

By: Martinez

H.B. No. 234

Substitute the following for H.B. No. 234:

By: McCall

C.S.H.B. No. 234

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain development corporations to
3 undertake projects for airport facilities or retail businesses or
4 facilities.

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

6 SECTION 1. Section 2(11), Development Corporation Act of
7 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to
8 read as follows:

9 (11) [~~(A)~~] "Project" shall mean the land, buildings,
10 equipment, facilities, expenditures, targeted infrastructure, and
11 improvements (one or more) that are for the creation or retention of
12 primary jobs and that are found by the board of directors to be
13 required or suitable for the development, retention, or expansion
14 of manufacturing and industrial facilities, research and
15 development facilities, transportation facilities (including but
16 not limited to airports, ports, mass commuting facilities, and
17 parking facilities), sewage or solid waste disposal facilities,
18 recycling facilities, air or water pollution control facilities,
19 facilities for the furnishing of water to the general public,
20 distribution centers, small warehouse facilities capable of
21 serving as decentralized storage and distribution centers, primary
22 job training facilities for use by institutions of higher
23 education, and regional or national corporate headquarters
24 facilities.

1 "Project" also includes job training required or suitable for
2 the promotion of development and expansion of business enterprises
3 and other enterprises described by this Act, as provided by Section
4 38 of this Act.

5 "Project" also includes expenditures found by the board of
6 directors to be required or suitable for infrastructure necessary
7 to promote or develop new or expanded business enterprises limited
8 to streets and roads, rail spurs, water and electric utilities, gas
9 utilities, drainage and related improvements, and
10 telecommunications and Internet improvements.

11 "Project" also includes the land, buildings, equipment,
12 facilities, expenditures, infrastructure, and improvements that:

13 (A) the board of directors finds are required or
14 suitable for the development, retention, or expansion of airport
15 facilities or retail businesses or facilities; or

16 (B) are undertaken by a corporation created by a
17 city that has, at the time the project is approved by the
18 corporation as provided by this Act:

19 (i) a population of less than 50,000; or

20 (ii) an average rate of unemployment that
21 is greater than the state average rate of unemployment during the
22 12-month period for which data is available that immediately
23 precedes the date the project is approved.

24 SECTION 2. Section 4A(i), Development Corporation Act of
25 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to
26 read as follows:

27 (i) Except as provided by this subsection, the corporation

1 may not undertake a project the primary purpose of which is to
2 provide transportation facilities, solid waste disposal
3 facilities, sewage facilities, facilities for furnishing water to
4 the general public, or air or water pollution control facilities.
5 However, the corporation may provide those facilities to benefit
6 property acquired for a project having another primary purpose.
7 The corporation may undertake a project the primary purpose of
8 which is to provide:

9 (1) a general aviation business service airport that
10 is an integral part of an industrial park; ~~[or]~~

11 (2) port-related facilities to support waterborne
12 commerce; or

13 (3) airport-related facilities, if the corporation is
14 created by a city that has, at the time the project is approved by
15 the corporation as provided by this Act:

16 (A) a population of less than 50,000; or

17 (B) an average rate of unemployment that is
18 greater than the state average rate of unemployment during the
19 12-month period for which data is available that immediately
20 precedes the date the project is approved.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2005.