

By: Dutton

H.B. No. 3860

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Generation Park Management District and required notice by municipal management districts of certain actions; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3916 to read as follows:

CHAPTER 3916. GENERATION PARK MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3916.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Houston, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "County" means Harris County.

(5) "Director" means a board member.

(6) "District" means the Generation Park Management District.

Sec. 3916.002. CREATION AND NATURE OF DISTRICT. The Generation Park Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3916.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to

1 confirm the creation of the district and to elect five permanent
2 directors as provided by Section 49.102, Water Code.

3 Sec. 3916.004. CONSENT OF MUNICIPALITY REQUIRED. The
4 temporary directors may not hold an election under Section 3916.003
5 until each municipality in whose corporate limits or
6 extraterritorial jurisdiction the district is located has
7 consented by ordinance or resolution to the creation of the
8 district and to the inclusion of land in the district.

9 Sec. 3916.005. PURPOSE; DECLARATION OF INTENT. (a) The
10 creation of the district is essential to accomplish the purposes of
11 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
12 Texas Constitution, and other public purposes stated in this
13 chapter. By creating the district, the legislature has established
14 a program to accomplish the public purposes set out in Sections 52
15 and 52-a, Article III, Texas Constitution.

16 (b) The creation of the district is necessary to promote,
17 develop, encourage, and maintain employment, commerce,
18 transportation, housing, tourism, recreation, the arts,
19 entertainment, economic development, safety, and the public
20 welfare in the district.

21 (c) This chapter and the creation of the district may not be
22 interpreted to relieve the city, the county, or another
23 governmental entity from providing the level of services provided
24 as of the effective date of the Act enacting this chapter to the
25 area in the district. The district is created to supplement and not
26 to supplant governmental services provided in the district.

27 Sec. 3916.006. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

1 The district is created to serve a public use and benefit.

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

7 (c) The creation of the district is in the public interest
8 and is essential to further the public purposes of:

9 (1) developing and diversifying the economy of the
10 state;

11 (2) eliminating unemployment and underemployment; and

12 (3) developing or expanding transportation and
13 commerce.

14 (d) The district will:

15 (1) promote the health, safety, and general welfare of
16 residents, employers, potential employees, employees, visitors,
17 and consumers in the district, and of the public;

18 (2) provide needed funding for the district to
19 preserve, maintain, and enhance the economic health and vitality of
20 the district territory as a community and business center;

21 (3) promote the health, safety, welfare, and enjoyment
22 of the public by providing pedestrian ways, road facilities,
23 enhanced infrastructure, and recreational facilities and by
24 landscaping and developing certain areas, which are necessary for
25 the restoration, preservation, and enhancement of scenic and
26 aesthetic beauty; and

27 (4) provide for water, wastewater, drainage, road,

1 rail, and recreational facilities for the district.

2 (e) Pedestrian ways along or across a street, whether at
3 grade or above or below the surface, and street lighting, street
4 landscaping, parking, and street art objects and other improvements
5 located in or adjacent to road rights-of-way are parts of and
6 necessary components of a street and are considered to be a street
7 or road improvement.

8 Sec. 3916.007. DISTRICT TERRITORY. (a) The district is
9 initially composed of the territory described by Section 2 of the
10 Act enacting this chapter.

11 (b) The boundaries and field notes of the district contained
12 in Section 2 of the Act enacting this chapter form a closure. A
13 mistake in the field notes or in copying the field notes in the
14 legislative process does not affect the district's:

15 (1) organization, existence, or validity;

16 (2) right to issue any type of bonds, notes, or other
17 obligations for a purpose for which the district is created or to
18 pay the principal of and interest on the bonds, notes, or other
19 obligations;

20 (3) right to impose or collect an assessment or tax; or

21 (4) legality or operation.

22 Sec. 3916.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

23 All or any part of the area of the district is eligible to be
24 included in:

25 (1) a tax increment reinvestment zone created under
26 Chapter 311, Tax Code;

27 (2) a tax abatement reinvestment zone created under

1 Chapter 312, Tax Code;

2 (3) an enterprise zone created under Chapter 2303,
3 Government Code;

4 (4) a foreign trade zone created under Chapter 681,
5 Business & Commerce Code; or

6 (5) an industrial district created under Chapter 42,
7 Local Government Code.

8 Sec. 3916.009. APPLICABILITY OF MUNICIPAL MANAGEMENT
9 DISTRICTS LAW. Except as otherwise provided by this chapter,
10 Chapter 375, Local Government Code, applies to the district.

11 Sec. 3916.010. CONSTRUCTION OF CHAPTER. This chapter shall
12 be liberally construed in conformity with the findings and purposes
13 stated in this chapter.

14 Sec. 3916.011. CONFLICTS OF LAW. This chapter prevails
15 over any provision of general law, including a provision of Chapter
16 375, Local Government Code, that is in conflict or inconsistent
17 with this chapter.

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Sec. 3916.051. GOVERNING BODY; TERMS. (a) The district is
20 governed by a board of five directors elected as provided by this
21 chapter and Subchapter D, Chapter 49, Water Code.

22 (b) Except as provided by Section 3916.053, directors serve
23 staggered four-year terms.

24 Sec. 3916.052. COMPENSATION. A director is entitled to
25 receive fees of office and reimbursement for actual expenses as
26 provided by Section 49.060, Water Code. Sections 375.069 and
27 375.070, Local Government Code, do not apply to the board.

1 Sec. 3916.053. TEMPORARY DIRECTORS. (a) On or after the
2 effective date of the Act creating this chapter, the owner or owners
3 of a majority of the assessed value of the real property in the
4 district according to the most recent certified tax appraisal roll
5 for the county may submit a petition to the commission requesting
6 that the commission appoint as temporary directors the five persons
7 named in the petition. On request of the member of the state house
8 of representatives in whose legislative district the largest
9 percentage of the district is located, the owner or owners must
10 include in the petition the name of a person designated by the
11 representative. The commission shall appoint as temporary
12 directors the five persons named in the petition.

13 (b) Temporary directors serve until the earlier of:

14 (1) the date permanent directors are elected under
15 Section 3916.003; or

16 (2) the fourth anniversary of the effective date of
17 the Act creating this chapter.

18 (c) If permanent directors have not been elected under
19 Section 3916.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 3916.003; or

25 (2) the fourth anniversary of the date of the
26 appointment or reappointment.

27 (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 according to the most recent certified tax appraisal roll for the
3 county may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. On request of the member of the
6 state house of representatives in whose legislative district the
7 largest percentage of the district is located, the owner or owners
8 must include in the petition the name of a person designated by the
9 representative. The commission shall appoint as successor
10 temporary directors the five persons named in the petition.

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 3916.101. GENERAL POWERS AND DUTIES. The district has
13 the powers and duties necessary to accomplish the purposes for
14 which the district is created.

15 Sec. 3916.102. IMPROVEMENT PROJECTS AND SERVICES. (a) The
16 district may provide, design, construct, acquire, improve,
17 relocate, operate, maintain, or finance an improvement project or
18 service using any money available to the district, or contract with
19 a governmental or private entity to provide, design, construct,
20 acquire, improve, relocate, operate, maintain, or finance an
21 improvement project or service authorized under this chapter or
22 under Chapter 375, Local Government Code.

23 (b) An improvement project described by Subsection (a) may
24 be located inside or outside the district.

25 Sec. 3916.103. RECREATIONAL FACILITIES. The district may
26 develop or finance recreational facilities as authorized by Chapter
27 375, Local Government Code, Sections 52 and 52-a, Article III,

1 Texas Constitution, and any other law that applies to the district.

2 Sec. 3916.104. AUTHORITY FOR ROAD PROJECTS. Under Section
3 52, Article III, Texas Constitution, the district may design,
4 acquire, construct, finance, issue bonds, notes, or other
5 obligations for, improve, and convey to this state, a county, or a
6 municipality for operation and maintenance macadamized, graveled,
7 or paved roads or improvements, including storm drainage and other
8 improvements located in or adjacent to road rights-of-way, in aid
9 of those roads.

10 Sec. 3916.105. CONVEYANCE AND APPROVAL OF ROAD PROJECT.

11 (a) The district shall convey a road project authorized by Section
12 3916.104 to:

13 (1) the municipality or county that will operate and
14 maintain the road if the municipality or county has approved the
15 plans and specifications of the road project; or

16 (2) the state if the state will operate and maintain
17 the road and the Texas Transportation Commission has approved the
18 plans and specifications of the road project.

19 (b) Except as provided by Subsection (c), the district shall
20 operate and maintain a road project authorized by Section 3916.104
21 that the district implements and is not approved by a municipality,
22 a county, or this state under Subsection (a).

23 (c) The district may agree in writing with a municipality, a
24 county, or this state to assign operation and maintenance duties to
25 the district, the municipality, the county, or this state in a
26 manner other than the manner described in Subsections (a) and (b).

27 Sec. 3916.106. RAIL FACILITIES. In addition to the powers

1 granted under Section 375.0921(b), Local Government Code, and under
2 Section 3916.151, the district may construct, acquire, improve,
3 maintain, finance, and operate rail facilities and improvements in
4 aid of those facilities for the transport of freight and other
5 cargo.

6 Sec. 3916.107. DEVELOPMENT CORPORATION POWERS. The
7 district, using money available to the district, may exercise the
8 powers given to a development corporation under Chapter 505, Local
9 Government Code, including the power to own, operate, acquire,
10 construct, lease, improve, or maintain a project under that
11 chapter.

12 Sec. 3916.108. 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 to be a local
18 government corporation created under Subchapter D, Chapter 431,
19 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 the board of directors
25 of a local government corporation created under Subchapter D,
26 Chapter 431, Transportation Code, except that a board member is not
27 required to reside in the district.

1 Sec. 3916.109. AGREEMENTS; GRANTS. (a) As provided by
2 Chapter 375, Local Government Code, the district may make an
3 agreement with or accept a gift, grant, or loan from any 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. 3916.110. LAW ENFORCEMENT SERVICES. To protect the
8 public interest, the district may contract with a qualified party,
9 including the county or the city, to provide law enforcement
10 services in the district for a separate fee or as otherwise provided
11 by the contract.

12 Sec. 3916.111. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
13 district may join and pay dues to a charitable or nonprofit
14 organization that performs a service or provides an activity
15 consistent with the furtherance of a district purpose.

16 Sec. 3916.112. ECONOMIC DEVELOPMENT. (a) The district may
17 engage in activities that accomplish the economic development
18 purposes of the district.

19 (b) The district may establish and provide for the
20 administration of one or more programs to promote state or local
21 economic development and to stimulate business and commercial
22 activity in the district, including programs to:

23 (1) make loans and grants of public money; and

24 (2) provide district personnel and services.

25 (c) The district may create economic development programs
26 and exercise the economic development powers that:

27 (1) Chapter 380, Local Government Code, provides to a

1 municipality;

2 (2) Chapter 381, Local Government Code, provides to a
3 county; and

4 (3) Subchapter A, Chapter 1509, Government Code,
5 provides to a municipality.

6 Sec. 3916.113. STRATEGIC PARTNERSHIP AGREEMENT. The
7 district may negotiate and enter into a written strategic
8 partnership agreement with the city under Section 43.0751, Local
9 Government Code.

10 Sec. 3916.114. REGIONAL PARTICIPATION AGREEMENT. The
11 district may negotiate and enter into a written regional
12 participation agreement with the city under Section 43.0754, Local
13 Government Code.

14 Sec. 3916.115. ANNEXATION OR EXCLUSION OF LAND. (a) The
15 district may annex land as provided by Subchapter J, Chapter 49,
16 Water Code.

17 (b) The district may exclude land as provided by Subchapter
18 J, Chapter 49, Water Code. Section 375.044(b), Local Government
19 Code, does not apply to the district.

20 (c) After the district is organized and has obtained voter
21 approval for the issuance of, or has sold, bonds payable wholly or
22 partly from ad valorem taxes, the district may include and exclude
23 land as provided by this section and Sections 54.740-54.747, Water
24 Code. To the extent of a conflict between this subsection and
25 Section 54.739, Water Code, this subsection controls.

26 (d) If the district has any outstanding bonds or contract
27 obligations payable wholly or partly by a pledge of net revenues

1 from the ownership or operation of the district's facilities at the
2 time the board considers an application under Sections
3 54.740-54.747, Water Code, the lands proposed for inclusion shall
4 be considered to be sufficient to avoid an impairment of the
5 security for payment of obligations of the district if the
6 projected net revenue to be derived from the lands to be included
7 during the succeeding 12-month period, as determined by the
8 district's engineer, equals or exceeds the projected net revenue
9 that would otherwise have been derived from the lands to be excluded
10 during the same period. To the extent of a conflict between this
11 subsection and Section 54.744, Water Code, this subsection
12 controls.

13 Sec. 3916.116. APPLICABILITY OF OTHER LAW TO CERTAIN
14 CONTRACTS. (a) Subchapter I, Chapter 49, Water Code, applies to a
15 district contract for construction work, equipment, materials, or
16 machinery. The district may use a project delivery method
17 described by Subchapter I, Chapter 49, Water Code, or Chapter 2267,
18 Government Code.

19 (b) Sections 375.221 and 375.223, Local Government Code, do
20 not apply to the district.

21 Sec. 3916.117. TERMS OF EMPLOYMENT; COMPENSATION. The
22 board may employ and establish the terms of employment and
23 compensation of an executive director or general manager and any
24 other district employees the board considers necessary.

25 Sec. 3916.118. NO EMINENT DOMAIN POWER. The district may
26 not exercise the power of eminent domain.

1 SUBCHAPTER C-1. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

2 Sec. 3916.151. PUBLIC TRANSIT SYSTEM; PETITION REQUIRED.

3 (a) The district may acquire, lease as lessor or lessee, construct,
4 develop, own, operate, and maintain a public transit system to
5 serve the area in the district.

6 (b) The board may not act under Subsection (a) unless a
7 written petition requesting the action has been filed with the
8 board.

9 (c) The petition must be signed by:

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

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

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

21 Sec. 3916.152. PARKING FACILITIES. (a) The district may
22 acquire, lease as lessor or lessee, construct, develop, own,
23 operate, and maintain parking facilities or a system of parking
24 facilities, including lots, garages, parking terminals, or other
25 structures or accommodations for parking motor vehicles off the
26 streets and related appurtenances.

27 (b) The district's parking facilities serve the public

1 purposes of the district and are owned, used, and held for a public
2 purpose even if leased or operated by a private entity for a term of
3 years.

4 (c) The district's parking facilities are parts of and
5 necessary components of a street and are considered to be a street
6 or road improvement.

7 (d) The development and operation of the district's parking
8 facilities may be considered an economic development program.

9 Sec. 3916.153. RULES. The district may adopt rules
10 covering its public transit system or its public parking
11 facilities, except that a rule relating to or affecting the use of
12 the public right-of-way or a requirement for off-street parking is
13 subject to all applicable county requirements.

14 Sec. 3916.154. FEES. The district may set the amount of and
15 impose a fee for the use of the district's public transit system and
16 parking facilities.

17 Sec. 3916.155. AGREEMENT WITH RAPID TRANSIT AUTHORITY. (a)
18 In this section, "authority" means a rapid transit authority
19 created under Chapter 451, Transportation Code.

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

23 (c) The agreement may provide that the district and the
24 authority exchange or trade land provided that each party to the
25 agreement receives fair market value. The authority is not
26 required to offer any property that it proposes to trade to the
27 district for sale to the public or for sale to any abutting property

1 owner.

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

3 Sec. 3916.201. MONEY USED FOR IMPROVEMENTS OR SERVICES.

4 The district may acquire, construct, finance, operate, maintain, or
5 provide any improvement or service authorized under this chapter or
6 Chapter 375, Local Government Code, using any money available to
7 the district.

8 Sec. 3916.202. PETITION REQUIRED FOR FINANCING SERVICES AND

9 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
10 service or improvement project with assessments under this chapter
11 unless a written petition requesting that service or improvement
12 has been filed with the board.

13 (b) The petition must be signed by:

14 (1) the owners of a majority of the assessed value of
15 real property in the district subject to assessment according to
16 the most recent certified tax appraisal roll for the county; or

17 (2) at least 50 persons who own real property in the
18 district subject to assessment, if more than 50 persons own real
19 property in the district according to the most recent certified tax
20 appraisal roll for the county.

21 Sec. 3916.203. METHOD OF NOTICE FOR HEARING. The district

22 may mail the notice required by Section 375.115(c), Local
23 Government Code, by certified or first class United States mail.
24 The board shall determine the method of notice.

25 Sec. 3916.204. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

26 The board by resolution may impose and collect an assessment for any
27 purpose authorized by this chapter in all or any part of the

1 district without regard to whether that area is already subject to
2 or overlaps with an area of the district that is subject to a prior
3 assessment imposed by the board.

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

9 (1) a first and prior lien against the property
10 assessed;

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

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

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

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

25 Sec. 3916.205. TAX AND ASSESSMENT ABATEMENTS. The district
26 may designate reinvestment zones and may grant abatements of a tax
27 or assessment on property in the zones.

1 Sec. 3916.206. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.

2 The district may not impose an assessment on the property,
3 including the equipment, rights-of-way, facilities, or
4 improvements, of:

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

7 (2) a gas utility as defined by Section 101.003 or
8 121.001, Utilities Code;

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

11 (4) a person who provides to the public cable
12 television or advanced telecommunications services.

13 Sec. 3916.207. CONDUITS. (a) The district may finance,
14 acquire, construct, improve, operate, maintain, or charge a fee for
15 the use of conduits for:

16 (1) fiber-optic cable and supporting facilities;

17 (2) electronic transmission and distribution lines
18 and supporting facilities; or

19 (3) other types of transmission and distribution lines
20 and supporting facilities.

21 (b) The district may not require a person to use a conduit
22 for a purpose described by Subsection (a)(1) or for any other
23 telecommunications purpose.

24 Sec. 3916.208. RESIDENTIAL PROPERTY. Section 375.161,
25 Local Government Code, does not apply to:

26 (1) a tax imposed by the district; or

27 (2) a required payment for a service provided by the

1 district, including water and sewer service.

2 Sec. 3916.209. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 3916.213, the district
4 may impose an annual operation and maintenance tax on taxable
5 property in the district in accordance with Section 49.107, Water
6 Code, for any district purpose, including to:

7 (1) operate and maintain the district;

8 (2) construct or acquire improvements; or

9 (3) provide a service.

10 (b) The board shall determine the tax rate. The rate may not
11 exceed the rate approved at the election.

12 (c) Section 49.107(h), Water Code, does not apply to the
13 district.

14 Sec. 3916.210. CONTRACT TAXES. (a) In accordance with
15 Section 49.108, Water Code, the district may impose a tax other than
16 an operation and maintenance tax and use the revenue derived from
17 the tax to make payments under a contract after the provisions of
18 the contract have been approved by a majority of the district voters
19 voting at an election held for that purpose.

20 (b) A contract approved by the district voters may contain a
21 provision stating that the contract may be modified or amended by
22 the board without further voter approval.

23 Sec. 3916.211. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
24 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
25 determined by the board.

26 (b) The district may by competitive bid or negotiated sale
27 issue bonds, notes, or other obligations payable wholly or partly

1 from taxes, including ad valorem taxes, or assessments, fees,
2 revenue, contract payments, grants, or other district money, or any
3 combination of those sources of money, to pay for any authorized
4 district purpose.

5 (c) In addition to any other terms authorized by the board
6 by bond order or resolution, the proceeds of the district's bonds
7 may be used for a reserve fund, credit enhancement, or capitalized
8 interest for the bonds.

9 (d) The limitation on the outstanding principal amount of
10 bonds, notes, and other obligations provided by Section 49.4645,
11 Water Code, does not apply to the district.

12 Sec. 3916.212. TAXES FOR BONDS. At the time the district
13 issues bonds payable wholly or partly from ad valorem taxes, the
14 board shall provide for the annual imposition of a continuing
15 direct ad valorem tax, without limit as to rate or amount, while all
16 or part of the bonds are outstanding as required and in the manner
17 provided by Sections 54.601 and 54.602, Water Code.

18 Sec. 3916.213. ELECTIONS REGARDING TAXES AND BONDS. (a)
19 The district may issue, without an election, bonds, notes, and
20 other obligations secured by:

21 (1) revenue other than ad valorem taxes; or

22 (2) contract payments described by Section 3916.210.

23 (b) The district must hold an election in the manner
24 provided by Subchapter L, Chapter 375, Local Government Code, to
25 obtain voter approval before the district may impose an ad valorem
26 tax or sales and use tax or issue bonds payable from ad valorem
27 taxes.

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

3 (d) All or any part of any facilities or improvements that
4 may be acquired by a district by the issuance of district bonds may
5 be included in one single proposition to be voted on at the election
6 or the bonds may be submitted in several propositions.

7 Sec. 3916.214. 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 SUBCHAPTER E. DEFINED AREAS

12 Sec. 3916.226. AUTHORITY TO ESTABLISH DEFINED AREAS OR
13 DESIGNATED PROPERTY. The district may define areas or designate
14 certain property of the district to pay for improvements,
15 facilities, or services that primarily benefit that area or
16 property and do not generally and directly benefit the district as a
17 whole.

18 Sec. 3916.227. PROCEDURE FOR ELECTION. (a) Before the
19 district may impose an ad valorem tax or issue bonds payable from ad
20 valorem taxes of the defined area or designated property, the board
21 shall hold an election in the defined area or in the designated
22 property only.

23 (b) The election shall be conducted as provided by Section
24 3916.213.

25 (c) The board may submit the issues to the voters on the same
26 ballot to be used in another election.

