

## **BILL ANALYSIS**

Senate Research Center  
82R7277 JXC-F

S.B. 1277  
By: Ellis  
Intergovernmental Relations  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Harris County Improvement District No. 5, also known as Brays Oaks Management District (district), serves a large area in the southwest region of the city of Houston. The district finances improvements and services through a property tax assessment on commercial and other non-single family residential property.

The district was created by the Texas Legislature in 2005. The Act creating the district is codified as Chapter 3834 (Harris County Improvement District No. 5), Special District Local Laws Code. To the extent not otherwise in conflict with Chapter 3834, the district operates under Chapter 375 (Municipal Management Districts in General), Local Government Code.

The district is currently authorized to provide services and improvements to land within the boundaries of the district. The legislation would add land to the district and would expand the area to which the district could provide services and improvements.

As proposed, S.B. 1277 amends current law relating to validating certain acts and proceedings of Harris County Improvement District No. 5 and to the boundaries of the district.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

**SECTION 1. BOUNDARIES.** (a) Provides that the boundaries of Harris County Improvement District No. 5 (district) are enlarged to include certain tracts of land. Sets forth the enlarged boundaries.

(b) Provides that the boundaries and field notes contained in Subsection (a) of this section form a closure. Provides that a mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
- (3) right to impose a tax; or
- (4) legality or operation.

**SECTION 2. VALIDATION.** (a) Provides that the legislature validates and confirms all governmental acts and proceedings of the district that were taken before the effective date of this Act. Prohibits an act or proceeding from being held invalid because the act or proceeding was not in accordance with Chapter 3834 (Harris County Improvement District No. 5), Special District Local Laws Code, or other law.

(b) Provides that this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 3. NOTICE. (a) Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, and Chapter 313, Government Code.

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

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

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

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

SECTION 4. EFFECTIVE DATE. Effective date: upon passage or September 1, 2011.