SECTION 4. 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 30, 2009: Yeas 31, Nays 0; passed the House on May 25, 2009: Yeas 144, Nays 0, two present not voting.

Approved June 19, 2009.


CHAPTER 582

S.B. No. 2462

AN ACT

relating to the powers and duties of the Falcon's Lair Utility and Reclamation District relating to the issuance of bonds.

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

SECTION 1. Section 19, Chapter 935, Acts of the 69th Legislature, Regular Session, 1985, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) For the payment of all or part of the costs of an improvement project or services under Section 20A of this Act, the board may issue bonds in one or more series payable from and secured by ad valorem taxes, assessments, impact fees, revenues, payments pursuant to an agreement made under Section 311.010(b), Tax Code, dedicating revenue from a tax increment fund, grants, gifts, contracts, or leases or any combination of those funds. Bonds may be liens on all or part of the revenue derived from improvements authorized under Section 20A of this Act, including installment payments of special assessments or from any other source pledged to their payment.

(f) Sections 49.181 and 49.182, Water Code, do not apply to:

(1) bonds issued by the district and payable from:

(A) assessments imposed by the district under Section 20A of this Act that are paid in full on the first conveyance of land after imposition of the assessment; or

(B) payments pursuant to an agreement made under Section 311.010(b), Tax Code, dedicating revenue from a tax increment fund; or

(2) a project that is financed by an issuance of bonds described by Subdivision (1) of this subsection.

SECTION 2. (a) Any act or proceeding of the Falcon's Lair Utility and Reclamation District, including an election, not excepted by this section and taken before the effective date of this Act, is validated and confirmed in all respects as of the date on which the act or proceeding occurred.

(b) This section does not apply to:

(1) an act, proceeding, director, other official, bond, or other obligation the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act; or

(2) an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

SECTION 3. (a) Section 19, Chapter 935, Acts of the 69th Legislature, Regular Session, 1985, as amended by this Act, applies to bonds issued by the Falcon's Lair Utility and Reclamation District on or after the effective date of this Act, regardless of whether an application for bond approval from the Texas Commission on Environmental Quality is pending on the effective date of this Act. Bonds issued by the district before the effective date of this Act are governed by the law in effect on the date the bonds were issued, and that law is continued in effect for that purpose.

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(b) Section 19, Chapter 935, Acts of the 69th Legislature, Regular Session, 1985, as amended by this Act, applies only to the construction of a project by the Falcon's Lair Utility and Reclamation District that commences on or after the effective date of this Act. Construction of a district project that commenced before the effective date of this Act is governed by the law in effect on the date the construction commenced, and that law is continued in effect for that purpose.

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 the Senate on April 23, 2009: Yeas 30, Nays 0; passed the House on May 26, 2009: Yeas 144, Nays 0, three present not voting.

Approved June 19, 2009.


CHAPTER 583

S.B. No. 2463

AN ACT

relating to the creation of the Comal County Water Improvement District No. 2; 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9039 to read as follows:

CHAPTER 9039. COMAL COUNTY WATER IMPROVEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9039.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Comal County Water Improvement District No. 2.

Sec. 9039.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9039.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 19.102, Water Code.