A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, and duties of the
Westchase Area Management District; granting the authority to issue
bonds; authorizing a tax.

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

SECTION 1. CREATION OF DISTRICT. (a) A special district in
Harris County to be known as the "Westchase Area Management
District" exists as a governmental agency, body politic and
corporate, and political subdivision of the state.
(b) The name of the district may be changed by resolution of
the board.

(c) The creation of the district is essential to accomplish
the purposes of Section 52, Article III, Section 59, Article XVI,
and Section 52-a, Article III, Texas Constitution, and other public
purposes stated in this Act.

SECTION 2. LEGISLATIVE DECLARATION. (a) The legislature
finds and declares that the creation of the district is necessary
to promote, develop, encourage, and maintain employment, commerce,
transportation, housing, tourism, recreation, arts, entertainment,
economic development, safety, and the public welfare in the
Westchase area of Harris County.
(b) It is the legislature's intent that the creation of the
district and this legislation not be interpreted to relieve Harris
County or the City of Houston from providing the present level of
services to the area included within the district or to release the
county or the city from the obligations each entity has to provide
services to that area. The district is created to supplement and
not supplant the city or county services provided in the area
included within the district.

(c) The legislature finds and intends that by creating the
district and in authorizing the city, county, and other political
subdivisions to contract with the district the legislature has
established a program to accomplish the public purposes set out in
Section 52-a, Article III, Texas Constitution.

SECTION 3. DEFINITIONS. In this Act:

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

(2) "District" means the Westchase Area Management
District.

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

(4) "County" means Harris County, Texas.

SECTION 4. BOUNDARIES. The district includes all the
territory contained within the following described area:

Being 2,460 acres, more or less, out of the G.L. Bellows
Survey, Abstract No. 3, the C. Ennis Survey, Abstract No. 253, the
J.D. Taylor Survey, Abstract No. 72, the I.E. Wade Survey,
Abstract No. 854, the I.E. Wade Survey, Abstract No. 855, the E.
Williams Survey, Abstract No. 834, and the H. Woodruff Survey,
Abstract No. 844, all located in Harris County, Texas, being more
particularly described by metes and bounds as follows:

BEGINNING AT A POINT being the most westerly southwest corner
of the Woodlake, Section 4 Subdivision described by plat recorded
in Vol. 174, Pg. 115 of the Map Records of the Harris County, being
also a point in the East line of South Gessner Road, originally
described in the instrument recorded in Vol. 6369, Pg. 234 of the
Deed Records of Harris County,

Thence in a northerly direction with the western boundary of
the Woodlake, Section 4 Subdivision and the East line of South
Gessner Road to the point of intersection with the easterly
projection of the South line of the Woodlake Townhouse Apartments
Parcel as described in the conveyance recorded in Vol. 8577, Pg. 38
of the Deed Records of Harris County,

Thence in a westerly direction along the easterly projection
of the South line of the Woodlake Townhouse Apartments Parcel and
then continuing with the South Line of the Woodlake Townhouse
Apartments Parcel to the southwest corner of that parcel, being
also a point in the West line of the Woodlake Section 5
Subdivision, being also a point in the West line of the J. D.
Taylor Survey, Abstract 72,

Thence in a southerly direction with the West line of the
J. D. Taylor Survey, Abstract 72 to the point of intersection with
the North right of way of Westheimer Road, also known as Texas Farm
to Market Road No. 1093,

Thence in a westerly direction with the North right of way
line of Westheimer Road, also known as Texas Farm to Market Road
No. 1093 to the point of intersection the East right of way of
Seagler Road,

Thence in a northerly direction with the East right of way
line of Seagler Road to the point of intersection with the easterly
projection of the North right of way line of Ella Lee Lane,

Thence in westerly direction with the easterly projection of
the North right of way line of Ella Lee Lane and then continuing
with the North right of way line of Ella Lee Lane to the point of
intersection with the East right of way line Beltway 8, also known
as the Sam Houston Tollway,

Thence in a northerly direction with the East right of way
line Beltway 8 to the point of intersection with the easterly
projection of the centerline of the right of way line of Deerwood
Drive as dedicated by plat for the Greentree Place Subdivision as
recorded in Vol. 228, Pg. 125 of the Map Records of Harris County,

