

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Coleman

H.B. No. 4827

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of Harris County Improvement District No.  
3 20; providing authority to impose a tax and issue bonds.

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

5 SECTION 1. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 20.  
6 Subtitle C, Title 4, Special District Local Laws Code, is amended by  
7 adding Chapter 3893 to read as follows:

8 CHAPTER 3893. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 20

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3893.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a board member.

14 (3) "District" means the Harris County Improvement  
15 District No. 20.

16 Sec. 3893.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO.  
17 20. The Harris County Improvement District No. 20 is a special  
18 district created under Section 59, Article XVI, Texas Constitution.

19 Sec. 3893.003. PURPOSE; DECLARATION OF INTENT. (a) The  
20 creation of the district is essential to accomplish the purposes of  
21 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
22 Texas Constitution, and other public purposes stated in this  
23 chapter. By creating the district and in authorizing Harris  
24 County, the City of Houston, the Metropolitan Transit Authority of

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

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

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

18 Sec. 3893.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
19 The district is created to serve a public use and benefit.

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

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

27 (d) The creation of the district is in the public interest

1 and is essential to:

2 (1) further the public purposes of developing and  
3 diversifying the economy of the state;

4 (2) eliminate unemployment and underemployment; and

5 (3) develop or expand transportation and commerce.

6 (e) The district will:

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

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

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

18 (4) promote and benefit commercial development and  
19 commercial areas in the district; and

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

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

1           (B) benefit the land and other property in the  
2 district and the residents, employers, employees, visitors, and  
3 consumers in the district and the public.

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

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

12           Sec. 3893.005. DISTRICT TERRITORY. (a) The district is  
13 composed of the territory described by Section 2 of the Act creating  
14 this chapter, as that territory may have been modified under:

15                   (1) Section 3893.251;

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

17                   (3) other law.

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

22                   (1) the district's organization, existence, and  
23 validity;

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

27                   (3) the district's right to impose and collect an

1 assessment or tax; or

2 (4) the legality or operation of the district or the  
3 board.

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

8 Sec. 3893.006. TORT LIABILITY. The district is a  
9 governmental unit under Chapter 101, Civil Practice and Remedies  
10 Code, and the operations of the district are essential government  
11 functions and are not proprietary functions for any purpose,  
12 including the application of that chapter.

13 Sec. 3893.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
14 chapter shall be liberally construed in conformity with the  
15 findings and purposes stated in this chapter.

16 [Sections 3893.008-3893.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 3893.051. BOARD OF DIRECTORS; TERMS. (a) The  
19 district is governed by a board of five voting directors appointed  
20 by a majority of the members of the governing body, including the  
21 mayor, of the City of Houston. Voting directors serve staggered  
22 terms of four years with two or three directors' terms expiring June  
23 1 of each odd-numbered year.

24 (b) The board by order or resolution may increase or  
25 decrease the number of voting directors on the board, but only if a  
26 majority of the voting directors finds that it is in the best  
27 interest of the district to do so. The board may not:

1           (1) increase the number of voting directors to more  
2 than nine; or

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

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

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

10          Sec. 3893.052. APPOINTMENT OF DIRECTORS ON INCREASE IN  
11 BOARD SIZE. If the board increases the number of directors under  
12 Section 3893.051, the board shall appoint eligible persons to fill  
13 the new director positions and shall provide for the staggering of  
14 terms of the new directors. On expiration of the term of a director  
15 appointed under this section, a succeeding director shall be  
16 appointed and qualified as provided by Subchapter D, Chapter 375,  
17 Local Government Code. The mayor and members of the governing body  
18 of the City of Houston shall appoint voting directors from persons  
19 recommended by the board. A person is appointed if a majority of  
20 the members of the governing body, including the mayor, vote to  
21 appoint that person.

22          Sec. 3893.053. NONVOTING DIRECTORS. (a) The following  
23 persons shall serve as nonvoting directors:

24           (1) the directors of the following departments of the  
25 City of Houston or a person designated by that director:

26                   (A) parks and recreation;

27                   (B) planning and development; and

1                    (C) public works; and

2                    (2) the City of Houston's chief of police.

3                    (b) If a department described by Subsection (a) is  
4 consolidated, renamed, or changed, the board may appoint a director  
5 of the consolidated, renamed, or changed department as a nonvoting  
6 director. If a department described by Subsection (a) is  
7 abolished, the board may appoint a representative of another  
8 department that performs duties comparable to the duties performed  
9 by the abolished department.

10                   Sec. 3893.054. QUORUM. (a) A majority of the voting  
11 directors constitutes a quorum of the board.

12                   (b) Nonvoting directors and vacant director positions are  
13 not counted for the purposes of establishing a quorum of the board.

14                   Sec. 3893.055. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

15                   (a) Except as provided by this section:

16                    (1) a voting director may participate in all board  
17 votes and decisions; and

18                    (2) Chapter 171, Local Government Code, governs  
19 conflicts of interest for directors.

20                   (b) Section 171.004, Local Government Code, does not apply  
21 to the district. A director who has a substantial interest in a  
22 business or charitable entity that will receive a pecuniary benefit  
23 from a board action shall file a one-time affidavit declaring the  
24 interest. An additional affidavit is not required if the  
25 director's interest changes. After the affidavit is filed with the  
26 board secretary, the director may participate in a discussion or  
27 vote on that action if:

1           (1) a majority of the directors have a similar  
2 interest in the same entity; or

3           (2) all other similar business or charitable entities  
4 in the district will receive a similar pecuniary benefit.

5           (c) A director who is also an officer or employee of a public  
6 entity may not participate in the discussion of or vote on a matter  
7 regarding a contract with that public entity.

8           (d) For purposes of this section, a director has a  
9 substantial interest in a charitable entity in the same manner that  
10 a person would have substantial interest in a business entity under  
11 Section 171.002, Local Government Code.

12           Sec. 3893.056. COMPENSATION OF VOTING DIRECTORS. Voting  
13 directors may receive fees of office and reimbursement of expenses  
14 as provided by Section 49.060, Water Code.

15           Sec. 3893.057. INITIAL VOTING DIRECTORS. (a) The initial  
16 board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Dallas Jones</u>
<u>2</u>	<u>Joshua Bekerman</u>
<u>3</u>	<u>Rebecca Acuna</u>
<u>4</u>	<u>Elizabeth Choate</u>
<u>5</u>	<u>Rebecca Reyes</u>

23           (b) Of the initial directors, the terms of directors serving  
24 in positions 1, 2, and 3 expire June 1, 2013, and the terms of  
25 directors serving in positions 4 and 5 expire June 1, 2011.

26           (c) Sections 3893.051(a) and (b) do not apply to the initial  
27 directors.