27 Sec. 3916.228. DECLARING RESULT AND ISSUING ORDER. (a) If

1 a majority of the voters voting at the election approve the
2 proposition or propositions, the board shall declare the results
3 and, by order, shall establish the defined area and describe it by
4 metes and bounds or designate the specific property.

5 (b) A court may not review the board's order except on the
6 ground of fraud, palpable error, or arbitrary and confiscatory
7 abuse of discretion.

8 Sec. 3916.229. TAXES FOR SERVICES, IMPROVEMENTS, AND
9 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
10 approval and adoption of the order described by Section 3916.228,
11 the district may apply separately, differently, equitably, and
12 specifically its taxing power and lien authority to the defined
13 area or designated property to provide money to construct,
14 administer, maintain, and operate services, improvements, and
15 facilities that primarily benefit the defined area or designated
16 property.

17 Sec. 3916.230. ISSUANCE OF BONDS FOR DEFINED AREA OR
18 DESIGNATED PROPERTY. After the order under Section 3916.228 is
19 adopted, the district may issue bonds to provide for any land,
20 improvements, facilities, plants, equipment, and appliances for
21 the defined area or designated property.

22 SUBCHAPTER F. SALES AND USE TAX

23 Sec. 3916.251. APPLICABILITY OF CERTAIN TAX CODE
24 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,
25 computation, administration, enforcement, and collection of the
26 sales and use tax authorized by this subchapter except to the extent
27 Chapter 321, Tax Code, is inconsistent with this chapter.

1 (b) A reference in Chapter 321, Tax Code, to a municipality
2 or the governing body of a municipality is a reference to the
3 district or the board, respectively.

4 Sec. 3916.252. ELECTION; ADOPTION OF TAX. (a) The district
5 may adopt a sales and use tax if authorized by a majority of the
6 voters of the district voting at an election held for that purpose.

7 (b) The board by order may call an election to authorize the
8 adoption of the sales and use tax. The election may be held on any
9 uniform election date and in conjunction with any other district
10 election.

11 (c) The ballot shall be printed to provide for voting for or
12 against the proposition: "Authorization of a sales and use tax in
13 the Generation Park Management District at a rate not to exceed _____
14 percent" (insert rate of one or more increments of one-eighth of one
15 percent).

16 Sec. 3916.253. SALES AND USE TAX RATE. (a) On or after the
17 date the results are declared of an election held under Section
18 3916.252, at which the voters approved imposition of the tax
19 authorized by this subchapter, the board shall determine and adopt
20 by resolution or order the initial rate of the tax, which must be in
21 one or more increments of one-eighth of one percent.

22 (b) After the election held under Section 3916.252, the
23 board may increase or decrease the rate of the tax by one or more
24 increments of one-eighth of one percent.

25 (c) The initial rate of the tax or any rate resulting from
26 subsequent increases or decreases may not exceed the lesser of:

27 (1) the maximum rate authorized by the district voters

1 at the election held under Section 3916.252; or

2 (2) a rate that, when added to the rates of all sales
3 and use taxes imposed by other political subdivisions with
4 territory in the district, would result in the maximum combined
5 rate prescribed by Section 321.101(f), Tax Code, at any location in
6 the district.

7 Sec. 3916.254. TAX AFTER ANNEXATION. (a) This section
8 applies to the district after a municipality annexes part of the
9 territory in the district and imposes the municipality's sales and
10 use tax in the annexed territory.

11 (b) If at the time of annexation the district has
12 outstanding debt or other obligations payable wholly or partly from
13 district sales and use tax revenue, Section 321.102(g), Tax Code,
14 applies to the district.

15 (c) If at the time of annexation the district does not have
16 outstanding debt or other obligations payable wholly or partly from
17 district sales and use tax revenue, the district may:

18 (1) exclude the annexed territory from the district,
19 if the district has no outstanding debt or other obligations
20 payable from any source; or

21 (2) reduce the sales and use tax in the annexed
22 territory by resolution or order of the board to a rate that, when
23 added to the sales and use tax rate imposed by the municipality in
24 the annexed territory, is equal to the sales and use tax rate
25 imposed by the district in the district territory that was not
26 annexed by the municipality.

27 Sec. 3916.255. NOTIFICATION OF RATE CHANGE. The board

1 shall notify the comptroller of any changes made to the tax rate
2 under this subchapter in the same manner the municipal secretary
3 provides notice to the comptroller under Section 321.405(b), Tax
4 Code.

5 Sec. 3916.256. USE OF REVENUE. Revenue from the sales and
6 use tax imposed under this subchapter is for the use and benefit of
7 the district and may be used for any district purpose. The district
8 may pledge all or part of the revenue to the payment of bonds,
9 notes, or other obligations, and that pledge of revenue may be in
10 combination with other revenue, including tax revenue, available to
11 the district.

12 Sec. 3916.257. ABOLITION OF TAX. (a) Except as provided by
13 Subsection (b), the board may abolish the tax imposed under this
14 subchapter without an election.

15 (b) The board may not abolish the tax imposed under this
16 subchapter if the district has outstanding debt secured by the tax,
17 and repayment of the debt would be impaired by the abolition of the
18 tax.

19 (c) If the board abolishes the tax, the board shall notify
20 the comptroller of that action in the same manner the municipal
21 secretary provides notice to the comptroller under Section
22 321.405(b), Tax Code.

23 (d) If the board abolishes the tax or decreases the tax rate
24 to zero, a new election to authorize a sales and use tax must be held
25 under Section 3916.252 before the district may subsequently impose
26 the tax.

27 (e) This section does not apply to a decrease in the sales

1 and use tax authorized under Section 3916.254(c)(2).

2 SUBCHAPTER G. HOTEL OCCUPANCY TAX

3 Sec. 3916.301. DEFINITION. In this subchapter, "hotel" has
4 the meaning assigned by Section 156.001, Tax Code.

5 Sec. 3916.302. APPLICABILITY OF CERTAIN TAX CODE
6 PROVISIONS. (a) In this subchapter:

7 (1) a reference in Subchapter A, Chapter 352, Tax
8 Code, to a county is a reference to the district; and

9 (2) a reference in Subchapter A, Chapter 352, Tax
10 Code, to the commissioners court is a reference to the board.

11 (b) Except as inconsistent with this subchapter, Subchapter
12 A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized
13 by this subchapter, including the collection of the tax, subject to
14 the limitations prescribed by Sections 352.002(b) and (c), Tax
15 Code.

16 Sec. 3916.303. TAX AUTHORIZED; USE OF REVENUE. The
17 district may impose a hotel occupancy tax for any purpose described
18 by Section 351.101 or 352.101, Tax Code.

19 Sec. 3916.304. TAX RATE. (a) The amount of the hotel
20 occupancy tax may not exceed the lesser of:

21 (1) the maximum rate prescribed by Section 352.003(a),
22 Tax Code; or

23 (2) a rate that, when added to the rates of all hotel
24 occupancy taxes imposed by other political subdivisions with
25 territory in the district and by this state, does not exceed the sum
26 of the rate prescribed by Section 351.0025(b), Tax Code, and two
27 percent.

1 (b) The district tax is in addition to a tax imposed by the
2 city under Chapter 351, Tax Code, or by the county under Chapter
3 352, Tax Code.

4 Sec. 3916.305. INFORMATION. The district may examine and
5 receive information related to the imposition of hotel occupancy
6 taxes to the same extent as if the district were a county.

7 Sec. 3916.306. USE OF REVENUE. The district may use revenue
8 from the hotel occupancy tax for any district purpose. The district
9 may pledge all or part of the revenue to the payment of bonds,
10 notes, or other obligations and that pledge of revenue may be in
11 combination with other revenue available to the district.

12 Sec. 3916.307. ABOLITION OF TAX. (a) Except as provided by
13 Subsection (b), the board may abolish the tax imposed under this
14 subchapter.

15 (b) The board may not abolish the tax imposed under this
16 subchapter if the district has outstanding debt secured by the tax,
17 and repayment of the debt would be impaired by the abolition of the
18 tax.

19 SUBCHAPTER H. DISSOLUTION AND CONSOLIDATION

20 Sec. 3916.351. DISSOLUTION OF DISTRICT WITH OUTSTANDING
21 DEBT. (a) The board may dissolve the district regardless of
22 whether the district has debt. Section 375.264, Local Government
23 Code, does not apply to the district.

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

1 Sec. 3916.352. CONSOLIDATION. In addition to any other
2 provision provided by law, including Subchapter M, Chapter 375,
3 Local Government Code, the district and one or more other districts
4 governed by Chapter 54, Water Code, may be consolidated in
5 accordance with Subchapter H, Chapter 54, Water Code.

