

BILL ANALYSIS

Senate Research Center

S.B. 2491
By: Uresti
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Subchapter C (Improvement Projects in Certain Counties), Chapter 372 (Improvement Districts in Municipalities and Counties), Local Government Code, governs the authority and powers of certain public improvement districts in certain counties. The purpose of this bill is to update two sections in Subchapter C, Chapter 372, Local Government Code, to clarify provisions governing the districts.

As proposed, S.B. 2491 amends current law relating to the powers and duties of certain public improvement districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 372, Local Government Code, by adding Section 372.1245, as follows:

Sec. 372.1245. ANNEXATION OR EXCLUSION OF LAND. (a) Authorizes a public improvement district (district) to annex or exclude land from the district as provided by Subchapter J (Annexation or Exclusion of Land), Chapter 49 (Provisions Applicable to All Districts), Water Code.

(b) Requires the district, before a district is authorized to adopt an order adding or excluding land, to obtain the consent of the county that created the district by a resolution of the county commissioners court; and if Section 372.113(c) (relating to prohibiting a county from delegating to a district the powers and duties of a road district or the power to provide water, wastewater, or drainage facilities) applies to the district, a municipality in which the district is located by a resolution adopted by the municipality's governing body.

SECTION 2. Amends Section 372.127(c), Local Government Code, as follows:

(c) Requires a county to 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 providing the maximum rate at which the district may impose the tax. Deletes existing text prohibiting a tax rate approved by the commissioners court and pledged to secure bonds, notes, grant agreements, or development agreements from being reduced until the obligations of those instruments have been satisfied.

SECTION 3. Amends Subchapter C, Chapter 382, Local Government Code, by adding Section 382.113, as follows:

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

(b) Requires the district, before a district is authorized to adopt an order adding or excluding land, to obtain the consent of the county that created the district by a resolution of the county commissioners court, and if Section 382.101(c) applies to the district, a municipality in which the district is located by a resolution adopted by the municipality's governing body.

SECTION 4. Amends Section 382.153(c), Local Government Code, to make conforming changes.

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

(b) Provides that Subsection (a) does not apply to a matter that on the effective date of this Act is involved in litigation, if the litigation ultimately results in the matter being held invalid by a final court judgment, or has been held invalid by a final court judgment.

SECTION 6. (a) Makes application of Sections 1 and 2 of this Act contingent upon passage of the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes.

(b) Makes application of Sections 3 and 4 of this Act contingent upon passage of the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes.

Section 7. Effective date: upon passage or September 1, 2009.