1       (d) This section expires September 1, 2013.

2       [Sections 3893.058-3893.100 reserved for expansion]

3                   SUBCHAPTER C. POWERS AND DUTIES

4       Sec. 3893.101. DISTRICT POWERS. The district may exercise  
5 the powers given to:

6                   (1) a district created under Chapter 375, Local  
7 Government Code;

8                   (2) a district by Subchapters H and I, Chapter 49,  
9 Water Code;

10                   (3) a corporation under Chapter 505, Local Government  
11 Code, including the power to own, operate, acquire, construct,  
12 lease, improve, and maintain the projects described by that  
13 chapter; and

14                   (4) a housing finance corporation created under  
15 Chapter 394, Local Government Code, to provide housing or  
16 residential development projects in the district.

17       Sec. 3893.102. NONPROFIT CORPORATION. (a) The board by  
18 resolution may authorize the creation of a nonprofit corporation to  
19 assist and act for the district in implementing a project or  
20 providing a service authorized by this chapter.

21                   (b) The nonprofit corporation:

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

25                   (2) may implement any project and provide any service  
26 authorized by this chapter.

27                   (c) The board shall appoint the board of directors of the

1 nonprofit corporation. The board of directors of the nonprofit  
2 corporation shall serve in the same manner as, for the same term as,  
3 and on the same conditions as the board of directors of a local  
4 government corporation created under Chapter 431, Transportation  
5 Code.

6 Sec. 3893.103. AGREEMENTS; GRANTS. (a) The district may  
7 make an agreement with or accept a gift, grant, or loan from any  
8 person.

9 (b) The implementation of a project is a governmental  
10 function or service for the purposes of Chapter 791, Government  
11 Code.

12 Sec. 3893.104. ELECTIONS. (a) District elections must be  
13 held in the manner provided by Subchapter L, Chapter 375, Local  
14 Government Code.

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

17 Sec. 3893.105. CONTRACT FOR LAW ENFORCEMENT AND SECURITY  
18 SERVICES. The district may contract with:

19 (1) Harris County or the City of Houston for the county  
20 or city to provide law enforcement and security services in the  
21 district for a fee; or

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

24 Sec. 3893.106. ANNEXATION OR EXCLUSION OF TERRITORY. The  
25 district may annex or exclude land from the district in the manner  
26 provided by Subchapter C, Chapter 375, Local Government Code.

27 Sec. 3893.107. APPROVAL BY CITY OF HOUSTON. (a) Except as

1 provided by Subsection (b), the district must obtain the approval  
2 of the City of Houston's governing body for:

3 (1) the issuance of a bond for each improvement  
4 project;

5 (2) the plans and specifications of the improvement  
6 project financed by the bond; and

7 (3) the plans and specifications of any district  
8 improvement project related to the use of land owned by the City of  
9 Houston, an easement granted by the City of Houston, or a  
10 right-of-way of a street, road, or highway.

11 (b) If the district obtains the approval of the City of  
12 Houston's governing body of a capital improvements budget for a  
13 period not to exceed five years, the district may finance the  
14 capital improvements and issue bonds specified in the budget  
15 without further approval from the City of Houston.

16 Sec. 3893.108. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
17 district may join and pay dues to an organization that:

18 (1) enjoys tax-exempt status under Section 501(c)(3),  
19 (4), or (6), Internal Revenue Code of 1986; and

20 (2) performs a service or provides an activity  
21 consistent with promoting a district purpose.

22 Sec. 3893.109. ROAD POWERS. The district may exercise  
23 powers given to:

24 (1) a road district created under Chapter 257,  
25 Transportation Code; and

26 (2) a road utility district created under Chapter 441,  
27 Transportation Code.

1       Sec. 3893.110. AIR RIGHTS; CONSTRUCTION. The district may  
2 acquire air rights and may construct improvements on property on  
3 which it owns only air rights.

4       Sec. 3893.111. ADDITIONAL PROPERTY RIGHTS; LEASEHOLDS. The  
5 district may construct improvements on property on which it only  
6 has a leasehold interest and may own undivided interests in  
7 buildings and other improvements.

8       Sec. 3893.112. NO EMINENT DOMAIN POWER. The district may  
9 not exercise the power of eminent domain.

10       [Sections 3893.113-3893.150 reserved for expansion]

11       SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

12       Sec. 3893.151. PUBLIC TRANSIT SYSTEM; PETITION REQUIRED.

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

16       (b) The board may not act under Subsection (a) unless a  
17 written petition requesting the action has been filed with the  
18 board.

19       (c) The petition must be signed by:

20           (1) the owners of property representing a majority of  
21 the total assessed value of the real property in the district that  
22 abuts the right-of-way in which the public transit system is  
23 proposed to be located; or

24           (2) the owners of a majority of the area of the real  
25 property in the district that abuts the right-of-way in which the  
26 public transit system is proposed to be located.

27       (d) For purposes of Subsection (c), the determination of a

1 majority is based on the property owners along the entire  
2 right-of-way of the proposed transit project and may not be  
3 calculated on a block-by-block basis.

4 Sec. 3893.152. PARKING FACILITIES AUTHORIZED; OPERATION BY  
5 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or  
6 lessee, construct, develop, own, operate, and maintain parking  
7 facilities, including:

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

10 (2) equipment, entrances, exits, fencing, and other  
11 accessories necessary for safety and convenience in the parking of  
12 vehicles.

13 (b) A parking facility of the district must be either leased  
14 to or operated on behalf of the district by a private entity or an  
15 entity other than the district. The district's parking facilities  
16 are a program authorized by the legislature under Section 52-a,  
17 Article III, Texas Constitution, and accomplish a public purpose  
18 under that section even if leased or operated by a private entity  
19 for a term of years.

20 Sec. 3893.153. RULES. The district may adopt rules  
21 covering its public transit system or its public parking  
22 facilities, except that a rule relating to or affecting the use of  
23 the public right-of-way or a requirement for off-street parking is  
24 subject to all applicable municipal charter, code, or ordinance  
25 requirements.

26 Sec. 3893.154. FINANCING OF PUBLIC TRANSIT SYSTEM OR  
27 PARKING FACILITIES. (a) The district may use any of its resources,

1 including revenue, assessments, taxes, and grant or contract  
2 proceeds, to pay the cost of acquiring and operating a public  
3 transit system or public parking facilities.

4 (b) The district may set and impose fees, charges, or tolls  
5 for the use of the public transit system or the public parking  
6 facilities and may issue bonds or notes to finance the cost of these  
7 facilities.

8 (c) Except as provided by Section 3893.151, if the district  
9 pays for or finances the cost of acquiring or operating a public  
10 transit system or public parking facilities with resources other  
11 than assessments, a petition of property owners or a public hearing  
12 is not required.

