

Chapter 865

AN ACT

relating to the powers of the Westchase District.

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

SECTION 1. Subchapter A, Chapter 3802, Special District Local Laws Code, is amended by adding Sections 3802.0045, 3802.0055, and 3802.008 to read as follows:

Sec. 3802.0045. PARKING. A parking improvement is considered to be a street or road improvement.

Sec. 3802.0055. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

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

(2) a tax abatement reinvestment zone created by a municipality under Chapter 312, Tax Code; or

(3) an enterprise zone created by a municipality under Chapter 2303, Government Code.

Sec. 3802.008. TORT LIABILITY. The district is a governmental unit under Chapter 101, Civil Practice and Remedies Code, and the operations of the district are essential government functions and are not proprietary functions for any purpose, including the application of Chapter 101, Civil Practice and Remedies Code.

SECTION 2. Section 3802.051, Special District Local Laws

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1 Code, is amended to read as follows:

2 Sec. 3802.051. BOARD OF DIRECTORS; TERMS. (a) The
3 district is governed by a board of 17 directors who serve staggered
4 terms of four years, with eight or nine directors' terms expiring
5 June 1 of each odd-numbered year.

6 (b) The board by resolution may change the number of voting
7 directors on the board, but only if the board determines that the
8 change is in the best interest of the district. The board may not
9 consist of fewer than nine or more than 30 voting directors.

10 SECTION 3. Subchapter B, Chapter 3802, Special District
11 Local Laws Code, is amended by adding Section 3802.054 to read as
12 follows:

13 Sec. 3802.054. QUORUM. For purposes of determining whether
14 a quorum of the board is present, the following are not counted:

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

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

19 (3) a nonvoting director.

20 SECTION 4. Section 3802.103, Special District Local Laws
21 Code, is amended by adding Subsection (e) to read as follows:

22 (e) The implementation of a project is a governmental
23 function or service for the purposes of Chapter 791, Government
24 Code.

25 SECTION 5. Subchapter C, Chapter 3802, Special District
26 Local Laws Code, is amended by adding Sections 3802.102 and
27 3802.1045 to read as follows:

1 Sec. 3802.102. NONPROFIT CORPORATION. (a) The board by
2 resolution may authorize the creation of a nonprofit corporation to
3 assist and act for the district in implementing a project or
4 providing a service authorized by this chapter.

5 (b) The nonprofit corporation:

6 (1) has each power of and is considered for all
7 purposes to be a local government corporation created under Chapter
8 431, Transportation Code; and

9 (2) may implement any project and provide any service
10 authorized by this chapter.

11 (c) The board shall appoint the board of directors of the
12 nonprofit corporation. The board of directors of the nonprofit
13 corporation shall serve in the same manner as, for the same term as,
14 and on the same conditions as the board of directors of a local
15 government corporation created under Chapter 431, Transportation
16 Code.

17 (d) The nonprofit corporation may be dissolved as provided
18 by Chapter 431, Transportation Code, for a corporation created
19 under that chapter.

20 Sec. 3802.1045. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.

21 The district may join and pay dues to an organization that:

22 (1) is exempt from federal income taxation under
23 Section 501(a), Internal Revenue Code of 1986, by being listed as an
24 exempt organization under Section 501(c)(3), (4), or (6) of that
25 code; and

26 (2) performs a service or provides an activity
27 consistent with the furtherance of a district purpose.

1 SECTION 6. Section 3802.106, Special District Local Laws
2 Code, as added by Chapter 728 (H.B. 2018), Acts of the 79th
3 Legislature, Regular Session, 2005, is renumbered as Section
4 3802.107, Special District Local Laws Code, to read as follows:

5 Sec. 3802.107 [~~3802.106~~]. CONFERENCE AND CONVOCATION
6 CENTERS. The district may finance, acquire, lease as a lessor or
7 lessee, construct, improve, operate, or maintain conference and
8 convocation centers and supporting facilities. The district may
9 enter into a long-term operating agreement with any person for the
10 center or facility.

11 SECTION 7. Subchapter D, Chapter 3802, Special District
12 Local Laws Code, is amended by adding Section 3802.1575 to read as
13 follows:

14 Sec. 3802.1575. USE OF ELECTRICAL OR OPTICAL LINES.

15 (a) The district may impose an assessment to pay the cost of:

16 (1) burying or removing electrical power lines,
17 telephone lines, cable or fiber-optic lines, or any other type of
18 electrical or optical line;

19 (2) removing poles and any elevated lines using the
20 poles; and

21 (3) reconnecting the lines described by Subdivision
22 (2) to the buildings or other improvements to which the lines were
23 connected.

24 (b) The assessment under Subsection (a) shall not be imposed
25 on the property, including the equipment, rights-of-way,
26 easements, facilities, or improvements, of a telecommunications
27 provider as defined by Section 51.002, Utilities Code, or a cable

1 service provider or video service provider as defined by Section
2 66.002, Utilities Code, unless the property is used as office
3 space.

4 (c) The district may acquire, operate, or charge fees for
5 the use of the district conduits for:

- 6 (1) another person's:
 - 7 (A) telecommunications network;
 - 8 (B) fiber-optic cable; or
 - 9 (C) electronic transmission line; or
- 10 (2) any other type of transmission line or supporting
11 facility.

12 (d) The district may not require a person to use a district
13 conduit.

14 SECTION 8. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.

S.B. No. 2496

Rand Newkum

President of the Senate

Jim Strawn

Speaker of the House

I hereby certify that S.B. No. 2496 passed the Senate on May 7, 2009, by the following vote: Yeas 31, Nays 0.

Patsy Gow

Secretary of the Senate

I hereby certify that S.B. No. 2496 passed the House on May 25, 2009, by the following vote: Yeas 141, Nays 0, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

19 JUN '09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

JUN 19 2009

Colby Shuter III