Thence in a westerly direction with the easterly projection
of the centerline of the right of way of Deerwood Drive and then
continuing with the centerline of the right of way of Deerwood
Drive through a curve to the South to the point of intersection
with the easterly projection of the centerline of the right of way
of River View Drive as described by the plat of the Walnut Bend
Subdivision, Section 8, as recorded in Vol. 129, Pg. 59 of the Map
Records of Harris County,

Thence continuing in a westerly direction with the easterly
projection of the centerline of the right of way of River View
Drive to the West line of the Greentree Place Subdivision, being
also the West Line of the G.L. Bellows Survey, Abstract No. 3,

Thence in a southerly direction with the West line of the
G.L. Bellows Survey, Abstract No. 3, to the point of intersection
with the most easterly southeast corner of the Walnut Bend, Section
5 Subdivision as described by plat recorded in Vol. 89, Pg. 54 of the Map Records of Harris County,

Thence in a westerly direction with the South line of the Walnut Bend, Section 5 to a point in the East right of way line of Blue Willow Drive, being also the southwest corner of lot 18, block 5 of Walnut Bend, Section 5 Subdivision,

Thence continuing in a westerly direction to a point in the West right of way line of Blue Willow Drive, being also the southeast corner of lot 17, block 17 of the Walnut Bend, Section 5 Subdivision,

Thence continuing in a westerly direction with the South line of the Walnut Bend, Section 5 Subdivision to a point in the East right of way line of Walnut Bend Lane, being also the southwest corner of lot 1, block 17 of the Walnut Bend, Section 5 Subdivision,

Thence continuing in a westerly direction to a point in the West right of way line of Walnut Bend Lane, being also the southeast corner of lot 10, block 1 of the Walnut Bend, Section 5 Subdivision,

Thence in a westerly direction to the southwest corner of said lot 10 block 1, being also the most westerly southwest corner of the Walnut Bend, Section 5 Subdivision, being also a point in the East line of lot 6, block 1 of the Lakeside Estates, Section 1 Subdivision as described by plat recorded in Vol. 152, Pg. 97 of the Map Records of Harris County,

Thence in a southerly direction with the East line of the Lakeside Estates, Section 1 Subdivision to the most easterly
southeast corner of said Lakeside Estates Section 1 Subdivision,

Thence in a westerly direction with the South line of the
Lakeside Estates, Section 1 Subdivision to a point in the East
right of way line of Lakeside Country Club, being also the
southwest corner of lot 1, block 1 of the Lakeside Estates, Section
1 Subdivision,

Thence continuing in a westerly direction to a point in the
west right of way line of Lakeside Country Club Drive, being also
the southeast corner of lot 10, block 2 of the Lakeside Estates,
Section 1 Subdivision,

Thence continuing in a westerly direction with the South line
of the Lakeside Estates, Section 1 Subdivision to a point in the
East right of way line of Wilcrest Drive, being also the southwest
corner of lot 1, block 2 of the Lakeside Estates, Section 1
Subdivision,

Thence in a northwesterly direction to a point in the West
right of way line of Wilcrest Drive, being also the northeast
corner of reserve lot A5 of the Lakeside Estates, Section 1
Subdivision,

Thence in a westerly direction with the North line of reserve
lot A5 of the Lakeside Estates, Section 1 Subdivision to the
northwest corner of that lot,

Thence in a southwesterly direction across a 150 foot wide
power line corridor owned by Houston Lighting and Power Company, as
described in instrument recorded in Vol. 1220, Pg. 519 of the Deed
Records of Harris County, to the Southeast corner of a 9.54 acre,
more or less, tract of land described in the instrument recorded
under Clerk's File No. M462865 of the Official Public Records of
Real Property of Harris County,

Thence in a westerly direction with the South line of that
9.54 acre parcel 782 feet, more or less, to the southwest corner of
9.54 acre parcel, being also a point in the East right of way line
of Hayes Road,

Thence continuing in a westerly direction to a point in the
West right of way line of Hayes Road, being also the southeast
corner of the Village West, Section 2 Subdivision, as described by
plat recorded in Vol. 250, Pg. 1 of the Map Records of Harris
County,