13 Sec. 3893.155. PAYMENT IN LIEU OF TAXES TO OTHER TAXING  
14 UNIT. If the district's acquisition of property for a parking  
15 facility that is leased to or operated by a private entity results  
16 in the removal from a taxing unit's tax rolls of real property  
17 otherwise subject to ad valorem taxation, the district shall pay to  
18 the taxing unit in which the property is located, on or before  
19 January 1 of each year, as a payment in lieu of taxes, an amount  
20 equal to the ad valorem taxes that otherwise would have been imposed  
21 for the preceding tax year on that real property by the taxing unit,  
22 without including the value of any improvements constructed on the  
23 property.

24 Sec. 3893.156. AGREEMENT WITH RAPID TRANSIT AUTHORITY. (a)  
25 In this section, "authority" means a rapid transit authority  
26 created under Chapter 451, Transportation Code.

27 (b) The district and an authority may agree to jointly

1 construct, own, operate, and maintain a transit facility or a  
2 parking facility under the terms the authority and district desire.

3 (c) The agreement may provide that the district and the  
4 authority exchange or trade land provided that each party to the  
5 agreement receives fair market value. The authority is not  
6 required to offer any property that it proposes to trade to the  
7 district for sale to the public or for sale to any abutting property  
8 owner.

9 [Sections 3893.157-3893.200 reserved for expansion]

10 SUBCHAPTER E. FINANCIAL PROVISIONS

11 Sec. 3893.201. AUTHORITY TO IMPOSE ASSESSMENTS, AD VALOREM  
12 TAXES, AND IMPACT FEES. The district may impose, assess, charge, or  
13 collect an assessment, an ad valorem tax, an impact fee, or another  
14 fee in accordance with Chapter 49, Water Code, for a purpose  
15 specified by Chapter 375, Local Government Code, or as needed to  
16 exercise a power or function of the district or to accomplish a  
17 purpose or duty for which the district was created.

18 Sec. 3893.202. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
19 board by resolution shall establish the number of directors'  
20 signatures and the procedure required for a disbursement or  
21 transfer of the district's money.

22 Sec. 3893.203. ASSESSMENT IN PART OF DISTRICT. An  
23 assessment may be imposed on only a part of the district if only  
24 that part will benefit from the service or improvement.

25 Sec. 3893.204. PETITION REQUIRED FOR ASSESSMENT AND FOR  
26 FINANCING SERVICES AND IMPROVEMENTS. (a) The board may not impose  
27 an assessment or finance a service or improvement project under

1 this chapter unless a written petition requesting the improvement  
2 or service has been filed with the board.

3 (b) The petition must be signed by:

4 (1) the owners of a majority of the assessed value of  
5 real property in the district subject to assessment according to  
6 the most recent certified tax appraisal roll for Harris County; or

7 (2) at least 25 owners of real property in the district  
8 that will be subject to the assessment, if more than 25 persons own  
9 real property subject to the assessment in the district according  
10 to the most recent certified tax appraisal roll for Harris County.

11 (c) The board may act upon a petition, required under this  
12 section, signed by qualified petitioners prior to or subsequent to  
13 the enactment of this chapter.

14 Sec. 3893.205. ASSESSMENTS CONSIDERED TAXES. For purposes  
15 of a title insurance policy issued under Title 11, Insurance Code,  
16 an assessment is a tax.

17 Sec. 3893.206. MAINTENANCE TAX. (a) If authorized at an  
18 election held in accordance with Section 3893.104, the district may  
19 impose an annual ad valorem tax on taxable property in the district  
20 to:

- 21 (1) administer the district;
- 22 (2) maintain and operate the district;
- 23 (3) construct or acquire improvements; or
- 24 (4) provide a service.

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

26 (c) An owner of real property in the district, except  
27 property exempt under the Texas or United States Constitution or



1 under the Tax Code, is liable for the payment of ad valorem taxes  
2 imposed by the district on the property.

3 Sec. 3893.207. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
4 The board by resolution may impose and collect an assessment for any  
5 purpose authorized by this chapter.

6 (b) An assessment, a reassessment, or an assessment  
7 resulting from an addition to or correction of the assessment roll  
8 by the district, penalties and interest on an assessment or  
9 reassessment, an expense of collection, and reasonable attorney's  
10 fees incurred by the district:

11 (1) are a first and prior lien against the property  
12 assessed;

13 (2) are superior to any other lien or claim other than  
14 a lien or claim for county, school district, or municipal ad valorem  
15 taxes; and

16 (3) are the personal liability of and a charge against  
17 the owners of the property even if the owners are not named in the  
18 assessment proceedings.

19 (c) The lien is effective from the date of the board's  
20 resolution imposing the assessment until the date the assessment is  
21 paid. The board may enforce the lien in the same manner that the  
22 board may enforce an ad valorem tax lien against real property.

23 (d) The board may make a correction to or deletion from the  
24 assessment roll that does not increase the amount of assessment of  
25 any parcel of land without providing notice and holding a hearing in  
26 the manner required for additional assessments.

27 Sec. 3893.208. 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 the equipment,  
3 rights-of-way, facilities, or improvements, of:

4 (1) an electric utility or a power generation company  
5 as defined by Section 31.002, 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 person who provides the public cable television  
11 or advanced telecommunications services.

12 Sec. 3893.209. 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. 3893.210. BONDS AND OTHER OBLIGATIONS. (a) The  
6 district may issue bonds, notes, or other obligations in accordance  
7 with Subchapter J, Chapter 375, Local Government Code, payable  
8 wholly or partly from assessments, impact fees, revenue, grants, or  
9 other money of the district, or any combination of these sources of  
10 money, to pay for any authorized district purpose.

11           (b) In exercising the district's power to borrow, the  
12 district may issue a bond or other obligation in the form of a bond,  
13 note, certificate of participation or other instrument evidencing a  
14 proportionate interest in payments to be made by the district, or  
15 other type of obligation.

16           Sec. 3893.211. LIMITS ON PARKS AND RECREATION BONDS. Bonds  
17 issued to finance parks and recreational facilities may not exceed  
18 one percent of the assessed value of the real property in the  
19 district according to the most recent certified tax appraisal roll  
20 for Harris County.

21           Sec. 3893.212. TAX AND BOND ELECTIONS. (a) The district  
22 shall hold an election in the manner provided by Subchapter L,  
23 Chapter 375, Local Government Code, to obtain voter approval before  
24 the district imposes a maintenance tax or issues bonds payable from  
25 ad valorem taxes.

26           (b) The board may not include more than one purpose in a  
27 single proposition at an election to impose a maintenance tax or

1 issue bonds payable from ad valorem taxes.

