Sec. 80.028. SUNSET PROVISION. (a) The board of directors of the official citrus producers’ pest and disease management corporation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2021.

(b) The commissioner may order the dissolution of the corporation at any time the commissioner determines that the purposes of this chapter have been fulfilled or that the corporation is inoperative and abandoned. Dissolution shall be conducted in accordance with Section 80.014.

(c) If the corporation is abolished or the suppression program discontinued for any reason, assessments approved, levied, or otherwise collectible on the date of abolishment remain valid as necessary to pay the financial obligations of the corporation.

Sec. 80.029. ANNUAL REPORT. The board shall issue to the commissioner and the appropriate oversight committee in the house of representatives an annual report detailing its efforts to carry out the purposes of this chapter.

Sec. 80.030. EXEMPTION FROM TAXATION. All payments, contributions, funds, and assessments received or held by the corporation under this chapter are exempt from state or local taxation, levies, sales, and any other process and are unassignable.

Sec. 80.031. USE OF BIO-INTENSIVE CONTROLS. (a) The commissioner shall develop and adopt rules to allow a citrus producer in a suppression program to use biological, botanical, or other nonsynthetic pest control methods. In developing rules, the commissioner shall consider:

(1) scientific studies and field trials of the effectiveness of a proposed alternative control method;
(2) the feasibility of using a proposed alternative control technique within a particular region;
(3) the degree of monitoring necessary to establish the success of the use of a proposed alternative control; and
(4) methods to prevent the use of substances that would impede the use of alternative controls and the promotion of beneficial insect populations.

(b) A citrus producer that chooses to use an alternative method of control as provided in Subsection (a) shall notify the board. The board and the citrus producer shall coordinate their actions to prevent the use of substances that would impede the use of alternative controls and the promotion of beneficial insect populations.

(c) The citrus producer shall pay any additional cost of bio-intensive control in addition to any assessment.

Sec. 80.032. VENUE. Venue for an action arising out of this chapter in which the corporation is a party is in Travis County.

ARTICLE 11. EFFECTIVE DATE

SECTION 11.01. This Act takes effect September 1, 2009.

Passed the Senate on April 16, 2009: Yeas 31, Nays 0; the Senate concurred in House amendments on May 25, 2009: Yeas 31, Nays 0; passed the House, with amendments, on May 21, 2009: Yeas 142, Nays 0, two present not voting.

Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 507

S.B. No. 1033

AN ACT
relating to the purposes and powers of the Temple Health and Bioscience Economic Development District.
Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 3831.002, Special District Local Laws Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The creation of the district is essential to accomplish the purposes of Section 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and to accomplish other public purposes stated in this chapter, including:

1. development and diversification of the economy of the state;
2. the elimination of unemployment or underemployment in the state;
3. the stimulation of agricultural innovation;
4. fostering the growth of enterprises based on agriculture; and
5. the development or expansion of transportation or commerce in the state.

(e) Property owners in the district benefit from the district and its activities.

SECTION 2. Subchapter A, Chapter 3831, Special District Local Laws Code, is amended by adding Section 3831.006 to read as follows:

Sec. 3831.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. (a) All or part of the area of the district is eligible to be included in:

1. a tax increment reinvestment zone created by the City of Temple under Chapter 311, Tax Code; or
2. a tax abatement reinvestment zone created by the City of Temple under Chapter 312, Tax Code.

(b) If the City of Temple creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may:

1. grant money deposited in the tax increment fund to the district to be used by the district for any purpose, including pledging the money as security for any bonds issued by the district for an improvement project; or
2. give the district the power to manage or implement a reinvestment zone's project or financing plans.

SECTION 3. Section 3831.104, Special District Local Laws Code, is amended to read as follows:

Sec. 3831.104. PROPERTY. The district may exercise any type of property right, including the power to acquire, sell, or lease as lessee or lessor, regardless of property interest located inside or outside the boundaries of the district under terms determined by the board.

SECTION 4. Section 3831.109, Special District Local Laws Code, is amended to read as follows:

Sec. 3831.109. FEES FOR USE OF DISTRICT IMPROVEMENTS. The district may establish and maintain reasonable and nondiscriminatory rates, fares, charges, rents, or other fees or compensation for the use of the improvements constructed by, operated by, leased to, or by, or maintained by the district.