Thence continuing in a westerly direction with the South line
of Village West, Section 2 Subdivision to the southwest corner of
that subdivision South line of Village West, Section 2 Subdivision,

Thence continuing in a westerly direction with a westerly
projection of the South line of Village West, Section 2 Subdivision
to the point of intersection with the West right of way line of
Woodland Park Drive,

Thence in a southerly direction with the West right of way
line of Woodland Park Drive to the point of intersection with the
North right of way line of Westheimer Road, also known as Texas
Farm to Market Road No. 1093,

Thence in westerly direction with the North right of way line
of Westheimer Road to the point of intersection with the northerly
projection of the West line of the Westchase Section 18 subdivision
as described in Vol. 291, Pg. 49 of the Map Records of Harris
County,
Thence in a southerly direction with the northerly projection of the West line of the Westchase Section 18 subdivision, and then continuing in a southerly direction with the West line of the Westchase Section 18 subdivision to the southwest corner of that subdivision, being also a point in the North right of way line of Richmond Avenue,

Thence continuing in a southerly direction to a point in the South right of way line of Richmond Avenue, being also the northwest corner of the Westchase Section 17 subdivision as described in Vol. 294, Pg. 3 of the Map Records of Harris County,

Thence continuing in a southerly direction with the West line of the Westchase Section 17 to the southwest corner of that subdivision,

Thence in an easterly direction with the South line of the Westchase Section 17 subdivision to the southeast corner reserve lot "B" of the Westchase Section 17 subdivision,

Thence continuing in a easterly direction 150 feet, more or less, crossing the power line corridor owned by Houston Lighting and Power Company, to the southwest corner of reserve lot "C" of Westchase Section 17,

Thence continuing in an easterly direction with the South line of reserve lot "C" of Westchase Section 17 to the southeast corner of that parcel, being also a point in the West right of way line of Wilcrest Drive,

Thence in a southerly direction with the West right of way line of Wilcrest Drive to the point of intersection with the South line of the Southern Pacific Railroad right of way, formerly known
as the Texas & New Orleans Railroad right of way, said point being
also the northeast corner of Unrestricted Reserve "A" of the
Briarleaf Section 2 Subdivision, as described by plat recorded in
Volume 287, Pg. 12 of the Map Records of Harris County,
Thence in an easterly direction with the South line of the
Southern Pacific Railroad right of way to the point of intersection
with the East right of way line of South Gessner Road,
Thence in a northerly direction with the East right of way
line of South Gessner Road to the point of intersection with the
North line of the Tanglewilde, Section 1 Subdivision as described
by plat recorded in Vol. 49, Pg. 25 of the Map Records of Harris
County,
Thence in an easterly direction with the North line of the
Tanglewilde, Section 1 Subdivision to the northeast corner of lot
16, block 1 of the Tanglewilde, Section 1 Subdivision,
Thence continuing in an easterly direction to the most
westerly southwest corner of that certain 7.0276 acre, more or
less, parcel of land more particularly described by metes and
bounds in the instrument recorded under County Clerk's File No.
R247328 of the Official Public Records of Real Property of Harris
County,
Thence continuing in an easterly direction with the South
line of the said 7.0276 acre parcel 328 feet, more or less, to an
interior corner of that parcel,
Thence in a southerly direction with a westerly line of the
said 7.0276 acre parcel, 106.41 feet, more or less, to a southwest
corner of that parcel, being also a point in the North line of the
Tanglewilde, Section 1 Subdivision,

Thence in an easterly direction with the North line of the Tanglewilde, Section 1 Subdivision, 441.71 feet, more or less, to an interior corner of that subdivision, being also a point in the West right of way line of Rockyridge Drive,

Thence in a northerly direction with the West right of way line of Rockyridge Drive to the point of intersection with the westerly projection of the North line of lot 1, block four of the Tanglewilde Section 1 Subdivision,

Thence in an easterly direction with the westerly projection of the North line of lot 1, block four of the Tanglewilde Section 1 Subdivision to the northwest corner of that lot 1, block four,