2 (c) Section 375.243, Local Government Code, does not apply  
3 to the district.

4 Sec. 3893.213. POWERS OF MUNICIPAL UTILITY DISTRICT TO  
5 ESTABLISH DEFINED AREAS AND DESIGNATED PROPERTY; TAXES; BONDS. (a)  
6 The district has the powers of a municipal utility district under  
7 Subchapter J, Chapter 54, Water Code, including the power to:

8 (1) implement a plan;

9 (2) issue bonds; and

10 (3) impose a tax in a defined area established under  
11 that subchapter.

12 (b) The district may exercise the powers described by  
13 Subsection (a) regardless of whether the district is composed of  
14 the minimum number of acres provided by Section 54.801, Water Code.

15 Sec. 3893.214. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT  
16 OBLIGATIONS. Except as provided by Section 375.263, Local  
17 Government Code, a municipality is not required to pay a bond, note,  
18 or other obligation of the district.

19 Sec. 3893.215. COMPETITIVE BIDDING. Section 375.221, Local  
20 Government Code, applies to the district only for a contract that  
21 has a value greater than \$50,000.

22 [Sections 3893.216-3893.250 reserved for expansion]

23 SUBCHAPTER F. CONSOLIDATION

24 Sec. 3893.251. CONSOLIDATION WITH MUNICIPAL MANAGEMENT  
25 DISTRICT. (a) The district may consolidate with one or more other  
26 municipal management districts that are adjoining or have a  
27 boundary that is within a two-mile radius of any boundary of the

1 district. The board may consolidate with one or more other  
2 districts only if none of the districts to be consolidated has  
3 issued bonds or notes secured by assessments or ad valorem taxes or  
4 has imposed taxes.

5 (b) To initiate consolidation, the board of a district shall  
6 adopt a resolution proposing a consolidation and deliver a copy of  
7 the resolution to the board of each district with which  
8 consolidation is proposed.

9 Sec. 3893.252. TERMS AND CONDITIONS FOR CONSOLIDATION. Not  
10 later than the 30th day after districts are consolidated under  
11 Section 3893.251, the districts shall enter into an agreement  
12 specifying the terms and conditions for consolidation. The terms  
13 and conditions for consolidation must include:

14 (1) adoption of a name for the consolidated district;  
15 (2) the number and apportionment of directors to serve  
16 on the board of the consolidated district;

17 (3) the effective date of the consolidation;

18 (4) an agreement on finances for the consolidated  
19 district, including disposition of funds, property, and other  
20 assets of each district; and

21 (5) an agreement on governing the districts during the  
22 transition period, including selection of officers.

23 Sec. 3893.253. NOTICE AND HEARING ON CONSOLIDATION. (a)  
24 Each district's board shall publish notice and hold a public  
25 hearing in its district regarding the terms and conditions for  
26 consolidation of the districts. The board shall publish notice at  
27 least once in a newspaper with general circulation in the affected

1 districts at least seven days before the hearing.

2 (b) After the hearing, each board by resolution must approve  
3 the terms and conditions for consolidation by majority vote and  
4 enter an order consolidating the districts.

5 (c) If the board of each involved district adopts a  
6 resolution containing the terms and conditions for the  
7 consolidation, the involved districts become consolidated.

8 Sec. 3893.254. GOVERNING CONSOLIDATED DISTRICTS. (a)  
9 After two or more districts are consolidated, they become one  
10 district and are governed as one district.

11 (b) During the period before the terms and conditions of the  
12 agreement under Section 3893.252 take effect, the officers of each  
13 district shall continue to act jointly as officers of the original  
14 districts to settle the affairs of their respective districts.

15 Sec. 3893.255. DEBTS OF ORIGINAL DISTRICTS. After two or  
16 more districts are consolidated, the consolidated district shall  
17 protect the debts and obligations of the original districts and  
18 shall ensure that the debts and obligations are not impaired. If  
19 the consolidated district has taxing authority, the debts may be  
20 paid by taxes imposed on the land in the original districts as if  
21 they had not consolidated or from contributions from the  
22 consolidated district on terms stated in the consolidation  
23 agreement.

24 Sec. 3893.256. ASSESSMENT AND COLLECTION OF TAXES. If the  
25 consolidated district has taxing authority, the district shall  
26 impose and collect taxes on all property in the district uniformly,  
27 for maintenance and operation of the district.

1       Sec. 3893.257. FILING OF ORDER WITH COUNTY CLERK AND  
2 EXECUTIVE DIRECTOR. The board shall keep in the records of the  
3 consolidated district, recorded in the office of the county clerk  
4 in each of the counties in the consolidated district, a  
5 consolidation order issued by the board. The board shall file the  
6 consolidation order with the executive director of the Texas  
7 Commission on Environmental Quality.

8           [Sections 3893.258-3893.300 reserved for expansion]

9                           SUBCHAPTER G. DISSOLUTION

10       Sec. 3893.301. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
11 DEBT. (a) The district may be dissolved as provided by Subchapter  
12 M, Chapter 375, Local Government Code, except that Section 375.264,  
13 Local Government Code, does not apply to the district. The board  
14 may dissolve the district regardless of whether the district has  
15 debt.

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. The dissolution is effective when all debts have been  
20 discharged.

21       SECTION 2. BOUNDARIES. On the effective date of this Act,  
22 the Harris County Improvement District No. 20 includes all  
23 territory generally bounded by the following described area:

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

1 BEGINNING at the intersection of Interstate 610 and Mykawa  
2 Road; thence in a southeasterly direction along Mykawa Road to the  
3 southern boarder of Texas House District 147 (Harris County -  
4 Brazoria County border along Clear Creek). Thence in a westerly  
5 direction along the southern border of Texas House District 147 to  
6 the border edge that runs North and South (east of Cullen  
7 Boulevard.). Thence in a northerly direction along the edge of  
8 Texas House District 147 that generally runs North and South up to  
9 Interstate 610. Thence in an easterly direction along Interstate  
10 610 to Mykawa Road at the point of BEGINNING.

11 SECTION 3. REIMBURSEMENT FOR COST OF CREATION. The Harris  
12 County Improvement District No. 20 may reimburse the cost of  
13 creating the district from assessments or other revenue created by  
14 the district or consolidated district under Section 3893.251,  
15 Special District Local Laws Code, as added by this Act.

16 SECTION 4. LEGISLATIVE FINDINGS. The legislature finds  
17 that:

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

26 (2) the Texas Commission on Environmental Quality has  
27 filed its recommendations relating to this Act with the governor,



1 lieutenant governor, and speaker of the house of representatives  
2 within the required time;

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

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

11           SECTION 5. EFFECTIVE DATE.       This Act takes effect  
12 immediately if it receives a vote of two-thirds of all the members  
13 elected to each house, as provided by Section 39, Article III, Texas  
14 Constitution. If this Act does not receive the vote necessary for  
15 immediate effect, this Act takes effect September 1, 2009.

