

By: Larson

H.B. No. 3597

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. Section 382.002, Local Government Code, is amended to read as follows:

Sec. 382.002. APPLICABILITY. This chapter 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 225,000 [~~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.

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

Sec. 382.113. ANNEXATION OR EXCLUSION OF LAND. (a) A district may annex or exclude land from the district as provided by

1 Subchapter J, Chapter 49, Water Code.

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

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

6 (2) if powers have been delegated under Section
7 382.101(c), a municipality in which the district is located by a
8 resolution adopted by the municipality's governing body.

9 SECTION 3. Section 382.153(c), Local Government Code, is
10 amended to read as follows:

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

18 SECTION 4. (a) The legislature validates and confirms all
19 governmental acts and proceedings before the effective date of this
20 Act of a district created under Chapter 382, Local Government Code,
21 transferred from Subchapter C, Chapter 372, Local Government Code,
22 by Chapter 87 (S.B. 1969), Acts of the 81st Legislature, Regular
23 Session, 2009, before the effective date of this Act, including
24 acts of the district's board of directors.

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

27 (1) is involved in litigation, if the litigation

1 ultimately results in the matter being held invalid by a final court
2 judgment; or

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

4 SECTION 5. 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, 2011.