

By: Coleman

H.B. No. 3516

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Improvement District No. 8; providing authority to impose a tax and issue bonds.

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

SECTION 1. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 8. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3845 to read as follows:

CHAPTER 3845. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 8

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3845.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "District" means the Harris County Improvement District No. 8.

Sec. 3845.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 8. A special district known as the "Harris County Improvement District No. 8" is a governmental agency and political subdivision of this state.

Sec. 3845.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing Harris County, the City of Houston, and other political subdivisions to

1 contract with the district, the legislature has established a  
2 program to accomplish the public purposes set out in Section 52-a,  
3 Article III, Texas Constitution.

4 (b) The creation of the district is necessary to promote,  
5 develop, encourage, and maintain employment, commerce,  
6 transportation, housing, tourism, recreation, the arts,  
7 entertainment, economic development, safety, and the public  
8 welfare in the area of the district.

9 (c) This chapter and the creation of the district may not be  
10 interpreted to relieve Harris County or the City of Houston from  
11 providing the level of services provided as of September 1, 2005, to  
12 the area in the district or to release the county or the city from  
13 the obligations of each entity to provide services to that area.  
14 The district is created to supplement and not to supplant the county  
15 or city services provided in the area in the district.

16 Sec. 3845.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
17 The district is created to serve a public use and benefit.

18 (b) All land and other property included in the district  
19 will benefit from the improvements and services to be provided by  
20 the district under powers conferred by Sections 52 and 52-a,  
21 Article III, and Section 59, Article XVI, Texas Constitution, and  
22 other powers granted under this chapter.

23 (c) Each improvement project or service authorized by this  
24 chapter is essential to carry out a public purpose.

25 (d) The creation of the district is in the public interest  
26 and is essential to:

27 (1) further the public purposes of developing and

1 diversifying the economy of the state;

2 (2) eliminate unemployment and underemployment; and

3 (3) develop or expand transportation and commerce.

4 (e) The district will:

5 (1) promote the health, safety, and general welfare of  
6 residents, employers, employees, visitors, and consumers in the  
7 district, and of the public;

8 (2) provide needed funding for the district to  
9 preserve, maintain, and enhance the economic health and vitality of  
10 the area as a community and business center;

11 (3) promote the health, safety, welfare, and enjoyment  
12 of the public by providing public art and pedestrian ways and by  
13 landscaping and developing certain areas in the district, which are  
14 necessary for the restoration, preservation, and enhancement of  
15 scenic and aesthetic beauty;

16 (4) promote and benefit commercial development and  
17 commercial areas in the district; and

18 (5) promote and develop public transportation and  
19 pedestrian facilities and systems using new and alternative means  
20 that are attractive, safe, and convenient, including securing  
21 expanded and improved transportation and pedestrian facilities and  
22 systems, to:

23 (A) address the problem of traffic congestion in  
24 the district, the need to control traffic and improve pedestrian  
25 safety, and the limited availability of money; and

26 (B) benefit the land and other property in the  
27 district and the residents, employers, employees, visitors, and

1 consumers in the district and the public.

2 (f) Pedestrian ways along or across a street, whether at  
3 grade or above or below the surface, and street lighting, street  
4 landscaping, and street art objects are parts of and necessary  
5 components of a street and are considered to be a street or road  
6 improvement.

7 (g) The district will not act as the agent or  
8 instrumentality of any private interest even though the district  
9 will benefit many private interests as well as the public.

10 Sec. 3845.005. DISTRICT TERRITORY. (a) The district is  
11 composed of the territory described by Section 2 of the Act enacting  
12 this chapter, as that territory may have been modified under:

13 (1) Section 3845.105;

14 (2) Subchapter J, Chapter 49, Water Code; or

15 (3) other law.

16 (b) The boundaries and field notes of the district contained  
17 in Section 2 of this Act form a closure. A mistake in the field  
18 notes or in copying the field notes in the legislative process does  
19 not in any way affect:

20 (1) the district's organization, existence, and  
21 validity;

22 (2) the district's right to issue any type of bond,  
23 including a refunding bond, for a purpose for which the district is  
24 created or to pay the principal of and interest on the bond;

25 (3) the district's right to impose and collect an  
26 assessment or tax; or

27 (4) the legality or operation of the district or the

1 board.

