

By: Huberty

H.B. No. 4344

Substitute the following for H.B. No. 4344:

By: Schubert

C.S.H.B. No. 4344

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Harris County Improvement District No. 27; providing authority to issue bonds; providing authority to impose assessments, fees, and 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 3793 to read as follows:

CHAPTER 3793. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 27

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3793.001. DEFINITIONS. In this chapter:

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

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

(3) "County" means Harris County.

(4) "Director" means a board member.

(5) "District" means the Harris County Improvement District No. 27.

Sec. 3793.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3793.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city, the

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

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

10 (c) This chapter and the creation of the district may not be  
11 interpreted to relieve the city or the county from providing the  
12 level of services provided as of the effective date of the Act  
13 enacting this chapter to the area in the district. The district is  
14 created to supplement and not to supplant city or county services  
15 provided in the district.

16 Sec. 3793.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
17 The district is created to serve a public use and benefit.

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

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

25 (1) developing and diversifying the economy of the  
26 state;

27 (2) eliminating unemployment and underemployment; and

1           (3) developing or expanding transportation and  
2 commerce.

3           (d) The district will:

4           (1) promote the health, safety, and general welfare of  
5 residents, employers, potential employees, employees, visitors,  
6 and consumers in the district, and of the public;

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

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

15           (4) provide for water, wastewater, drainage, road, and  
16 recreational facilities for the district.

17           (e) Pedestrian ways along or across a street, whether at  
18 grade or above or below the surface, street lighting, street  
19 landscaping, parking, and street art objects are parts of and  
20 necessary components of a street and are considered to be a street  
21 or road improvement.

22           (f) The district will not act as the agent or  
23 instrumentality of any private interest even though the district  
24 will benefit many private interests as well as the public.

25           Sec. 3793.005. INITIAL DISTRICT TERRITORY. (a) The  
26 district is initially composed of the territory described by  
27 Section 2 of the Act enacting this chapter.

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

5           (1) organization, existence, or validity;

6           (2) right to issue any type of bonds for the purposes  
7 for which the district is created or to pay the principal of and  
8 interest on the bonds;

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

10          (4) legality or operation.

11       Sec. 3793.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

12 All or any part of the area of the district is eligible to be  
13 included in:

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

16           (2) a tax abatement reinvestment zone created under  
17 Chapter 312, Tax Code;

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

20           (4) an industrial district created under Chapter 42,  
21 Local Government Code; or

22           (5) a public improvement district created under  
23 Chapter 372, Local Government Code.

24       Sec. 3793.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
25 DISTRICTS LAW. Except as otherwise provided by this chapter,  
26 Chapter 375, Local Government Code, applies to the district.

27       Sec. 3793.008. CONSTRUCTION OF CHAPTER. This chapter shall

1 be liberally construed in conformity with the findings and purposes  
2 stated in this chapter.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 3793.051. GOVERNING BODY; TERMS. (a) The district is  
5 governed by a board of five voting directors who serve staggered  
6 terms of four years, with two or three directors' terms expiring  
7 June 1 of each odd-numbered year.

8 (b) The board by resolution may change the number of voting  
9 directors on the board only if the board determines that the change  
10 is in the best interest of the district. The board may not consist  
11 of fewer than five or more than 15 voting directors.

12 (c) Section 49.052, Water Code, does not apply to the  
13 directors.

14 Sec. 3793.052. APPOINTMENT OF VOTING DIRECTORS. The Texas  
15 Commission on Environmental Quality shall appoint voting directors  
16 from persons recommended by the board.

17 Sec. 3793.053. NONVOTING DIRECTORS. The board may appoint  
18 nonvoting directors to serve at the pleasure of the voting  
19 directors.

20 Sec. 3793.054. QUORUM. For purposes of determining the  
21 requirements for a quorum of the board, the following are not  
22 counted:

23 (1) a board position vacant for any reason, including  
24 death, resignation, or disqualification;

25 (2) a director who is abstaining from participation in  
26 a vote because of a conflict of interest; or

27 (3) a nonvoting director.

1 Sec. 3793.055. COMPENSATION. A director is entitled to  
2 receive fees of office and reimbursement for actual expenses as  
3 provided by Section 49.060, Water Code. Sections 375.069 and  
4 375.070, Local Government Code, do not apply to the board.

5 Sec. 3793.056. INITIAL VOTING DIRECTORS. (a) The initial  
6 board consists of:

<u>Pos. No.</u>	<u>Name of Director:</u>
8 <u>1</u>	<u>Rob Burchfield</u>
9 <u>2</u>	<u>Jin Laxmidas</u>
10 <u>3</u>	<u>Sigita Burchfield</u>
11 <u>4</u>	<u>Nicole Eddy</u>
12 <u>5</u>	<u>Linda Warren</u>

13 (b) Of the initial directors, the terms of directors  
14 appointed for positions one through three expire June 1, 2019, and  
15 the terms of directors appointed for positions four and five expire  
16 June 1, 2021.

17 (c) Section 3793.052 does not apply to this section.

18 (d) This section expires September 1, 2021.

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 3793.101. GENERAL POWERS AND DUTIES. The district has  
21 the powers and duties necessary to accomplish the purposes for  
22 which the district is created.