Thence continuing in an easterly direction with the North line of lot 1, block four of the Tanglewilde Section 1 Subdivision to the northeast corner of that lot, being also a point in the West line of the replatted Westmont Subdivision as described by plat recorded in Vol. 75, Pg. 50 of the Map Records of Harris County,

Thence in a northerly direction with the West line of the replatted Westmont Subdivision to the northwest corner of said replatted Westmont Subdivision,

Thence in an easterly direction with the North line of the replatted Westmont Subdivision to the point of intersection with the centerline of Westerland Drive,

Thence in a northerly direction with the centerline of Westerland Drive to the point of intersection with the easterly projection of the North right of way line of Ella Lee Lane,

Thence in a westerly direction with the easterly projection

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of the North right of way line of Ella Lee Lane and continuing with
the North right of way line of Ella Lee Lane to the POINT OF
BEGINNING.

SECTION 5. FINDINGS RELATING TO BOUNDARIES. The legislature
finds that the boundaries and field notes of the district form a
closure. If a mistake is made in the field notes or in copying the
field notes in the legislative process, the mistake does not in any
way affect the:

(1) organization, existence, and validity of the
district;

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

(3) right of the district to levy and collect
assessments or taxes; or

(4) legality or operation of the district or its
governing body.

SECTION 6. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The
legislature finds that all of the land and other property included
within the boundaries of the district will be benefited by the
improvements and services to be provided by the district under
powers conferred by Section 52, Article III, Section 59, Article
XVI, and Section 52-a, Article III, Texas Constitution, and other
powers granted under this Act, and that the district is created to
serve a public use and benefit.

(b) The legislature finds that:

(1) the creation of the district is in the public
interest and is essential to:

(A) further the public purposes of the development and diversification of the economy of the state; and

(B) eliminate unemployment and underemployment

and develop or expand transportation and commerce;

(2) the district will promote the health, safety, and general welfare of residents, employers, employees, visitors, consumers in the district, and the general public;

(3) the district will provide needed funding for the Westchase area to preserve, maintain, and enhance the economic health and vitality of the area as a community and business center; and

(4) the district will further promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas within the district, which are necessary for the restoration, preservation, and enhancement of scenic and aesthetic beauty.

(c) The legislature finds and determines that pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The district will not act as the agent or instrumentality of any private interest even though many private interests will be benefited by the district, as will the general public.

SECTION 7. APPLICATION OF OTHER LAW. Except as otherwise
provided by this Act, Chapter 375, Local Government Code, applies to the district.

SECTION 8. CONSTRUCTION OF ACT. This Act shall be liberally construed in conformity with the legislative findings and purposes stated in this Act.

SECTION 9. BOARD OF DIRECTORS IN GENERAL. (a) The district is governed by a board of 17 directors who serve staggered four-year terms.

(b) Subchapter D, Chapter 375, Local Government Code, applies to the board to the extent that subchapter does not conflict with this Act.

SECTION 10. INITIAL DIRECTORS. (a) The initial board consists of the following persons:

<table>
<thead>
<tr>
<th>Position Number</th>
<th>Director</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>David J. Lee</td>
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<tr>
<td>2</td>
<td>Donna J. Flowers</td>
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<td>3</td>
<td>Douglas L. Elliott</td>
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<td>4</td>
<td>Steve Hilton</td>
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<td>5</td>
<td>Ted M. Kerr</td>
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<td>6</td>
<td>Fred S. Kummer, III</td>
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<td>7</td>
<td>Candy A. Tillack</td>
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<td>8</td>
<td>Bruce Wilkerson</td>
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<td>9</td>
<td>Paul S. McDonald</td>
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<td>10</td>
<td>Jack W. Michael</td>
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<tr>
<td>11</td>
<td>Michael W. Biggs</td>
</tr>
<tr>
<td>12</td>
<td>Andrew R. Lear</td>
</tr>
<tr>
<td>13</td>
<td>James R. Murphy</td>
</tr>
</tbody>
</table>
(b) The initial directors for positions 1 through 8 serve until June 1, 1997, and the initial directors for positions 9 through 17 serve until June 1, 1999.

SECTION 11. SUBSEQUENT DIRECTORS. The mayor and city council of the city shall appoint subsequent directors from persons recommended by the board.