**ADOPTED**

MAY 27 2009

*Atty Gen*  
Secretary of the Senate

By: Coleman

H.B. No. 4827

Substitute the following for H.B. No. 4827:

By: M. Galley

C.S. H.B. No. 4827

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of Harris County Improvement District No.  
3 20; providing authority to impose a tax and issue bonds.

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

5 SECTION 1. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 20.  
6 Subtitle C, Title 4, Special District Local Laws Code, is amended by  
7 adding Chapter 3893 to read as follows:

8 CHAPTER 3893. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 20

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3893.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a board member.

14 (3) "District" means the Harris County Improvement  
15 District No. 20.

16 Sec. 3893.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO.  
17 20. The Harris County Improvement District No. 20 is a special  
18 district created under Section 59, Article XVI, Texas Constitution.

19 Sec. 3893.003. PURPOSE; DECLARATION OF INTENT. (a) The  
20 creation of the district is essential to accomplish the purposes of  
21 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
22 Texas Constitution, and other public purposes stated in this  
23 chapter. By creating the district and in authorizing Harris  
24 County, the City of Houston, the Metropolitan Transit Authority of

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

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

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

18 Sec. 3893.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
19 The district is created to serve a public use and benefit.

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

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

27 (d) The creation of the district is in the public interest

1 and is essential to:

2 (1) further the public purposes of developing and  
3 diversifying the economy of the state;

4 (2) eliminate unemployment and underemployment; and

5 (3) develop or expand transportation and commerce.

6 (e) The district will:

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

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

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

18 (4) promote and benefit commercial development and  
19 commercial areas in the district; and

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

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

1           (B) benefit the land and other property in the  
2 district and the residents, employers, employees, visitors, and  
3 consumers in the district and the public.

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

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

12           Sec. 3893.005. DISTRICT TERRITORY. (a) The district is  
13 composed of the territory described by Section 2 of the Act creating  
14 this chapter, as that territory may have been modified under:

15                   (1) Section 3893.251;

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

17                   (3) other law.

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

22                   (1) the district's organization, existence, and  
23 validity;

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

27                   (3) the district's right to impose and collect an

1 assessment or tax; or

2 (4) the legality or operation of the district or the  
3 board.

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

8 Sec. 3893.006. LIBERAL CONSTRUCTION OF CHAPTER. This  
9 chapter shall be liberally construed in conformity with the  
10 findings and purposes stated in this chapter.

11 [Sections 3893.007-3893.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 3893.051. BOARD OF DIRECTORS; TERMS. (a) The district  
14 is governed by a board of five voting directors appointed by a  
15 majority of the members of the governing body, including the mayor,  
16 of the City of Houston. Voting directors serve staggered terms of  
17 four years with two or three directors' terms expiring June 1 of  
18 each odd-numbered year.

19 (b) The board by order or resolution may increase or  
20 decrease the number of voting directors on the board, but only if a  
21 majority of the voting directors finds that it is in the best  
22 interest of the district to do so. The board may not:

23 (1) increase the number of voting directors to more  
24 than nine; or

25 (2) decrease the number of voting directors to fewer  
26 than five.

27 (c) Sections 49.053, 49.054, 49.056, 49.057, 49.058, and

1 49.060, Water Code, apply to the board.

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

5 Sec. 3893.052. APPOINTMENT OF DIRECTORS ON INCREASE IN  
6 BOARD SIZE. If the board increases the number of directors under  
7 Section 3893.051, the board shall appoint eligible persons to fill  
8 the new director positions and shall provide for the staggering of  
9 terms of the new directors. On expiration of the term of a director  
10 appointed under this section, a succeeding director shall be  
11 appointed and qualified as provided by Subchapter D, Chapter 375,  
12 Local Government Code. The mayor and members of the governing body  
13 of the City of Houston shall appoint voting directors from persons  
14 recommended by the board. A person is appointed if a majority of  
15 the members of the governing body, including the mayor, vote to  
16 appoint that person.

17 Sec. 3893.053. NONVOTING DIRECTORS. (a) The following  
18 persons shall serve as nonvoting directors:

19 (1) the directors of the following departments of the  
20 City of Houston or a person designated by that director:

21 (A) parks and recreation;

22 (B) planning and development; and

23 (C) public works; and

24 (2) the City of Houston's chief of police.

25 (b) If a department described by Subsection (a) is  
26 consolidated, renamed, or changed, the board may appoint a director  
27 of the consolidated, renamed, or changed department as a nonvoting

1 director. If a department described by Subsection (a) is  
2 abolished, the board may appoint a representative of another  
3 department that performs duties comparable to the duties performed  
4 by the abolished department.

5 Sec. 3893.054. QUORUM. (a) A majority of the voting  
6 directors constitutes a quorum of the board.

7 (b) Nonvoting directors and vacant director positions are  
8 not counted for the purposes of establishing a quorum of the board.

9 Sec. 3893.055. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

10 (a) Except as provided by this section:

11 (1) a voting director may participate in all board  
12 votes and decisions; and

13 (2) Chapter 171, Local Government Code, governs  
14 conflicts of interest for directors.

15 (b) Section 171.004, Local Government Code, does not apply  
16 to the district. A director who has a substantial interest in a  
17 business or charitable entity that will receive a pecuniary benefit  
18 from a board action shall file a one-time affidavit declaring the  
19 interest. An additional affidavit is not required if the  
20 director's interest changes. After the affidavit is filed with the  
21 board secretary, the director may participate in a discussion or  
22 vote on that action if:

23 (1) a majority of the directors have a similar  
24 interest in the same entity; or

25 (2) all other similar business or charitable entities  
26 in the district will receive a similar pecuniary benefit.

27 (c) A director who is also an officer or employee of a public



1 entity may not participate in the discussion of or vote on a matter  
2 regarding a contract with that public entity.

3 (d) For purposes of this section, a director has a  
4 substantial interest in a charitable entity in the same manner that  
5 a person would have substantial interest in a business entity under  
6 Section 171.002, Local Government Code.

7 Sec. 3893.056. COMPENSATION OF VOTING DIRECTORS. Voting  
8 directors may receive fees of office and reimbursement of expenses  
9 as provided by Section 49.060, Water Code.

10 Sec. 3893.057. INITIAL VOTING DIRECTORS. (a) The initial  
11 board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Percy Ly Melton</u>
<u>2</u>	<u>Orville Dunk</u>
<u>3</u>	<u>LaMonika Hurst</u>
<u>4</u>	<u>Elizabeth Choate</u>
<u>5</u>	<u>Rebecca Reyes</u>

18 (b) Of the initial directors, the terms of directors serving  
19 in positions 1, 2, and 3 expire June 1, 2013, and the terms of  
20 directors serving in positions 4 and 5 expire June 1, 2011.