2 (c) A description of the district's boundaries shall be  
3 filed with the Texas Commission on Environmental Quality. The  
4 commission by order may correct a mistake in the description of the  
5 district's boundaries.

6 Sec. 3845.006. TORT LIABILITY. The district is a  
7 governmental unit under Chapter 101, Civil Practice and Remedies  
8 Code, and the operations of the district are essential government  
9 functions and are not proprietary functions for any purpose,  
10 including the application of Chapter 101, Civil Practice and  
11 Remedies Code.

12 Sec. 3845.007. ELIGIBILITY FOR REINVESTMENT ZONES. All or  
13 any part of the area of the district is eligible to be included in a  
14 tax increment reinvestment zone created by the City of Houston  
15 under Chapter 311, Tax Code.

16 Sec. 3845.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
17 chapter shall be liberally construed in conformity with the  
18 findings and purposes stated in this chapter.

19 [Sections 3845.009-3845.050 reserved for expansion]

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 3845.051. BOARD OF DIRECTORS; TERMS. (a) The  
22 district is governed by a board of 11 directors who serve staggered  
23 terms of four years with five or six directors' terms expiring June  
24 1 of each odd-numbered year.

25 (b) The board by resolution may increase or decrease the  
26 number of directors on the board, but only if a majority of the  
27 board finds that it is in the best interest of the district to do so.

1 The board may not:

2 (1) increase the number of directors to more than 15;

3 or

4 (2) decrease the number of directors to fewer than  
5 five.

6 (c) Sections 49.053, 49.054, 49.056, 49.057, 49.058, and  
7 49.060, Water Code, apply to the board.

8 (d) Subchapter D, Chapter 375, Local Government Code,  
9 applies to the board to the extent that subchapter does not conflict  
10 with this chapter.

11 Sec. 3845.052. APPOINTMENT OF DIRECTORS ON INCREASE IN  
12 BOARD SIZE. If the board increases the number of directors under  
13 Section 3845.051, the board shall appoint qualified persons to fill  
14 the new director positions and shall provide for staggering the  
15 terms of the directors serving in the new positions. On expiration  
16 of the term of a director appointed under this section, a succeeding  
17 director shall be appointed and qualified as provided by Subchapter  
18 D, Chapter 375, Local Government Code.

19 Sec. 3845.053. INITIAL DIRECTORS. (a) The initial board  
20 consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>John Rose</u>
<u>2</u>	<u>Charles Armstrong</u>
<u>3</u>	<u>Aldo Cantania</u>
<u>4</u>	<u>John Hansen</u>
<u>5</u>	<u>Tom Fricke</u>
<u>6</u>	<u>Eduardo Trevino</u>

1	<u>7</u>	<u>Claude Wynn</u>
2	<u>8</u>	<u>Kathy Hubbard</u>
3	<u>9</u>	<u>James Robert McDermaid</u>
4	<u>10</u>	<u>Julie McClure</u>
5	<u>11</u>	<u>Angie Gomez</u>

6 (b) Of the initial directors, the terms of directors  
7 appointed for positions 1 through 6 expire June 1, 2009, and the  
8 terms of directors appointed for positions 7 through 11 expire June  
9 1, 2007.

10 (c) Section 3845.051 does not apply to this section.

11 (d) This section expires September 1, 2009.

12 [Sections 3845.054-3845.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 3845.101. DISTRICT POWERS. The district has:

15 (1) all powers necessary to accomplish the purposes  
16 for which the district was created;

17 (2) the rights, powers, privileges, authority, and  
18 functions of a district created under Chapter 375, Local Government  
19 Code;

20 (3) the powers, duties, and contracting authority  
21 specified by Subchapters H and I, Chapter 49, Water Code;

22 (4) the powers given to a corporation under Section  
23 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's  
24 Texas Civil Statutes), including the power to own, operate,  
25 acquire, construct, lease, improve, and maintain the projects  
26 described by that section; and

27 (5) the powers of a housing finance corporation

1 created under Chapter 394, Local Government Code.

2 Sec. 3845.102. NONPROFIT CORPORATION. (a) The board by  
3 resolution may authorize the creation of a nonprofit corporation to  
4 assist and act for the district in implementing a project or  
5 providing a service authorized by this chapter.