23 Sec. 3793.102. IMPROVEMENT PROJECTS AND SERVICES. The  
24 district may provide, design, construct, acquire, improve,  
25 relocate, operate, maintain, or finance an improvement project or  
26 service using any money available to the district, or contract with  
27 a governmental or private entity to provide, design, construct,

1 acquire, improve, relocate, operate, maintain, or finance an  
2 improvement project or service authorized under this chapter or  
3 Chapter 375, Local Government Code.

4 Sec. 3793.103. DEVELOPMENT CORPORATION POWERS. The  
5 district, using money available to the district, may exercise the  
6 powers given to a development corporation under Chapter 505, Local  
7 Government Code, including the power to own, operate, acquire,  
8 construct, lease, improve, or maintain a project under that  
9 chapter.

10 Sec. 3793.104. NONPROFIT CORPORATION. (a) The board by  
11 resolution may authorize the creation of a nonprofit corporation to  
12 assist and act for the district in implementing a project or  
13 providing a service authorized by this chapter.

14 (b) The nonprofit corporation:

15 (1) has each power of and is considered to be a local  
16 government corporation created under Subchapter D, Chapter 431,  
17 Transportation Code; and

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

20 (c) The board shall appoint the board of directors of the  
21 nonprofit corporation. The board of directors of the nonprofit  
22 corporation shall serve in the same manner as the board of directors  
23 of a local government corporation created under Subchapter D,  
24 Chapter 431, Transportation Code, except that a board member is not  
25 required to reside in the district.

26 Sec. 3793.105. PUBLIC FACILITY CORPORATIONS. As provided  
27 by Chapter 303, Local Government Code, the board by resolution may

1 authorize the creation of a public facility corporation in the  
2 district to finance or to provide for the acquisition,  
3 construction, rehabilitation, renovation, repair, equipping,  
4 furnishing, or placement in service of public facilities in an  
5 orderly, planned manner and at the lowest possible borrowing costs.

6 Sec. 3793.106. AGREEMENTS; GRANTS. (a) As provided by  
7 Chapter 375, Local Government Code, the district may make an  
8 agreement with or accept a gift, grant, or loan from any person.

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

12 Sec. 3793.107. LAW ENFORCEMENT SERVICES. To protect the  
13 public interest, the district may contract with a qualified party,  
14 including the county or the city, to provide law enforcement  
15 services in the district for a fee.

16 Sec. 3793.108. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
17 district may join and pay dues to a charitable or nonprofit  
18 organization that performs a service or provides an activity  
19 consistent with the furtherance of a district purpose.

20 Sec. 3793.109. ECONOMIC DEVELOPMENT. (a) The district may  
21 engage in activities that accomplish the economic development  
22 purposes of the district.

23 (b) The district may establish and provide for the  
24 administration of one or more programs to promote state or local  
25 economic development and to stimulate business and commercial  
26 activity in the district, including programs to:

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



1           (2) provide district personnel and services.

2           (c) The district may create economic development programs  
3 and exercise the economic development powers provided to  
4 municipalities by:

5           (1) Chapter 380, Local Government Code; and

6           (2) Subchapter A, Chapter 1509, Government Code.

7           Sec. 3793.110. PARKING FACILITIES. (a) The district may  
8 acquire, lease as lessor or lessee, construct, develop, own,  
9 operate, and maintain parking facilities or a system of parking  
10 facilities, including lots, garages, parking terminals, or other  
11 structures or accommodations for parking motor vehicles off the  
12 streets and related appurtenances.

13           (b) The district's parking facilities serve the public  
14 purposes of the district and are owned, used, and held for a public  
15 purpose even if leased or operated by a private entity for a term of  
16 years.

17           (c) The district's parking facilities are part of and  
18 necessary components of a street and are considered to be a street  
19 or road improvement.

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

22           Sec. 3793.111. ANNEXATION OR EXCLUSION OF LAND. (a) The  
23 district may annex land as provided by Subchapter J, Chapter 49,  
24 Water Code.

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

1       Sec. 3793.112. PUBLIC IMPROVEMENT DISTRICT POWERS. The  
2 district has the powers provided by Chapter 372, Local Government  
3 Code, to a municipality or county.

4       Sec. 3793.113. ROAD UTILITY DISTRICT POWERS. The district  
5 has the powers provided by the general laws relating to road utility  
6 districts created under Section 52(b), Article III, Texas  
7 Constitution, including Chapter 441, Transportation Code.

8       Sec. 3793.114. PROPERTY OF CERTAIN UTILITIES EXEMPT FROM  
9 ASSESSMENTS AND FEES. The district may not impose an assessment,  
10 impact fee, or standby fee on the property, including the  
11 equipment, rights-of-way, easements, facilities, or improvements,  
12 of:

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

15               (2) a gas utility, as defined by Section 101.003 or  
16 121.001, Utilities Code, or a person who owns pipelines used for the  
17 transportation or sale of oil or gas or a product or constituent of  
18 oil or gas;

19               (3) a person who owns pipelines used for the  
20 transportation or sale of carbon dioxide;

21               (4) a telecommunications provider as defined by  
22 Section 51.002, Utilities Code; or

23               (5) a cable service provider or video service provider  
24 as defined by Section 66.002, Utilities Code.

25       Sec. 3793.115. USE OF ELECTRICAL OR OPTICAL LINES. (a) The  
26 district may impose an assessment to pay the cost of:

27               (1) burying or removing electrical power lines,

1 telephone lines, cable or fiber-optic lines, or any other type of  
2 electrical or optical line;

3 (2) removing poles and any elevated lines using the  
4 poles; and

5 (3) reconnecting the lines described by Subdivision  
6 (2) to the buildings or other improvements to which the lines were  
7 connected.

8 (b) The district may finance, acquire, construct, improve,  
9 operate, maintain, or charge fees for the use of the district  
10 conduits for another person's:

11 (1) telecommunications network; or

12 (2) fiber-optic cable.

13 (c) Consistent with Title 2, Utilities Code, the district  
14 may finance, construct, or maintain conduits for:

15 (1) electronic transmission and distribution lines  
16 and supporting facilities; or

17 (2) other types of transmission and distribution lines  
18 and supporting facilities.

19 (d) The district may not require a person to use a district  
20 conduit.

21 Sec. 3793.116. STRATEGIC PARTNERSHIP AGREEMENT. The  
22 district may negotiate and enter into a written strategic  
23 partnership agreement under Section 43.0751, Local Government  
24 Code, with a municipality in whose extraterritorial jurisdiction  
25 the district is located.

26 Sec. 3793.117. NO EMINENT DOMAIN POWER. The district may  
27 not exercise the power of eminent domain.

1       SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

2       Sec. 3793.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
3 board by resolution shall establish the number of directors'  
4 signatures and the procedure required for a disbursement or  
5 transfer of district money.

6       Sec. 3793.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
7 The district may acquire, construct, finance, operate, or maintain  
8 any improvement or service authorized under this chapter or Chapter  
9 375, Local Government Code, using any money available to the  
10 district.

11       Sec. 3793.153. PETITION REQUIRED FOR FINANCING SERVICES AND  
12 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
13 service or improvement project with assessments under this chapter  
14 unless a written petition requesting that service or improvement  
15 has been filed with the board.

16       (b) A petition filed under Subsection (a) must be signed by  
17 the owners of a majority of the assessed value of real property in  
18 the district subject to assessment according to the most recent  
19 certified tax appraisal roll for the county.

20       Sec. 3793.154. METHOD OF NOTICE FOR HEARING. The district  
21 may mail the notice required by Section 375.115(c), Local  
22 Government Code, by certified or first class United States mail.  
23 The board shall determine the method of notice.

24       Sec. 3793.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
25 The board by resolution may impose and collect an assessment for any  
26 purpose authorized by this chapter in all or part of the district.

27       (b) An assessment, a reassessment, or an assessment

1 resulting from an addition to or correction of the assessment roll  
2 by the district, penalties and interest on an assessment or  
3 reassessment, an expense of collection, and reasonable attorney's  
4 fees incurred by the district:

5 (1) are a first and prior lien against the property  
6 assessed;

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

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

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

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

21 Sec. 3793.156. RESIDENTIAL PROPERTY NOT EXEMPT. Section  
22 375.161, Local Government Code, does not apply to the district.

23 Sec. 3793.157. COMPETITIVE BIDDING. Subchapter I, Chapter  
24 49, Water Code, applies to the district. Sections 375.221 and  
25 375.223, Local Government Code, do not apply to the district.

26 Sec. 3793.158. TAX AND ASSESSMENT ABATEMENTS. The district  
27 may designate reinvestment zones and may grant abatements of a tax

1 or assessment on property in the zones in the manner provided by  
2 Chapter 312, Tax Code.

3 SUBCHAPTER E. TAXES AND BONDS

4 Sec. 3793.201. ELECTIONS REGARDING TAXES AND BONDS. (a)

5 The district may issue, without an election, bonds, notes, and  
6 other obligations secured by:

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

8 (2) contract payments described by Section 3793.203.

9 (b) The district must hold an election in the manner  
10 provided by Subchapter L, Chapter 375, Local Government Code, to  
11 obtain voter approval before the district may impose an ad valorem  
12 tax or issue bonds payable from ad valorem taxes.

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

15 (d) All or any part of any facilities or improvements that  
16 may be acquired by a district by the issuance of its bonds may be  
17 submitted as a single proposition or as several propositions to be  
18 voted on at the election.

19 Sec. 3793.202. OPERATION AND MAINTENANCE TAX. (a) If

20 authorized by a majority of the district voters voting at an  
21 election held in accordance with Section 3793.201, the district may  
22 impose an operation and maintenance tax on taxable property in the  
23 district in accordance with Section 49.107, Water Code, for any  
24 district purpose, including to:

25 (1) maintain and operate the district;

26 (2) construct or acquire improvements; or

27 (3) provide a service.

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

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

5       Sec. 3793.203. CONTRACT TAXES. (a) In accordance with  
6 Section 49.108, Water Code, the district may impose a tax other than  
7 an operation and maintenance tax and use the revenue derived from  
8 the tax to make payments under a contract after the provisions of  
9 the contract have been approved by a majority of the district voters  
10 voting at an election held for that purpose.

