

By: West

S.B. No. 1369

A BILL TO BE ENTITLED

AN ACT

relating to the boundaries and financing of a public improvement district.

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

SECTION 1. Subchapter A, Chapter 372, Local Government Code, is amended by adding Section 372.0041 to read as follows:

Sec. 372.0041. PROPERTY WITHIN A PUBLIC IMPROVEMENT DISTRICT. A public improvement district may:

(1) have a definable boundary encompassing contiguous properties; or

(2) consist of noncontiguous properties that have a common land use or other common characteristics.

SECTION 2. Subsection (a), Section 372.005, Local Government Code, is amended to read as follows:

(a) A petition for the establishment of a public improvement district must state:

(1) the general nature of the proposed improvement;

(2) the estimated cost of the improvement;

(3) the boundaries of the proposed assessment district if composed of contiguous properties;

(4) the common type, classification, use, or characteristics of properties to be included within the public improvement district if the district is to be composed of noncontiguous properties;

1 (5) the proposed method of assessment, which may
2 specify included or excluded classes of assessable property;

3 (6) [~~(5)~~] the proposed apportionment of cost between
4 the public improvement district and the municipality or county as a
5 whole;

6 (7) [~~(6)~~] whether the management of the district is to
7 be by the municipality or county, the private sector, or a
8 partnership between the municipality or county and the private
9 sector;

10 (8) [~~(7)~~] that the persons signing the petition
11 request or concur with the establishment of the district; and

12 (9) [~~(8)~~] that an advisory body may be established to
13 develop and recommend an improvement plan to the governing body of
14 the municipality or county.

15 SECTION 3. Subsections (b) and (c), Section 372.009, Local
16 Government Code, are amended to read as follows:

17 (b) The hearing may be adjourned from time to time until the
18 governing body makes findings by resolution as to:

19 (1) the advisability of the improvement;

20 (2) the nature of the improvement;

21 (3) the estimated cost of the improvement;

22 (4) the boundaries of the public improvement district
23 if composed of contiguous properties;

24 (5) the common type, classification, use, or
25 characteristics of properties to be included within the public
26 improvement district if the district is to be composed of
27 noncontiguous properties;

1 (6) the method of assessment; and

2 (7) [~~(6)~~] the apportionment of costs between the
3 district and the municipality or county as a whole.

4 (c) Notice of the hearing must be given in a newspaper of
5 general circulation in the municipality or county. If any part of
6 the improvement district is to be located in the municipality's
7 extraterritorial jurisdiction or if any part of the improvements is
8 to be undertaken in the municipality's extraterritorial
9 jurisdiction, the notice must also be given in a newspaper of
10 general circulation in the part of the extraterritorial
11 jurisdiction in which the district is to be located or in which the
12 improvements are to be undertaken. The final publication of notice
13 must be made before the 15th day before the date of the hearing. The
14 notice must state:

15 (1) the time and place of the hearing;

16 (2) the general nature of the proposed improvement;

17 (3) the estimated cost of the improvement;

18 (4) the boundaries of the proposed assessment district
19 if composed of contiguous properties;

20 (5) the common type, classification, use, or
21 characteristics of properties to be included within the public
22 improvement district if the district is to be composed of
23 noncontiguous properties;

24 (6) the proposed method of assessment; and

25 (7) [~~(6)~~] the proposed apportionment of cost between
26 the improvement district and the municipality or county as a whole.

27 SECTION 4. Subsection (b), Section 372.015, Local

Government Code, is amended to read as follows:

(b) Cost of an improvement may be assessed:

(1) equally per front foot or square foot;

(2) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; ~~or~~

(3) as a percentage of sales or receipts; or

(4) in any other manner that results in imposing equal shares of the cost on property similarly benefitted.

SECTION 5. Subsection (b), Section 372.016, Local Government Code, is amended to read as follows:

(b) The governing body shall file the proposed assessment roll with the municipal secretary or other officer performing the functions of the municipal secretary or in a district formed by a county, the county tax assessor-collector. The proposed assessment roll is subject to public inspection. The governing body shall require the municipal secretary or other officer or county tax assessor-collector to publish notice of the governing body's intention to consider the proposed assessments at a public hearing. The notice must be published in a newspaper of general circulation in the municipality or county before the 10th day before the date of the hearing. If any part of the improvement district is located in the municipality's extraterritorial jurisdiction or if any part of the improvements is to be undertaken in the municipality's extraterritorial jurisdiction, the notice must also be published, before the 10th day before the date of the hearing, in a newspaper of general circulation in the part of the extraterritorial

jurisdiction in which the district is located or in which the improvements are to be undertaken. The notice must state:

(1) the date, time, and place of the hearing;

(2) the general nature of the improvement;

(3) the cost of the improvement;

(4) the boundaries of the assessment district if composed of contiguous properties; [and]

(5) the common type, classification, use, or characteristics of properties to be included within the public improvement district if the district is to be composed of noncontiguous properties; and

(6) that written or oral objections will be considered at the hearing.

SECTION 6. This Act takes effect September 1, 2011.