

By: Brown of Kaufman

H.B. No. 2835

A BILL TO BE ENTITLED

AN ACT

relating to the expectation of measurable gain as a result of projects undertaken by corporations created in accordance with the Development Corporation Act of 1979, Article 5190.6 VTCS

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

SECTION 1. Title 83, Chapter TEN, Article 5190.6 Vernon's Texas Civil Statutes (revised), Section 2, Subsection (11)(A) is amended to read as follows:

(A) "Project" shall mean those activities undertaken by a corporation to create a measurable gain and may include the acquisition of the land, buildings, equipment, facilities, targeted infrastructure, and improvements (one or more) to promote new and expanded business development or found by the board of directors to be required or suitable for the promotion of development and expansion of manufacturing and industrial facilities, job creation and retention, job training, educational facilities, research and development facilities, transportation facilities (including but not limited to airports, ports, mass commuting facilities, and parking facilities), sewage or solid waste disposal facilities, recycling facilities, air or water pollution control facilities, facilities for the furnishing of water to the general public, distribution centers, small warehouse facilities capable of serving as decentralized storage and distribution centers, and facilities for use by institutions of

1 higher education, and for the promotion of development or
2 redevelopment and expansion, including costs of administration and
3 operation, of a military base closed or realigned pursuant to
4 recommendation of the Defense Closure and Realignment Commission
5 pursuant to the Defense Base Closure and Realignment Act of 1990 (10
6 U.S.C. Section 2687 note) as amended, and of facilities which are
7 related to any of the foregoing, and in furtherance of the public
8 purposes of this Act, all as defined in the rules of the department,
9 irrespective of whether in existence or required to be identified,
10 acquired, or constructed thereafter.

11 "Project" also includes job training required or suitable for the
12 promotion of development and expansion of business enterprises and
13 other enterprises described by this Act, as provided by Section 38
14 of this Act.

15 SECTION 2. Title 83, Chapter TEN, Article 5190.6 Vernon's
16 Texas Civil Statutes (revised), Section 2, Subsection (11) is
17 amended by adding item (D) to read as follows:

18 (D) "Measurable Gain" shall mean the expected desirable
19 outcome of projects undertaken by a corporation such measurable
20 gain to be documentable with respect to jobs created and/or
21 retained and/or new taxes generated.

22 SECTION 3. Title 83, Chapter TEN, Article 5190.6 Vernon's
23 Texas Civil Statutes (revised), Section 3, Subsection (a)(4) is
24 amended to read as follows:

25 (4) that the means and measures authorized by this Act and
26 the assistance provided in this Act, especially with respect to
27 financing, and providing such means and measures are utilizes with

1 a realistic expectation of rendering a measurable gain, are in the
2 public interest and serve a public purpose of the state in promoting
3 the welfare of the citizens of the state economically by the
4 securing and retaining of business enterprises and the resulting
5 maintenance of a higher level of employment, economic activity, and
6 stability;

7 SECTION 4. Title 83, Chapter TEN, Article 5190.6 Vernon's
8 Texas Civil Statutes (revised), Section 4B, Subsection (a)(2) is
9 amended to read as follows:

10 (2) "Project" means those activities undertaken by a
11 corporation to create a measurable gain and may include the
12 acquisition of land, buildings, equipment, facilities, and
13 improvements included in the definition of that term under Section
14 2 of this Act, and includes job training as provided by Section 38
15 of this Act. For purposes of this section, the term includes
16 recycling facilities, and land, buildings, equipment, facilities,
17 and improvements found by the board of directors to:

18 SECTION 5. Title 83, Chapter TEN, Article 5190.6 Vernon's
19 Texas Civil Statutes (revised), Section 4B, Subsection (a)(2)(B) is
20 amended to read as follows:

21 (B) promote or develop new or expanded business
22 enterprises, including a project to provide public safety
23 facilities, streets and roads, drainage and related improvements,
24 demolition of existing structures, general municipally owned
25 improvements, as well as any improvements or facilities that are
26 related to any of those projects and any other project that the
27 board in its discretion determines will render a measurable gain

1 and thereby promotes or develops new or expanded business
2 enterprises;

3 SECTION 6. Title 83, Chapter TEN, Article 5190.6 Vernon's
4 Texas Civil Statutes (revised), Section 4B, Subsection
5 (a)(2)(E)(a-1) is amended to read as follows:

6 (a-1) A corporation may undertake a project under this
7 section provided the probability exists that such project will
8 produce an measurable gain and unless within 60 days after first
9 publishing notice of a specific project or type of general project
10 the governing body of the city receives a petition from more than 10
11 percent of the registered voters of the city where the petition
12 requests that an election be held before that specific project or
13 that general type of project is undertaken. An election is not
14 required to be held after the submission of a petition if the
15 qualified citizens of the city have previously approved the
16 undertaking of a specific project or that general type of project at
17 an election called for that purpose by the governing body of the
18 city or in conjunction with another election required to be held
19 under this section.

20 SECTION 7. This act takes effect September 1, 2003.