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

14       Sec. 3793.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS  
15 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms  
16 determined by the board. Section 375.205, Local Government Code,  
17 does not apply to a loan, line of credit, or other borrowing from a  
18 bank or financial institution secured by revenue other than ad  
19 valorem taxes.

20       (b) The district may issue bonds, notes, or other  
21 obligations payable wholly or partly from ad valorem taxes,  
22 assessments, impact fees, revenue, contract payments, grants, or  
23 other district money, or any combination of those sources of money,  
24 to pay for any authorized district purpose.

25       (c) The limitation on the outstanding principal amount of  
26 bonds, notes, and other obligations provided by Section 49.4645,  
27 Water Code, does not apply to the district.

1       Sec. 3793.205. TAXES FOR BONDS. At the time the district  
2 issues bonds payable wholly or partly from ad valorem taxes, the  
3 board shall provide for the annual imposition of a continuing  
4 direct annual ad valorem tax, without limit as to rate or amount,  
5 for each year that all or part of the bonds are outstanding as  
6 required and in the manner provided by Sections 54.601 and 54.602,  
7 Water Code.

8                               SUBCHAPTER F. DEFINED AREAS

9       Sec. 3793.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR  
10 DESIGNATED PROPERTY. The district may define areas or designate  
11 certain property of the district to pay for improvements,  
12 facilities, or services that primarily benefit that area or  
13 property and do not generally and directly benefit the district as a  
14 whole.

15       Sec. 3793.252. PROCEDURE FOR ELECTION. (a) Before the  
16 district may impose an ad valorem tax or issue bonds payable from ad  
17 valorem taxes of the defined area or designated property, the board  
18 shall hold an election in the defined area or in the designated  
19 property only.

20       (b) The board may submit the proposition to the voters on  
21 the same ballot to be used in another election.

22       Sec. 3793.253. DECLARING RESULT AND ISSUING ORDER. (a) If  
23 a majority of the voters voting at the election approve the  
24 proposition or propositions, the board shall declare the results  
25 and, by order, shall establish the defined area and describe it by  
26 metes and bounds or designate the specific property.

27       (b) A court may not review the board's order except on the



1 ground of fraud, palpable error, or arbitrary and confiscatory  
2 abuse of discretion.

3 Sec. 3793.254. TAXES FOR SERVICES, IMPROVEMENTS, AND  
4 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter  
5 approval and adoption of the order described by Section 3793.253,  
6 the district may apply separately, differently, equitably, and  
7 specifically its taxing power and lien authority to the defined  
8 area or designated property to provide money to construct,  
9 administer, maintain, and operate services, improvements, and  
10 facilities that primarily benefit the defined area or designated  
11 property.

12 Sec. 3793.255. ISSUANCE OF BONDS FOR DEFINED AREA OR  
13 DESIGNATED PROPERTY. After the order under Section 3793.253 is  
14 adopted, the district may issue bonds to provide for any land,  
15 improvements, facilities, plants, equipment, and appliances for  
16 the defined area or designated property.

17 SUBCHAPTER G. SALES AND USE TAX

18 Sec. 3793.301. MEANINGS OF WORDS AND PHRASES. A word or  
19 phrase used in this subchapter that is defined by Chapters 151 and  
20 321, Tax Code, has the meaning assigned by Chapters 151 and 321, Tax  
21 Code.

22 Sec. 3793.302. APPLICABILITY OF CERTAIN TAX CODE  
23 PROVISIONS. (a) Except as otherwise provided by this subchapter,  
24 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,  
25 apply to taxes imposed under this subchapter and to the  
26 administration and enforcement of those taxes in the same manner  
27 that those laws apply to state taxes.

1       (b) Chapter 321, Tax Code, relating to municipal sales and  
2 use taxes, applies to the application, collection, change, and  
3 administration of a sales and use tax imposed under this subchapter  
4 to the extent consistent with this chapter, as if references in  
5 Chapter 321, Tax Code, to a municipality referred to the district  
6 and references to a governing body referred to the board.

7       (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,  
8 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not  
9 apply to a tax imposed under this subchapter.

10       Sec. 3793.303. AUTHORIZATION; ELECTION. (a) The district  
11 may adopt a sales and use tax to serve the purposes of the district  
12 after an election in which a majority of the voters of the district  
13 voting in the election authorize the adoption of the tax.

14       (b) The board by order may call an election to authorize a  
15 sales and use tax. The election may be held with any other district  
16 election.

17       (c) The district shall provide notice of the election and  
18 shall hold the election in the manner prescribed by Section  
19 3793.201.

20       (d) The ballots shall be printed to provide for voting for  
21 or against the proposition: "Authorization of a sales and use tax  
22 in the Harris County Improvement District No. 27 at a rate not to  
23 exceed \_\_\_ percent."

24       Sec. 3793.304. ABOLISHING SALES AND USE TAX. (a) Except as  
25 provided by Subsection (b), the board may abolish the sales and use  
26 tax without an election.

27       (b) The board may not abolish the sales and use tax if the

1 district has outstanding debt secured by the tax.

2 Sec. 3793.305. SALES AND USE TAX RATE. (a) On adoption of  
3 the tax authorized by this subchapter, a tax is imposed on the  
4 receipts from the sale at retail of taxable items in the district  
5 and an excise tax is imposed on the use, storage, or other  
6 consumption in the district of taxable items purchased, leased, or  
7 rented from a retailer in the district during the period that the  
8 tax is in effect.

9 (b) The board shall determine the rate of the tax, which may  
10 be in one-eighth of one percent increments not to exceed the maximum  
11 rate authorized by the district voters at the election. The board  
12 may lower the tax rate to the extent the rate does not impair any  
13 outstanding debt or obligations payable from the tax.

14 (c) The rate of the excise tax is the same as the rate of the  
15 sales tax portion of the tax and is applied to the sales price of the  
16 taxable item.

17 SUBCHAPTER H. HOTEL OCCUPANCY TAXES

18 Sec. 3793.351. HOTEL OCCUPANCY TAX. (a) In this section,  
19 "hotel" has the meaning assigned by Section 156.001, Tax Code.

20 (b) For purposes of this section, a reference in Chapter  
21 351, Tax Code, to a municipality is a reference to the district and  
22 a reference in Chapter 351, Tax Code, to the municipality's  
23 officers or governing body is a reference to the board.

24 (c) Except as inconsistent with this section, Subchapter A,  
25 Chapter 351, Tax Code, governs a hotel occupancy tax authorized by  
26 this section.

27 (d) The district may impose a hotel occupancy tax and use

1 the revenue from the tax for any district purpose that is an  
2 authorized use of hotel occupancy tax revenue under Chapter 351,  
3 Tax Code.

4 (e) The board by order may impose, repeal, increase, or  
5 decrease the rate of a tax on a person who, under a lease,  
6 concession, permit, right of access, license, contract, or  
7 agreement, pays for the use or possession or for the right to the  
8 use or possession of a room that:

9 (1) is in a hotel located in the district's boundaries;

10 (2) costs \$2 or more each day; and

11 (3) is ordinarily used for sleeping.

12 (f) The amount of the tax may not exceed seven percent of the  
13 price paid for a room in a hotel.

14 (g) The district may examine and receive information  
15 related to the imposition of hotel occupancy taxes to the same  
16 extent as if the district were a municipality.

17 SUBCHAPTER I. MUNICIPAL ANNEXATION AND DISSOLUTION

18 Sec. 3793.401. MUNICIPAL ANNEXATION; DISSOLUTION. (a) The  
19 district is a "water or sewer district" under Section 43.071, Local  
20 Government Code.

21 (b) Section 43.075, Local Government Code, applies to the  
22 district.

23 (c) Section 375.264, Local Government Code, does not apply  
24 to the dissolution of the district by a municipality.

25 SECTION 2. Harris County Improvement District No. 27  
26 initially includes all territory contained in the following area:

27 TRACT ONE: Fieldnotes for 28.8778 acres of land out of the Amos

1 Barber Survey, Abstract No. 125 in Harris County, Texas, being out  
2 of and a part of that certain 28.2586 acre tract of land conveyed to  
3 Craig Nelson, Trustee, as described in deed recorded under County  
4 Clerk's File No. T275175 of the Real Property Records of Harris  
5 County, and all of that certain 16.2039 acre tract of land conveyed  
6 to Northwood North Venture, L.P ., and described as "Tract II" in  
7 deed recorded under County Clerk's File No. T951125 of the said  
8 Real Property Records, said 28.8778 acres of land being more  
9 particularly described by metes and bounds as follows:

10 COMMENCING at a 1 1/4 inch steel pipe at the base of a 30 inch  
11 Cypress tree found in the West line of the said Amos Barber Survey,  
12 marking the Northeast corner of the Richard B. West Survey.  
13 Abstract No. 860, and the Southeast corner of the H.T. & B.R.R.  
14 Survey, Abstract No. 385, said point also being the Southeast  
15 corner of the residue of that certain 69.3518 acre tract of land  
16 conveyed to Westfield Properties, Inc., as described in deed  
17 recorded under County Clerk's File No. M751039 of the said Real  
18 Property Records, said point also being in the West line of that  
19 certain 4.0000 acre tract of land conveyed to Ricardo F de  
20 Ibarlucea, et al, as described in deed recorded under County  
21 Clerk's File No. M383506 of the said Real Property Records;

22 Thence, North 33° 19' 42" West, 469.82 feet with the East line of the  
23 said 69.3518 acre tract and the said H.T. & B.R.R. Survey, and with  
24 the West line of the said 4.000 acre tract and the said Amos Barber  
25 Survey, and generally along a barbed wire fence line to a 5/8 inch  
26 steel rod found marking the Southwest corner and PLACE OF BEGINNING  
27 for the herein described tract of land, said point being the most

