

By: Callegari

H.B. No. 3587

A BILL TO BE ENTITLED

AN ACT

relating to powers, duties, and name of the Energy Corridor Management District.

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

SECTION 1. The heading to Subchapter K, Chapter 376, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

SUBCHAPTER K. HARRIS COUNTY IMPROVEMENT

~~[ENERGY CORRIDOR MANAGEMENT]~~ DISTRICT NO. 4

SECTION 2. Section 376.451(a), Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) The Harris County Improvement ~~[Energy Corridor Management]~~ District No. 4 is created as a special district under Section 59, Article XVI, Texas Constitution.

SECTION 3. Section 376.452, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Subsection (d) to read as follows:

(d) By creating the district and in authorizing the City of Houston, Harris County, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

SECTION 4. Section 376.453(3), Local Government Code, as

1 added by Chapter 1376, Acts of the 77th Legislature, Regular
2 Session, 2001, is amended to read as follows:

3 (3) "District" means the Harris County Improvement
4 [Energy Corridor Management] District No. 4.

5 SECTION 5. Section 376.459, Local Government Code, as added
6 by Chapter 1376, Acts of the 77th Legislature, Regular Session,
7 2001, is amended by adding Subsection (d) to read as follows:

8 (d) If the board determines that it is in the best interest
9 of the district, the board by resolution may increase or decrease
10 the number of directors on the board except that the board may not
11 consist of fewer than seven or more than 15 directors.

12 SECTION 6. Section 376.461, Local Government Code, as added
13 by Chapter 1376, Acts of the 77th Legislature, Regular Session,
14 2001, is amended by adding Subsection (c) to read as follows:

15 (c) A nonvoting director is not included for the purpose of
16 establishing a board quorum.

17 SECTION 7. Section 376.464(a), Local Government Code, as
18 added by Chapter 1376, Acts of the 77th Legislature, Regular
19 Session, 2001, is amended to read as follows:

20 (a) The district may exercise the powers given to a
21 corporation created under Section 4B, Development Corporation Act
22 of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), including
23 the power to own, operate, acquire, construct, lease, improve, or
24 maintain a project described by that section.

25 SECTION 8. Section 376.467, Local Government Code, as added
26 by Chapter 1376, Acts of the 77th Legislature, Regular Session,
27 2001, is amended to read as follows:

1 Sec. 376.467. REQUIREMENTS FOR FINANCING SERVICES AND
2 IMPROVEMENTS. The board may not finance a service or improvement
3 project with assessments under this subchapter unless a written
4 petition requesting the improvement or service has been filed with
5 the board. The petition must be signed by:

6 (1) the owners of a majority of the assessed value of
7 real property in the district subject to the assessment as
8 determined by the most recent certified county property tax rolls;
9 or

10 (2) at least 25 persons who own real property [~~land~~] in
11 the district, if there are more than 25 persons who own real
12 property in the district as determined by the most recent certified
13 county property tax rolls.

14 SECTION 9. Section 376.468, Local Government Code, as added
15 by Chapter 1376, Acts of the 77th Legislature, Regular Session,
16 2001, is amended by amending Subsection (a) and adding Subsection
17 (c) to read as follows:

18 (a) The [~~In addition to the elections the district must hold~~
19 ~~under Subchapter L, Chapter 375, the~~] district shall hold an
20 election in the manner provided by Subchapter L, Chapter 375, [~~that~~
21 ~~subchapter~~] to obtain voter approval before the district imposes a
22 maintenance tax or issues bonds payable from ad valorem taxes [~~or~~
23 ~~assessments~~].

24 (c) Section 375.243 does not apply to the district.

25 SECTION 10. Section 376.470, Local Government Code, as
26 added by Chapter 1376, Acts of the 77th Legislature, Regular
27 Session, 2001, is amended by adding Subsection (d) to read as

1 follows:

2 (d) The board may make a correction to or deletion from the
3 assessment roll without notice and hearing required for an
4 additional assessment if the correction or deletion does not
5 increase the amount of a parcel of land.

6 SECTION 11. Subchapter K, Chapter 376, Local Government
7 Code, as added by Chapter 1376, Acts of the 77th Legislature,
8 Regular Session, 2001, is amended by adding Sections 376.478,
9 376.479, 376.480, and 376.481 to read as follows:

10 Sec. 376.478. TAX AND ASSESSMENT ABATEMENTS. The district
11 may grant in the manner authorized by Chapter 312, Tax Code, an
12 abatement for a tax or assessment owed to the district.

13 Sec. 376.479. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
14 district may join and pay dues to an organization that:

15 (1) enjoys tax-exempt status under Section 501(c)(3),
16 501(c)(4), or 501(c)(6), Internal Revenue Code of 1986 (26 U.S.C.
17 Section 501), as amended; and

18 (2) performs services or provides activities
19 consistent with the furtherance of the purposes of the district.

20 Sec. 376.480. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
21 All or any part of the area of the district is eligible to be
22 included in:

23 (1) a tax increment reinvestment zone created by the
24 municipality under Chapter 311, Tax Code;

25 (2) a tax abatement reinvestment zone created by the
26 municipality under Chapter 312, Tax Code; or

27 (3) an enterprise zone created by the municipality

1 under Chapter 2303, Government Code.

2 Sec. 376.481. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
3 district may establish and provide for the administration of one or
4 more programs, including programs for making loans and grants of
5 public money and providing personnel and services of the district,
6 to promote state or local economic development and to stimulate
7 business and commercial activity in the district.

8 (b) For purposes of this section, the district has all of
9 the powers and authority of a municipality under Chapter 380.

10 SECTION 12. Sections 376.459(c) and 376.460(b), Local
11 Government Code, as added by Chapter 1376, Acts of the 77th
12 Legislature, Regular Session, 2001, are repealed.

13 SECTION 13. (a) The legislature validates and confirms all
14 acts and proceedings of the Harris County Improvement District No.
15 4 and the district's board of directors that occurred before the
16 effective date of this Act.

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

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

22 (2) has been held invalid by a court with
23 jurisdiction.

24 SECTION 14. This Act takes effect immediately if it
25 receives a vote of two-thirds of all the members elected to each
26 house, as provided by Section 39, Article III, Texas Constitution.
27 If this Act does not receive the vote necessary for immediate

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1 effect, this Act takes effect September 1, 2003.