

SENATE AMENDMENTS

2nd Printing

By: Coleman

H.B. No. 4828

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Harris County Improvement District No. 21; providing authority to impose a tax and issue bonds.

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

SECTION 1. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 21. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3892 to read as follows:

CHAPTER 3892. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 21

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3892.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Harris County Improvement District No. 21.

Sec. 3892.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 21. The Harris County Improvement District No. 21 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3892.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing Harris County, the City of Houston, 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. 3892.004. 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. 3892.005. 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 3892.251;

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. 3892.006. 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. 3892.007. 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 3892.008-3892.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 3892.051. BOARD OF DIRECTORS; TERMS. (a) The district
19 is governed by a board of five voting directors appointed by a
20 majority of the members of the governing body, including the mayor,
21 of the City of Houston. Voting directors serve staggered terms of
22 four years with two or three directors' terms expiring June 1 of
23 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. 3892.052. APPOINTMENT OF DIRECTORS ON INCREASE IN
11 BOARD SIZE. If the board increases the number of directors under
12 Section 3892.051, 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. 3892.053. 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. 3892.054. 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. 3892.055. 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. 3892.056. 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. 3892.057. INITIAL VOTING DIRECTORS. (a) The initial
16 board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Brian Smith</u>
<u>2</u>	<u>Janice Sibley-Reid</u>
<u>3</u>	<u>Zinetta Burney</u>
<u>4</u>	<u>R. Quinn Meads</u>
<u>5</u>	<u>Walter Johnson</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 3892.051(a) and (b) do not apply to the initial
27 directors.

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

2 [Sections 3892.058-3892.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 3892.101. 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. 3892.102. 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. 3892.103. 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. 3892.104. 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. 3892.105. 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. 3892.106. 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. 3892.107. 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. 3892.108. 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. 3892.109. 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. 3892.110. 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. 3892.111. 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. 3892.112. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

10 [Sections 3892.113-3892.150 reserved for expansion]

11 SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

12 Sec. 3892.151. 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. 3892.152. 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. 3892.153. 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. 3892.154. 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 3892.151, 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. 3892.155. 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. 3892.156. 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 3892.157-3892.200 reserved for expansion]

10 SUBCHAPTER E. FINANCIAL PROVISIONS

11 Sec. 3892.201. 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. 3892.202. 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. 3892.203. 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. 3892.204. 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. 3892.205. 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. 3892.206. MAINTENANCE TAX. (a) If authorized at an
18 election held in accordance with Section 3892.104, 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. 3892.207. 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. 3892.208. 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. 3892.209. 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. 3892.210. 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. 3892.211. 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. 3892.212. 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. 3892.213. 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. 3892.214. 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. 3892.215. 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 3892.216-3892.250 reserved for expansion]

23 SUBCHAPTER F. CONSOLIDATION

24 Sec. 3892.251. 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. 3892.252. TERMS AND CONDITIONS FOR CONSOLIDATION. Not
10 later than the 30th day after districts are consolidated under
11 Section 3892.251, 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. 3892.253. 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. 3892.254. 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 3892.252 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. 3892.255. 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. 3892.256. 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. 3892.257. 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 3892.258-3892.300 reserved for expansion]

9 SUBCHAPTER G. DISSOLUTION

10 Sec. 3892.301. 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. 21 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 Cullen
2 Boulevard; thence in a northeasterly direction along Cullen
3 Boulevard to Griggs Road. Thence in a southeasterly direction
4 along Griggs Road until it becomes Long Drive. Thence in a
5 southeasterly direction along Long Drive to Mykawa Road. Thence in
6 a southeasterly direction along Mykawa Road to Interstate 610.
7 Thence in a southwesterly direction on Interstate 610 to Cullen
8 Boulevard to the point of BEGINNING.

9 SECTION 3. REIMBURSEMENT FOR COST OF CREATION. The Harris
10 County Improvement District No. 21 may reimburse the cost of
11 creating the district from assessments or other revenue created by
12 the district or consolidated district under Section 3892.251,
13 Special District Local Laws Code, as added by this Act.