21 (c) Sections 3893.051(a) and (b) do not apply to the initial  
22 directors.

23 (d) This section expires September 1, 2013.

24 [Sections 3893.058-3893.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 3893.101. DISTRICT POWERS. The district may exercise  
27 the powers given to:

1           (1) a district created under Chapter 375, Local  
2 Government Code;

3           (2) a district by Subchapters H and I, Chapter 49,  
4 Water Code;

5           (3) a corporation under Chapter 505, Local Government  
6 Code, including the power to own, operate, acquire, construct,  
7 lease, improve, and maintain the projects described by that  
8 chapter; and

9           (4) a housing finance corporation created under  
10 Chapter 394, Local Government Code, to provide housing or  
11 residential development projects in the district.

12           Sec. 3893.102. NONPROFIT CORPORATION. (a) The board by  
13 resolution may authorize the creation of a nonprofit corporation to  
14 assist and act for the district in implementing a project or  
15 providing a service authorized by this chapter.

16           (b) The nonprofit corporation:

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

20           (2) may implement any project and provide any service  
21 authorized by this chapter.

22           (c) The board shall appoint the board of directors of the  
23 nonprofit corporation. The board of directors of the nonprofit  
24 corporation shall serve in the same manner as, for the same term as,  
25 and on the same conditions as the board of directors of a local  
26 government corporation created under Chapter 431, Transportation  
27 Code.

1       Sec. 3893.103. AGREEMENTS; GRANTS. (a) The district may  
2 make an agreement with or accept a gift, grant, or loan from any  
3 person.

4       (b) The implementation of a project is a governmental  
5 function or service for the purposes of Chapter 791, Government  
6 Code.

7       Sec. 3893.104. ELECTIONS. (a) District elections must be  
8 held in the manner provided by Subchapter L, Chapter 375, Local  
9 Government Code.

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

12       Sec. 3893.105. CONTRACT FOR LAW ENFORCEMENT AND SECURITY  
13 SERVICES. The district may contract with:

14           (1) Harris County or the City of Houston for the county  
15 or city to provide law enforcement and security services in the  
16 district for a fee; or

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

19       Sec. 3893.106. ANNEXATION OR EXCLUSION OF TERRITORY. The  
20 district may annex or exclude land from the district in the manner  
21 provided by Subchapter C, Chapter 375, Local Government Code.

22       Sec. 3893.107. APPROVAL BY CITY OF HOUSTON. (a) Except as  
23 provided by Subsection (b), the district must obtain the approval  
24 of the City of Houston's governing body for:

25           (1) the issuance of a bond for each improvement  
26 project;

27           (2) the plans and specifications of the improvement

1 project financed by the bond; and

2 (3) the plans and specifications of any district  
3 improvement project related to the use of land owned by the City of  
4 Houston, an easement granted by the City of Houston, or a  
5 right-of-way of a street, road, or highway.

6 (b) If the district obtains the approval of the City of  
7 Houston's governing body of a capital improvements budget for a  
8 period not to exceed five years, the district may finance the  
9 capital improvements and issue bonds specified in the budget  
10 without further approval from the City of Houston.

11 Sec. 3893.108. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
12 district may join and pay dues to an organization that:

13 (1) enjoys tax-exempt status under Section 501(c)(3),  
14 (4), or (6), Internal Revenue Code of 1986; and

15 (2) performs a service or provides an activity  
16 consistent with promoting a district purpose.

17 Sec. 3893.109. ROAD POWERS. The district may exercise  
18 powers given to:

19 (1) a road district created under Chapter 257,  
20 Transportation Code; and

21 (2) a road utility district created under Chapter 441,  
22 Transportation Code.

23 Sec. 3893.110. AIR RIGHTS; CONSTRUCTION. The district may  
24 acquire air rights and may construct improvements on property on  
25 which it owns only air rights.

26 Sec. 3893.111. ADDITIONAL PROPERTY RIGHTS; LEASEHOLDS. The  
27 district may construct improvements on property on which it only

1 has a leasehold interest and may own undivided interests in  
2 buildings and other improvements.

3 Sec. 3893.112. NO EMINENT DOMAIN POWER. The district may  
4 not exercise the power of eminent domain.

5 [Sections 3893.113-3893.150 reserved for expansion]

6 SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

7 Sec. 3893.151. PUBLIC TRANSIT SYSTEM; PETITION REQUIRED.

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

11 (b) The board may not act under Subsection (a) unless a  
12 written petition requesting the action has been filed with the  
13 board.

14 (c) The petition must be signed by:

15 (1) the owners of property representing a majority of  
16 the total assessed value of the real property in the district that  
17 abuts the right-of-way in which the public transit system is  
18 proposed to be located; or

19 (2) the owners of a majority of the area of the real  
20 property in the district that abuts the right-of-way in which the  
21 public transit system is proposed to be located.

22 (d) For purposes of Subsection (c), the determination of a  
23 majority is based on the property owners along the entire  
24 right-of-way of the proposed transit project and may not be  
25 calculated on a block-by-block basis.

26 Sec. 3893.152. PARKING FACILITIES AUTHORIZED; OPERATION BY  
27 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or

1 lessee, construct, develop, own, operate, and maintain parking  
2 facilities, including:

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

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

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

15 Sec. 3893.153. RULES. The district may adopt rules  
16 covering its public transit system or its public parking  
17 facilities, except that a rule relating to or affecting the use of  
18 the public right-of-way or a requirement for off-street parking is  
19 subject to all applicable municipal charter, code, or ordinance  
20 requirements.

21 Sec. 3893.154. 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 3893.151, 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. 3893.155. 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 Sec. 3893.156. AGREEMENT WITH RAPID TRANSIT AUTHORITY. (a)  
20 In this section, "authority" means a rapid transit authority  
21 created under Chapter 451, Transportation Code.

22 (b) The district and an authority may agree to jointly  
23 construct, own, operate, and maintain a transit facility or a  
24 parking facility under the terms the authority and district desire.

25 (c) The agreement may provide that the district and the  
26 authority exchange or trade land provided that each party to the  
27 agreement receives fair market value. The authority is not

1 required to offer any property that it proposes to trade to the  
2 district for sale to the public or for sale to any abutting property  
3 owner.

