

By: Lindsay

S.B. No. 868

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the purpose, powers and duties of Harris County  
3 Improvement District No. 1.

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

5 SECTION 1. The legislature finds that:

6 (a) The area within the boundaries of Harris County  
7 Improvement District No. 1 is one of the state's most dynamic  
8 activity centers and is the location of numerous commercial,  
9 office, retail and residential buildings;

10 (b) The area within the district is served with an  
11 inadequate public transportation system and has an inadequate  
12 system of streets and public parking facilities;

13 (c) Residents, workers, visitors, customers and other  
14 persons accessing the area within the district must primarily use  
15 motor vehicles and such use places an undue burden on the street  
16 system in the district and results in severe congestion that  
17 retards mobility of persons and property and impairs the use of the  
18 district area as one of the state's primary economic and business  
19 centers;

20 (d) The absence of an adequate system of parking facilities,  
21 including park and ride facilities, discourages the use of public  
22 transportation and further aggravates vehicular congestion within  
23 the area;

24 (e) Motor vehicles are generally powered by internal

1 combustion engines that emit pollutants into the air which results  
2 in dangers to the public health and welfare;

3 (f) The proliferation of the use of motor vehicles for  
4 passenger transportation within the district is caused in  
5 substantial part by the absence of an adequate public  
6 transportation system and an adequate system or network of public  
7 parking facilities;

8 (g) Provision of an adequate system of public parking  
9 facilities and public transit and transportation facilities will  
10 accomplish the public purposes of Article III, Section 52a of the  
11 Constitution by stimulating transportation and commerce within the  
12 area of the district and in the state and will serve the further  
13 public purpose of reducing the pollutants discharged into the air  
14 thus reducing the threat to the public health and welfare;

15 (h) In order for the area within the district to have an  
16 adequate public transit system and an adequate system of public  
17 parking it will be necessary for the district to be able to take  
18 advantage of all public and private funds and opportunities  
19 available and be empowered to contract with other public agencies  
20 and with private entities to jointly provide such facilities.

21 SECTION 2. Chapter 1026, Acts of the 70th Legislature,  
22 Regular Session, 1987, is amended by adding a new Section 5A to read  
23 as follows:

24 Sec. 5A. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES. (A)  
25 The district shall have the power to acquire, lease as lessor or  
26 lessee, construct, develop, own, operate and maintain a public  
27 transit system to serve the area within the boundaries of the

1 district. Before the district may acquire, construct or develop a  
2 mass transit improvement or facility pursuant to this subsection,  
3 there must be filed with the district a petition requesting the  
4 improvement or facility executed by owners representing either a  
5 majority in value or a majority in square footage of the real  
6 property in the district abutting the right-of-way in which the  
7 improvement or facility is proposed to be located. The calculation  
8 of the property owners signing the petition, whether based on value  
9 or square footage, shall be based on the landowners along the entire  
10 right-of-way of the transit project and shall not be calculated on a  
11 block by block basis.

12 (B) The district shall have the power to acquire, lease as  
13 lessor or lessee, construct, develop, own, operate and maintain  
14 parking facilities or a system of parking facilities. Parking  
15 facilities include lots, garages, parking terminals or other  
16 structure or accommodation for the parking of motor vehicles off  
17 the streets and includes equipment, entrances, exits, fencing and  
18 other accessories necessary for the safety and convenience in the  
19 parking of vehicles. All parking facilities of the district will  
20 either be leased to or operated for the district by a private entity  
21 or an entity other than the district. The district's parking  
22 facilities will serve the public purposes expressed in Section One  
23 of this Act and be owned, used and held for public purposes even if  
24 leased or operated by a private entity for a term of years and the  
25 district's public parking facilities and any lease to a private  
26 entity will be exempt from the payment of ad valorem taxes and state  
27 and local sales and use taxes.

1       (C) The district may use any of its resources, including  
2 revenues, assessments, taxes, or grant or contract proceeds to pay  
3 the cost of acquiring and operating a public transit system or a  
4 system of public parking facilities. The district may adopt rules  
5 and regulations covering its public transit system and its public  
6 parking system. The district may set and determine and the district  
7 may charge impose, levy and collect fees, charges and tolls for the  
8 use of the public transit system or the public parking facilities  
9 and may issue bonds or notes to finance the cost of these  
10 facilities. If the district pays for or finances the cost of  
11 acquiring and operating a public transit system or a system of  
12 public parking facilities with resources other than assessments,  
13 then no petition of property owners or public hearing thereon is  
14 required, just as no petition of property owners and public hearing  
15 thereon is required for the provision of all other district  
16 services and improvements not paid for or financed with  
17 assessments. Notwithstanding this section, a petition is required  
18 as provided in 5A (A) before the district may construct transit  
19 improvements.

20       (D) The district is authorized to make contracts, leases,  
21 and agreements with, and accept grants and loans from, the United  
22 States of America, the State, municipalities, other political  
23 subdivisions and private persons or entities to carry out the  
24 purposes of this Act upon such terms and conditions and for such  
25 period of time as the governing body of the district may determine.

26       SECTION 3. (a) The legislature validates and confirms all  
27 governmental acts and proceedings of Harris County Improvement

1 District No. 1 and the district's board of directors that occurred  
2 before the effective date of this Act.

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

5 (1) is involved in litigation, if the litigation  
6 ultimately results in the matter being held invalid by a final  
7 judgment of a court of competent jurisdiction; or

8 (2) has been held invalid by a court of competent  
9 jurisdiction.

10 SECTION 4. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2003.