

House Bill 2138
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 2, Chapter 358, Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Sec. 2. BOUNDARIES. The Near Northside Management District initially includes all the territory contained in the following area:

In Harris County, Texas, the territory enclosed by Loop 610 as the north boundary, Lockwood Dr. as the east boundary, Buffalo Bayou [~~Interstate 10~~] as the south boundary, and Jensen Dr. as the west boundary.

SECTION 2. Subchapter C, Chapter 3807, Special District Local Laws Code, is amended by adding Section 3807.1041 to read as follows:

Sec. 3807.1041. COORDINATION WITH NEAR NORTHSIDE MANAGEMENT DISTRICT. In determining the improvement projects or services the district provides in an area that is located also within the boundaries of the Near Northside Management District, the district shall coordinate its efforts with the efforts of the Near Northside Management District to achieve governmental efficiency and avoid duplication of improvement projects or services. The district may not duplicate an improvement project or service that the Near Northside Management District provides in the same territory.

No equivalent provision.

SENATE VERSION (IE)

SECTION 1. Same as House version.

No equivalent provision.
[Deleted by FA1(1)]

SECTION __. Subchapter A, Chapter 3905, Special Districts Local Laws Code, is amended by adding Section 3905.009 to read as follows:

Sec. 3905.009. OVERLAPPING TERRITORY. (a) If

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territory in the district overlaps with the boundaries of another district created before June 17, 2011, that has the powers of a district created under Chapter 375, Local Government Code, the overlapping territory is excluded from the territory of the district that was created first, regardless of whether the territory overlapped on June 17, 2011.

(b) The exclusion of territory under this section does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other district obligations. The district that was created first shall continue to impose fees, taxes, or assessments, if any, on the excluded territory at the same rate imposed on other territory in the district until the total amount of fees, taxes, or assessments collected from the excluded territory equals its pro rata share of the indebtedness of the district at the time the territory was excluded. All fees, taxes, or assessments collected in the excluded territory by the district that was created first shall be applied to the payment of the excluded territory's pro rata share of indebtedness. The owner of all or part of the excluded territory at any time may pay in full the owner's share of the excluded territory's pro rata share of the indebtedness at the time the territory was excluded.

(c) If the district that was created first does not have any outstanding and unpaid bonds, warrants, or other district obligations, but imposes assessments under an assessment plan adopted before May 1, 2013, the district may continue to impose those assessments on the excluded territory at the same rate imposed on other territory in the district to satisfy the requirements of that assessment plan. All assessments collected in the excluded territory by the district that was created first shall be applied to satisfy the requirements of the assessment plan. [FA1(2)]

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No equivalent provision.

SECTION __. Subchapter B, Chapter 3905, Special District Local Laws Code, is amended by amending Sections 3905.051 and 3905.056 to read as follows:

Sec. 3905.051. GOVERNING BODY; TERMS. The district is governed by a board of twelve [nine] directors who serve staggered terms of three years, with four [three] directors' terms expiring June 1 of each year.

Sec. 3905.056. INITIAL DIRECTORS. (a) The initial board consists of:

Pos. No.	Name of Director
1	Ethel Kaye Lee
2	Rose Russell
3	Michael Ashley
4	Dr. Albert Lemon
5	Earl White
6	Ann Tillis
7	John Fields
8	Harvey Clemons
9	Renee Llorens
<u>10</u>	<u>Rosalind Malveaux</u>
<u>11</u>	<u>Jeremy Brown</u>
<u>12</u>	<u>Jarrett Leland</u>

(b) Of the initial directors, the terms of directors serving in positions 1, 2, and 3 expire June 1, 2013, the terms of directors serving in positions 4, 5, [and] 6, and 10 expire June 1, 2014, [and] the terms of directors serving in positions 7, 8, [and] 9, and 11 expire June 1, 2015, and the term of the director serving in position 12 expires June 1, 2016.

(c) Section 3905.052 does not apply to the initial directors.

(d) This section expires September 1, 2016 [2015]. [FA2]

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

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

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

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

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

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

SECTION 3. Same as House version.

SECTION 4. Same as House version.