4 [Sections 3893.157-3893.200 reserved for expansion]

5 SUBCHAPTER E. FINANCIAL PROVISIONS

6 Sec. 3893.201. AUTHORITY TO IMPOSE ASSESSMENTS, AD VALOREM  
7 TAXES, AND IMPACT FEES. The district may impose, assess, charge, or  
8 collect an assessment, an ad valorem tax, an impact fee, or another  
9 fee in accordance with Chapter 49, Water Code, for a purpose  
10 specified by Chapter 375, Local Government Code, or as needed to  
11 exercise a power or function of the district or to accomplish a  
12 purpose or duty for which the district was created.

13 Sec. 3893.202. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
14 board by resolution shall establish the number of directors'  
15 signatures and the procedure required for a disbursement or  
16 transfer of the district's money.

17 Sec. 3893.203. ASSESSMENT IN PART OF DISTRICT. An  
18 assessment may be imposed on only a part of the district if only  
19 that part will benefit from the service or improvement.

20 Sec. 3893.204. PETITION REQUIRED FOR ASSESSMENT AND FOR  
21 FINANCING SERVICES AND IMPROVEMENTS. (a) The board may not impose  
22 an assessment or finance a service or improvement project under  
23 this chapter unless a written petition requesting the improvement  
24 or service has been filed with the board.

25 (b) The petition must be signed by:

26 (1) the owners of a majority of the assessed value of  
27 real property in the district subject to assessment according to



1 the most recent certified tax appraisal roll for Harris County; or  
2 (2) at least 25 owners of real property in the district  
3 that will be subject to the assessment, if more than 25 persons own  
4 real property subject to the assessment in the district according  
5 to the most recent certified tax appraisal roll for Harris County.

6 (c) The board may act upon a petition, required under this  
7 section, signed by qualified petitioners prior to or subsequent to  
8 the enactment of this chapter.

9 Sec. 3893.205. MAINTENANCE TAX. (a) If authorized at an  
10 election held in accordance with Section 3893.104, the district may  
11 impose an annual ad valorem tax on taxable property in the district  
12 to:

- 13 (1) administer the district;  
14 (2) maintain and operate the district;  
15 (3) construct or acquire improvements; or  
16 (4) provide a service.

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

18 (c) An owner of real property in the district, except  
19 property exempt under the Texas or United States Constitution or  
20 under the Tax Code, is liable for the payment of ad valorem taxes  
21 imposed by the district on the property.

22 Sec. 3893.206. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
23 The board by resolution may impose and collect an assessment for any  
24 purpose authorized by this chapter.

25 (b) An assessment, a reassessment, or an assessment  
26 resulting from an addition to or correction of the assessment roll  
27 by the district, penalties and interest on an assessment or

1 reassessment, an expense of collection, and reasonable attorney's  
2 fees incurred by the district:

3 (1) are a first and prior lien against the property  
4 assessed;

5 (2) are superior to any other lien or claim other than  
6 a lien or claim for county, school district, or municipal ad valorem  
7 taxes; and

8 (3) are the personal liability of and a charge against  
9 the owners of the property even if the owners are not named in the  
10 assessment proceedings.

11 (c) The lien is effective from the date of the board's  
12 resolution imposing the assessment until the date the assessment is  
13 paid. The board may enforce the lien in the same manner that the  
14 board may enforce an ad valorem tax lien against real property.

15 (d) The board may make a correction to or deletion from the  
16 assessment roll that does not increase the amount of assessment of  
17 any parcel of land without providing notice and holding a hearing in  
18 the manner required for additional assessments.

19 Sec. 3893.207. PROPERTY OF CERTAIN UTILITIES EXEMPT FROM  
20 ASSESSMENT AND IMPACT FEES. The district may not impose an impact  
21 fee or assessment on the property, including the equipment,  
22 rights-of-way, facilities, or improvements, of:

23 (1) an electric utility or a power generation company  
24 as defined by Section 31.002, Utilities Code;

25 (2) a gas utility as defined by Section 101.003 or  
26 121.001, Utilities Code;

27 (3) a telecommunications provider as defined by

1 Section 51.002, Utilities Code; or

2 (4) a person who provides the public cable television  
3 or advanced telecommunications services.

4 Sec. 3893.208. USE OF ELECTRICAL OR OPTICAL LINES. (a) The  
5 district may impose an assessment to pay the cost of:

6 (1) burying or removing electrical power lines,  
7 telephone lines, cable or fiber-optic lines, or any other type of  
8 electrical or optical line;

9 (2) removing poles and any elevated lines using the  
10 poles; and

11 (3) reconnecting the lines described by Subdivision  
12 (2) to the buildings or other improvements to which the lines were  
13 connected.

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

16 (1) another person's:

17 (A) telecommunications network;

18 (B) fiber-optic cable; or

19 (C) electronic transmission line; or

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

22 (c) The district may not require a person to use a district  
23 conduit.

24 Sec. 3893.209. BONDS AND OTHER OBLIGATIONS. (a) The  
25 district may issue bonds, notes, or other obligations in accordance  
26 with Subchapter J, Chapter 375, Local Government Code, payable  
27 wholly or partly from assessments, impact fees, revenue, grants, or

1 other money of the district, or any combination of these sources of  
2 money, to pay for any authorized district purpose.

3 (b) In exercising the district's power to borrow, the  
4 district may issue a bond or other obligation in the form of a bond,  
5 note, certificate of participation or other instrument evidencing a  
6 proportionate interest in payments to be made by the district, or  
7 other type of obligation.

8 Sec. 3893.210. LIMITS ON PARKS AND RECREATION BONDS. Bonds  
9 issued to finance parks and recreational facilities may not exceed  
10 one percent of the assessed value of the real property in the  
11 district according to the most recent certified tax appraisal roll  
12 for Harris County.

13 Sec. 3893.211. TAX AND BOND ELECTIONS. (a) The district  
14 shall hold an election in the manner provided by Subchapter L,  
15 Chapter 375, Local Government Code, to obtain voter approval before  
16 the district imposes a maintenance tax or issues bonds payable from  
17 ad valorem taxes.

18 (b) The board may not include more than one purpose in a  
19 single proposition at an election to impose a maintenance tax or  
20 issue bonds payable from ad valorem taxes.

21 (c) Section 375.243, Local Government Code, does not apply  
22 to the district.

23 Sec. 3893.212. POWERS OF MUNICIPAL UTILITY DISTRICT TO  
24 ESTABLISH DEFINED AREAS AND DESIGNATED PROPERTY; TAXES; BONDS. (a)  
25 The district has the powers of a municipal utility district under  
26 Subchapter J, Chapter 54, Water Code, including the power to:

27 (1) implement a plan;

1           (2) issue bonds; and  
2           (3) impose a tax in a defined area established under  
3 that subchapter.

4           (b) The district may exercise the powers described by  
5 Subsection (a) regardless of whether the district is composed of  
6 the minimum number of acres provided by Section 54.801, Water Code.