6 (b) The nonprofit corporation:

7 (1) has each power of and is considered for purposes of  
8 this chapter to be a local government corporation created under  
9 Chapter 431, Transportation Code; and

10 (2) may implement any project and provide any service  
11 authorized by this chapter.

12 (c) The board shall appoint the board of directors of the  
13 nonprofit corporation. The board of directors of the nonprofit  
14 corporation shall serve in the same manner as, for the same term as,  
15 and on the same conditions as the board of directors of a local  
16 government corporation created under Chapter 431, Transportation  
17 Code.

18 Sec. 3845.103. ELECTIONS. (a) District elections must be  
19 held in the manner provided by Subchapter L, Chapter 375, Local  
20 Government Code.

21 (b) The board may submit multiple purposes in a single  
22 proposition at an election.

23 Sec. 3845.104. CONTRACT FOR LAW ENFORCEMENT AND SECURITY  
24 SERVICES. The district may contract with:

25 (1) Harris County or the City of Houston for the county  
26 or city to provide law enforcement and security services for a fee;  
27 and



1           (2) a private entity for the private entity to provide  
2 supplemental security services.

3           Sec. 3845.105. ANNEXATION OR EXCLUSION OF TERRITORY. The  
4 district may annex or exclude land from the district in the manner  
5 provided by Subchapter C, Chapter 375, Local Government Code.

6           Sec. 3845.106. NO EMINENT DOMAIN POWER. The district may  
7 not exercise the power of eminent domain.

8           [Sections 3845.107-3845.150 reserved for expansion]

9           SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

10          Sec. 3845.151. PUBLIC TRANSIT SYSTEM; PETITION REQUIRED.

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

14          (b) Before the district may act under Subsection (a), a  
15 petition must be filed with the district requesting the action with  
16 regard to a public transit system. The petition must be signed by  
17 owners of property representing a majority of either the total  
18 assessed value or the area of the real property in the district that  
19 abuts the right-of-way in which the public transit system is  
20 proposed to be located. The determination of a majority is based on  
21 the property owners along the entire right-of-way of the proposed  
22 transit project and may not be calculated on a block-by-block  
23 basis.

24          Sec. 3845.152. PARKING FACILITIES AUTHORIZED; OPERATION BY  
25 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire, lease  
26 as lessor or lessee, construct, develop, own, operate, and maintain  
27 parking facilities, including:

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

3           (2) equipment, entrances, exits, fencing, and other  
4 accessories necessary for safety and convenience in the parking of  
5 vehicles.

6           (b) A parking facility of the district must be either leased  
7 to or operated on behalf of the district by a private entity or an  
8 entity other than the district. The district's parking facilities  
9 are a program authorized by the legislature under Section 52-a,  
10 Article III, Texas Constitution, and accomplish a public purpose  
11 under that section even if leased or operated by a private entity  
12 for a term of years.

13           (c) The district's public parking facilities and any lease  
14 to a private entity are exempt from the payment of ad valorem taxes  
15 and state and local sales and use taxes.

16           Sec. 3845.153. RULES. The district may adopt rules  
17 covering its public transit system or its public parking facilities  
18 except that a rule relating to or affecting the use of the public  
19 right-of-way or a requirement for off-street parking is subject to  
20 all applicable municipal charter, code, or ordinance requirements.

21           Sec. 3845.154. FINANCING OF PUBLIC TRANSIT SYSTEM OR  
22 PARKING FACILITIES. (a) The district may use any of its resources,  
23 including revenue, assessments, taxes, and grant or contract  
24 proceeds, to pay the cost of acquiring and operating a public  
25 transit system or public parking facilities.

26           (b) The district may set and impose fees, charges, or tolls  
27 for the use of the public transit system or the public parking

1 facilities and may issue bonds or notes to finance the cost of these  
2 facilities.

3 (c) Except as provided by Section 3845.151, if the district  
4 pays for or finances the cost of acquiring or operating a public  
5 transit system or public parking facilities with resources other  
6 than assessments, a petition of property owners or a public hearing  
7 is not required.

