

BILL ANALYSIS

C.S.H.B. 4731
By: Weber
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The land to be included in the proposed Country Place Management District is currently located in the extraterritorial jurisdiction of the City of Pearland, but will be annexed into the corporate limits of the City of Pearland in 2012. The district is granted the powers and duties of a municipal management district.

C.S.H.B. 4731 creates the Country Place Management District.

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

C.S.H.B. 4731 amends the Special District Local Laws Code to create the Country Place Management District in Brazoria County. The bill sets forth general provisions for the nature of the district, the purpose of the district and the declaration of intent, the district's public purpose and benefit, initial district territory, the eligibility of the district for inclusion in special zones, the applicability of municipal management district law, and the liberal construction of provisions regarding the district; the composition and terms of the board of directors of the district, the confirmation of the district and the election of the board of directors, the quorum requirement, and compensation; the powers and duties of the district, including the authority to exercise powers given to a development corporation, to create a nonprofit corporation, to accept grants and loans, to contract for law enforcement, to join and pay dues to a charitable organization, to establish an economic development program, to annex and exclude land; and the procedures for the dissolution of the district. The bill prohibits the district from exercising the power of eminent domain. The bill adds temporary provisions, set to expire September 1, 2013, to designate as the district's initial directors Jack Banowsky, Charles A. Mills, Hugh S. Pylant, Terry Gray, and Paul West. The bill establishes that the district initially includes all territory contained in the boundaries of the Brazoria County Municipal Utility District No. 4, as those boundaries existed on January 1, 2009.

C.S.H.B. 4731 requires the board by resolution to establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money. The bill authorizes the district to acquire, construct, finance, operate, or maintain any improvement or service authorized under the bill's provisions or under provisions relating to municipal management districts, using any money available to the district. The bill prohibits the board from financing a service or improvement project with an assessment unless a written petition requesting that service or improvement has been filed with the board, and sets forth procedures for the petition and for notice of a hearing. The bill prohibits the district from imposing an impact fee or assessment on the property of an electric or gas utility, a telecommunications provider, or a person who provides to the public cable television or advances telecommunications service. The bill provides that the prohibition against the imposition of an

impact fee, assessment, tax, or other requirement on single-family detached residential property, duplexes, triplexes, and quadraplexes does not apply to a tax imposed by the district or a requirement for payment for a service provided by the district.

C.S.H.B. 4731 sets forth general financial provisions authorizing the district to borrow money, to issue bonds and other obligations, to impose a property tax for any district purpose, to impose contract taxes, and to impose usage fees for the use of any district facility. The bill sets forth provisions for a district election regarding taxes and bonds. The bill requires the board, on bonds payable wholly or partly from property taxes, to provide for the annual imposition of a continuing direct property tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required. The bill requires the district to obtain the approval of the City of Pearland's governing body for the issuance of bonds for each improvement project. The bill establishes that the City of Pearland is not required to pay a bond, note, or other obligation of the district, and sets forth which provisions of state law apply to competitive bidding by the district. The bill authorizes the district to grant in the manner authorized by state law an abatement for a tax or assessment owed to the district. The bill defines "board," "director," and "district."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4731 differs from the original by removing a provision excepting the district from a provision encouraging the full participation of disadvantaged businesses in all phases of its procurement activities.