

1 AN ACT

2 relating to powers, duties, and name of the Upper Kirby Management
3 District.

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

5 SECTION 1. The heading to Subchapter E, Chapter 376, Local
6 Government Code, is amended to read as follows:

7 SUBCHAPTER E. HARRIS COUNTY IMPROVEMENT [~~UPPER KIRBY MANAGEMENT~~]

8 DISTRICT NO. 3

9 SECTION 2. Section 376.151(a), Local Government Code, is
10 amended to read as follows:

11 (a) A special district to be known as the "Harris County
12 Improvement [~~Upper Kirby Management~~] District No. 3" exists as a
13 governmental agency, body politic and corporate, and political
14 subdivision of the state.

15 SECTION 3. Section 376.153(2), Local Government Code, is
16 amended to read as follows:

17 (2) "District" means the Harris County Improvement
18 [~~Upper Kirby Management~~] District No. 3.

19 SECTION 4. Section 376.165, Local Government Code, is
20 amended by adding Subsections (g) and (h) to read as follows:

21 (g) An assessment may be imposed on only a part of the
22 district if only that part will benefit from the service or
23 improvement.

24 (h) The board may not impose an assessment or finance a

1 service or improvement project under this subchapter unless a
2 written petition requesting the improvement or service has been
3 filed with the board. The petition must be signed by:

4 (1) the owners of a majority of the assessed value of
5 real property in the district or in the area of the district that
6 will be subject to the assessment as determined by the most recent
7 certified tax appraisal roll for Harris County; or

8 (2) at least 25 persons who own real property in the
9 district or the area of the district that will be subject to the
10 assessment, if more than 25 persons own real property in the
11 district or area that will be subject to the assessment as
12 determined by the most recent certified tax appraisal roll for
13 Harris County.

14 SECTION 5. Section 376.170, Local Government Code, is
15 amended to read as follows:

16 Sec. 376.170. EXEMPTION OF PUBLIC UTILITY FROM FEE OR
17 ASSESSMENT. The district may not impose an impact fee or assessment
18 on the property, equipment, or facilities of an electric utility as
19 defined by Section 31.002, Utilities Code, a gas utility as defined
20 by Section 101.003 or 121.001, Utilities Code, a telecommunications
21 provider as defined by Section 51.002, Utilities Code, or a cable
22 operator as defined by 47 U.S.C. Section 522, as amended.

23 SECTION 6. Subchapter E, Chapter 376, Local Government
24 Code, is amended by adding Section 376.171 to read as follows:

25 Sec. 376.171. USE OF ELECTRICAL OR OPTICAL LINES. (a) The
26 district may impose an assessment to pay the cost of:

27 (1) burying or removing electrical power lines,

1 telephone lines, cable or fiber optic lines, or any other type of
2 electrical or optical line;

3 (2) removing poles and any elevated lines using the
4 poles; and

5 (3) reconnecting the lines described by Subdivision
6 (2) to the buildings or other improvements to which the lines were
7 connected.

8 (b) The district may acquire, operate, or charge fees for
9 the use of the district conduits for:

10 (1) another person's:

11 (A) telecommunications network;

12 (B) fiber-optic cable; or

13 (C) electronic transmission line; or

14 (2) any other type of transmission line or supporting
15 facility.

16 (c) The district may not require a person to use a district
17 conduit.

18 SECTION 7. Subchapter E, Chapter 376, Local Government
19 Code, is amended by adding Section 376.172 to read as follows:

20 Sec. 376.172. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES.

21 (a) The district may acquire, lease as lessor or lessee, construct,
22 develop, own, operate, and maintain a public transit system to
23 serve the area within the boundaries of the district.

24 (b) Before the district may act under Subsection (a), a
25 petition must be filed with the district requesting the action with
26 regard to a public transit system. The petition must be signed by
27 owners of property representing a majority of either the total

1 assessed value or the area of the real property in the district that
2 abuts the right-of-way in which the public transit system is
3 proposed to be located. The determination of a majority is based on
4 the property owners along the entire right-of-way of the proposed
5 transit project and may not be calculated on a block-by-block
6 basis.

7 (c) The district may acquire, lease as lessor or lessee,
8 construct, develop, own, operate, and maintain parking facilities,
9 including:

10 (1) lots, garages, parking terminals, or other
11 structures or accommodations for the parking of motor vehicles; and

12 (2) equipment, entrances, exits, fencing, and other
13 accessories necessary for safety and convenience in the parking of
14 vehicles.

15 (d) A parking facility of the district must be either leased
16 to or operated on behalf of the district by a private entity or an
17 entity other than the district. The district's parking facilities
18 are a program authorized by the legislature under Section 52-a,
19 Article III, Texas Constitution, and accomplish a public purpose
20 under that section even if leased or operated by a private entity
21 for a term of years.

22 (e) The district's public parking facilities and any lease
23 to a private entity are exempt from the payment of ad valorem taxes
24 and state and local sales and use taxes.

25 (f) The district may use any of its resources, including
26 revenues, assessments, taxes, and grant or contract proceeds, to
27 pay the cost of acquiring and operating a public transit system or

1 public parking facilities.

2 (g) The district may adopt rules and regulations covering
3 its public transit system or its public parking facilities except
4 that any rules relating to or affecting the use of the public
5 right-of-way or requirements for off-street parking must be subject
6 to all applicable municipal charter, code, or ordinance
7 requirements.

8 (h) The district may set and impose fees, charges, or tolls
9 for the use of the public transit system or the public parking
10 facilities and may issue bonds or notes to finance the cost of these
11 facilities.

12 (i) Except as provided by Subsection (b), if the district
13 pays for or finances the cost of acquiring or operating a public
14 transit system or public parking facilities with resources other
15 than assessments, a petition of property owners or a public hearing
16 is not required.

17 (j) If the district's acquisition of property for a parking
18 facility that is leased to or operated by a private entity results
19 in the removal from a taxing unit's tax rolls of real property
20 otherwise subject to ad valorem taxation, the district shall pay to
21 the taxing unit in which the property is located, on or before
22 January 1 of each year, as a payment in lieu of taxes, an amount
23 equal to the ad valorem taxes that otherwise would have been levied
24 for the preceding tax year on that real property by the taxing unit,
25 without including the value of any improvements constructed on the
26 property.

27 SECTION 8. (a) The legislature validates and confirms all

1 acts and proceedings of the Harris County Improvement District No.
2 3 and the district's board of directors that occurred before the
3 effective date of this Act, including changing the district's name
4 from the "Upper Kirby Management District" to "Harris County
5 Improvement District No. 3."

6 (b) This section does not apply to any matter that on the
7 effective date of this Act:

8 (1) is involved in litigation, if the litigation
9 ultimately results in the matter being held invalid by a final
10 judgment of a court with jurisdiction; or

11 (2) has been held invalid by a court with
12 jurisdiction.

13 SECTION 9. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 3578 was passed by the House on May 10, 2003, by the following vote: Yeas 131, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3578 on May 30, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3578 on June 1, 2003, by the following vote: Yeas 139, Nays 0, 3 present, not voting.

Chief Clerk of the House

H.B. No. 3578

I certify that H.B. No. 3578 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3578 on June 1, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor