

1-1 By: Dutton (Senate Sponsor - Whitmire) H.B. No. 3860  
 1-2 (In the Senate - Received from the House May 14, 2013;  
 1-3 May 14, 2013, read first time and referred to Committee on  
 1-4 Intergovernmental Relations; May 17, 2013, reported adversely,  
 1-5 with favorable Committee Substitute by the following vote: Yeas 3,  
 1-6 Nays 0; May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9				
1-10			X	
1-11	X			
1-12			X	
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 3860 By: Garcia

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the creation of the Generation Park Management  
 1-18 District; providing authority to issue bonds; providing authority  
 1-19 to impose assessments, fees, or taxes.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. Subtitle C, Title 4, Special District Local Laws  
 1-22 Code, is amended by adding Chapter 3916 to read as follows:

1-23 CHAPTER 3916. GENERATION PARK MANAGEMENT DISTRICT

1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 3916.001. DEFINITIONS. In this chapter:

- 1-26 (1) "Board" means the district's board of directors.
- 1-27 (2) "City" means the City of Houston, Texas.
- 1-28 (3) "Commission" means the Texas Commission on  
 1-29 Environmental Quality.
- 1-30 (4) "County" means Harris County.
- 1-31 (5) "Director" means a board member.
- 1-32 (6) "District" means the Generation Park Management  
 1-33 District.

1-34 Sec. 3916.002. CREATION AND NATURE OF DISTRICT. The  
 1-35 Generation Park Management District is a special district created  
 1-36 under Section 59, Article XVI, Texas Constitution.

1-37 Sec. 3916.003. CONFIRMATION AND DIRECTORS' ELECTION  
 1-38 REQUIRED. The temporary directors shall hold an election to  
 1-39 confirm the creation of the district and to elect five permanent  
 1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 3916.004. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-42 temporary directors may not hold an election under Section 3916.003  
 1-43 until each municipality in whose corporate limits or  
 1-44 extraterritorial jurisdiction the district is located has  
 1-45 consented by ordinance or resolution to the creation of the  
 1-46 district and to the inclusion of land in the district.

1-47 Sec. 3916.005. PURPOSE; DECLARATION OF INTENT. (a) The  
 1-48 creation of the district is essential to accomplish the purposes of  
 1-49 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
 1-50 Texas Constitution, and other public purposes stated in this  
 1-51 chapter. By creating the district, the legislature has established  
 1-52 a program to accomplish the public purposes set out in Sections 52  
 1-53 and 52-a, Article III, Texas Constitution.

1-54 (b) The creation of the district is necessary to promote,  
 1-55 develop, encourage, and maintain employment, commerce,  
 1-56 transportation, housing, tourism, recreation, the arts,  
 1-57 entertainment, economic development, safety, and the public  
 1-58 welfare in the district.

1-59 (c) This chapter and the creation of the district may not be  
 1-60 interpreted to relieve the city, the county, or another

2-1 governmental entity from providing the level of services provided  
2-2 as of the effective date of the Act enacting this chapter to the  
2-3 area in the district. The district is created to supplement and not  
2-4 to supplant governmental services provided in the district.

2-5 Sec. 3916.006. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
2-6 The district is created to serve a public use and benefit.

2-7 (b) All land and other property included in the district  
2-8 will benefit from the improvements and services to be provided by  
2-9 the district under powers conferred by Sections 52 and 52-a,  
2-10 Article III, and Section 59, Article XVI, Texas Constitution, and  
2-11 other powers granted under this chapter.

2-12 (c) The creation of the district is in the public interest  
2-13 and is essential to further the public purposes of:

2-14 (1) developing and diversifying the economy of the  
2-15 state;

2-16 (2) eliminating unemployment and underemployment; and

2-17 (3) developing or expanding transportation and  
2-18 commerce.

2-19 (d) The district will:

2-20 (1) promote the health, safety, and general welfare of  
2-21 residents, employers, potential employees, employees, visitors,  
2-22 and consumers in the district, and of the public;

2-23 (2) provide needed funding for the district to  
2-24 preserve, maintain, and enhance the economic health and vitality of  
2-25 the district territory as a community and business center;

2-26 (3) promote the health, safety, welfare, and enjoyment  
2-27 of the public by providing pedestrian ways, road facilities,  
2-28 enhanced infrastructure, and recreational facilities and by  
2-29 landscaping and developing certain areas, which are necessary for  
2-30 the restoration, preservation, and enhancement of scenic and  
2-31 aesthetic beauty; and

2-32 (4) provide for water, wastewater, drainage, road,  
2-33 rail, and recreational facilities for the district.

2-34 (e) Pedestrian ways along or across a street, whether at  
2-35 grade or above or below the surface, and street lighting, street  
2-36 landscaping, parking, and street art objects and other improvements  
2-37 located in or adjacent to road rights-of-way are parts of and  
2-38 necessary components of a street and are considered to be a street  
2-39 or road improvement.

2-40 Sec. 3916.007. DISTRICT TERRITORY. (a) The district is  
2-41 initially composed of the territory described by Section 2 of the  
2-42 Act enacting this chapter.

2-43 (b) The boundaries and field notes of the district contained  
2-44 in Section 2 of the Act enacting this chapter form a closure. A  
2-45 mistake in the field notes or in copying the field notes in the  
2-46 legislative process does not affect the district's:

2-47 (1) organization, existence, or validity;

2-48 (2) right to issue any type of bonds, notes, or other  
2-49 obligations for a purpose for which the district is created or to  
2-50 pay the principal of and interest on the bonds, notes, or other  
2-51 obligations;

2-52 (3) right to impose or collect an assessment or tax; or

2-53 (4) legality or operation.

