A BILL TO BE ENTITLED

1   AN ACT

2   relating to the creation of the Research Valley Innovation

3   District.

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

5   SECTION 1. Subtitle C, Title 4, Special District Local Laws

6   Code, is amended by adding Chapter 3854 to read as follows:

7   CHAPTER 3854. RESEARCH VALLEY INNOVATION DISTRICT

8   SUBCHAPTER A. GENERAL PROVISIONS

9   Sec. 3854.001. DEFINITIONS. In this chapter:

10   (1) "Board" means the board of directors of the

11   district.

12   (2) "Commissioners court" means the governing body of

13   Brazos County.

14   (3) "Director" means a board member.

15   (4) "District" means the Research Valley Innovation

16   District.

17   (5) "Obligation" means an interest-bearing obligation

18   issued by the district under this chapter, including a bond,

19   certificate, note, or other evidence of indebtedness.

20   (6) "Project" means a project established under

21   Section 3854.111 and includes the land, buildings, equipment,

22   facilities, infrastructure, improvements, and other property

23   necessary to accomplish the purposes of the project.

24   Sec. 3854.002. PURPOSE; DECLARATION OF LEGISLATIVE

FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Section 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and to accomplish other public purposes stated in this chapter.

(b) This chapter is enabling legislation enacted to further the public purposes under Section 52-a, Article III, Texas Constitution.

(c) The creation of the district is necessary to further the public purpose of improving the economy of this state and of Brazos County by providing for projects.

(d) The district serves the public purposes stated in this section.

Sec. 3854.003. NATURE OF DISTRICT. The district is a special district and a political subdivision of this state under Section 59, Article XVI, Texas Constitution.

Sec. 3854.004. DISTRICT TERRITORY. The district boundaries are coextensive with the boundaries of Brazos County.

Sec. 3854.005. APPLICABILITY OF OTHER WATER DISTRICTS LAW. Chapter 49, Water Code, does not apply to the district.

Sec. 3854.006. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be construed liberally in conformity with the legislative findings and purposes stated in this chapter.

[Sections 3854.007-3854.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3854.051. GOVERNING BODY. The district is governed by a board of seven directors appointed as provided by this subchapter.

1   Sec. 3854.052. TERMS. (a) Directors serve staggered

2 three-year terms that expire on June 1.

3   (b) A director may not serve more than two consecutive

4 terms.

5   Sec. 3854.053. APPOINTMENT. The commissioners court shall

6 appoint the directors.

7   Sec. 3854.054. QUALIFICATIONS. A director:

8   (1) must be a registered voter of Brazos County; and

9   (2) may not:

10   (A) be an elected official; or

11   (B) be employed by the district or Brazos County.

12   Sec. 3854.055. VACANCY. The remaining directors shall fill

13 a vacancy in the office of director for the unexpired term.

14   Sec. 3854.056. DIRECTOR'S BOND; OATH OR AFFIRMATION. (a)

15 As soon as practicable after a director is appointed, the director

16 shall execute a bond for $10,000 payable to the district and

17 conditioned on the faithful performance of the director's duties.

18   (b) The bond must be approved by the board.

19   (c) The bond and the director's constitutional oath or

20 affirmation of office shall be filed with the district and the

21 district shall retain the bond and the oath or affirmation in the

22 district's records.

23   Sec. 3854.057. OFFICERS. (a) The board shall elect from

24 among the directors a presiding officer, a secretary, and any other

25 officers the board considers necessary.

26   (b) The board by resolution shall establish the powers and

27 duties of the officers, consistent with this chapter.

1   Sec. 3854.058. COMPENSATION; EXPENSES. A director serves

2   without compensation but is entitled to reimbursement for actual

3   and necessary expenses approved by the board.

4   Sec. 3854.059. MEETINGS; NOTICE OF MEETINGS. (a) The board

5   may establish regular meetings to conduct district business and may

6   hold special meetings at other times as necessary.

