SECTION 3. (a) As soon as practicable after the effective date of this Act, the Texas Department of Criminal Justice shall enter into a memorandum of understanding as required by Section 501.098, Government Code, as added by this Act.

(b) Not later than January 1, 2010, the Texas Department of Criminal Justice shall adopt and implement the policies required by Section 501.099, Government Code, as added by this Act.

(c) Not later than January 1, 2010, the Texas Department of Criminal Justice shall develop and implement the comprehensive reentry and reintegration plan for offenders as required by Section 501.092, Government Code, as added by this Act.

SECTION 4. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

SECTION 5. 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 this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on April 24, 2009: Yeas 101, Nays 38, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1711 on May 28, 2009: Yeas 134, Nays 9, 1 present, not voting; passed by the Senate, with amendments, on May 20, 2009: Yeas 29, Nays 1.

Approved June 19, 2009.

See section 4.

CHAPTER 644

H.B. No. 1720

AN ACT
relating to the use of public funds by a political subdivision for political advertising or communications that contain false information relating to a ballot measure; providing a criminal penalty.

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

SECTION 1. Section 255.003, Election Code, is amended to read as follows:

Sec. 255.003. UNLAWFUL USE OF PUBLIC FUNDS FOR POLITICAL ADVERTISING. (a) An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising.

(b) Subsection (a) does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.

(b-i) An officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

(1) the officer or employee knows is false; and

(2) is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

(c) A person who violates Subsection (a) or (b-i) commits an offense. An offense under this section is a Class A misdemeanor.

(d) It is an affirmative defense to prosecution for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation of this section in a written opinion issued by:

(1) a court of record;
(2) the attorney general; or
(3) the commission.

(e) On written request of the governing body of a political subdivision that has ordered an election on a measure, the commission shall prepare an advance written advisory opinion as to whether a particular communication relating to the measure does or does not comply with this section.

(f) Subsections (d) and (e) do not apply to a port authority or navigation district.

SECTION 2. (a) Section 255.003(b–1), Election Code, as added by this Act, applies only to an expenditure of public funds that is made on or after September 1, 2009. An expenditure of public funds that is made before September 1, 2009, is governed by the law in effect on the date the expenditure is made, and the former law is continued in effect for that purpose.

(b) Section 255.003(d), Election Code, as added by this Act, applies to the prosecution of conduct committed before, on, or after September 1, 2009, as to which:

(1) judgment has not been entered or a sentence has not been imposed; or
(2) if judgment has been entered and a sentence imposed, an appeal is pending or the time for appeal has not expired.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on May 15, 2009: Yeas 144, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1720 on May 29, 2009: Yeas 143, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 25, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 645

H.B. No. 1730

AN ACT

relating to authorizing the issuance of bonds for the reimbursement of the cost of public improvements located in public improvement districts in certain counties.

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

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

SUBCHAPTER D. REIMBURSEMENT FOR PUBLIC IMPROVEMENTS IN CERTAIN COUNTIES

Sec. 372.151. APPLICABILITY. This subchapter applies only to a county that:

(1) contains no municipality with a population of more than 50,000; and
(2) is adjacent to at least two counties, each with a population of more than one million.

Sec. 372.152. ISSUANCE OF BONDS TO REIMBURSE ACQUIRED PUBLIC IMPROVEMENTS. (a) The governing body of a municipality or county may issue and sell general obligation bonds or revenue bonds to reimburse a developer for the cost of a public improvement if:

(1) the public improvement is located in a public improvement district created on or after January 1, 2005;
(2) the public improvement has been dedicated to and accepted by the municipality or county; and