

Chapter 1247

AN ACT

relating to the East Montgomery County Improvement District.

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

SECTION 1. (a) This section takes effect only if the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Subdivision (3), Section 3846.001, Special District Local Laws Code, is amended to read as follows:

(3) "Venue" means a convention center facility or related improvement such as a convention center, civic center, civic center building, civic center hotel, auditorium, theater, opera house, music hall, exhibition hall, rehearsal hall, park, zoological park, museum, aquarium, tourist development area along an inland waterway, or plaza.

SECTION 2. (a) This section takes effect only if the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b) Subdivision (1), Subsection (a), Section 33, Chapter 1316, Acts of the 75th Legislature, Regular Session, 1997, as added by Section 11, Chapter 950, Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(1) "Venue" means a convention center facility or

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1 related improvement such as a convention center, civic center,
2 civic center building, civic center hotel, auditorium, theater,
3 opera house, music hall, exhibition hall, rehearsal hall, park,
4 zoological park, museum, aquarium, tourist development area along
5 an inland waterway, or plaza.

6 SECTION 3. Subsections (d) and (e), Section 3846.155,
7 Special District Local Laws Code, are amended to read as follows:

8 (d) If as a result of the imposition or increase in a sales
9 and use tax by the district as provided under this section or
10 Section 3846.152, the overlapping local sales and use taxes in a
11 municipality or political subdivision located in the boundaries of
12 the district will exceed two percent, the municipality's or
13 political subdivision's sales and use tax is automatically reduced
14 in that municipality or political subdivision to a rate that, when
15 added to the district's rate, does not exceed two percent.

16 (e) If the tax rate of a municipality or political
17 subdivision is reduced in accordance with Subsection (d), the
18 comptroller shall withhold from the district's monthly sales and
19 use tax allocation an amount equal to the amount that would have
20 been collected by the municipality or political subdivision had the
21 district not imposed or increased its sales and use tax less amounts
22 that the municipality or political subdivision collects following
23 the district's imposition of or increase in its sales and use tax.
24 The comptroller shall withhold and pay the amount withheld to the
25 municipality or political subdivision under policies or procedures
26 that the comptroller considers reasonable.

27 SECTION 4. Section 3846.162, Special District Local Laws

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1 Code, is amended to read as follows:

2 Sec. 3846.162. BORROWING MONEY. The district may borrow
3 money for the corporate purposes of the district and may issue bonds
4 as authorized by Section 3846.164 for any district purpose,
5 including for the purpose of an economic development program under
6 Section 3846.106.

7 SECTION 5. (a) This section takes effect only if the Act of
8 the 81st Legislature, Regular Session, 2009, relating to
9 nonsubstantive additions to and corrections in enacted codes
10 becomes law.

11 (b) Sections 3846.253 and 3846.260, Special District Local
12 Laws Code, are amended to read as follows:

13 Sec. 3846.253. DEVELOPMENT ZONES AUTHORIZED. The board, on
14 its own motion or on receipt of a petition signed by the owners of
15 all real property in a defined area of the district consisting of
16 one tract of land containing at least 25 [~~or more~~] contiguous acres
17 and any additional smaller or larger tracts, as appropriate [~~of~~
18 land], by resolution may create, designate, describe, assign a name
19 to, and appoint the governing body for a development zone in the
20 district to promote development or redevelopment of the area, if
21 the board finds that the creation of the zone will further the
22 public purposes of:

- 23 (1) the development and diversification of the economy
- 24 of the district and the state;
- 25 (2) the elimination of unemployment or
- 26 underemployment in the district and the state;
- 27 (3) the development or expansion of transportation or

1 commerce in the district and the state; or

2 (4) the promotion and stimulation of business,
3 commercial, and economic activity in the district and the state.

4 Sec. 3846.260. DEVELOPMENT ZONE BOUNDARIES. The boundaries
5 of a development zone may be reduced or enlarged in the manner
6 provided by this subchapter for creation of a zone, except that the
7 boundaries may not be reduced to less than 25 contiguous acres. A
8 development zone may be enlarged to include noncontiguous tracts
9 only if on the date the zone is enlarged the zone contains at least
10 one tract consisting of at least 25 contiguous acres. A
11 confirmation election is not required for an enlargement if:

12 (1) all landowners of the area proposed to be added
13 consent to the enlargement and the tax authorization in the zone;
14 and

15 (2) the enlarged area does not have any registered
16 voters who reside in the area.

17 SECTION 6. (a) This section takes effect only if the Act of
18 the 81st Legislature, Regular Session, 2009, relating to
19 nonsubstantive additions to and corrections in enacted codes does
20 not become law.

21 (b) Subsections (b) and (j), Section 30, Chapter 1316, Acts
22 of the 75th Legislature, Regular Session, 1997, as added by Section
23 9, Chapter 950, Acts of the 80th Legislature, Regular Session,
24 2007, are amended to read as follows:

25 (b) The board, on its own motion or on receipt of a petition
26 signed by the owners of all real property in a defined area of the
27 district consisting of one tract of land containing at least 25 [ex

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1 ~~more~~] contiguous acres and any additional smaller or larger tracts,
2 as appropriate [~~of land~~], by resolution may create, designate,
3 describe, assign a name to, and appoint the governing body for a
4 development zone in the district to promote development or
5 redevelopment of the area, if the board finds that the creation of
6 the zone will further the public purposes of:

7 (1) the development and diversification of the economy
8 of the district and the state;

9 (2) the elimination of unemployment or
10 underemployment in the district and the state;

11 (3) the development or expansion of transportation or
12 commerce in the district and the state; or

13 (4) the promotion and stimulation of business,
14 commercial, and economic activity in the district and the state.

15 (j) The boundaries of a development zone may be reduced or
16 enlarged in the manner provided by this section for creation of a
17 zone, except that the boundaries may not be reduced to less than 25
18 contiguous acres. A development zone may be enlarged to include
19 noncontiguous tracts only if on the date the zone is enlarged the
20 zone contains at least one tract consisting of at least 25
21 contiguous acres. A confirmation election is not required for an
22 enlargement if:

23 (1) all landowners of the area proposed to be added
24 consent to the enlargement and the tax authorization in the zone;
25 and

26 (2) the enlarged area does not have any registered
27 voters who reside in the area.

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1 SECTION 7. (a) The legal notice of the intention to
2 introduce this Act, setting forth the general substance of this
3 Act, has been published as provided by law, and the notice and a
4 copy of this Act have been furnished to all persons, agencies,
5 officials, or entities to which they are required to be furnished
6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7 Government Code.

8 (b) The governor has submitted the notice and Act to the
9 Texas Commission on Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has filed
11 its recommendations relating to this Act with the governor,
12 lieutenant governor, and speaker of the house of representatives
13 within the required time.

14 (d) All requirements of the constitution and laws of this
15 state and the rules and procedures of the legislature with respect
16 to the notice, introduction, and passage of this Act are fulfilled
17 and accomplished.

18 SECTION 8. This Act takes effect September 1, 2009.

WCC
LCC

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David Newkumst
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 2453 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 30, 2009, by the following vote: Yeas 31, Nays 0.

Patsy Saw
Secretary of the Senate

I hereby certify that S.B. No. 2453 passed the House, with amendment, on May 26, 2009, by the following vote: Yeas 122, Nays 22, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK
JUN 19 2009

Colby Hunter III