7   (b) The board shall provide the notice prepared under

8   Subchapter C, Chapter 551, Government Code, to the county clerk of

9   Brazos County. In addition to the requirements imposed by that

10   subchapter on the district, the county shall post the notice at the

11   usual location at which notices of commissioners court meetings are

12   posted.

13   Sec. 3854.060. EMPLOYEES; PERSONS HIRED BY BOARD. (a) The

14   board shall employ any person the board considers necessary to

15   conduct district affairs, including:

16   (1) engineers;

17   (2) attorneys;

18   (3) certified public accountants;

19   (4) economists;

20   (5) administrative assistants;

21   (6) bookkeepers; and

22   (7) clerical workers.

23   (b) The board by resolution shall determine the

24   compensation and terms of service of any person employed or hired by

25   the district.

26   (c) The board may remove any employee.

27   (d) The board may require an employee to execute a bond

4

1 payable to the district and conditioned on the faithful performance

2 of the person's duties.

3   Sec. 3854.061. INITIAL DIRECTORS. (a) After creation of

4 the district under Subchapter F, the commissioners court shall by

5 resolution appoint initial directors.

6   (b) The commissioners court shall stagger the directors'

7 terms to expire on June 1, with:

8   (1) two directors serving as near as possible to a

9 one-year term;

10   (2) two directors serving as near as possible to a

11 two-year term; and

12   (3) three directors serving as near as possible to a

13 three-year term.

14   [Sections 3854.062-3854.100 reserved for expansion]

15   SUBCHAPTER C. POWERS AND DUTIES

16   Sec. 3854.101. GENERAL POWERS. The district has all powers

17 necessary or convenient to carry out and effect the purposes and

18 provisions of this chapter.

19   Sec. 3854.102. RULES. The board may adopt rules to govern

20 the district, including rules governing district operations,

21 employees, and property.

22   Sec. 3854.103. DISTRICT OFFICE. The board shall designate

23 and establish a district office in Brazos County.

24   Sec. 3854.104. PROPERTY. The district may exercise any

25 type of property right, including the power to acquire, sell, or

26 lease as lessee or lessor, regarding any type of property interest

27 in the district or for use in the district under terms determined by

1   the board.

2   Sec. 3854.105. AGREEMENTS. The district may make an

3   agreement with any person for any district purpose, including a

4   contract to manage or maintain a district project.

5   Sec. 3854.106. GIFTS, GRANTS, AND LOANS. The district may

6   accept a gift, grant, or loan from any person for any district

7   purpose.

8   Sec. 3854.107. COMPETITIVE BIDDING. (a) Except as

9   provided by Subsection (b), Section 375.221, Local Government Code,

10   applies to the district.

11   (b) Section 375.221, Local Government Code, does not apply

12   to a contract between the district and:

13   (1) another governmental entity;

14   (2) a nonprofit corporation, including a scientific

15   research corporation; or

16   (3) a corporation created under the Development

17   Corporation Act of 1979.

18   Sec. 3854.108. RELATION TO OTHER LAW ON CONTRACTS. This

19   chapter states the procedures necessary to award contracts and

20   supersedes any law or other requirement otherwise applicable to the

21   district regarding the award of contracts.

22   Sec. 3854.109. FEES FOR USE OF DISTRICT IMPROVEMENTS. The

23   district may establish and maintain reasonable and

24   nondiscriminatory rates, fares, charges, rents, or other fees or

25   compensation for the use of the improvements constructed, operated,

26   or maintained by the district.

27   Sec. 3854.110. PROGRAMS. (a) The district may establish

1 and provide for the administration of one or more programs to:

2 (1) promote state or local economic development;

3 (2) stimulate business and commercial activity in the

4 district that relates to a project; and

5 (3) provide workforce development and vocational

6 training activities in partnership with Blinn College and other

7 educational institutions as necessary to support the skills

8 development vocational training needs in the district.

9 (b) As part of a program, the district may make loans or

10 grants of public money for a public purpose as provided by Section

11 52-a, Article III, Texas Constitution.

