

BILL ANALYSIS

C.S.H.B. 4101
By: Parker
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Talley Ranch Water Control and Improvement District No. 1 of Denton County (the “district”) encompasses an area of land within the extraterritorial jurisdiction of the City of Pilot Point, Denton County, Texas. The land located within the district is single family residential and commercial development; therefore, road services need to be secured. It is necessary to empower the district under Chapters 49 (Provisions Applicable to All Districts) and 51 (Water Control and Improvement Districts), Water Code and Section 52(b)(3), Article III, Texas Constitution in order to purchase, acquire, or construct facilities for such roads to serve the future occupants of the land utilizing tax exempt bonds. It is also necessary to empower the district with authority to impose a tax to repay bonds. C.S.H.B. 4101 provides regulations regarding the district having road powers.

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. Provides that Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9025 to read as follows:

CHAPTER 9025. TALLEY RANCH WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9025.001. DEFINITION. Defines “district”.

Sec. 9025.002. NATURE OF DISTRICT. Provides that the district is a water control and improvement district in Denton County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9025.003. APPLICABILITY OF OTHER LAW. Provides that except as otherwise provided by this chapter, the following laws apply to the district: (1) Chapters 49 and 51, Water Code; and (2) Section 52(b)(3), Article III, Texas Constitution.

[Sections 9025.004-9025.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9025.051. ROAD PROJECTS. Provides that the district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads, or improvements in aid of those roads, inside the district. Provides that a road project must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of the municipality in whose corporate limits or extraterritorial jurisdiction the district is located. Provides that the district may not undertake a road project unless each municipality in whose corporate limits or extraterritorial jurisdiction the district is located consents by ordinance or resolution.

Sec. 9025.052. COMPLIANCE WITH COUNTY OR MUNICIPAL ORDINANCES OR RESOLUTIONS RELATING TO ROAD PROJECTS. Provides that the district shall comply with all applicable requirements relating to projects authorized by Section 9025.051 of any ordinance or resolution adopted by the governing body of: (1) a county in which the district is located for a project in the unincorporated area of the county; or (2) a municipality in whose corporate limits or extraterritorial jurisdiction the district is located for a project in the corporate limits or the extraterritorial jurisdiction of the municipality.

[Sections 9025.053-9025.100 reserved for expansion]

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 9025.101. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of and interest on bonds issued under Section 9025.051.

[Sections 9025.102-9025.150 reserved for expansion]

SUBCHAPTER D. BONDS

Sec. 9025.151. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. Provides that the district may issue bonds or other obligations as provided by Chapters 49 and 51, Water Code, to finance the construction, maintenance, or operation of projects under Section 9025.051. Provides that the district may not issue bonds authorized by Section 9025.051 unless the issuance is approved by a vote of a two-thirds majority of the voters of the district voting at an election called for that purpose. Provides that bonds or other obligations issued or incurred to finance projects authorized by Section 9025.051 may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. 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, Article XVI, Texas Constitution, and Chapter 313, Government Code. Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality. Provides that the Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time. 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 are fulfilled and accomplished.

SECTION 3. Effective Date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 4101 deletes the words “and Subchapter J, Chapter 54, Water Code” from Sec. 9025.003.

The substitute amends the Section title of Sec. 9025.052 and amends the language of Sec. 9025.052 to provide that the district shall comply with all applicable requirements relating to projects authorized by Section 9025.051 of any ordinance or resolution adopted by the governing body of: (1) a county in which the district is located for a project in the unincorporated area of the county; or (2) a municipality in whose corporate limits or extraterritorial jurisdiction the district is located for a project in the corporate limits or the extraterritorial jurisdiction of the municipality.

C.S.H.B. 4101 80(R)