1 Southerly or Southwest corner of the said 28.2586 acre tract, said  
2 point also being the Northwest corner of the said 4.0000 acre tract;  
3 Thence, continuing with the East line of the said 69.3518 acre tract  
4 and the said H.T.& B.R.R. Survey. And with the common West line of  
5 the said 28.2586 acre tract and the said Amos Barber Survey, and  
6 generally along a barbed wire fence line. North 33° 19' 42" West,  
7 971.92 feet to a 5/8 inch steel rod with cap set for the most  
8 Westerly or Northwest corner of the herein described tract, said  
9 point being the most Southerly or Southwest corner of that certain  
10 14.3 acre tract of land conveyed to Aldine Independent School  
11 District, as described in deed recorded under Clerk's File  
12 No. 20060195978 of Real Records;  
13 Thence, North 57° 58' 17" East, 771.54 Feet with the Southeast line  
14 of the said 14.3 acre tract to a 3/8 inch steel rod found at an angle  
15 point for the herein described tract, said point being the most  
16 Easterly or Southeast corner of the said 14.3 acre tract and the  
17 Northwest corner of the said 16.2039 acre tract, Northwood North  
18 Venture, L.P., as described in deed recorded under County Clerk's  
19 File No. 20060015817 of the said Real Property Records;  
20 Thence, North 79° 11' 19" East, 599.93 feet with the South line of  
21 the said 0.8253 acre tract and the North line of the said 16.2039  
22 acre tract to a 3/8 inch steel rod found in the West line of Rayford  
23 Road, based on an 80 foot right-of-way-, marking the Northeast  
24 corner of the said 16.2039 acre tract and the herein described  
25 tract, said the Southeast corner of the said 0.8253 acre tract, said  
26 point also being in a non-tangent curve to the right having a radius  
27 of 20000.00 feet and a central angle of 00° 56' 33";

1 Thence, in a Southerly direction, with the West line of said Rayford  
2 Road and the East line of the said 16.2039 acre tract, and with the  
3 said curve to the right having a radius of 2000.00 feet (chord  
4 bearing South 11°18' 59" East, 32.90 feet an arc distance of 32.90  
5 feet to a 5/8 inch steel rod set at a point of tangency;

6 Thence, continuing with the West line of said Rayford Road and the  
7 East line of the said 16.2039 acre tract, South 10° 50' 43" East,  
8 428.57 feet to a 5/8 inch steel rod set at a point of curve to the  
9 right having a radius of 1120.00 feet and a central angle of 50°39'  
10 42";

11 Thence, continuing with the West line of said Rayford Road and the  
12 East line of the said 16.2039 acre tract, and with the said curve to  
13 the right having a radius of 1120.00 feet (chord bearing South 14°  
14 29 '08" West, 958.37 feet), an arc distance of 990.32 feet to a 5/8  
15 inch steel rod set at a point of tangency;

16 Thence, continuing with the Northwesterly line of said Rayford Road  
17 and the Southeasterly line of the said 16.2039 acre tract, South 39°  
18 48' 59" West, 125.77 feet to a 5/8 inch steel rod set at a point of  
19 curve to the left having a radius of 1180.00 feet and a central  
20 angle of 5°45' 53";

21 Thence, continuing with the Northwesterly line of said Rayford Road  
22 and the Southeasterly line of the said 16.2039 acre tract, and with  
23 the said curve to the left having a radius of 1180.00 feet (chord  
24 bearing South 36° 56' 02" West, 118.67 feet), an arc distance of  
25 118.72 feet to a 5/8 inch steel rod set for the most Southerly  
26 corner of the said 16.2039 acre tract and the herein described  
27 tract. said point also the Southeast corner of the aforesaid

1 Ricardo F. de Ibarlucea, 4.0000 acre tract;  
2 Thence, North 11° 50' 34" West, 453.44 feet with the East line of the  
3 said 4.0000 acre tract and the West line of the said 16.2039 acre  
4 tract to a 5/8 inch steel rod found at an interior ell corner of the  
5 herein described tract, said point also being the Northeast corner  
6 of the said 4.0000 acre tract and the Southeast corner of the  
7 aforesaid 28.2586 acre tract;

8 Thence, South 56°40' 34" West, 373.21 feet with the North line of the  
9 said 4.0000 acre tract and the South line of the said 28.2586 acre  
10 tract to the PLACE OF BEGINNING and containing 28.8778 acres or  
11 1.257.915 square feet of land, more or less.

12 TRACT TWO: Fieldnotes for 0.1782 acre of land out of the Amos Barber  
13 Survey, Abstract No. 125 and the Richard B. West Survey, Abstract  
14 No. 860 in Harris County, Texas, being out of and a part of that  
15 certain 0.65 acre tract of land described in instrument recorded in  
16 Volume 3118, Page 422 of the Deed Records of Harris County, and  
17 being that same 0.1782 acre tract of land conveyed to Northwood  
18 North Venture, L.P., and described as "Tract III" in deed recorded  
19 under County Clerk's File No. T951125 of the Real Property Records  
20 of Harris County, said 0.1782 acre of land being more particularly  
21 described by metes and bounds as follows:

22 COMMENCING at a 5/8 inch steel rod found in the called North line of  
23 the Amos Barber Survey marking the Northwest corner of Forest  
24 Shadows Subdivision, Section I, the map or plat of same being  
25 recorded in Volume 58, Page 54 of the Map Records of Harris County,  
26 said point also being the Northeast corner of that certain 83.156  
27 acre tract of land described in instrument recorded in Volume 7263,