12 Sec. 3854.111. PROJECTS. (a) The district may establish

13 projects for:

14 (1) education provided in affiliation with an

15 institution of higher education, including job training or

16 vocational education;

17 (2) promotion and support of economic development

18 opportunities at Texas A&M University at College Station and Texas

19 A&M University Health Science Center;

20 (3) research and development activities, including

21 initiatives to prove the feasibility of an idea;

22 (4) commercialization of the results of research;

23 (5) the incubation of new business or the expansion of

24 existing business;

25 (6) the promotion of innovations or discoveries;

26 (7) the production and manufacturing of goods and

27 products; and

1   (8) day-to-day business operations or services.

2   (b) A project must be related to the following areas of

3   technology or industry:

4   (1) energy, including manufactured energy systems or

5   the development of alternative energy sources;

6   (2) biotechnology;

7   (3) medicine or pharmaceuticals;

8   (4) life sciences;

9   (5) defense or homeland security;

10   (6) information, computer, or software technology,

11   including semiconductor technology;

12   (7) engineering; or

13   (8) micro-electromechanical systems.

14   Sec. 3854.112. SUITS. (a) The district may sue and be

15   sued.

16   (b) Service of process in a suit may be made by serving any

17   two directors.

18   (c) The district may not be required to give security for

19   costs and may appeal from a judgment without giving a supersedeas

20   bond or cost bond.

21   Sec. 3854.113. SEAL. The district may adopt a seal.

22   Sec. 3854.114. NONPROFIT   CORPORATION;   JOINT   ECONOMIC

23   DEVELOPMENT. The district shall contract with:

24   (1) a nonprofit corporation that receives money from

25   Brazos County and the cities of Bryan and College Station to promote

26   joint economic development for those governmental entities; or

27   (2) another entity associated or affiliated with the

nonprofit corporation to initiate, promote, facilitate, or administer the development of, or to serve or assist the district to implement, a project or program under this chapter.

[Sections 3854.115-3854.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3854.151. USE OF DISTRICT MONEY. The district may use district money for any district purpose, including:

(1) to pay for projects; and

(2) to pay district obligations.

Sec. 3854.152. INVESTMENTS. (a) The district may invest money the district receives under this chapter.

(b) The district may hire a person to invest district money on terms the board considers advisable.

Sec. 3854.153. DISBURSEMENTS OR TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3854.154. DEPOSITORY INSTITUTION. The district may select one or more financial institutions to serve as a depository bank for the district.

Sec. 3854.155. ACCOUNTS; FISCAL YEAR. (a) The district may establish an accounting system for the district for each year.

(b) The district may establish a fiscal year for the district.

Sec. 3854.156. PROJECT FUND. (a) The district by resolution shall establish a project fund.

(b) The district may establish separate accounts in the

1 project fund.

2 (c) The district shall deposit into the project fund all

3 money acquired or received by the district, including:

4 (1) the proceeds from an ad valorem tax imposed by the

5 district; and

6 (2) revenue from the sale of district obligations.

7 Sec. 3854.157. AUDIT. (a) The district shall enter into a

8 written contract with an independent certified public accountant or

9 a certified public accounting firm for an annual audit of the

10 district's affairs and financial records.

11 (b) The district shall make the audit available for

12 inspection by the public and Brazos County.

13 Sec. 3854.158. ASSESSMENTS. The district may impose an

14 assessment on property in the district, including an assessment on

15 a leasehold interest, by agreement with the property owner.

16 Sec. 3854.159. LIABILITIES. The district may incur

17 liabilities, including a liability incurred by:

18 (1) borrowing money on terms the board determines; and

19 (2) issuing obligations under Section 3854.160.

20 Sec. 3854.160. OBLIGATIONS. (a) The district may issue

21 obligations, including revenue bonds, to pay the costs of a project

22 in the district.

23 (b) The district may issue an obligation in the form of a

24 bond, note, certificate of participation or other instrument

25 evidencing a proportionate interest in payments to be made by the

26 district, or other type of obligation.

