 (c) A county must adopt an order providing whether a
1-47 district has the authority to impose a hotel occupancy tax, sales
1-48 and use tax, or ad valorem tax, and must provide the maximum rate at
1-49 which the district may impose the tax. ~~[A tax rate approved by the~~
1-50 ~~commissioners court and pledged to secure bonds, notes, grant~~
1-51 ~~agreements, or development agreements may not be reduced until the~~
1-52 ~~obligations of those instruments have been satisfied.]~~

1-53 SECTION 5. (a) The legislature validates and confirms all
1-54 governmental acts and proceedings before the effective date of this
1-55 Act of a district created under Subchapter C, Chapter 372, Local
1-56 Government Code, as that chapter existed before the effective date
1-57 of this Act, including acts of the district's board of directors.

1-58 (b) Subsection (a) of this section does not apply to a
1-59 matter that on the effective date of this Act:

1-60 (1) is involved in litigation, if the litigation
1-61 ultimately results in the matter being held invalid by a final court
1-62 judgment; or

1-63 (2) has been held invalid by a final court judgment.

1-64 SECTION 6. (a) Sections 1 and 2 of this Act take effect

2-1 only if the Act of the 81st Legislature, Regular Session, 2009,
2-2 relating to nonsubstantive additions to and corrections in enacted
2-3 codes does not become law. If the Act of the 81st Legislature,
2-4 Regular Session, 2009, relating to nonsubstantive additions to and
2-5 corrections in enacted codes becomes law, Sections 1 and 2 of this
2-6 Act have no effect.

2-7 (b) Sections 3 and 4 of this Act take effect only if the Act
2-8 of the 81st Legislature, Regular Session, 2009, relating to
2-9 nonsubstantive additions to and corrections in enacted codes
2-10 becomes law. If the Act of the 81st Legislature, Regular Session,
2-11 2009, relating to nonsubstantive additions to and corrections in
2-12 enacted codes does not become law, Sections 3 and 4 of this Act have
2-13 no effect.

2-14 SECTION 7. This Act takes effect immediately if it receives
2-15 a vote of two-thirds of all the members elected to each house, as
2-16 provided by Section 39, Article III, Texas Constitution. If this
2-17 Act does not receive the vote necessary for immediate effect, this
2-18 Act takes effect September 1, 2009.

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