2-54 Sec. 3916.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.  
2-55 All or any part of the area of the district is eligible to be  
2-56 included in:

2-57 (1) a tax increment reinvestment zone created under  
2-58 Chapter 311, Tax Code;

2-59 (2) a tax abatement reinvestment zone created under  
2-60 Chapter 312, Tax Code;

2-61 (3) an enterprise zone created under Chapter 2303,  
2-62 Government Code;

2-63 (4) a foreign trade zone created under Chapter 681,  
2-64 Business & Commerce Code; or

2-65 (5) an industrial district created under Chapter 42,  
2-66 Local Government Code.

2-67 Sec. 3916.009. APPLICABILITY OF MUNICIPAL MANAGEMENT  
2-68 DISTRICTS LAW. Except as otherwise provided by this chapter,  
2-69 Chapter 375, Local Government Code, applies to the district.

3-1 Sec. 3916.010. CONSTRUCTION OF CHAPTER. This chapter shall  
3-2 be liberally construed in conformity with the findings and purposes  
3-3 stated in this chapter.

3-4 Sec. 3916.011. CONFLICTS OF LAW. This chapter prevails  
3-5 over any provision of general law, including a provision of Chapter  
3-6 375, Local Government Code, that is in conflict or inconsistent  
3-7 with this chapter.

3-8 SUBCHAPTER B. BOARD OF DIRECTORS

3-9 Sec. 3916.051. GOVERNING BODY; TERMS. (a) The district is  
3-10 governed by a board of five directors elected as provided by this  
3-11 chapter and Subchapter D, Chapter 49, Water Code.

3-12 (b) Except as provided by Section 3916.053, directors serve  
3-13 staggered four-year terms.

3-14 Sec. 3916.052. COMPENSATION. A director is entitled to  
3-15 receive fees of office and reimbursement for actual expenses as  
3-16 provided by Section 49.060, Water Code. Sections 375.069 and  
3-17 375.070, Local Government Code, do not apply to the board.

3-18 Sec. 3916.053. TEMPORARY DIRECTORS. (a) On or after the  
3-19 effective date of the Act creating this chapter, the owner or owners  
3-20 of a majority of the assessed value of the real property in the  
3-21 district according to the most recent certified tax appraisal roll  
3-22 for the county may submit a petition to the commission requesting  
3-23 that the commission appoint as temporary directors the five persons  
3-24 named in the petition. On request of the member of the state house  
3-25 of representatives in whose legislative district the largest  
3-26 percentage of the district is located, the owner or owners must  
3-27 include in the petition the name of a person designated by the  
3-28 representative. The commission shall appoint as temporary  
3-29 directors the five persons named in the petition.

3-30 (b) Temporary directors serve until the earlier of:

3-31 (1) the date permanent directors are elected under  
3-32 Section 3916.003; or

3-33 (2) the fourth anniversary of the effective date of  
3-34 the Act creating this chapter.

3-35 (c) If permanent directors have not been elected under  
3-36 Section 3916.003 and the terms of the temporary directors have  
3-37 expired, successor temporary directors shall be appointed or  
3-38 reappointed as provided by Subsection (d) to serve terms that  
3-39 expire on the earlier of:

3-40 (1) the date permanent directors are elected under  
3-41 Section 3916.003; or

3-42 (2) the fourth anniversary of the date of the  
3-43 appointment or reappointment.

3-44 (d) If Subsection (c) applies, the owner or owners of a  
3-45 majority of the assessed value of the real property in the district  
3-46 according to the most recent certified tax appraisal roll for the  
3-47 county may submit a petition to the commission requesting that the  
3-48 commission appoint as successor temporary directors the five  
3-49 persons named in the petition. On request of the member of the  
3-50 state house of representatives in whose legislative district the  
3-51 largest percentage of the district is located, the owner or owners  
3-52 must include in the petition the name of a person designated by the  
3-53 representative. The commission shall appoint as successor  
3-54 temporary directors the five persons named in the petition.

3-55 SUBCHAPTER C. POWERS AND DUTIES

3-56 Sec. 3916.101. GENERAL POWERS AND DUTIES. The district has  
3-57 the powers and duties necessary to accomplish the purposes for  
3-58 which the district is created.

3-59 Sec. 3916.102. IMPROVEMENT PROJECTS AND SERVICES. (a) The  
3-60 district may provide, design, construct, acquire, improve,  
3-61 relocate, operate, maintain, or finance an improvement project or  
3-62 service using any money available to the district, or contract with  
3-63 a governmental or private entity to provide, design, construct,  
3-64 acquire, improve, relocate, operate, maintain, or finance an  
3-65 improvement project or service authorized under this chapter or  
3-66 under Chapter 375, Local Government Code.

3-67 (b) An improvement project described by Subsection (a) may  
3-68 be located inside or outside the district.

3-69 Sec. 3916.103. RECREATIONAL FACILITIES. The district may

4-1 develop or finance recreational facilities as authorized by Chapter  
 4-2 375, Local Government Code, Sections 52 and 52-a, Article III,  
 4-3 Texas Constitution, and any other law that applies to the district.  
 4-4 Sec. 3916.104. AUTHORITY FOR ROAD PROJECTS. Under Section  
 4-5 52, Article III, Texas Constitution, the district may design,  
 4-6 acquire, construct, finance, issue bonds, notes, or other  
 4-7 obligations for, improve, and convey to this state, a county, or a  
 4-8 municipality for operation and maintenance macadamized, graveled,  
 4-9 or paved roads or improvements, including storm drainage and other  
 4-10 improvements located in or adjacent to road rights-of-way, in aid  
 4-11 of those roads.  
 4-12 Sec. 3916.105. CONVEYANCE AND APPROVAL OF ROAD PROJECT.  
 4-13 (a) The district shall convey a road project authorized by Section  
 4-14 3916.104 to:  
 4-15 (1) the municipality or county that will operate and  
 4-16 maintain the road if the municipality or county has approved the  
 4-17 plans and specifications of the road project; or  
 4-18 (2) the state if the state will operate and maintain  
 4-19 the road and the Texas Transportation Commission has approved the  
 4-20 plans and specifications of the road project.  
 4-21 (b) Except as provided by Subsection (c), the district shall  
 4-22 operate and maintain a road project authorized by Section 3916.104  
 4-23 that the district implements and is not approved by a municipality,  
 4-24 a county, or this state under Subsection (a).  
 4-25 (c) The district may agree in writing with a municipality, a  
 4-26 county, or this state to assign operation and maintenance duties to  
 4-27 the district, the municipality, the county, or this state in a  
 4-28 manner other than the manner described in Subsections (a) and (b).  
 4-29 Sec. 3916.106. RAIL FACILITIES. In addition to the powers  
 4-30 granted under Section 375.0921(b), Local Government Code, and under  
 4-31 Section 3916.151, the district may construct, acquire, improve,  
 4-32 maintain, finance, and operate rail facilities and improvements in  
 4-33 aid of those facilities for the transport of freight and other  
 4-34 cargo.  
 4-35 Sec. 3916.107. DEVELOPMENT CORPORATION POWERS. The  
 4-36 district, using money available to the district, may exercise the  
 4-37 powers given to a development corporation under Chapter 505, Local  
 4-38 Government Code, including the power to own, operate, acquire,  
 4-39 construct, lease, improve, or maintain a project under that  
 4-40 chapter.  
 4-41 Sec. 3916.108. NONPROFIT CORPORATION. (a) The board by  
 4-42 resolution may authorize the creation of a nonprofit corporation to  
 4-43 assist and act for the district in implementing a project or  
 4-44 providing a service authorized by this chapter.  
 4-45 (b) The nonprofit corporation:  
 4-46 (1) has each power of and is considered to be a local  
 4-47 government corporation created under Subchapter D, Chapter 431,  
 4-48 Transportation Code; and  
 4-49 (2) may implement any project and provide any service  
 4-50 authorized by this chapter.  
 4-51 (c) The board shall appoint the board of directors of the  
 4-52 nonprofit corporation. The board of directors of the nonprofit  
 4-53 corporation shall serve in the same manner as the board of directors  
 4-54 of a local government corporation created under Subchapter D,  
 4-55 Chapter 431, Transportation Code, except that a board member is not  
 4-56 required to reside in the district.  
 4-57 Sec. 3916.109. AGREEMENTS; GRANTS. (a) As provided by  
 4-58 Chapter 375, Local Government Code, the district may make an  
 4-59 agreement with or accept a gift, grant, or loan from any person.  
 4-60 (b) The implementation of a project is a governmental  
 4-61 function or service for the purposes of Chapter 791, Government  
 4-62 Code.  
 4-63 Sec. 3916.110. LAW ENFORCEMENT SERVICES. To protect the  
 4-64 public interest, the district may contract with a qualified party,  
 4-65 including the county or the city, to provide law enforcement  
 4-66 services in the district for a separate fee or as otherwise provided  
 4-67 by the contract.  
 4-68 Sec. 3916.111. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
 4-69 district may join and pay dues to a charitable or nonprofit

5-1 organization that performs a service or provides an activity  
 5-2 consistent with the furtherance of a district purpose.

5-3 Sec. 3916.112. ECONOMIC DEVELOPMENT. (a) The district may  
 5-4 engage in activities that accomplish the economic development  
 5-5 purposes of the district.

5-6 (b) The district may establish and provide for the  
 5-7 administration of one or more programs to promote state or local  
 5-8 economic development and to stimulate business and commercial  
 5-9 activity in the district, including programs to:

5-10 (1) make loans and grants of public money; and

5-11 (2) provide district personnel and services.

5-12 (c) The district may create economic development programs  
 5-13 and exercise the economic development powers that:

5-14 (1) Chapter 380, Local Government Code, provides to a  
 5-15 municipality;

5-16 (2) Chapter 381, Local Government Code, provides to a  
 5-17 county; and

5-18 (3) Subchapter A, Chapter 1509, Government Code,  
 5-19 provides to a municipality.

5-20 Sec. 3916.113. STRATEGIC PARTNERSHIP AGREEMENT. The  
 5-21 district may negotiate and enter into a written strategic  
 5-22 partnership agreement with the city under Section 43.0751, Local  
 5-23 Government Code.

5-24 Sec. 3916.114. REGIONAL PARTICIPATION AGREEMENT. The  
 5-25 district may negotiate and enter into a written regional  
 5-26 participation agreement with the city under Section 43.0754, Local  
 5-27 Government Code.

5-28 Sec. 3916.115. ANNEXATION OR EXCLUSION OF LAND. (a) The  
 5-29 district may annex land as provided by Subchapter J, Chapter 49,  
 5-30 Water Code.

5-31 (b) The district may exclude land as provided by Subchapter  
 5-32 J, Chapter 49, Water Code. Section 375.044(b), Local Government  
 5-33 Code, does not apply to the district.

5-34 (c) After the district is organized and has obtained voter  
 5-35 approval for the issuance of, or has sold, bonds payable wholly or  
 5-36 partly from ad valorem taxes, the district may include and exclude  
 5-37 land as provided by this section and Sections 54.740-54.747, Water  
 5-38 Code. To the extent of a conflict between this subsection and  
 5-39 Section 54.739, Water Code, this subsection controls.

5-40 (d) If the district has any outstanding bonds or contract  
 5-41 obligations payable wholly or partly by a pledge of net revenues  
 5-42 from the ownership or operation of the district's facilities at the  
 5-43 time the board considers an application under Sections  
 5-44 54.740-54.747, Water Code, the lands proposed for inclusion shall  
 5-45 be considered to be sufficient to avoid an impairment of the  
 5-46 security for payment of obligations of the district if the  
 5-47 projected net revenue to be derived from the lands to be included  
 5-48 during the succeeding 12-month period, as determined by the  
 5-49 district's engineer, equals or exceeds the projected net revenue  
 5-50 that would otherwise have been derived from the lands to be excluded  
 5-51 during the same period. To the extent of a conflict between this  
 5-52 subsection and Section 54.744, Water Code, this subsection  
 5-53 controls.

5-54 Sec. 3916.116. APPLICABILITY OF OTHER LAW TO CERTAIN  
 5-55 CONTRACTS. (a) Subchapter I, Chapter 49, Water Code, applies to a  
 5-56 district contract for construction work, equipment, materials, or  
 5-57 machinery. The district may use a project delivery method  
 5-58 described by Subchapter I, Chapter 49, Water Code, or Chapter 2267,  
 5-59 Government Code.

5-60 (b) Sections 375.221 and 375.223, Local Government Code, do  
 5-61 not apply to the district.

5-62 Sec. 3916.117. TERMS OF EMPLOYMENT; COMPENSATION. The  
 5-63 board may employ and establish the terms of employment and  
 5-64 compensation of an executive director or general manager and any  
 5-65 other district employees the board considers necessary.

5-66 Sec. 3916.118. NO EMINENT DOMAIN POWER. The district may  
 5-67 not exercise the power of eminent domain.

5-68 SUBCHAPTER C-1. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

5-69 Sec. 3916.151. PUBLIC TRANSIT SYSTEM; PETITION REQUIRED.

6-1 (a) The district may acquire, lease as lessor or lessee, construct,  
6-2 develop, own, operate, and maintain a public transit system to  
6-3 serve the area in the district.

6-4 (b) The board may not act under Subsection (a) unless a  
6-5 written petition requesting the action has been filed with the  
6-6 board.

6-7 (c) The petition must be signed by:

6-8 (1) the owners of property representing a majority of  
6-9 the total assessed value of the real property in the district that  
6-10 abuts the right-of-way in which the public transit system is  
6-11 proposed to be located; or

6-12 (2) the owners of a majority of the area of the real  
6-13 property in the district that abuts the right-of-way in which the  
6-14 public transit system is proposed to be located.

6-15 (d) For purposes of Subsection (c), the determination of a  
6-16 majority is based on the property owners along the entire  
6-17 right-of-way of the proposed transit project and may not be  
6-18 calculated on a block-by-block basis.

6-19 Sec. 3916.152. PARKING FACILITIES. (a) The district may  
6-20 acquire, lease as lessor or lessee, construct, develop, own,  
6-21 operate, and maintain parking facilities or a system of parking  
6-22 facilities, including lots, garages, parking terminals, or other  
6-23 structures or accommodations for parking motor vehicles off the  
6-24 streets and related appurtenances.

6-25 (b) The district's parking facilities serve the public  
6-26 purposes of the district and are owned, used, and held for a public  
6-27 purpose even if leased or operated by a private entity for a term of  
6-28 years.

6-29 (c) The district's parking facilities are parts of and  
6-30 necessary components of a street and are considered to be a street  
6-31 or road improvement.

6-32 (d) The development and operation of the district's parking  
6-33 facilities may be considered an economic development program.

6-34 Sec. 3916.153. RULES. The district may adopt rules  
6-35 covering its public transit system or its public parking  
6-36 facilities, except that a rule relating to or affecting the use of  
6-37 the public right-of-way or a requirement for off-street parking is  
6-38 subject to all applicable county requirements.

6-39 Sec. 3916.154. FEES. The district may set the amount of and  
6-40 impose a fee for the use of the district's public transit system and  
6-41 parking facilities.

6-42 Sec. 3916.155. AGREEMENT WITH RAPID TRANSIT AUTHORITY. (a)  
6-43 In this section, "authority" means a rapid transit authority  
6-44 created under Chapter 451, Transportation Code.

6-45 (b) The district and an authority may agree to jointly  
6-46 construct, own, operate, and maintain a transit facility or a  
6-47 parking facility under the terms the authority and district desire.

6-48 (c) The agreement may provide that the district and the  
6-49 authority exchange or trade land provided that each party to the  
6-50 agreement receives fair market value. The authority is not  
6-51 required to offer any property that it proposes to trade to the  
6-52 district for sale to the public or for sale to any abutting property  
6-53 owner.

6-54 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

6-55 Sec. 3916.201. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
6-56 The district may acquire, construct, finance, operate, maintain, or  
6-57 provide any improvement or service authorized under this chapter or  
6-58 Chapter 375, Local Government Code, using any money available to  
6-59 the district.

6-60 Sec. 3916.202. PETITION REQUIRED FOR FINANCING SERVICES AND  
6-61 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
6-62 service or improvement project with assessments under this chapter  
6-63 unless a written petition requesting that service or improvement  
6-64 has been filed with the board.

6-65 (b) The petition must be signed by:

6-66 (1) the owners of a majority of the assessed value of  
6-67 real property in the district subject to assessment according to  
6-68 the most recent certified tax appraisal roll for the county; or

6-69 (2) at least 50 persons who own real property in the

7-1 district subject to assessment, if more than 50 persons own real  
 7-2 property in the district according to the most recent certified tax  
 7-3 appraisal roll for the county.

7-4 Sec. 3916.203. METHOD OF NOTICE FOR HEARING. The district  
 7-5 may mail the notice required by Section 375.115(c), Local  
 7-6 Government Code, by certified or first class United States mail.  
 7-7 The board shall determine the method of notice.