27 [Sections 3854.161-3854.200 reserved for expansion]

SUBCHAPTER E. AD VALOREM TAX

Sec. 3854.201. IMPOSITION OF AD VALOREM TAX. If authorized at an election held under Subchapter F, the district:

(1) may by order impose an annual ad valorem tax on taxable property in the district to pay for projects; and

(2) shall by order impose an ad valorem tax to pay for obligations that are payable wholly or partly from ad valorem taxes.

Sec. 3854.202. TAX RATE. (a) The board shall recommend a tax rate to the commissioners court.

(b) The commissioners court shall set the tax rate. The tax rate may not exceed 10 cents per $100 of assessed valuation of taxable property in the district.

Sec. 3854.203. TAX ASSESSOR-COLLECTOR. The board may:

(1) appoint a district tax assessor-collector; or

(2) contract for the assessment and collection of taxes as provided by the Tax Code.

[Sections 3854.204-3854.250 reserved for expansion]

SUBCHAPTER F. PETITION AND ELECTION TO ALLOW CREATION, TAXING, OR RELATED OBLIGATION AUTHORITY

Sec. 3854.251. APPLICATION FOR PETITION TO CREATE DISTRICT. (a) If 10 or more registered voters of Brazos County file a written application with the county, the county shall issue to the applicants a petition to be circulated among the registered voters of the county for the signatures of voters who want an election to be called in the county to determine whether to create the district:

(1) with the power to impose an ad valorem tax not to

1 exceed 10 cents per $100 valuation of all taxable property in the

2 district; or

3   (2) without the power to impose an ad valorem tax.

4   (b) An application for a petition to create the district

5 with the power to impose an ad valorem tax must be entitled:

6 "Application for Local Option Election Petition to Create the

7 Research Valley Innovation District with the Power to Impose an Ad

8 Valorem Tax not to Exceed 10 Cents per $100 Valuation of all Taxable

9 Property in the District." The application must contain a

10 statement immediately above the signatures of the applicants that

11 reads substantially as follows: "The petitioners whose signatures

12 appear on this petition intend that the Research Valley Innovation

13 District referred to in the issue set out above be created." If the

14 petition also seeks an election to authorize the issuance of bonds

15 by the district payable in whole or in part from ad valorem taxes,

16 the following statement must be appended to the end of the title

17 specified in this subsection: "and to Issue Bonds Payable in Whole

18 or in Part from the Ad Valorem Tax."

19   (c) An application for a petition under this section to

20 create the district without the power to impose the ad valorem tax

21 must be entitled: "Application for Local Option Election Petition

22 to Create the Research Valley Innovation District." The

23 application must contain a statement immediately above the

24 signatures of the applicants that reads substantially as follows:

25 "The petitioners whose signatures appear on this petition intend

26 that the Research Valley Innovation District referred to in the

27 issue set out above be created."

1   Sec. 3854.252. APPLICATION FOR PETITION TO CALL TAX OR BOND

2 ELECTION. (a) If the district is created without the power to

3 impose an ad valorem tax and 10 or more registered voters of Brazos

4 County file a written application with the county for a petition to

5 authorize the district to impose an ad valorem tax, the county shall

6 issue to the applicants a petition to be circulated among the

7 registered voters of the county for the signatures of voters who

8 want to authorize the district to impose an ad valorem tax.

9   (b) At the request of petitioners under this section, a

10 petition for a local option election to determine whether the

11 district may impose an ad valorem tax may also provide that at the

12 same election the district is authorized to issue obligations

13 payable wholly or partly from that ad valorem tax as permitted under

14 Section 3854.160.

15   (c) The application for the petition must be titled:

16 "Application for Local Option Election Petition to Enable the

17 Research Valley Innovation District to Impose an Ad Valorem Tax not

18 to Exceed 10 Cents per $100 Valuation of all Taxable Property in the

19 District."

20   (d) The application must contain a statement immediately

21 above the signatures of the applicants that reads substantially as

22 follows: "The petitioners whose signatures appear on this petition

23 intend that the Research Valley Innovation District be enabled to

24 impose an ad valorem tax not to exceed 10 cents per $100 valuation

25 of all taxable property in the district."