8 Sec. 3845.155. PAYMENT IN LIEU OF TAXES TO OTHER TAXING  
9 UNIT. If the district's acquisition of property for a parking  
10 facility that is leased to or operated by a private entity results  
11 in the removal from a taxing unit's tax rolls of real property  
12 otherwise subject to ad valorem taxation, the district shall pay to  
13 the taxing unit in which the property is located, on or before  
14 January 1 of each year, as a payment in lieu of taxes, an amount  
15 equal to the ad valorem taxes that otherwise would have been imposed  
16 for the preceding tax year on that real property by the taxing unit,  
17 without including the value of any improvements constructed on the  
18 property.

19 [Sections 3845.156-3845.200 reserved for expansion]

20 SUBCHAPTER E. FINANCIAL PROVISIONS

21 Sec. 3845.201. AUTHORITY TO IMPOSE ASSESSMENTS, AD VALOREM  
22 TAXES, AND IMPACT FEES. The district may impose, assess, charge, or  
23 collect an assessment, an ad valorem tax, an impact fee, or another  
24 fee in accordance with Chapter 49, Water Code, for a purpose  
25 specified by Chapter 375, Local Government Code, or as needed to  
26 exercise a power or function or to accomplish a purpose or duty for  
27 which the district was created.

1       Sec. 3845.202. MAINTENANCE TAX. (a) If authorized at an  
2 election held in accordance with Section 3845.103, the district may  
3 impose an annual ad valorem tax on taxable property in the district  
4 to maintain, restore, replace, or operate the district and  
5 improvements that the district constructs or acquires or the  
6 district's facilities, works, or services.

7       (b) The board shall determine the tax rate.

8       Sec. 3845.203. ASSESSMENT IN PART OF DISTRICT. An  
9 assessment may be imposed on only a part of the district if only  
10 that part will benefit from the service or improvement.

11       Sec. 3845.204. PETITION REQUIRED FOR ASSESSMENT AND FOR  
12 FINANCING SERVICES AND IMPROVEMENTS. (a) The board may not impose  
13 an assessment or finance a service or improvement project under  
14 this chapter unless a written petition requesting the improvement  
15 or service has been filed with the board.

16       (b) The petition must be signed by:

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

21           (2) at least 25 persons who own real property in the  
22 district or the area of the district that will be subject to the  
23 assessment, if more than 25 persons own real property in the  
24 district or area that will be subject to the assessment as  
25 determined by the most recent certified tax appraisal roll for  
26 Harris County.

27       Sec. 3845.205. ASSESSMENTS CONSIDERED TAXES. For purposes

1 of a title insurance policy issued under Chapter 9, Insurance Code,  
2 an assessment is a tax.

3 Sec. 3845.206. LIENS FOR ASSESSMENTS; SUITS TO RECOVER  
4 ASSESSMENTS. (a) An assessment imposed on property under this  
5 chapter is a personal obligation of the person who owns the property  
6 on January 1 of the year for which the assessment is imposed. If the  
7 person transfers title to the property, the person is not relieved  
8 of the obligation.

9 (b) On January 1 of the year for which an assessment is  
10 imposed on a property, a lien attaches to the property to secure the  
11 payment of the assessment and any interest accrued on the  
12 assessment. The lien has the same priority as a lien for district  
13 taxes.

14 (c) Not later than the fourth anniversary of the date on  
15 which a delinquent assessment became due, the district may file  
16 suit to foreclose the lien or to enforce the obligation for the  
17 assessment, or both, and for any interest accrued.

18 (d) In addition to recovering the amount of the assessment  
19 and any accrued interest, the district may recover reasonable  
20 costs, including attorney's fees, that the district incurs in  
21 foreclosing the lien or enforcing the obligation. The costs may not  
22 exceed an amount equal to 20 percent of the assessment and interest.

23 (e) If the district does not file a suit in connection with a  
24 delinquent assessment on or before the last date on which the  
25 district may file suit under Subsection (c), the assessment and any  
26 interest accrued is considered paid.

27 Sec. 3845.207. PROPERTY OF CERTAIN UTILITIES EXEMPT FROM

1 ASSESSMENT AND IMPACT FEES. The district may not impose an impact  
2 fee or assessment on the property, including equipment or  
3 facilities, of:

4 (1) an electric utility as defined by Section 31.002,  
5 Utilities Code;

6 (2) a gas utility as defined by Section 101.003 or  
7 121.001, Utilities Code;

8 (3) a telecommunications provider as defined by  
9 Section 51.002, Utilities Code; or

10 (4) a cable operator as defined by 47 U.S.C. Section  
11 522, as amended.