1 Page 325 of the said Deed Records, and that certain 20.000 acre  
2 tract of land conveyed to the Aldine Independent School District  
3 and described as "Tract 2" in deed recorded under County Clerk's  
4 File No. D456846 of the said Real Property Records;

5 Thence, South 32°05'03" East with the West line of Forest Shadows  
6 Subdivision, Sections 1, 2 and 3 and with the East line of the said  
7 83.156 acre tract and the said 20.000 acre tract, at 1501.54 feet  
8 passing a 5/8 inch steel rod set at the Northeast corner of that  
9 certain (called) 27.2585 acre tract of land conveyed to Northwood  
10 North Venture. L.P., and described as 'Tract I' in deed recorded  
11 under County Clerk's File No. T951125 of the said Real Property  
12 Records, said point also being the Southeast corner of the said  
13 20.000 acre tract, and continuing with the West line of said Forest  
14 Shadows Subdivision, Section 3, the map or plat of same being  
15 recorded in Volume 153, Page 123 of the said Map Records, the West  
16 line of Forest Shadows, Section 4, the map or plat of same being  
17 recorded in Volume 174, Page 115 of the said Map Records, and the  
18 East line of the said called 27.2585 acre tract in all, a total  
19 distance of 2327.58 feet to a 5/8 inch steel rod set for the  
20 Southeast corner of the said called 27 .2585 acre tract, said point  
21 also being the Northeast corner of that certain 7.549 acre tract of  
22 land conveyed to the Harris County Flood Control District, as  
23 described in deed recorded under County Clerk's File No. J175685 of  
24 the said Real Property Records;

25 Thence, South 57° 26' 45" West 603.75 with the South line of the said  
26 called 27.2585 acre tract and with the North line of said 7.549 acre  
27 tract to a 5/8 inch steel rod set at an angle point;

1 Thence, continuing with the South line of the said called 27.2585  
2 acre tract and the North of the said 7.549 acre tract, South 66° 43'  
3 00" West, 900.00 feet to a 5/8 inch steel rod set at a point of cure  
4 to the left having a radius of 695.00 feet and a central angle of 37°  
5 32' 04";

6 Thence continuing with Southerly line of said called 27.2585 acre  
7 tract and the Northerly line of said 7.549 acre tract and with the  
8 said curve to the left having a radius of 695.000 feet (chord  
9 bearing South 47° 56' 58" West, 447.20 feet), an arc distance of  
10 455.29 feet to a 5/8 inch steel rod set for the Southwest corner of  
11 the said called 27.2585 acre tract, and an point of the said 7.549  
12 acre tract;

13 Thence, South 12° 28' 19" East, 46.20 feet with a Westerly line of  
14 the said 7.549 acre tract to an ell corner, said point also being  
15 the most Northerly corner of the aforesaid 0.65 acre tract;

16 Thence, South 55° 47' 26" West. 54.87 feet with the Northwesterly  
17 line of the said 0.65 acre tract and the Westerly line of the said  
18 7.549 acre tract to a 5/8 inch steel rod set for the most Northerly  
19 corner and PLACE OF BEGINNING for the herein described tract of  
20 land, said point also being an angle point in the Westerly line of  
21 the said 7.549 acre tract, said point also being in a non-tangent  
22 curve to the left having a radius of 695.00 feet and a central angle  
23 of 10° 41 '35";

24 Thence, in a Southwesterly direction with the Westerly line of the  
25 said 7.549 acre tract and with the said curve to the left having a  
26 radius of 695.00 feet (chord bearing South 17° 11' 02" West, 129.52  
27 feet), an arc distance of 129.71 feet to a 5/8 inch steel rod set at

1 a point of tangency;  
2 Thence, continuing with the Westerly line of the said 7.549 acre  
3 tract, South  $11^{\circ} 50' 14''$  West, 32.84 feet to a 5/8 inch steel rod set  
4 in the North line of FM. Highway No. 1960, based on a 170 foot  
5 right-of-way, for the Southeast corner of the herein described  
6 tract, said point also being the Southwest corner of the said 7.549  
7 acre tract;  
8 Thence, North  $78^{\circ} 09' 14''$  West, 63.90 feet with the North line of  
9 said FM. Highway No. 1960 to a 5/8 inch steel rod set at its  
10 intersection with the East line of Rayford Road, based on an 80 foot  
11 right-of-way, for the Southwest corner of the herein described  
12 tract, said point also being in a non-tangent curve to the right  
13 having a radius of 1100.00 feet and a central angle of  $04^{\circ} 31' 15''$ ;  
14 Thence, in a Northeasterly direction with the East line of said  
15 Rayford Road and the said curve to the right having a radius of  
16 1100.00 feet (chord bearing North  $14^{\circ} 11' 49''$  East, 86.77 feet), an  
17 arc distance of 86.79 feet to a 5/8 inch steel rod set in the North  
18 line of the aforesaid 0.65 acre tract for the Northwest corner of  
19 the herein described tract;  
20 Thence, North  $55^{\circ} 47' 26''$  East, 104.31 feet with the North line of  
21 the said 0.65 acre tract to the PLACE OF BEGINNING and containing  
22 0.1782 acre or 7,764 square feet of land, more or less.  
23 TRACT THREE: Fieldnotes for 27.2273 acres of land out the Amos  
24 Barber Survey Abstract No. 125 in Harris County, Texas, being out  
25 of and part of the certain 83.156 acre tract of land described in  
26 instrument recorded in Volume 7263, Page 325 of the Deed Records of  
27 Harris County, and being the same (called) 27.2585 acre tract of