26   (e) If the petition also seeks an election to authorize the

27 issuance of obligations by the district payable wholly or partly

1 from ad valorem taxes, the following statement must be appended to

2 the title specified by Subsection (c): "and to Issue Bonds Payable

3 in Whole or in Part from the Ad Valorem Tax."

4 　　　　Sec. 3854.253.　FORM AND COPIES OF PETITION.　(a)　Each

5 petition issued under this subchapter must show the date it is

6 issued by Brazos County and be serially numbered.　Each page of the

7 petition must bear the same date and serial number.

8 　　　　(b)　Brazos County shall supply as many copies of the

9 petition as required by the applicants but not to exceed more than

10 one page of the petition for every 10 registered voters in the

11 county.　Each copy shall bear the date, number, and seal on each

12 page as required on the original petition.

13 　　　　(c)　Brazos County shall keep a copy of each petition and a

14 record of the applicants for that petition.

15 　　　　Sec. 3854.254.　FILING AND VERIFICATION OF PETITION.　(a)

16 The applicants requesting a petition under this subchapter may file

17 a request with Brazos County for the petition to be verified.　The

18 applicants must file the request not later than the 120th day after

19 the date the petition is issued by the county.

20 　　　　(b)　If the applicants file a request for verification of the

21 petition, Brazos County shall examine the names of the signers of

22 petitions and determine whether the signers of the petition were

23 registered voters of the county at the time the petition was issued.

24 　　　　(c)　Brazos County shall certify to the commissioners court

25 the number of registered voters signing the petition not later than

26 the 15th day after the date the request for verification was filed.

27 　　　　(d)　A signature may not be counted under this section if

1 there is good reason to believe that:

2   (1) the signature is not the actual signature of the

3 purported signer;

4   (2) the voter registration certificate number is not

5 correct;

6   (3) the signature duplicates a name or the handwriting

7 used in any other signature on the petition; or

8   (4) the signer's residence address cannot be verified.

9   Sec. 3854.255. ELECTION ORDER. (a) Not later than the

10 date of the fourth regular session of the commissioners court

11 convened after a petition has been verified under Section 3854.254,

12 the commissioners court shall order an election to be held in the

13 district on the proposition stated in the petition if the petition

14 contains:

15   (1) the signatures of a number of registered voters of

16 Brazos County equal to at least 10 percent of the registered voters

17 of the county who voted in the most recent general election in the

18 county;

19   (2) a notation showing the residence address of each

20 signer;

21   (3) each signer's voter registration certificate

22 number; and

23   (4) each signer's printed name.

24   (b) The following shall be entered in the commissioners

25 court minutes:

26   (1) the dates a petition is presented to and verified

27 by Brazos County;

1   (2) the names of the signers; and

2   (3) the action taken on the petition.

3   (c) The order issued under Subsection (a) must state that

4 the district's boundaries are coextensive with the boundaries of

5 Brazos County and that the election will be held within those

6 boundaries.

7   Sec. 3854.256. NOTICE   AND   CONDUCT   OF   ELECTION;

8 RESULTS. (a) The commissioners court shall give notice of an

9 election ordered under Section 3854.255 by publishing a substantial

10 copy of the election order once a week for two consecutive weeks in

11 a newspaper with general circulation in Brazos County.

12   (b) The first publication of the notice must appear before

13 the 14th day before the date set for the election. If the election

14 order includes the issue of whether the district may issue

15 obligations, the first publication of the notice must appear before

16 the 31st day before the date set for the election.