SECTION 12. EX OFFICIO MEMBERS OF BOARD OF DIRECTORS. The board may appoint nonvoting ex officio members to serve on the board.

SECTION 13. POWERS OF DISTRICT. (a) The district has all powers necessary or required to accomplish the purposes for which the district was created.

(b) The district has the rights, powers, privileges, authorities, and functions of a district created under Chapter 375, Local Government Code.

(c) The district has the powers conferred on a corporation under Section 4B, the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes). The district may own, operate, acquire, construct, lease, improve, and maintain projects described by that section.

(d) The district may:

   (1) levy ad valorem taxes, assessments, or impact fees in accordance with Chapter 375, Local Government Code, to provide
improvements and services for a project or activity the district is
authorized to acquire, construct, improve, or provide under this
Act; and

(2) correct, add to, or delete assessments from its
assessment rolls after notice and hearing as provided by Subchapter
F, Chapter 375, Local Government Code.

(e) The district may not acquire property through eminent
domain.

(f) If the district, in exercising a power conferred by this
Act, requires a relocation, adjustment, raising, lowering,
rerouting, or changing the grade of or altering the construction of
any street, alley, highway, overpass, underpass, road, railroad
track, bridge, facility or property, electric line, conduit,
facility or property, telephone or telegraph line, conduit,
facility or property, gas transmission or distribution pipe,
pipeline, main, facility or property, water, sanitary sewer or
storm sewer pipe, pipeline, main, facility or property, cable
television line, cable, conduit, facility or property, or other
pipeline or facility or property relating to the pipeline, that
relocation, adjustment, raising, lowering, rerouting, changing of
grade, or altering of construction must be accomplished at the sole
cost and expense of the district, and the district shall bear
damages that are suffered by owners of the property or facilities.

SECTION 14. CONFLICTS WITH OTHER LAW. If any provision of a
law referenced in Section 13 of this Act is in conflict with or is
inconsistent with this Act, this Act prevails. Any law referenced
in this Act that is not in conflict or inconsistent with this Act
is adopted and incorporated by reference.

SECTION 15. REQUIREMENTS FOR FINANCING SERVICES AND IMPROVEMENTS. The board may not finance services and improvement projects under this Act unless a written petition requesting those improvements or services has been filed with the board. The petition must be signed by:

(1) the owners of a majority of the assessed value of real property in the district as determined by the most recent certified county property tax rolls; or

(2) at least 50 persons who own land within the district, if there are more than 50 persons who own property in the district as determined by the most recent certified county property tax rolls.

SECTION 16. DISBURSEMENTS OR TRANSFERS OF FUNDS. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

SECTION 17. BONDS. (a) The district may issue bonds or other obligations payable in whole or in part from ad valorem taxes, assessments, impact fees, revenues, grants, or other funds of the district, or any combination of those funds, to pay for any authorized purpose of the district.

(b) Bonds or other obligations of the district may be issued in the form of bonds, notes, certificates of participation, including other instruments evidencing a proportionate interest in payments to be made by the district, or other obligations that are issued in the exercise of the district's borrowing power and may be
issued in bearer or registered form or may be issued in a form not
represented by an instrument but with their transfer registered on
books maintained by or on behalf of the district.

(c) Except as provided by Subsection (d) of this section,
the district must obtain the city's approval of:

(1) the issuance of bonds for an improvement project;

and

(2) the plans and specifications of the improvement
project to be financed by the bonds.

(d) If the district obtains the city's approval of a capital
improvements budget for a specified period not to exceed five
years, the district may finance the capital improvements and issue
bonds specified in the budget without further city approval.

(e) Before the district issues bonds, the district shall
submit the bonds and the record of proceedings of the district
relating to authorization of the bonds to the attorney general for
approval as provided by Chapter 53, Acts of the 70th Legislature,
2nd Called Session, 1987 (Article 717k-8, Vernon's Texas Civil
Statutes).

SECTION 18. ASSESSMENTS. (a) The board may levy and
collect an assessment for any purpose authorized by this Act.