14 SECTION 4. LEGISLATIVE FINDINGS. The legislature finds
15 that:

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

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

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

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

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

ADOPTED

MAY 27 2009

Atty. Gen.
Secretary of the Senate

By: Coleman

H.B. No. 4828

Substitute the following for H.B. No. 4828

By: COLEMAN

C.S. H.B. No. 4828

M. Gally

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of Harris County Improvement District No. 21; providing authority to impose a tax and issue bonds.

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

SECTION 1. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 21. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3892 to read as follows:

CHAPTER 3892. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 21

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3892.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Harris County Improvement District No. 21.

Sec. 3892.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 21.

The Harris County Improvement District No. 21 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3892.003. PURPOSE; DECLARATION OF INTENT. (a) The

creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing Harris County, the City of Houston, 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. 3892.004. 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. 3892.005. 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 3892.251;

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. 3892.006. 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 3892.007-3892.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 3892.051. BOARD OF DIRECTORS; TERMS. (a) The district
14 is governed by a board of 10 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 five directors' terms expiring June 1 of each
18 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 15; 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. 3892.052. APPOINTMENT OF DIRECTORS ON INCREASE IN
6 BOARD SIZE. If the board increases the number of directors under
7 Section 3892.051, 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. 3892.053. 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. 3892.054. QUORUM. (a) Except as provided by
6 Subsection (b), six voting directors constitute a quorum of the
7 board.

8 (b) If the board is composed of an odd number of directors, a
9 majority of the voting directors constitutes a quorum.

10 (c) Nonvoting directors and vacant director positions are
11 not counted for the purposes of establishing a quorum of the board.

12 Sec. 3892.055. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

13 (a) Except as provided by this section:

14 (1) a voting director may participate in all board
15 votes and decisions; and

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

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

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

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

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

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

10 Sec. 3892.056. COMPENSATION OF VOTING DIRECTORS. Voting
11 directors may receive fees of office and reimbursement of expenses
12 as provided by Section 49.060, Water Code.

13 Sec. 3892.057. INITIAL VOTING DIRECTORS. (a) The initial
14 board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Brian Smith</u>
<u>2</u>	<u>Janice Sibley-Reid</u>
<u>3</u>	<u>Zinetta Burney</u>
<u>4</u>	<u>R. Quinn Meads</u>
<u>5</u>	<u>Walter Johnson</u>
<u>6</u>	<u>ANTHONY ROBINSON</u>
<u>7</u>	<u>TARIG GLADNEY</u>
<u>8</u>	<u>HAMILTON RUCKER</u>
<u>9</u>	<u>MICHAEL LACSTON</u>
<u>10</u>	<u>COURTNEY WHITE</u>

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26 (b) Of the initial directors, the terms of directors serving
27 in positions 1 through 5 expire June 1, 2013, and the terms of

1 directors serving in positions 6 through 10 expire June 1, 2011.

2 (c) Sections 3892.051(a) and (b) do not apply to the initial
3 directors.

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

5 [Sections 3892.058-3892.100 reserved for expansion]

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 3892.101. DISTRICT POWERS. The district may exercise
8 the powers given to:

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

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

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

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

20 Sec. 3892.102. NONPROFIT CORPORATION. (a) The board by
21 resolution may authorize the creation of a nonprofit corporation to
22 assist and act for the district in implementing a project or
23 providing a service authorized by this chapter.

24 (b) The nonprofit corporation:

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

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

3 (c) The board shall appoint the board of directors of the
4 nonprofit corporation. The board of directors of the nonprofit
5 corporation shall serve in the same manner as, for the same term as,
6 and on the same conditions as the board of directors of a local
7 government corporation created under Chapter 431, Transportation
8 Code.

9 Sec. 3892.103. AGREEMENTS; GRANTS. (a) The district may
10 make an agreement with or accept a gift, grant, or loan from any
11 person.

12 (b) The implementation of a project is a governmental
13 function or service for the purposes of Chapter 791, Government
14 Code.

15 Sec. 3892.104. ELECTIONS. (a) District elections must be
16 held in the manner provided by Subchapter L, Chapter 375, Local
17 Government Code.

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

20 Sec. 3892.105. CONTRACT FOR LAW ENFORCEMENT AND SECURITY
21 SERVICES. The district may contract with:

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

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

27 Sec. 3892.106. ANNEXATION OR EXCLUSION OF TERRITORY. The

1 district may annex or exclude land from the district in the manner
2 provided by Subchapter C, Chapter 375, Local Government Code.