7-8 Sec. 3916.204. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
 7-9 The board by resolution may impose and collect an assessment for any  
 7-10 purpose authorized by this chapter in all or any part of the  
 7-11 district without regard to whether that area is already subject to  
 7-12 or overlaps with an area of the district that is subject to a prior  
 7-13 assessment imposed by the board.

7-14 (b) An assessment, a reassessment, or an assessment  
 7-15 resulting from an addition to or correction of the assessment roll  
 7-16 by the district, penalties and interest on an assessment or  
 7-17 reassessment, an expense of collection, and reasonable attorney's  
 7-18 fees incurred by the district are:

7-19 (1) a first and prior lien against the property  
 7-20 assessed;

7-21 (2) superior to any other lien or claim other than a  
 7-22 lien or claim for county, school district, or municipal ad valorem  
 7-23 taxes; and

7-24 (3) the personal liability of and a charge against the  
 7-25 owners of the property even if the owners are not named in the  
 7-26 assessment proceedings.

7-27 (c) The lien is effective from the date of the board's  
 7-28 resolution imposing the assessment until the date the assessment is  
 7-29 paid. The board may enforce the lien in the same manner that the  
 7-30 board may enforce an ad valorem tax lien against real property.

7-31 (d) The board may make a correction to or deletion from the  
 7-32 assessment roll that does not increase the amount of assessment of  
 7-33 any parcel of land without providing notice and holding a hearing in  
 7-34 the manner required for additional assessments.

7-35 Sec. 3916.205. TAX AND ASSESSMENT ABATEMENTS. The district  
 7-36 may designate reinvestment zones and may grant abatements of a tax  
 7-37 or assessment on property in the zones.

7-38 Sec. 3916.206. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.  
 7-39 The district may not impose an assessment on the property,  
 7-40 including the equipment, rights-of-way, facilities, or  
 7-41 improvements, of:

7-42 (1) an electric utility or a power generation company  
 7-43 as defined by Section 31.002, Utilities Code;

7-44 (2) a gas utility as defined by Section 101.003 or  
 7-45 121.001, Utilities Code;

7-46 (3) a telecommunications provider as defined by  
 7-47 Section 51.002, Utilities Code; or

7-48 (4) a person who provides to the public cable  
 7-49 television or advanced telecommunications services.

7-50 Sec. 3916.207. CONDUITS. (a) The district may finance,  
 7-51 acquire, construct, improve, operate, maintain, or charge a fee for  
 7-52 the use of conduits for:

7-53 (1) fiber-optic cable and supporting facilities;

7-54 (2) electronic transmission and distribution lines  
 7-55 and supporting facilities; or

7-56 (3) other types of transmission and distribution lines  
 7-57 and supporting facilities.

7-58 (b) The district may not require a person to use a conduit  
 7-59 for a purpose described by Subsection (a)(1) or for any other  
 7-60 telecommunications purpose.

7-61 Sec. 3916.208. RESIDENTIAL PROPERTY. Section 375.161,  
 7-62 Local Government Code, does not apply to:

7-63 (1) a tax imposed by the district; or

7-64 (2) a required payment for a service provided by the  
 7-65 district, including water and sewer service.

7-66 Sec. 3916.209. OPERATION AND MAINTENANCE TAX. (a) If  
 7-67 authorized at an election held under Section 3916.213, the district  
 7-68 may impose an annual operation and maintenance tax on taxable  
 7-69 property in the district in accordance with Section 49.107, Water

8-1 Code, for any district purpose, including to:  
8-2 (1) operate and maintain the district;  
8-3 (2) construct or acquire improvements; or  
8-4 (3) provide a service.  
8-5 (b) The board shall determine the tax rate. The rate may not  
8-6 exceed the rate approved at the election.  
8-7 (c) Section 49.107(h), Water Code, does not apply to the  
8-8 district.  
8-9 Sec. 3916.210. CONTRACT TAXES. (a) In accordance with  
8-10 Section 49.108, Water Code, the district may impose a tax other than  
8-11 an operation and maintenance tax and use the revenue derived from  
8-12 the tax to make payments under a contract after the provisions of  
8-13 the contract have been approved by a majority of the district voters  
8-14 voting at an election held for that purpose.  
8-15 (b) A contract approved by the district voters may contain a  
8-16 provision stating that the contract may be modified or amended by  
8-17 the board without further voter approval.  
8-18 Sec. 3916.211. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS  
8-19 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms  
8-20 determined by the board.  
8-21 (b) The district may by competitive bid or negotiated sale  
8-22 issue bonds, notes, or other obligations payable wholly or partly  
8-23 from taxes, including ad valorem taxes, or assessments, fees,  
8-24 revenue, contract payments, grants, or other district money, or any  
8-25 combination of those sources of money, to pay for any authorized  
8-26 district purpose.  
8-27 (c) In addition to any other terms authorized by the board  
8-28 by bond order or resolution, the proceeds of the district's bonds  
8-29 may be used for a reserve fund, credit enhancement, or capitalized  
8-30 interest for the bonds.  
8-31 (d) The limitation on the outstanding principal amount of  
8-32 bonds, notes, and other obligations provided by Section 49.4645,  
8-33 Water Code, does not apply to the district.  
8-34 Sec. 3916.212. TAXES FOR BONDS. At the time the district  
8-35 issues bonds payable wholly or partly from ad valorem taxes, the  
8-36 board shall provide for the annual imposition of a continuing  
8-37 direct ad valorem tax, without limit as to rate or amount, while all  
8-38 or part of the bonds are outstanding as required and in the manner  
8-39 provided by Sections 54.601 and 54.602, Water Code.  
8-40 Sec. 3916.213. ELECTIONS REGARDING TAXES AND BONDS. (a)  
8-41 The district may issue, without an election, bonds, notes, and  
8-42 other obligations secured by:  
8-43 (1) revenue other than ad valorem taxes; or  
8-44 (2) contract payments described by Section 3916.210.  
8-45 (b) The district must hold an election in the manner  
8-46 provided by Subchapter L, Chapter 375, Local Government Code, to  
8-47 obtain voter approval before the district may impose an ad valorem  
8-48 tax or sales and use tax or issue bonds payable from ad valorem  
8-49 taxes.  
8-50 (c) Section 375.243, Local Government Code, does not apply  
8-51 to the district.  
8-52 (d) All or any part of any facilities or improvements that  
8-53 may be acquired by a district by the issuance of district bonds may  
8-54 be included in one single proposition to be voted on at the election  
8-55 or the bonds may be submitted in several propositions.  
8-56 Sec. 3916.214. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT  
8-57 OBLIGATIONS. Except as provided by Section 375.263, Local  
8-58 Government Code, a municipality is not required to pay a bond, note,  
8-59 or other obligation of the district.  
8-60 SUBCHAPTER E. DEFINED AREAS  
8-61 Sec. 3916.226. AUTHORITY TO ESTABLISH DEFINED AREAS OR  
8-62 DESIGNATED PROPERTY. The district may define areas or designate  
8-63 certain property of the district to pay for improvements,  
8-64 facilities, or services that primarily benefit that area or  
8-65 property and do not generally and directly benefit the district as a  
8-66 whole.  
8-67 Sec. 3916.227. PROCEDURE FOR ELECTION. (a) Before the  
8-68 district may impose an ad valorem tax or issue bonds payable from ad  
8-69 valorem taxes of the defined area or designated property, the board



