

BILL ANALYSIS

H.B. 3583
By: Goodman
County Affairs
Committee Report (Amended)

BACKGROUND AND PURPOSE

HB 3583 creates the Great Southwest Improvement District as a political subdivision of the State of Texas to administer and provide funding for community improvement projects and services in certain areas of Arlington. The District will be a municipal management district similar to those operating pursuant to Chapter 375 and 376, Local Government Code.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. CREATION OF DISTRICT. (a) Creates the Great Southwest Improvement District as a special district under Section 59, Article XVI, Texas Constitution.

(b) Authorizes the Board of Directors of the district (board) by resolution to change the name of the district.

SECTION 2. DEFINITIONS. Defines "board" and "district."

SECTION 3. DECLARATION OF INTENT. (a) Sets forth findings that the creation of the district is essential to accomplish certain purposes.

(b) Provides that the creation of the district and this legislation are not to relieve Tarrant County (county) or the City of Arlington (municipality) from providing the level of services, as of the effective date of this Act, to the area in the district. Provides that the district is created to supplement and not supplant the county services provided in the area in the district.

(c) Sets forth findings regarding the necessity of the creation of the district.

SECTION 4. BOUNDARIES. Sets forth the geographical boundaries of the district.

SECTION 5. FINDINGS RELATING TO BOUNDARIES. Provides that the boundaries and field notes of the district form a closure. Provides that 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 district's organization, existence, or validity, its 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, its right to impose or collect an assessment or a tax, or its legality or operation.

SECTION 6. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) Provides that the district is created to serve a public use and benefit.

(b) Provides that all land in the district will benefit from the improvements and services to be provided by the district under Sections 52 and 52-a, Article III and Section 59, Article XVI, Texas Constitution, and other powers granted under the Act.

(c) Provides that the creation of the district is in the public interest and is essential to further the public purposes of the development and diversification of the economy of the state, eliminate unemployment and underemployment, and develop or expand transportation and commerce.

(d) Provides that the district will

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

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

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

(e) Provides 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.

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

SECTION 7. APPLICATION OF OTHER LAW. Provides that Chapter 375, Local Government Code applies to the district except as may be inconsistent with the Act. Chapter 311, Government Code (Code Construction Act), applies to the Act.

SECTION 8. CONSTRUCTION OF ACT. Requires that this Act be liberally construed in conformity with the findings and purposes stated in this Act.

SECTION 9. BOARD OF DIRECTORS; TERMS. Sets forth general provisions for the board of directors if the district and their terms.

SECTION 10. QUALIFICATIONS. Sets forth the qualifications of the directors of the district, and that Section 375.063, Local Government Code, shall not apply to the board.

SECTION 11. APPOINTMENT OF DIRECTORS. Provides for the appointment of board members.

SECTION 12. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT. Provides for the procedures a board member must follow if the member has a conflict of interest with a matter before the board.

SECTION 13. ELECTRONIC TRANSMISSIONS. Provides for the conditions under which the district may acquire, operate and charge for use of its conduits.

SECTION 14. ADDITIONAL POWERS OF THE DISTRICT. Provides that the district may also exercise the powers given to a corporation created under Section 4B, Development Corporation Act of 1979 and a housing finance corporation created under Chapter 394, Local Government Code.

SECTION 15. AGREEMENTS; GRANTS. (a) Provides that a district may make an agreement with or accept a gift, grant, or loan from any person.

(b) Provides that the implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

SECTION 16. LAW ENFORCEMENT SERVICES. Provides that the district may contract with Arlington or Tarrant County for law enforcement services for a fee.

SECTION 17. NONPROFIT CORPORATION. (a) Authorizes the board by resolution to authorize the creation of a nonprofit corporation to assist and act on behalf of the district in implementing a project or providing a service authorized by this Act.

(b) Requires the board to appoint the board of directors of a nonprofit corporation created under this section. Requires the board of directors of the nonprofit corporation to serve in the same manner, term,

and conditions as a board of directors of a local government corporation created under Chapter 431, Transportation Code.

(c) Provides that a nonprofit corporation created under this section has the powers of and is considered for purposes of this Act to be a local government corporation created under Chapter 431, Transportation Code.

SECTION 18. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS.

(a) Provides that the board may not finance a service or improvement project through an assessment under this Act unless a written petition requesting that service or improvement 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 that will be subject to the assessment according to the most recent certified tax appraisal roll for the county in which the property is located or (2) at least 50 owners of land in the district that will be subject to the assessment, if more than 50 persons own land in the district that will be subject to the assessment according to the most recent certified tax appraisal roll for the county in which the property is located.

*******SECTION 19. ASSESSMENTS.** (a) Authorizes the board to impose and collect an assessment for any purpose authorized by this Act. (b) Sets the priority of liens.

SECTION 20. UTILITIES. Prohibits the district from imposing an impact fee or assessment against certain utilities.

SECTION 21. OBLIGATIONS. Authorizes the district to issue bonds or other obligations.

SECTION 22. DISBURSEMENTS OR TRANSFERS OF MONEY. Authorizes the board to establish, by resolution, the number of director's signatures and procedures required for a disbursement or transfer of the district's money.

SECTION 23. COMPETITIVE BIDDING LIMIT. Limits application of Section 375.221, Local Government Code, to the district only for a contract with a value greater than \$25,000.

SECTION 24. EXCEPTION FOR DISSOLUTION OF DISTRICT WITH OUTSTANDING DEBT. Authorizes the board to vote to dissolve a district that has debt.

SECTION 25. INITIAL DIRECTORS. Provides for the initial directors of the board.

SECTION 26. LEGISLATIVE FINDINGS. Provides for legislative findings.

SECTION 27. EFFECTIVE DATE. Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

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EXPLANATION OF AMENDMENTS

Amends Section 20 and Section 25 of the legislation.