(b) Assessments, reassessments or assessments resulting
from an addition to or correction of the assessment roll by the
district, penalties and interest on an assessment or reassessment,
expenses of collection, and reasonable attorney's fees incurred by
the district:

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

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

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

(c) The lien is effective from the date of the resolution of the board levying the assessment until the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

SECTION 19. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS. The district must obtain the city's approval of the plans and specifications of any district improvement project related to the use of land owned by the city, an easement granted by the city, or a right-of-way of a street, road, or highway.

SECTION 20. ELECTIONS. (a) In addition to the elections the district must hold under Subchapter L, Chapter 375, Local Government Code, the district shall hold an election in the manner provided by that subchapter to obtain voter approval before the district imposes a maintenance tax or issues bonds payable from ad valorem taxes or assessments.

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

SECTION 21. IMPACT FEES. The district may impose an impact fee for an authorized purpose as provided by Subchapter G, Chapter 375, Local Government Code.
SECTION 22. MAINTENANCE TAX. (a) If authorized at an election held in accordance with Section 20 of this Act, the district may levy and collect an annual ad valorem tax on taxable property in the district for the maintenance and operation of the district and the improvements constructed or acquired by the district or for the provision of services to industrial or commercial businesses, residents, or property owners.

(b) The board shall determine the tax rate.

SECTION 23. DISSOLUTION OF DISTRICT. (a) The district may be dissolved as provided in Subchapter M, Chapter 375, Local Government Code.

(b) Notwithstanding Section 375.264, Local Government Code, a district that has debt may be dissolved as provided by Subchapter M, Chapter 375, Local Government Code. If the district has debt and is dissolved, the district shall remain in existence solely for the limited purpose of discharging its bonds or other obligations according to their terms.

SECTION 24. CONTRACTS. (a) To protect the public interest, the district may contract with the city or county for the provision of law enforcement services by the county or city in the district on a fee basis.

(b) The city, county, or any other political subdivision of the state, without further authorization, may contract with the district to implement a project of the district or aid and assist the district in providing the services authorized under this Act. A contract under this subsection may:

(1) be for a period on which the parties agree;
(2) include terms on which the parties agree;
(3) be payable from taxes or any other sources of
revenue that may be available for such purpose; or
(4) provide that taxes or other revenue collected at a
district project or from a person using or purchasing a commodity
or service at a district project may be paid or rebated to the
district under the terms of the contract.
(c) The district may enter into a contract, lease, or
agreement with or make or accept grants and loans to or from:
(1) the United States, including federal departments
and agencies;
(2) the state or a state agency;
(3) a county, municipality, or other political
subdivision of the state;
(4) a public or private corporation, including a
nonprofit corporation created by the board under other law; and
(5) any other person.
(d) The district may perform all acts necessary for the full
exercise of the powers vested in the district on terms and
conditions and for the term the board may determine to be
advisable.

SECTION 25. COMPETITIVE BIDDING. The district may enter a
contract for more than $25,000 for services, improvements, or the
purchase of materials, machinery, equipment, supplies, or other
property only as provided by Subchapter K, Chapter 375, Local
Government Code.

SECTION 26. NOTICE AND CONSENT. The legislature finds that:
(1) proper and 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 by the constitution and laws of this state, including the governor, who has submitted the notice and a copy of this Act to the Texas Natural Resource Conservation Commission;

(2) the Texas Natural Resource Conservation Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time;

(3) 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; and

(4) 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 27. EFFECTIVE DATE. This Act takes effect September 1, 1995.

SECTION 28. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

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<tr>
<th>Name</th>
<th>Date</th>
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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES
STATE OF TEXAS

TO: The Honorable George W. Bush
    Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Natural Resource Conservation Commission copies of House Bill No. 264, a bill relating to a conservation and reclamation district, and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Natural Resource Conservation Commission, under Section 59(d), Article XVI, Constitution of the State of Texas.

APR 5 1995
Date transmitted to
Governor's Office

Cynthia Gerhardt, Chief Clerk
House of Representatives

TO: Texas Natural Resource Conservation Commission

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of House Bill No. ______, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

Date transmitted to
Texas Natural Resource Conservation Commission

George W. Bush
Governor

TO: The Honorable James E. "Pete" Laney
    Speaker of the House
    The Honorable Bob Bullock
    President of the Senate
    The Honorable George W. Bush
    Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Natural Resource Conservation Commission on House Bill No. ______, in compliance with Section 59(d), article XVI, Constitution of the State of Texas.