9-1 shall hold an election in the defined area or in the designated  
 9-2 property only.

9-3 (b) The election shall be conducted as provided by Section  
 9-4 3916.213.

9-5 (c) The board may submit the issues to the voters on the same  
 9-6 ballot to be used in another election.

9-7 Sec. 3916.228. DECLARING RESULT AND ISSUING ORDER. (a) If  
 9-8 a majority of the voters voting at the election approve the  
 9-9 proposition or propositions, the board shall declare the results  
 9-10 and, by order, shall establish the defined area and describe it by  
 9-11 metes and bounds or designate the specific property.

9-12 (b) A court may not review the board's order except on the  
 9-13 ground of fraud, palpable error, or arbitrary and confiscatory  
 9-14 abuse of discretion.

9-15 Sec. 3916.229. TAXES FOR SERVICES, IMPROVEMENTS, AND  
 9-16 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter  
 9-17 approval and adoption of the order described by Section 3916.228,  
 9-18 the district may apply separately, differently, equitably, and  
 9-19 specifically its taxing power and lien authority to the defined  
 9-20 area or designated property to provide money to construct,  
 9-21 administer, maintain, and operate services, improvements, and  
 9-22 facilities that primarily benefit the defined area or designated  
 9-23 property.

9-24 Sec. 3916.230. ISSUANCE OF BONDS FOR DEFINED AREA OR  
 9-25 DESIGNATED PROPERTY. After the order under Section 3916.228 is  
 9-26 adopted, the district may issue bonds to provide for any land,  
 9-27 improvements, facilities, plants, equipment, and appliances for  
 9-28 the defined area or designated property.

9-29 SUBCHAPTER F. SALES AND USE TAX

9-30 Sec. 3916.251. APPLICABILITY OF CERTAIN TAX CODE  
 9-31 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,  
 9-32 computation, administration, enforcement, and collection of the  
 9-33 sales and use tax authorized by this subchapter except to the extent  
 9-34 Chapter 321, Tax Code, is inconsistent with this chapter.

9-35 (b) A reference in Chapter 321, Tax Code, to a municipality  
 9-36 or the governing body of a municipality is a reference to the  
 9-37 district or the board, respectively.

9-38 Sec. 3916.252. ELECTION; ADOPTION OF TAX. (a) The district  
 9-39 may adopt a sales and use tax if authorized by a majority of the  
 9-40 voters of the district voting at an election held for that purpose.

9-41 (b) The board by order may call an election to authorize the  
 9-42 adoption of the sales and use tax. The election may be held on any  
 9-43 uniform election date and in conjunction with any other district  
 9-44 election.

9-45 (c) The ballot shall be printed to provide for voting for or  
 9-46 against the proposition: "Authorization of a sales and use tax in  
 9-47 the Generation Park Management District at a rate not to exceed \_\_\_\_\_  
 9-48 percent" (insert rate of one or more increments of one-eighth of one  
 9-49 percent).

9-50 Sec. 3916.253. SALES AND USE TAX RATE. (a) On or after the  
 9-51 date the results are declared of an election held under Section  
 9-52 3916.252, at which the voters approved imposition of the tax  
 9-53 authorized by this subchapter, the board shall determine and adopt  
 9-54 by resolution or order the initial rate of the tax, which must be in  
 9-55 one or more increments of one-eighth of one percent.

9-56 (b) After the election held under Section 3916.252, the  
 9-57 board may increase or decrease the rate of the tax by one or more  
 9-58 increments of one-eighth of one percent.

9-59 (c) The initial rate of the tax or any rate resulting from  
 9-60 subsequent increases or decreases may not exceed the lesser of:

9-61 (1) the maximum rate authorized by the district voters  
 9-62 at the election held under Section 3916.252; or

9-63 (2) a rate that, when added to the rates of all sales  
 9-64 and use taxes imposed by other political subdivisions with  
 9-65 territory in the district, would result in the maximum combined  
 9-66 rate prescribed by Section 321.101(f), Tax Code, at any location in  
 9-67 the district.

