

1-1 By: Janek S.B. No. 1887  
1-2 (In the Senate - Filed March 26, 2003; March 27, 2003, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 29, 2003, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 29, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the appointment of the board of directors of and to the  
1-9 powers of the Westchase Area Management District.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 376.050, Local Government Code, is  
1-12 amended to read as follows:

1-13 Sec. 376.050. APPOINTMENT OF DIRECTORS; VACANCY. The mayor  
1-14 and members of the governing body of the municipality shall appoint  
1-15 directors from persons recommended by the board. A vacancy in the  
1-16 office of director because of the death, resignation, or removal of  
1-17 a director shall be filled by the remaining members of the board by  
1-18 appointing a qualified person for the unexpired term. The mayor and  
1-19 members of the governing body of the municipality are authorized to  
1-20 and shall endeavor to appoint as directors ~~[for the positions~~  
1-21 ~~indicated]~~ persons representing the following interests:

1-22 (1) ~~[positions 1, 11, and 12 must represent]~~ owners of  
1-23 multifamily rental housing with a minimum of 200 rental units;

1-24 (2) ~~lessees [position 2 must be a lessee]~~ of office  
1-25 space of at least 30,000 square feet of rentable area;

1-26 (3) ~~[positions 9 and 10 must represent]~~ owners of  
1-27 office facilities with a minimum of 500 employees or taxable value  
1-28 in excess of \$10 million;

1-29 (4) ~~[positions 8, 13, and 14 must represent]~~ owners of  
1-30 multitenant office buildings;

1-31 (5) ~~[position 15 must represent]~~ owners of multitenant  
1-32 retail property or major retail tenants ~~[of 20,000 square feet or~~  
1-33 ~~more];~~

1-34 (6) ~~[position 16 must represent]~~ owners of temporary  
1-35 lodging facilities with on-site food service;

1-36 (7) ~~[position 17 must represent]~~ owners of undeveloped  
1-37 property with a contiguous area of 5 acres or more; and

1-38 (8) ~~[positions 3, 4, 5, 6, and 7 must represent]~~ the  
1-39 district at large, and any person qualified to serve on the board as  
1-40 provided by Section 375.063 may be appointed to represent the  
1-41 district at large ~~[for those positions].~~

1-42 SECTION 2. Subsection (a), Section 376.052, Local  
1-43 Government Code, is amended to read as follows:

1-44 (a) The district has:

1-45 (1) all powers necessary or required to accomplish the  
1-46 purposes for which the district was created;

1-47 (2) the rights, powers, privileges, authority, and  
1-48 functions of a district created under Chapter 375;

1-49 (3) the powers given to a corporation under Section  
1-50 4B, the Development Corporation Act of 1979 (Article 5190.6,  
1-51 Vernon's Texas Civil Statutes), and the power to own, operate,  
1-52 acquire, construct, lease, improve, and maintain projects  
1-53 described by that section;

1-54 (4) the power to impose ad valorem taxes, assessments,  
1-55 or impact fees in accordance with Chapter 375 to provide  
1-56 improvements and services for a project or activity the district is  
1-57 authorized to acquire, construct, improve, or provide under this  
1-58 subchapter;

1-59 (5) the power to correct, add to, or delete  
1-60 assessments from its assessment rolls after notice and hearing as  
1-61 provided by Subchapter F, Chapter 375; ~~[and]~~

1-62 (6) the power to grant, without additional procedures,  
1-63 abatements for taxes or assessments owed to the district under  
1-64 Chapter 312, Tax Code;

2-1 (7) the power to solicit, market, or otherwise promote  
2-2 and secure telecommunications services for properties within the  
2-3 district, including the right to partner with one or more  
2-4 telecommunications companies to make such services available to  
2-5 properties in the district, provided that the facilities to provide  
2-6 the services are privately owned and operated or leased to a private  
2-7 entity; and

2-8 (8) the power to finance, acquire, lease as a lessor or  
2-9 lessee, construct, improve, operate, or maintain conference and  
2-10 convocation centers and supporting facilities and to enter into  
2-11 long-term operating agreements with public entities or private  
2-12 persons or entities.

2-13 SECTION 3. (a) The legislature validates and confirms all  
2-14 governmental acts and proceedings of the Westchase Area Management  
2-15 District and the district's board of directors that occurred before  
2-16 the effective date of this Act.

2-17 (b) This section does not apply to any matter that on the  
2-18 effective date of this Act:

2-19 (1) is involved in litigation, if the litigation  
2-20 ultimately results in the matter being held invalid by a final  
2-21 judgment of a court of competent jurisdiction; or

2-22 (2) has been held invalid by a court of competent  
2-23 jurisdiction.

2-24 SECTION 4. This Act takes effect immediately if it receives  
2-25 a vote of two-thirds of all the members elected to each house, as  
2-26 provided by Section 39, Article III, Texas Constitution. If this  
2-27 Act does not receive the vote necessary for immediate effect, this  
2-28 Act takes effect September 1, 2003.

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