Dan Pearson
Executive Director
The Honorable James E. (Pete) Laney  
Texas House of Representatives  
P. O. Box 2910  
Austin, Texas 78769

Re: Responsibility of the Texas Natural Resource Conservation Commission pursuant to Article XVI, Section 59(d), Texas Constitution.

H.B. 3204 by Joe Nixon

Relating to the Creation, Powers and Duties of the Westchase Area Management District of Harris County.

Dear Mr. Speaker:

The attached comments are provided pursuant to the Constitutional requirements referenced above. We recommend that these comments be considered in the evaluation of the proposed legislation.

Respectfully,

Dean Robbins, P.E.  
Director, Water Utilities Division

Enclosure

cc: Representative David Counts, Chairman, House Natural Resources Committee  
Representative Joe Nixon
House Bill 3204  
by Representative Joe Nixon

Creates the Westchase Area Management District. The District's powers and duties are summarized as follows:

**Purposes:**

Promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety, and the public welfare in downtown Houston. The district will also provide needed funding for the Westchase area providing pedestrian ways and by landscaping and developing certain areas for restoration, preservation and enhancement of scenic and aesthetic beauty. This also includes street lighting, landscaping and street art objects. These purposes are similar to those of general law for Municipal Management Districts (MMDs).

**Governing Board:**

The Act will appoint 17 directors to serve staggered four year terms. To be qualified to serve as a director, a person must comply with Subchapter D, Chapter 375, Local Government Code which sets out the terms and qualifications of directors in General Law MMDs.

Subsequent directors shall be appointed by the mayor and city council of Houston based on recommendations from the Board.

**Taxes & Assessments:**

The District could borrow money for District improvements and services, and provide for payment of debt and expenses thru the levy of taxes, impact fees, user fees, rentals, etc. The District may levy and collect an assessment under Subchapter F, Chapter 375, Local Government Code relating to General Law MMDs.

**Powers:**

The District has the rights, powers, privileges, authority and functions of a MMD created under general law, the powers of an industrial development corporation (Section 4B of Article 5190.6, Vernon's Texas Civil Statutes) and the power to operate, own, acquire, etc., those projects of an industrial corporation.

The district does not have the power of eminent domain.

**Contracts:**

Requires compliance with the competitive bidding statutes for general law MMDs.

**Debt:**

As with general law MMDs, may issue bonds, notes, bond anticipation notes, certificates of participation, lease, contract, or other evidences of debt. Bonds must be approved by City of Houston.

**Boundaries:**
A boundary description is contemplated but is not included in the bill as originally filed. Since the District has taxing powers, it is recommended that a boundary description forming an acceptable closure be included.

**TNRCC Supervision:**

TNRCC would have general supervision authority but this would not include bond review authority. General law requires MMDs to seek TNRCC approval of any bonds issued for water and/or wastewater projects but not other kinds of projects.
Relating to the creation, administration, powers, and duties of the Westchase Area Management District; granting the authority to issue bonds; authorizing a tax.

APR 05 1995 Filed with the Chief Clerk
APR 6 1995 Read first time and referred to Committee on State Affairs

Reported unfavorably (as amended) (as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. sub.)(amended); passed to third reading (failed by a (non-record vote)
(record vote of ______ year, ______ nays, ______ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of ______ year, ______ nays, ______ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of ______ year, ______ nays, ______ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(______ year, ______ nays)

Read second time, _________________, and passed to third reading by (unanimous consent)
(a viva voce vote)
(______ year, ______ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of ______ year, ______ nays

Read third time, _________________, and passed by (a viva voce vote)
(______ year, ______ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:
Returned from the Senate (as substituted)  
(with amendments)  

House concurred in Senate amendments by a (non-record vote)  
(record vote of ________ yeas, ________ nays, ________ present, not voting)  

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of ________ yeas, ________ nays, ________ present, not voting)  

House conferees appointed: ____________________________, Chair; ____________________________.  

Senate granted House request. Senate conferees appointed: ____________________________, Chair;  

Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of ________ yeas, ________ nays, ________ present, not voting)  

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of ________ yeas ________ nays)