9-68 Sec. 3916.254. TAX AFTER ANNEXATION. (a) This section  
 9-69 applies to the district after a municipality annexes part of the

10-1 territory in the district and imposes the municipality's sales and  
 10-2 use tax in the annexed territory.

10-3 (b) If at the time of annexation the district has  
 10-4 outstanding debt or other obligations payable wholly or partly from  
 10-5 district sales and use tax revenue, Section 321.102(g), Tax Code,  
 10-6 applies to the district.

10-7 (c) If at the time of annexation the district does not have  
 10-8 outstanding debt or other obligations payable wholly or partly from  
 10-9 district sales and use tax revenue, the district may:

10-10 (1) exclude the annexed territory from the district,  
 10-11 if the district has no outstanding debt or other obligations  
 10-12 payable from any source; or

10-13 (2) reduce the sales and use tax in the annexed  
 10-14 territory by resolution or order of the board to a rate that, when  
 10-15 added to the sales and use tax rate imposed by the municipality in  
 10-16 the annexed territory, is equal to the sales and use tax rate  
 10-17 imposed by the district in the district territory that was not  
 10-18 annexed by the municipality.

10-19 Sec. 3916.255. NOTIFICATION OF RATE CHANGE. The board  
 10-20 shall notify the comptroller of any changes made to the tax rate  
 10-21 under this subchapter in the same manner the municipal secretary  
 10-22 provides notice to the comptroller under Section 321.405(b), Tax  
 10-23 Code.

10-24 Sec. 3916.256. USE OF REVENUE. Revenue from the sales and  
 10-25 use tax imposed under this subchapter is for the use and benefit of  
 10-26 the district and may be used for any district purpose. The district  
 10-27 may pledge all or part of the revenue to the payment of bonds,  
 10-28 notes, or other obligations, and that pledge of revenue may be in  
 10-29 combination with other revenue, including tax revenue, available to  
 10-30 the district.

10-31 Sec. 3916.257. ABOLITION OF TAX. (a) Except as provided by  
 10-32 Subsection (b), the board may abolish the tax imposed under this  
 10-33 subchapter without an election.

10-34 (b) The board may not abolish the tax imposed under this  
 10-35 subchapter if the district has outstanding debt secured by the tax,  
 10-36 and repayment of the debt would be impaired by the abolition of the  
 10-37 tax.

10-38 (c) If the board abolishes the tax, the board shall notify  
 10-39 the comptroller of that action in the same manner the municipal  
 10-40 secretary provides notice to the comptroller under Section  
 10-41 321.405(b), Tax Code.

10-42 (d) If the board abolishes the tax or decreases the tax rate  
 10-43 to zero, a new election to authorize a sales and use tax must be held  
 10-44 under Section 3916.252 before the district may subsequently impose  
 10-45 the tax.

10-46 (e) This section does not apply to a decrease in the sales  
 10-47 and use tax authorized under Section 3916.254(c)(2).

#### 10-48 SUBCHAPTER G. HOTEL OCCUPANCY TAX

10-49 Sec. 3916.301. DEFINITION. In this subchapter, "hotel" has  
 10-50 the meaning assigned by Section 156.001, Tax Code.

10-51 Sec. 3916.302. APPLICABILITY OF CERTAIN TAX CODE  
 10-52 PROVISIONS. (a) In this subchapter:

10-53 (1) a reference in Subchapter A, Chapter 352, Tax  
 10-54 Code, to a county is a reference to the district; and

10-55 (2) a reference in Subchapter A, Chapter 352, Tax  
 10-56 Code, to the commissioners court is a reference to the board.

10-57 (b) Except as inconsistent with this subchapter, Subchapter  
 10-58 A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized  
 10-59 by this subchapter, including the collection of the tax, subject to  
 10-60 the limitations prescribed by Sections 352.002(b) and (c), Tax  
 10-61 Code.

10-62 Sec. 3916.303. TAX AUTHORIZED; USE OF REVENUE. The  
 10-63 district may impose a hotel occupancy tax for any purpose described  
 10-64 by Section 351.101 or 352.101, Tax Code.

10-65 Sec. 3916.304. TAX RATE. (a) The amount of the hotel  
 10-66 occupancy tax may not exceed the lesser of:

10-67 (1) the maximum rate prescribed by Section 352.003(a),  
 10-68 Tax Code; or

10-69 (2) a rate that, when added to the rates of all hotel

11-1 occupancy taxes imposed by other political subdivisions with  
11-2 territory in the district and by this state, does not exceed the sum  
11-3 of the rate prescribed by Section 351.0025(b), Tax Code, and two  
11-4 percent.

11-5 (b) The district tax is in addition to a tax imposed by the  
11-6 city under Chapter 351, Tax Code, or by the county under Chapter  
11-7 352, Tax Code.

11-8 Sec. 3916.305. INFORMATION. The district may examine and  
11-9 receive information related to the imposition of hotel occupancy  
11-10 taxes to the same extent as if the district were a county.

11-11 Sec. 3916.306. USE OF REVENUE. The district may use revenue  
11-12 from the hotel occupancy tax for any district purpose that is an  
11-13 authorized use of hotel occupancy tax revenue under Chapters 351 or  
11-14 352, Tax Code. The district may pledge all or part of the revenue to  
11-15 the payment of bonds, notes, or other obligations and that pledge of  
11-16 revenue may be in combination with other revenue available to the  
11-17 district.

11-18 Sec. 3916.307. ABOLITION OF TAX. (a) Except as provided by  
11-19 Subsection (b), the board may abolish the tax imposed under this  
11-20 subchapter.

11-21 (b) The board may not abolish the tax imposed under this  
11-22 subchapter if the district has outstanding debt secured by the tax,  
11-23 and repayment of the debt would be impaired by the abolition of the  
11-24 tax.