3 Sec. 3892.107. APPROVAL BY CITY OF HOUSTON. (a) Except as
4 provided by Subsection (b), the district must obtain the approval
5 of the City of Houston's governing body for:

6 (1) the issuance of a bond for each improvement
7 project;

8 (2) the plans and specifications of the improvement
9 project financed by the bond; and

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

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

19 Sec. 3892.108. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
20 district may join and pay dues to an organization that:

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

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

25 Sec. 3892.109. ROAD POWERS. The district may exercise
26 powers given to:

27 (1) a road district created under Chapter 257,

1 Transportation Code; and

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

4 Sec. 3892.110. AIR RIGHTS; CONSTRUCTION. The district may
5 acquire air rights and may construct improvements on property on
6 which it owns only air rights.

7 Sec. 3892.111. ADDITIONAL PROPERTY RIGHTS; LEASEHOLDS. The
8 district may construct improvements on property on which it only
9 has a leasehold interest and may own undivided interests in
10 buildings and other improvements.

11 Sec. 3892.112. NO EMINENT DOMAIN POWER. The district may
12 not exercise the power of eminent domain.

13 [Sections 3892.113-3892.150 reserved for expansion]

14 SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

15 Sec. 3892.151. PUBLIC TRANSIT SYSTEM; PETITION REQUIRED.

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

19 (b) The board may not act under Subsection (a) unless a
20 written petition requesting the action has been filed with the
21 board.

22 (c) The petition must be signed by:

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

27 (2) the owners of a majority of the area of the real

1 property in the district that abuts the right-of-way in which the
2 public transit system is proposed to be located.

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

7 Sec. 3892.152. PARKING FACILITIES AUTHORIZED; OPERATION BY
8 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or
9 lessee, construct, develop, own, operate, and maintain parking
10 facilities, including:

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

13 (2) equipment, entrances, exits, fencing, and other
14 accessories necessary for safety and convenience in the parking of
15 vehicles.

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

23 Sec. 3892.153. RULES. The district may adopt rules
24 covering its public transit system or its public parking
25 facilities, except that a rule relating to or affecting the use of
26 the public right-of-way or a requirement for off-street parking is
27 subject to all applicable municipal charter, code, or ordinance

1 requirements.

2 Sec. 3892.154. FINANCING OF PUBLIC TRANSIT SYSTEM OR
3 PARKING FACILITIES. (a) The district may use any of its resources,
4 including revenue, assessments, taxes, and grant or contract
5 proceeds, to pay the cost of acquiring and operating a public
6 transit system or public parking facilities.

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

11 (c) Except as provided by Section 3892.151, if the district
12 pays for or finances the cost of acquiring or operating a public
13 transit system or public parking facilities with resources other
14 than assessments, a petition of property owners or a public hearing
15 is not required.

16 Sec. 3892.155. PAYMENT IN LIEU OF TAXES TO OTHER TAXING
17 UNIT. If the district's acquisition of property for a parking
18 facility that is leased to or operated by a private entity results
19 in the removal from a taxing unit's tax rolls of real property
20 otherwise subject to ad valorem taxation, the district shall pay to
21 the taxing unit in which the property is located, on or before
22 January 1 of each year, as a payment in lieu of taxes, an amount
23 equal to the ad valorem taxes that otherwise would have been imposed
24 for the preceding tax year on that real property by the taxing unit,
25 without including the value of any improvements constructed on the
26 property.

27 Sec. 3892.156. AGREEMENT WITH RAPID TRANSIT AUTHORITY. (a)

1 In this section, "authority" means a rapid transit authority
2 created under Chapter 451, Transportation Code.

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

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

12 [Sections 3892.157-3892.200 reserved for expansion]

13 SUBCHAPTER E. FINANCIAL PROVISIONS

14 Sec. 3892.201. AUTHORITY TO IMPOSE ASSESSMENTS, AD VALOREM
15 TAXES, AND IMPACT FEES. The district may impose, assess, charge, or
16 collect an assessment, an ad valorem tax, an impact fee, or another
17 fee in accordance with Chapter 49, Water Code, for a purpose
18 specified by Chapter 375, Local Government Code, or as needed to
19 exercise a power or function of the district or to accomplish a
20 purpose or duty for which the district was created.