6 SECTION 2. The Generation Park Management District
7 initially includes all the territory contained in the following
8 area:

9 All that certain 316.448 acres of land out of the 1804.19 acre
10 tract described in the deed from Robert C. Hux, et al to FRM N.E.
11 Belt Venture #1, Ltd. recorded under File No. T107162, in the
12 Official Public Records of Real Property of Harris County, Texas,
13 in the Victor Blanco Survey, A-2, Harris County, Texas, and more
14 particularly described by metes and bounds as follows: (All
15 bearings based on Texas State Plane Coordinate System, South
16 Central Zone)

17 BEGINNING at the northwest corner of the herein described
18 tract, common to a found 5/8" iron rod, in the north line of said
19 1804.19 acre tract, and in the east right-of-way line of Beltway 8
20 (East Loop) (R.O.W. Varies);

21 THENCE North 88° 05' 36" East - 1783.65' along said north line
22 to the northeast corner of the herein described tract from which a
23 brass disc in concrete found for the northeast corner of said
24 1804.19 acre tract in the west right-of-way line of Lake Houston
25 Parkway (300' R.O.W.) bears North 88° 05' 36" East - 9564.04';

26 THENCE South 34° 50' 50" East - 591.18' to an angle corner of
27 the herein described tract;

1 THENCE South 29° 23' 48" West - 1130.88' to an angle corner of
2 the herein described tract;

3 THENCE South 34° 39' 21" East - 222.10' to an angle corner of
4 the herein described tract;

5 THENCE South 71° 53' 22" East - 251.89' to an angle corner of
6 the herein described tract;

7 THENCE South 24° 02' 14" East - 689.83' to an angle corner of
8 the herein described tract;

9 THENCE South 03° 49' 02" West - 1177.11' to an angle corner of
10 the herein described tract;

11 THENCE South 22° 34' 05" East - 893.29' to an angle corner of
12 the herein described tract;

13 THENCE South 55° 11' 23" West - 1634.61' to an angle corner of
14 the herein described tract;

15 THENCE South 77° 29' 40" East - 2386.24' to the southeast
16 corner of the herein described tract the south line of the aforesaid
17 1804.19 acre tract;

18 THENCE South 87° 35' 19" West - 535.60' along said south line
19 to an angle corner of the herein described tract

20 THENCE South 87° 31' 04" West - 3522.50', along said south
21 line to a 5/8" iron rod found in the east right-of-way line of
22 aforesaid Beltway 8, common to the southwest corner of the herein
23 described tract, common to a point on a curve to the right, having a
24 central angle of 02° 21' 08", a radius of 2614.79', and from which
25 the center of the circle of said curve bears South 86° 23' 17" East;

26 THENCE along said curve to the right, along said east
27 right-of-way line, in a northerly direction, an arc distance of

1 107.35' to the end of curve;

2 THENCE North 05° 42' 21" East - 5848.90' to the POINT OF
3 BEGINNING of the herein described tract and containing 316.448
4 acres of land.

5 SECTION 3. (a) The legal notice of the intention to
6 introduce this Act, setting forth the general substance of this
7 Act, has been published as provided by law, and the notice and a
8 copy of this Act have been furnished to all persons, agencies,
9 officials, or entities to which they are required to be furnished
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
11 Government Code.

12 (b) The governor, one of the required recipients, has
13 submitted the notice and Act to the Texas Commission on
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has filed
16 its recommendations relating to this Act with the governor,
17 lieutenant governor, and speaker of the house of representatives
18 within the required time.

19 (d) The general law relating to consent by political
20 subdivisions to the creation of districts with conservation,
21 reclamation, and road powers and the inclusion of land in those
22 districts has been complied with.

23 (e) All requirements of the constitution and laws of this
24 state and the rules and procedures of the legislature with respect
25 to the notice, introduction, and passage of this Act have been
26 fulfilled and accomplished.

27 SECTION 4. Subchapter E, Chapter 375, Local Government

1 Code, is amended by adding Section 375.0923 to read as follows:

2 Sec. 375.0923. NOTICE TO LEGISLATOR OF DISTRICT ACTION. A
3 district may not take any action authorized under Sections
4 375.092(c) through (n) unless the board first sends written notice
5 describing the action to each state senator and state
6 representative who represents a legislative district in which any
7 part of the district is located.

8 SECTION 5. The change in law made by Section 375.0923, Local
9 Government Code, as added by this Act, applies only to an action of
10 a municipal management district taken on or after September 1,
11 2013.

12 SECTION 6. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2013.