12 Sec. 3845.208. USE OF ELECTRICAL OR OPTICAL LINES. (a) The  
13 district may impose an assessment to pay the cost of:

14 (1) burying or removing electrical power lines,  
15 telephone lines, cable or fiber optic lines, or any other type of  
16 electrical or optical line;

17 (2) removing poles and any elevated lines using the  
18 poles; and

19 (3) reconnecting the lines described by Subdivision  
20 (2) to the buildings or other improvements to which the lines were  
21 connected.

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

24 (1) another person's:

25 (A) telecommunications network;

26 (B) fiber-optic cable; or

27 (C) electronic transmission line; or

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

3           (c) The district may not require a person to use a district  
4 conduit.

5           Sec. 3845.209. DEBT. The district may issue bonds, notes,  
6 or other debt obligations in accordance with Subchapters I and J,  
7 Chapter 375, Local Government Code, for a purpose specified by that  
8 chapter or as required to exercise a power or function or to  
9 accomplish a purpose or duty for which the district was created.

10           [Sections 3845.210-3845.250 reserved for expansion]

11                           SUBCHAPTER F. DISSOLUTION

12           Sec. 3845.251. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
13 DEBT. (a) The district may be dissolved as provided by Subchapter  
14 M, Chapter 375, Local Government Code, except that Section 375.264,  
15 Local Government Code, does not apply to the district.

16           (b) If the district has debt when it is dissolved, the  
17 district shall remain in existence solely for the purpose of  
18 discharging its bonds or other obligations according to their  
19 terms.

20           SECTION 2. BOUNDARIES. As of the effective date of this  
21 Act, the Harris County Improvement District No. 8 includes all  
22 territory contained in the following described area:

23 UNLESS otherwise specified, the boundaries of this district will  
24 travel along the centerline of each street included, and each  
25 intersection will be the intersection of the centerlines of the  
26 streets mentioned.

27 POINT OF BEGINNING at the intersection of the Houston Downtown

1 Management District and Memorial Drive.

2 Then in a westerly direction along Memorial Drive to its  
3 intersection with the old Southern Pacific railroad line that runs  
4 parallel to Montrose Boulevard, between Montrose Boulevard and  
5 Glenwood Cemetery, south across Buffalo Bayou.

6 Then in a southerly direction along the centerline of the old  
7 Southern Pacific railroad trestle across Buffalo Bayou to the  
8 centerline of Allen Parkway.

9 Then in an easterly direction along Allen Parkway to its  
10 intersection with Sabine Street.

11 Then in a northerly direction along the southerly projection of the  
12 center line of the right-of-way of Sabine Street, then in a  
13 northerly direction along Sabine street to the intersection with  
14 Memorial Drive at the POINT OF BEGINNING.

15 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds  
16 that:

17 (1) proper and legal notice of the intention to  
18 introduce this Act, setting forth the general substance of this  
19 Act, has been published as provided by law, and the notice and a  
20 copy of this Act have been furnished to all persons, agencies,  
21 officials, or entities to which they are required to be furnished by  
22 the constitution and laws of this state, including the governor,  
23 who has submitted the notice and Act to the Texas Commission on  
24 Environmental Quality;

25 (2) the Texas Commission on Environmental Quality has  
26 filed its recommendations relating to this Act with the governor,  
27 lieutenant governor, and speaker of the house of representatives



1 within the required time;

2 (3) the general law relating to consent by political  
3 subdivisions to the creation of districts with conservation,  
4 reclamation, and road powers and the inclusion of land in those  
5 districts has been complied with; and

6 (4) all requirements of the constitution and laws of  
7 this state and the rules and procedures of the legislature with  
8 respect to the notice, introduction, and passage of this Act have  
9 been fulfilled and accomplished.

10 SECTION 4. EFFECTIVE DATE. This Act takes effect  
11 immediately if it receives a vote of two-thirds of all the members  
12 elected to each house, as provided by Section 39, Article III, Texas  
13 Constitution. If this Act does not receive the vote necessary for  
14 immediate effect, this Act takes effect September 1, 2005.