21 Sec. 3892.202. DISBURSEMENTS AND TRANSFERS OF MONEY. The
22 board by resolution shall establish the number of directors'
23 signatures and the procedure required for a disbursement or
24 transfer of the district's money.

25 Sec. 3892.203. ASSESSMENT IN PART OF DISTRICT. An
26 assessment may be imposed on only a part of the district if only
27 that part will benefit from the service or improvement.

1 Sec. 3892.204. PETITION REQUIRED FOR ASSESSMENT AND FOR
2 FINANCING SERVICES AND IMPROVEMENTS. (a) The board may not impose
3 an assessment or finance a service or improvement project under
4 this chapter unless a written petition requesting the improvement
5 or service has been filed with the board.

6 (b) The petition must be signed by:

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

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

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

17 Sec. 3892.205. MAINTENANCE TAX. (a) If authorized at an
18 election held in accordance with Section 3892.104, 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. 3892.206. 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. 3892.207. PROPERTY OF CERTAIN UTILITIES EXEMPT FROM

1 ASSESSMENT AND IMPACT FEES. The district may not impose an impact
2 fee or assessment on the property, including 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. 3892.208. USE OF ELECTRICAL OR OPTICAL LINES. (a) The
13 district may impose an assessment to pay the cost of:

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

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

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

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

24 (1) another person's:

25 (A) telecommunications network;

26 (B) fiber-optic cable; or

27 (C) electronic transmission line; or

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

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

5 Sec. 3892.209. 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. 3892.210. 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. 3892.211. 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. 3892.212. 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. 3892.213. 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. 3892.214. 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 3892.215-3892.250 reserved for expansion]

23 SUBCHAPTER F. CONSOLIDATION

24 Sec. 3892.251. CONSOLIDATION WITH MUNICIPAL MANAGEMENT
25 DISTRICT. (a) The district may consolidate with one other
26 municipal management district that adjoins or has a boundary that
27 is within a two-mile radius of any boundary of the district. The

1 board may consolidate with one other district only if the district
2 to be consolidated has not issued bonds or notes secured by
3 assessments or ad valorem taxes or imposed taxes.

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

8 Sec. 3892.252. TERMS AND CONDITIONS FOR CONSOLIDATION. Not
9 later than the 30th day after districts are consolidated under
10 Section 3892.251, the districts shall enter into an agreement
11 specifying the terms and conditions for consolidation. The terms
12 and conditions for consolidation must include:

- 13 (1) adoption of a name for the consolidated district;
14 (2) the number and apportionment of directors to serve
15 on the board of the consolidated district;
16 (3) the effective date of the consolidation;
17 (4) an agreement on finances for the consolidated
18 district, including disposition of funds, property, and other
19 assets of each district; and
20 (5) an agreement on governing the districts during the
21 transition period, including selection of officers.

22 Sec. 3892.253. NOTICE AND HEARING ON CONSOLIDATION. (a)
23 Each district's board shall publish notice and hold a public
24 hearing in its district regarding the terms and conditions for
25 consolidation of the districts. The board shall publish notice at
26 least once in a newspaper with general circulation in the affected
27 districts at least seven days before the hearing.

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

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

7 Sec. 3892.254. GOVERNING CONSOLIDATED DISTRICTS. (a)

8 After two districts are consolidated, they become one district and
9 are governed as one district.

10 (b) During the period before the terms and conditions of the
11 agreement under Section 3892.252 take effect, the officers of each
12 district shall continue to act jointly as officers of the original
13 districts to settle the affairs of their respective districts.

14 (c) If one of the districts consolidated into one district
15 under this subchapter had powers at the time the districts were
16 consolidated that the other district being consolidated did not
17 have, the consolidated district may exercise within the original
18 boundaries of each district only the powers that belonged to that
19 original district. In territory annexed into a consolidated
20 district, the district may exercise any of the powers of the
21 original districts.

