

CHAPTER 970

H.B. No. 1400

AN ACT

relating to public improvement districts designated by a municipality or county.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 372.003, Local Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Payment of expenses under Subsection (b)(14) may also include expenses related to the operation and maintenance of mass transportation facilities.

SECTION 2. Subchapter A, Chapter 372, Local Government Code, is amended by adding Section 372.0035 to read as follows:

Sec. 372.0035. COMMON CHARACTERISTIC OR USE FOR PROJECTS IN CERTAIN MUNICIPALITIES. (a) This section applies only to:

(1) a municipality that has a population of more than one million and a council-manager form of government and that is located wholly or partly in a county with a population of more than two million; and

(2) a public improvement district established under this subchapter and solely composed of territory in which the only businesses are hotels with 100 or more rooms ordinarily used for sleeping.

(b) A municipality may undertake a project that confers a special benefit on areas that share a common characteristic or use. The areas may be noncontiguous.

(c) This section does not prohibit a municipality from or limit a municipality to establishing a district that includes a noncontiguous area authorized by this subchapter.

SECTION 3. Subchapter A, Chapter 372, Local Government Code, is amended by adding Section 372.0055 to read as follows:

Sec. 372.0055. DEFERRED ASSESSMENT; ESTIMATE. If a proposed improvement under Section 372.005 includes a deferred assessment, before holding the hearing required by Section 372.009, the governing body of the municipality or county must estimate:

(1) the appraised value of taxable real property liable for assessment in the district; and

(2) the cost of the improvement.

SECTION 4. Section 372.017(b), Local Government Code, is amended to read as follows:

(b) After all objections have been heard and the governing body has passed on the objections, the governing body by ordinance or order shall levy the assessment as a special assessment on the property. The governing body by ordinance or order shall specify the method of payment of the assessment. The governing body may defer an assessment until a date the governing body specifies in the ordinance or order. The governing body may provide that assessments be paid in periodic installments, at an interest rate and for a period approved by the governing body. The provision that assessments be paid in periodic installments may, but is not required to, result in level annual installment payments. The installments must be in amounts necessary to meet annual costs for improvements and must continue for:

(1) the period necessary to retire the indebtedness on the improvements; or

(2) the period approved by the governing body for the payment of the installments.

SECTION 5. Section 372.041(a), Local Government Code, is amended to read as follows:

(a) A home-rule municipality may create improvement districts for the purposes of:

(1) levying, straightening, widening, enclosing, or otherwise improving a river, creek, bayou, stream, other body of water, street, or alley;

(2) draining, grading, filling, and otherwise protecting and improving the territory within the municipality's limits; ~~and~~

(3) issuing bonds to finance improvements listed in this subsection; *and*

(4) *financing an improvement described in Subchapter A.*

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

Passed by the House on April 14, 2011: Yeas 142, Nays 0, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 1400 on May 26, 2011, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 1400 on May 29, 2011: Yeas 146, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 24, 2011: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 1400 on May 29, 2011: Yeas 31, Nays 0.

Approved June 17, 2011.

Effective September 1, 2011.

CHAPTER 971

H.B. No. 1486

AN ACT

relating to signs posted under the memorial sign program for victims of certain vehicle accidents.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 201.909(e), (f), and (g), Transportation Code, are amended to read as follows:

(e) If the application meets the department's requirements and the applicant pays the memorial sign fee, the department shall erect a sign. A sign posted under this section may remain posted for *two years* [~~one year~~]. At the end of the *two-year* [~~one-year~~] period the department may release the sign to the applicant. The department is not required to release a sign that has been damaged.

(f) A sign posted under this section that is damaged shall be removed by the department. Except as provided in Subsection (g), the department may post a new sign if it has been less than *two years* [~~one year~~] from the posting of the original sign and a person:

- (1) submits a written request to the department to replace the sign; and
- (2) submits a replacement fee in the amount provided under Subsection (d)(2).

(g) During the *two-year* [~~one-year~~] posting period the department shall replace a sign posted under this section that is damaged because of the department's negligence.

SECTION 2. Section 201.909, Transportation Code, applies to each memorial sign erected under that section, regardless of whether the sign was erected before, on, or after the effective date of this Act.

SECTION 3. If the Texas Department of Transportation determines or is informed by the applicable federal agency that implementation of Section 201.909, Transportation Code, as amended by this Act, would result in the loss to the department or this state of federal funds, the Texas Department of Transportation:

- (1) is not required to comply with Section 201.909, Transportation Code, as amended by this Act, but shall comply with Section 201.909, Transportation Code, as that section existed immediately before the effective date of this Act; and
- (2) not later than January 1, 2013, shall submit a report to the lieutenant governor and the speaker of the house of representatives regarding the determination by the department or the applicable federal agency.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If