11-25 SUBCHAPTER H. DISSOLUTION AND CONSOLIDATION

11-26 Sec. 3916.351. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
11-27 DEBT. (a) The board may dissolve the district regardless of  
11-28 whether the district has debt. Section 375.264, Local Government  
11-29 Code, does not apply to the district.

11-30 (b) If the district has debt when it is dissolved, the  
11-31 district shall remain in existence solely for the purpose of  
11-32 discharging its debts. The dissolution is effective when all debts  
11-33 have been discharged.

11-34 Sec. 3916.352. CONSOLIDATION. In addition to any other  
11-35 provision provided by law, including Subchapter M, Chapter 375,  
11-36 Local Government Code, the district and one or more other districts  
11-37 governed by Chapter 54, Water Code, may be consolidated in  
11-38 accordance with Subchapter H, Chapter 54, Water Code.

11-39 SECTION 2. The Generation Park Management District  
11-40 initially includes all the territory contained in the following  
11-41 area:

11-42 All that certain 316.448 acres of land out of the 1804.19 acre  
11-43 tract described in the deed from Robert C. Hux, et al to FRM N.E.  
11-44 Belt Venture #1, Ltd. recorded under File No. T107162, in the  
11-45 Official Public Records of Real Property of Harris County, Texas,  
11-46 in the Victor Blanco Survey, A-2, Harris County, Texas, and more  
11-47 particularly described by metes and bounds as follows: (All  
11-48 bearings based on Texas State Plane Coordinate System, South  
11-49 Central Zone)

11-50 BEGINNING at the northwest corner of the herein described  
11-51 tract, common to a found 5/8" iron rod, in the north line of said  
11-52 1804.19 acre tract, and in the east right-of-way line of Beltway 8  
11-53 (East Loop) (R.O.W. Varies);

11-54 THENCE North 88° 05' 36" East - 1783.65' along said north line  
11-55 to the northeast corner of the herein described tract from which a  
11-56 brass disc in concrete found for the northeast corner of said  
11-57 1804.19 acre tract in the west right-of-way line of Lake Houston  
11-58 Parkway (300' R.O.W.) bears North 88° 05' 36" East - 9564.04';

11-59 THENCE South 34° 50' 50" East - 591.18' to an angle corner of  
11-60 the herein described tract;

11-61 THENCE South 29° 23' 48" West - 1130.88' to an angle corner of  
11-62 the herein described tract;

11-63 THENCE South 34° 39' 21" East - 222.10' to an angle corner of  
11-64 the herein described tract;

11-65 THENCE South 71° 53' 22" East - 251.89' to an angle corner of  
11-66 the herein described tract;

11-67 THENCE South 24° 02' 14" East - 689.83' to an angle corner of  
11-68 the herein described tract;

11-69 THENCE South 03° 49' 02" West - 1177.11' to an angle corner of

12-1 the herein described tract;  
 12-2 THENCE South 22° 34' 05" East - 893.29' to an angle corner of  
 12-3 the herein described tract;  
 12-4 THENCE South 55° 11' 23" West - 1634.61' to an angle corner of  
 12-5 the herein described tract;  
 12-6 THENCE South 77° 29' 40" East - 2386.24' to the southeast  
 12-7 corner of the herein described tract the south line of the aforesaid  
 12-8 1804.19 acre tract;  
 12-9 THENCE South 87° 35' 19" West - 535.60' along said south line  
 12-10 to an angle corner of the herein described tract  
 12-11 THENCE South 87° 31' 04" West - 3522.50', along said south  
 12-12 line to a 5/8" iron rod found in the east right-of-way line of  
 12-13 aforesaid Beltway 8, common to the southwest corner of the herein  
 12-14 described tract, common to a point on a curve to the right, having a  
 12-15 central angle of 02° 21' 08", a radius of 2614.79', and from which  
 12-16 the center of the circle of said curve bears South 86° 23' 17" East;  
 12-17 THENCE along said curve to the right, along said east  
 12-18 right-of-way line, in a northerly direction, an arc distance of  
 12-19 107.35' to the end of curve;  
 12-20 THENCE North 05° 42' 21" East - 5848.90' to the POINT OF  
 12-21 BEGINNING of the herein described tract and containing 316.448  
 12-22 acres of land.

12-23 SECTION 3. (a) The legal notice of the intention to  
 12-24 introduce this Act, setting forth the general substance of this  
 12-25 Act, has been published as provided by law, and the notice and a  
 12-26 copy of this Act have been furnished to all persons, agencies,  
 12-27 officials, or entities to which they are required to be furnished  
 12-28 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 12-29 Government Code.

12-30 (b) The governor, one of the required recipients, has  
 12-31 submitted the notice and Act to the Texas Commission on  
 12-32 Environmental Quality.

12-33 (c) The Texas Commission on Environmental Quality has filed  
 12-34 its recommendations relating to this Act with the governor,  
 12-35 lieutenant governor, and speaker of the house of representatives  
 12-36 within the required time.

12-37 (d) The general law relating to consent by political  
 12-38 subdivisions to the creation of districts with conservation,  
 12-39 reclamation, and road powers and the inclusion of land in those  
 12-40 districts has been complied with.

12-41 (e) All requirements of the constitution and laws of this  
 12-42 state and the rules and procedures of the legislature with respect  
 12-43 to the notice, introduction, and passage of this Act have been  
 12-44 fulfilled and accomplished.

12-45 SECTION 4. This Act takes effect immediately if it receives  
 12-46 a vote of two-thirds of all the members elected to each house, as  
 12-47 provided by Section 39, Article III, Texas Constitution. If this  
 12-48 Act does not receive the vote necessary for immediate effect, this  
 12-49 Act takes effect September 1, 2013.

12-50 \* \* \* \* \*