22 Sec. 3892.255. DEBTS OF ORIGINAL DISTRICTS. After two
23 districts are consolidated, the consolidated district shall
24 protect the debts and obligations of the original districts and
25 shall ensure that the debts and obligations are not impaired. If
26 the consolidated district has taxing authority, the debts may be
27 paid by taxes imposed on the land in the original districts as if

1 they had not consolidated or from contributions from the
2 consolidated district on terms stated in the consolidation
3 agreement.

4 Sec. 3892.256. ASSESSMENT AND COLLECTION OF TAXES. If the
5 consolidated district has taxing authority, the district shall
6 impose and collect taxes on all property in the district uniformly,
7 for maintenance and operation of the district.

8 Sec. 3892.257. FILING OF ORDER WITH COUNTY CLERK AND
9 EXECUTIVE DIRECTOR. The board shall keep in the records of the
10 consolidated district, recorded in the office of the county clerk
11 in each of the counties in the consolidated district, a
12 consolidation order issued by the board. The board shall file the
13 consolidation order with the executive director of the Texas
14 Commission on Environmental Quality.

15 [Sections 3892.258-3892.300 reserved for expansion]

16 SUBCHAPTER G. DISSOLUTION

17 Sec. 3892.301. DISSOLUTION OF DISTRICT WITH OUTSTANDING
18 DEBT. (a) The district may be dissolved as provided by Subchapter
19 M, Chapter 375, Local Government Code, except that Section 375.264,
20 Local Government Code, does not apply to the district. The board
21 may dissolve the district regardless of whether the district has
22 debt.

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

1 SECTION 2. BOUNDARIES. On the effective date of this Act,
2 the Harris County Improvement District No. 21 includes all
3 territory generally bounded by the following described area:
4 UNLESS otherwise specified, the boundaries of this district will
5 travel along the centerline of each street included, and each
6 intersection will be the intersection of the centerlines of the
7 streets mentioned.

8 Beginning at the intersection of Interstate 610 and Cullen
9 Boulevard; thence in a northeasterly direction along Cullen
10 Boulevard to Griggs Road. Thence in a southeasterly direction
11 along Griggs Road until it becomes Long Drive. Thence in a
12 southeasterly direction along Long Drive to Mykawa Road. Thence in
13 a southeasterly direction along Mykawa Road to Interstate 610.
14 Thence in a southwesterly direction on Interstate 610 to Cullen
15 Boulevard to the point of BEGINNING.

16 SECTION 3. REIMBURSEMENT FOR COST OF CREATION. The Harris
17 County Improvement District No. 21 may reimburse the cost of
18 creating the district from assessments or other revenue created by
19 the district or consolidated district under Section 3892.251,
20 Special District Local Laws Code, as added by this Act.

21 SECTION 4. LEGISLATIVE FINDINGS. The legislature finds
22 that:

23 (1) proper and legal notice of the intention to
24 introduce this Act, setting forth the general substance of this
25 Act, has been published as provided by law, and the notice and a
26 copy of this Act have been furnished to all persons, agencies,
27 officials, or entities to which they are required to be furnished by

1 the constitution and laws of this state, including the governor,
2 who has submitted the notice and Act to the Texas Commission on
3 Environmental Quality;

4 (2) the Texas Commission on Environmental Quality has
5 filed its recommendations relating to this Act with the governor,
6 lieutenant governor, and speaker of the house of representatives
7 within the required time;

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

12 (4) all requirements of the constitution and laws of
13 this state and the rules and procedures of the legislature with
14 respect to the notice, introduction, and passage of this Act have
15 been fulfilled and accomplished.

16 SECTION 5. EFFECTIVE DATE. This Act takes effect
17 immediately if it receives a vote of two-thirds of all the members
18 elected to each house, as provided by Section 39, Article III, Texas
19 Constitution. If this Act does not receive the vote necessary for
20 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: HB4828 by Coleman (Relating to the creation of Harris County Improvement District No. 21; 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: HB4828 by Coleman (Relating to the creation of Harris County Improvement District No. 21; 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

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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: HB4828 by Coleman (Relating to the creation of Harris County Improvement District No. 21; 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

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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: HB4828 by Coleman (Relating to the creation of Harris County Improvement District No. 21; 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: HB4828 by Coleman (Relating to the creation of Harris County Improvement District No. 12; 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