SECTION 5. Subsection (a), Section 3831.111, Special District Local Laws Code, is amended to read as follows:

(a) The district may establish projects inside or outside the boundaries of the district for:

1. bioscience and health products, including projects related to:
   (A) research and development;
   (B) invention and discovery;
   (C) commercialization;
   (D) production and manufacturing of goods and products, including projects for manufacturing facilities; and
(E) development of production process and delivery system purposes in, involved in, based on, or related to, or intended to advance the state of knowledge, skill, and understanding of, the biosciences, including:

(i) wet laboratories;
(ii) clean rooms;
(iii) dry laboratories;
(iv) research and development facilities;
(v) genetics facilities and equipment;
(vi) pharmaceutical facilities and equipment;
(vii) biotechnology incubators;
(viii) bioscience and biotechnology health care facilities;
(ix) biotechnology facilities;
(x) bioscience facilities; and
(xi) other similar projects;

(2) bioscience education, including projects for health or biotechnology education facilities, regardless of any affiliation with other institutions of higher, vocational, or job training education;

(3) access to public safety facilities and equipment;

(4) streets and roads;

(5) drainage services;

(6) wastewater services;

(7) potable water services;

(8) telecommunication facilities;

(9) demolition of existing structures;

(10) development and institution of water conservation programs;

(11) chilled water services;

(12) steam services;

(13) industrial gases services;

(14) other utility and process and production services; or

(15) the support of any other type of health or bioscience projects.

SECTION 6. Subsection (a), Section 3831.114, Special District Local Laws Code, is amended to read as follows:

(a) The board by resolution may authorize the creation of a nonprofit corporation, including a scientific corporation, under the Business Organizations Code. The nonprofit corporation may be organized to perform biomedical or scientific research or provide biomedical or scientific education for the benefit of the public. The nonprofit corporation shall assist and act for the district in implementing a project or providing a service authorized by this chapter or Chapter 431, Transportation Code.

SECTION 7. Section 3831.160, Special District Local Laws Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), (f), and (g) to read as follows:

(a) The district may issue obligations, including revenue bonds, to pay the costs of a project located inside or outside the boundaries of the district. The proceeds of bonds or other obligations that are payable wholly or partly from ad valorem taxes may not be used for a project located outside the district.

(c) Revenue bonds or other district obligations may be payable from and secured by:

(1) revenue derived from the district's operations, including district projects;

(2) proceeds of a grant or other funds received by the district;

(3) revenue derived from a lease or contract entered into by the district; or

(4) assessments collected by the district.
81st LEGISLATURE—REGULAR SESSION

CH. 508, § 1

(d) Revenue bonds or other district obligations may be secured by a mortgage or deed of trust lien on the district's interest in a project or property, including a fee title or a leasehold interest.

(e) The district may issue general obligation bonds if general obligation bonds are authorized by an election held under Subchapter F.

(f) For purposes of this chapter, the district:

   (1) is an issuer under Chapter 1371, Government Code, and may issue bonds or obligations under that chapter; and

   (2) may issue refunding bonds or obligations under Chapter 1207, Government Code.

(g) Except for water, sewer, or drainage projects financed by taxes imposed by the district, the district may issue bonds or other obligations and pursue projects without an order of the Texas Commission on Environmental Quality under Section 49.181(a), Water Code.

SECTION 8. Section 3831.201, Special District Local Laws Code, is amended to read as follows:

Sec. 3831.201. IMPOSITION OF AD VALOREM TAX. If authorized at an election held under Section 3831.255, the district by order:

   (1) may impose an annual ad valorem tax on taxable property in the district to pay for projects or district operating expenses; and

   (2) shall impose an ad valorem tax to pay for obligations that are payable wholly or partly from ad valorem taxes.

SECTION 9. 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 the Senate on April 2, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 141, Nays 0, two present not voting.

Approved June 19, 2009.


CHAPTER 508

S.B. No. 1039

AN ACT relating to the creation of the Harris County Municipal Utility District No. 478; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8334 to read as follows:

CHAPTER 8334. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 478

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8334.001. DEFINITIONS. In this chapter:

   (1) “Board” means the district's board of directors.

   (2) “Director” means a board member.

   (3) “District” means the Harris County Municipal Utility District No. 478.

Sec. 8334.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

1187