1 land conveyed to Northwood North Venture, L.P., and described as  
2 "Tract I" in deed recorded under County Clerk's No.. T951125 of the  
3 Real Property Records of Harris County, said 27.2273 acres  
4 described by metes and bounds as follows:

5 COMMENCING in a point in the called North line of the Amos Barber  
6 Survey at the Northwest corner of Forest Shadows Subdivision,  
7 Section I, the map or plat of same being recorded in Volume58, Page  
8 54 of the Map Records of Harris County, said point also the  
9 Northeast corner of the said 83.156 acre tract and that certain  
10 20.000 acre tract of land conveyed to the Aldine Independent School  
11 District and described as "Tract 2" in deed recorded under Clerk's  
12 File No. D456846 of the said Real Property Records;

13 Thence, South 32° 05' 03" East (called South 32° 08' 41" East in  
14 vesting deed), 1501.54 feet with the West line of Forest Shadows  
15 Subdivision, Sections 1, 2 and 3 and with the East line of the said  
16 83.156 acre tract and the said 20.000 acre tract to a 5/8 inch steel  
17 rod set for the Northeast corner and PLACE OF BEGINNING for the  
18 herein described tract of land, said point being the Southeast  
19 corner of the said 20.000 acre tract, said point also being in the  
20 West line of said Forest Shadows Subdivision, Section 3, the map or  
21 plat of same recorded in Volume 153, Page 123 of the said Map  
22 Records;

23 Thence continuing with the West line of the said Forest Shadows  
24 Subdivision, Section 3, and the East line of the said 83.156 acre  
25 tract, South 32° 05' 03" East, at 260 feet passing the Southwest  
26 corner of said Section 3 and the Northwest corner of Forest Shadows,  
27 Section 4, the map or plat of same being recorded in Volume 174,

1 Page 115 of the said Map Records, and continuing with the West line  
2 of said Section 4 in all, a total distance of 826.04 feet to a 5/8  
3 inch steel rod set for the Southeast corner of the herein described  
4 tract, said point also being the Northeast corner of that certain  
5 7.549 acre tract of land conveyed to the Harris Flood Control  
6 District, as described in deed recorded under Clerk's File No.  
7 J175685 of the said Real Records;

8 Thence, South 57° 26' 45" West, 603.75 feet with the North line of  
9 the said 7,549 acre tract to a 5/8 inch steel rod set as an angle  
10 point;

11 Thence, continuing with the North line of the said 7.549 acre tract,  
12 South 66° 43' 00" West, 900.00 feet (called South 67° 21' 27" West in  
13 7.549 acre deed) to a 5/8 inch steel rod set at a point of curve to  
14 the left having a radius of 695.00 feet and a central angle of 37°  
15 32' 04";

16 Thence, continuing Northwesterly line of the said 7.549 acre tract  
17 and with the said curve to the left having a radius of 695.00 feet  
18 and central angle of 47° 56' 58" West, 447.20 feet), an arc distance  
19 of 455.29 feet to a 5/8 inch steel rod set or the Southwest corner of  
20 the herein described tract;

21 Thence, North 11° 50' 34" West, 103.53 feet to a 5/8 inch steel rod  
22 set in the Southeasterly line of Rayford Road, based on an 80 foot  
23 right-of-way, said point being in a non-tangent curve to the right  
24 having a radius of 1100.00 feet and a central angle of 9° 57' 21";

25 Thence, in a Northeasterly direction with the Southeasterly line of  
26 said Rayford Road and with the said curve to the having a radius of  
27 1100.00 feet (chord bearing North 34° 50' 18" East, 190.90 feet), an

1 arc distance of 191.14 feet to a 5/8 inch steel rod set at a point of  
2 tangency;

3 Thence, continuing with the Southeasterly line of said Rayford  
4 Road, North 39°48' 59" East, 125.77 feet to a 5/8 inch steel rod set  
5 at a point of curve to the left having a radius of 1200.00 feet and a  
6 central angle of 50° 39'42";

7 Thence, continuing with the Southeasterly line of said Rayford Road  
8 and with the said curve to the left having a radius of 1200.00 feet  
9 (chord bearing North 14° 29' 08" East, 1026.83 feet), an arc  
10 distance of 1061.06 feet to a 5/8 inch steel rod set at a point of  
11 tangency;

12 Thence, continuing with an Easterly line of said Rayford Road,  
13 North 10°50'43" West, 174.19 to a 5/8 inch steel rod set for the  
14 Northwest corner of the herein described tract, said point also  
15 being the Southwest corner of the aforesaid Aldine Independence  
16 School District 20.000 acre tract;

17 Thence, North 79°09'40" East. 851.68 feet with the South line of the  
18 said 20.000 acre tract to the PLACE OF BEGINNING and containing  
19 27.2273 acres or 1,186,023 square feet of land, more or less.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on  
2 Environmental Quality.

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

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

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

15 SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2017.