

BILL ANALYSIS

C.S.H.B. 4022
By: Zerwas
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

CSHB 4022 amends the powers of Fort Bend County Municipal Utility District No. 58 (the “district”). The district lies within the extraterritorial jurisdiction of the City of Houston and in Fort Bend County. Currently, the district provides water, sewer, drainage and park facilities to land located within the boundaries of the district. CSHB 4022 would provide the district with limited road powers pursuant to Article 3, Section 52 of the Constitution of Texas.

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. Amends Subtitle F, Title 6, Special District Local Laws Code, by adding Chapter 8253, as follows:

CHAPTER 8253. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 58

Subchapter A. General Provisions

Sec. 8253.001. DEFINITIONS. Defines “Board,” “Director,” and “District.”

Sec. 8253.002. NATURE OF DISTRICT. Provides that the District is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, and has road powers under Section 52, Article III, Texas Constitution.

Sec. 8253.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. Provides that all land and other property included in the District will benefit from the improvements and services to be provided by the District.

Subchapter B. Powers and Duties

Sec. 8253.051. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. Provides that the District has the powers and duties of a municipal utility district, as provided by general law, including Chapters 49 and 54, Water Code, and has the powers and duties necessary to accomplish the District’s purposes.

Sec. 8253.052. ROAD PROJECTS. Authorizes the District to construct, acquire, maintain or operate thoroughfares, arterials or collector roads, and improvements in aid of the roads, to the extent they meet the criteria of the municipality or county in whose jurisdiction the road project lies. Requires road projects to meet applicable municipal and county standards, regulations, and ordinances.

Subchapter C. Bonds

Sec. 8253.101. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS FOR ROAD PROJECTS. Authorizes the District to issue bonds or other obligations to pay for road projects. Requires a two-thirds approval by voters of the District prior to the District’s issuance

of bonds for road projects. Limits the issuance of bonds used to finance road projects to one-fourth of the assessed value of real property in the District.

SECTION 2. Provides that the District retains all the rights, powers, privileges, authority, duties, and functions existing before the effective date of the Act enacting this Chapter.

SECTION 3. Sets forth legislative findings regarding the fulfillment of procedural requirements with respect to the notice, introduction, and passage of the Act.

SECTION 4. EFFECTIVE DATE: Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The filed version of the bill was not a Legislative Council draft. C.S.H.B. 4022 is a Legislative Council draft, and changes are in form only. C.S.H.B. 4022 specifically adds chapter and section numbers to the filed version of the bill, where there were previously placeholders, and makes other non-substantive revisions.

CSHB 4022 adds Section 2 which provides that the District retains all the rights, powers, privileges, authority, duties, and functions existing before the effective date of the Act enacting this Chapter, and renumbers subsequent Sections.