7           Sec. 3893.213. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT  
8 OBLIGATIONS. Except as provided by Section 375.263, Local  
9 Government Code, a municipality is not required to pay a bond, note,  
10 or other obligation of the district.

11           Sec. 3893.214. COMPETITIVE BIDDING. Section 375.221, Local  
12 Government Code, applies to the district only for a contract that  
13 has a value greater than \$50,000.

14           [Sections 3893.215-3893.250 reserved for expansion]

15                           SUBCHAPTER F. CONSOLIDATION

16           Sec. 3893.251. CONSOLIDATION WITH MUNICIPAL MANAGEMENT  
17 DISTRICT. (a) The district may consolidate with one other  
18 municipal management district that adjoins or has a boundary that  
19 is within a two-mile radius of any boundary of the district. The  
20 board may consolidate with one other district only if the district  
21 to be consolidated has not issued bonds or notes secured by  
22 assessments or ad valorem taxes or imposed taxes.

23           (b) To initiate consolidation, the board of a district shall  
24 adopt a resolution proposing a consolidation and deliver a copy of  
25 the resolution to the board of each district with which  
26 consolidation is proposed.

27           Sec. 3893.252. TERMS AND CONDITIONS FOR CONSOLIDATION. Not

1 later than the 30th day after districts are consolidated under  
2 Section 3893.251, the districts shall enter into an agreement  
3 specifying the terms and conditions for consolidation. The terms  
4 and conditions for consolidation must include:

- 5           (1) adoption of a name for the consolidated district;  
6           (2) the number and apportionment of directors to serve  
7 on the board of the consolidated district;  
8           (3) the effective date of the consolidation;  
9           (4) an agreement on finances for the consolidated  
10 district, including disposition of funds, property, and other  
11 assets of each district; and  
12           (5) an agreement on governing the districts during the  
13 transition period, including selection of officers.

14           Sec. 3893.253. NOTICE AND HEARING ON CONSOLIDATION. (a)  
15 Each district's board shall publish notice and hold a public  
16 hearing in its district regarding the terms and conditions for  
17 consolidation of the districts. The board shall publish notice at  
18 least once in a newspaper with general circulation in the affected  
19 districts at least seven days before the hearing.

20           (b) After the hearing, each board by resolution must approve  
21 the terms and conditions for consolidation by majority vote and  
22 enter an order consolidating the districts.

23           (c) If the board of each involved district adopts a  
24 resolution containing the terms and conditions for the  
25 consolidation, the involved districts become consolidated.

26           Sec. 3893.254. GOVERNING CONSOLIDATED DISTRICTS. (a)  
27 After two districts are consolidated, they become one district and

1 are governed as one district.

2 (b) During the period before the terms and conditions of the  
3 agreement under Section 3893.252 take effect, the officers of each  
4 district shall continue to act jointly as officers of the original  
5 districts to settle the affairs of their respective districts.

6 (c) If one of the districts consolidated into one district  
7 under this subchapter had powers at the time the districts were  
8 consolidated that the other district being consolidated did not  
9 have, the consolidated district may exercise within the original  
10 boundaries of each district only the powers that belonged to that  
11 original district. In territory annexed into a consolidated  
12 district, the district may exercise any of the powers of the  
13 original districts.

14 Sec. 3893.255. DEBTS OF ORIGINAL DISTRICTS. After two  
15 districts are consolidated, the consolidated district shall  
16 protect the debts and obligations of the original districts and  
17 shall ensure that the debts and obligations are not impaired. If  
18 the consolidated district has taxing authority, the debts may be  
19 paid by taxes imposed on the land in the original districts as if  
20 they had not consolidated or from contributions from the  
21 consolidated district on terms stated in the consolidation  
22 agreement.

23 Sec. 3893.256. ASSESSMENT AND COLLECTION OF TAXES. If the  
24 consolidated district has taxing authority, the district shall  
25 impose and collect taxes on all property in the district uniformly,  
26 for maintenance and operation of the district.

27 Sec. 3893.257. FILING OF ORDER WITH COUNTY CLERK AND

1 EXECUTIVE DIRECTOR. The board shall keep in the records of the  
2 consolidated district, recorded in the office of the county clerk  
3 in each of the counties in the consolidated district, a  
4 consolidation order issued by the board. The board shall file the  
5 consolidation order with the executive director of the Texas  
6 Commission on Environmental Quality.

7 [Sections 3893.258-3893.300 reserved for expansion]

8 SUBCHAPTER G. DISSOLUTION

9 Sec. 3893.301. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
10 DEBT. (a) The district may be dissolved as provided by Subchapter  
11 M, Chapter 375, Local Government Code, except that Section 375.264,  
12 Local Government Code, does not apply to the district. The board  
13 may dissolve the district regardless of whether the district has  
14 debt.

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

20 SECTION 2. BOUNDARIES. On the effective date of this Act,  
21 the Harris County Improvement District No. 20 includes all  
22 territory generally bounded by 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 BEGINNING at the intersection of Interstate 610 and Mykawa



1 Road; thence in a southeasterly direction along Mykawa Road to the  
2 southern boarder of Texas House District 147 (Harris County -  
3 Brazoria County border along Clear Creek). Thence in a westerly  
4 direction along the southern border of Texas House District 147 to  
5 the border edge that runs North and South (east of Cullen  
6 Boulevard.). Thence in a northerly direction along the edge of  
7 Texas House District 147 that generally runs North and South up to  
8 Interstate 610. Thence in an easterly direction along Interstate  
9 610 to Mykawa Road at the point of BEGINNING.

10 SECTION 3. REIMBURSEMENT FOR COST OF CREATION. The Harris  
11 County Improvement District No. 20 may reimburse the cost of  
12 creating the district from assessments or other revenue created by  
13 the district or consolidated district under Section 3893.251,  
14 Special District Local Laws Code, as added by this Act.

15 SECTION 4. 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 5. 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, 2009.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 27, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4827** by Coleman (Relating to the creation of Harris County Improvement District No. 20; providing authority to impose a tax and issue bonds. ), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, DB, SD, TP

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 21, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4827** by Coleman (Relating to the creation of Harris County Improvement District No. 20; providing authority to impose a tax and issue bonds.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, DB, SD, TP

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4827** by Coleman (Relating to the creation of Harris County Improvement District No. 20; providing authority to impose a tax and issue bonds.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, DB, SD, TP

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 8, 2009**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4827** by Coleman (Relating to the creation of Harris County Improvement District No. 20; providing authority to impose a tax and issue bonds.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, SD, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 30, 2009**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4827** by Coleman (Relating to the creation of Harris County Improvement District No. 13; providing authority to impose a tax and issue bonds.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, SD, TP