17   (c) The ballot for an election held under this section must

18 be printed to permit voting for or against the following

19 proposition, as appropriate according to the verified petition:

20   (1) "Authorizing the creation of the Research Valley

21 Innovation District and the imposition of an ad valorem tax not to

22 exceed the rate of 10 cents per $100 valuation of all taxable

23 property in the district.";

24   (2) "Authorizing the creation of the Research Valley

25 Innovation District, the imposition of an ad valorem tax not to

26 exceed the rate of 10 cents per $100 valuation of all taxable

27 property in the district, and the issuance of bonds payable in whole

1　or in part from the ad valorem tax.";

2　　　　　　　(3)　"Authorizing the creation of the Research Valley

3　Innovation District.";

4　　　　　　　(4)　"Authorizing the imposition of an ad valorem tax

5　not to exceed the rate of 10 cents per $100 valuation of all taxable

6　property in the district."; or

7　　　　　　　(5)　"Authorizing the imposition of an ad valorem tax

8　not to exceed the rate of 10 cents per $100 valuation of all taxable

9　property in the district and the issuance of bonds payable wholly or

10　partly from the ad valorem tax."

11　　　　(d)　The district is created if a majority of the voters

12　voting at the election favor creation.

13　　　　(e)　The district may impose an ad valorem tax if a majority

14　of the district voters voting at the election favor the proposition

15　stated in Subsection (c)(1), (2), (4), or (5).

16　　　　(f)　The district may issue obligations payable wholly or

17　partly from ad valorem taxes if a majority of the district voters

18　voting at the election favor the proposition stated in Subsection

19　(c)(2) or (5).

20　　　　(g)　If a majority of the district voters voting at the

21　election vote against the proposition, another election on the

22　proposition may not be held before the first anniversary of the date

23　of the most recent election concerning the proposition.

24　　　　(h)　Brazos County shall hold an election provided under this

25　section on the earliest uniform election date under Section 41.001,

26　Election Code, that occurs after the commissioners court adopts the

27　order calling the election.

1   [Sections 3854.257-3854.300 reserved for expansion]

2   SUBCHAPTER G. DISSOLUTION OF DISTRICT

3   Sec. 3854.301. DISSOLUTION OF DISTRICT. The district may

4   be dissolved only as provided by this subchapter.

5   Sec. 3854.302. DISSOLUTION BY ORDER OF COMMISSIONERS COURT.

6   (a) The board may petition the commissioners court to dissolve the

7   district if the board finds that the district:

8   (1) has not issued obligations under Section 3854.160

9   and that the purposes of the district are impracticable, or

10   reasonably and economically cannot be successful or accomplished;

11   or

12   (2) has paid, or otherwise provided for payment of,

13   all obligations issued under Section 3854.160 and that the district

14   purposes have been accomplished.

15   (b) On receipt of the petition, the commissioners court

16   shall hold a public hearing to determine whether the dissolution of

17   the district serves the best interests of Brazos County and of the

18   residents of the county.

19   (c) After the hearing, the commissioners court shall:

20   (1) enter in the commissioners court records the

21   appropriate findings and an order dissolving the district if the

22   commissioners court unanimously determines that the best interests

23   of Brazos County and of the residents of the county will be served

24   by dissolving the district; or

25   (2) enter an order providing that the district is not

26   dissolved if the commissioners court does not unanimously determine

27   that the best interests of Brazos County and of the residents of the

1 county will be served by dissolving the district.

2   (d) On dissolution of the district under this section:

3   (1) all money and other property of the district are

4 transferred to Brazos County; and

5   (2) Brazos County shall assume any remaining district

6 contracts or other district obligations.

7   Sec. 3854.303. DISSOLUTION OF DISTRICT ON AGREEMENT WITH

8 BRAZOS COUNTY. (a) The district may be dissolved by agreement

9 between the commissioners court and the board.

10   (b) On dissolution of the district under this section:

11   (1) all money and other property of the district are

12 transferred to Brazos County; and

13   (2) Brazos County shall assume the district's

14 responsibilities regarding all district contracts, debts, and

15 obligations.

16   Sec. 3854.304. EFFECT OF DISSOLUTION ON TAXES. On

17 dissolution of the district, any taxes imposed by the district are

18 abolished.

19   SECTION 2. This Act takes effect immediately if it receives

20 a vote of two-thirds of all the members elected to each house, as

21 provided by Section 39, Article III, Texas Constitution. If this

22 Act does not receive the vote necessary for immediate effect, this

23 Act takes effect September 1, 2007.