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(b) An eligible central municipality, as defined by Section 351.001, Tax Code, or a municipality with a population of 173,000 or more that is located within two counties by ordinance may issue bonds or incur other obligations to acquire, lease, construct, or equip a facility described by Section 1504.001(b).

SECTION 3. Section 351.102, Tax Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) An eligible central municipality or a municipality with a population of 173,000 or more that is located within two counties may pledge the revenue derived from the tax imposed under this chapter from a hotel project that is owned by or located on land owned by the municipality or, in an eligible central municipality, by a nonprofit corporation acting on behalf of an eligible central municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including shops and parking facilities. For bonds or other obligations issued under this subsection, an eligible central municipality or a municipality with a population of 173,000 or more that is located within two counties may only pledge revenue or other assets of the hotel project benefiting from those bonds or other obligations.

(b-1) A municipality with a population of 173,000 or more that is located within two counties and is not an eligible central municipality may not pledge revenue under Subsection (b) in relation to a particular hotel project after the earlier of:

(1) the 20th anniversary of the date the municipality first pledged the revenue to the hotel project; or
(2) the date the revenue pledged to the hotel project equals 40 percent of the hotel project’s total construction cost.

SECTION 4. Section 352.002, Tax Code, is amended by adding Subsection (m) to read as follows:

(m) A tax imposed by a county that borders the United Mexican States and in which there is located a national park of more than 400,000 acres does not apply to a hotel located in a municipality that imposes a tax under Chapter 351 applicable to the hotel.

SECTION 5. Section 352.003(d), Tax Code, is amended to read as follows:

(d) The tax rate in a county that borders the United Mexican States and in which there is located a national park of more than 400,000 acres may not exceed 7 percent of the price paid for a room in a hotel.

SECTION 6. 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 May 12, 2009: Yeas 149, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 4781 on May 25, 2009: Yeas 129, Nays 16, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2009: Yeas 30, Nays 0.

Approved June 19, 2009.

CHAPTER 1088

H.B. No. 4785

AN ACT
relating to the powers and financing of the Brazoria County Groundwater Conservation District.

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

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SECTION 1. Section 10(b), Chapter 772 (H.B. 3602), Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(b) On the uniform election date [first Tuesday after the first Monday] in May [November] of each subsequent second year following the election, the appropriate number of directors shall be elected.

SECTION 2. Section 12, Chapter 772 (H.B. 3602), Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 12. FEES. Unless exempt under this Act or Chapter 36, Water Code, the board may establish by schedule and impose:

(1) a production fee based on the amount of groundwater authorized by permit to be withdrawn from a well or the amount of groundwater actually withdrawn from a well in an amount not to exceed 17 cents per thousand gallons [under Section 36.205, Water Code];

(2) an export fee for groundwater transferred out of the district in an amount not to exceed 150 percent of the maximum wholesale water rate charged by the City of Houston; and

(3) other fees as authorized by Chapter 36, Water Code.

SECTION 3. A director of the board of the Brazoria County Groundwater Conservation District who is serving on the day before the effective date of this Act shall serve until the director's term expires. A director whose term expires in November 2010 shall serve until the director's successor has qualified following the directors' election held on the uniform election date in May 2012 in accordance with Section 10, Chapter 772 (H.B. 3602), Acts of the 78th Legislature, Regular Session, 2003, as amended by this Act. A director whose term expires in November 2012 shall serve until the director's successor has qualified following the directors' election held on the uniform election date in May 2014.

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

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

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

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

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 May 15, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 1089
H.B. No. 4790

AN ACT
relating to the creation of the Brown's Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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