

BILL ANALYSIS

Senate Research Center
80R12459 SGA-F

H.B. 4038
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Harris County Municipal District No. 473 (district) lies in the corporate limits of the City of Baytown in Harris County. Currently the district provides water, sewer, drainage, and park facilities to land located within the boundaries of the district.

H.B. 4038 amends the powers of Harris County Municipal District No. 473 to provide the district with limited road powers pursuant to Article 3, Section 52, of the Constitution of Texas.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle F, Title 6, Special District Local Laws Code, by adding Chapter 8250, as follows:

CHAPTER 8250. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 473

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8250.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8250.002. 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. Provides that the district, to the extent authorized by Section 8250.052, Special District Local Laws Code, and Section 52, Article III, Texas Constitution, has road powers.

Sec. 8250.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. Provides that all land and other property in the district will benefit from the improvements and services to be provided by the district.

[Reserves Sections 8250.004-8250.050 for expansion.]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8250.051. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. (a) Provides that the district has powers and duties necessary to accomplish the purposes for which the district is created. Provides that this chapter does not limit the district's powers existing before the effective date of the Act enacting this chapter.

(b) Provides that the district has the powers and duties provided by the general law of this state, including Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipality Utility Districts), Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8250.052. ROAD PROJECTS. (a) Authorizes the district to finance, construct, or acquire a road project as provided by this section, under Section 52, Article III, Texas Constitution.

(b) Requires the district to employ or contract with a licensed engineer to certify whether a proposed road project meets the criteria for a thoroughfare, arterial, or collector road of a county in whose jurisdiction the proposed road project is located or a municipality in whose corporate limits or extraterritorial jurisdiction the proposed road project is located.

(c) Authorizes the district to finance, construct, or acquire a thoroughfare, arterial, or collector road that has been certified by the licensed engineer, or any improvements in aid of the road.

(d) Requires that a road project meet all applicable standards, regulations, ordinances, or orders of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located and each county in which the road project is located if the road project is not located in the corporate limits of a municipality.

(e) Authorizes the district, with the consent of the municipality or county, to convey a complete road project to a municipality in whose corporate limits or extraterritorial jurisdiction the road project is located or a county in which the road project is located.

[Reserves Sections 8250.053-8250.100 for expansion.]

SUBCHAPTER C. BONDS

Sec. 8250.101. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS FOR ROAD PROJECTS. (a) Authorizes the district to issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, grants, or other district money, or any combination of those sources, to pay for road projects.

(b) Prohibits the district from issuing bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of two-thirds majority of the voters of the district voting at an election called for that purpose.

(c) Prohibits the total principal amount of bonds, notes, or other obligations issued or incurred to finance road projects from exceeding one-fourth of the assessed value of the real property in the district according to the most recent certified appraisal roll for Harris County.

SECTION 2. Provides that all requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 3. Effective date: upon passage or September 1, 2007.