

BILL ANALYSIS

H.B. 4747
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Ways & Means
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Westchase District, created in 1995, was one of the first management districts in the State of Texas. Since then, legislation creating management districts has included authority and clarifying provisions not originally included in the Westchase District.

H.B. 4747 updates the Westchase District's governing statute to include authorities established for other management districts.

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

H.B. 4747 amends the Special District Local Laws Code to revise provisions relating to the operation of the Westchase District. The bill establishes that a parking improvement is considered to be a street or road improvement in the district. The bill makes all or any part of the area of the district eligible to be included in a tax increment reinvestment zone created by a municipality under the Tax Increment Financing Act, a tax abatement reinvestment zone created by a municipality under the Property Redevelopment and Tax Abatement Act, or an enterprise zone created by a municipality under the Texas Enterprise Zone Act. The bill establishes that the district is a governmental unit under the Texas Tort Claims Act and the operations of the district are essential government functions and are not proprietary functions for any purpose, including the application of that act. The bill authorizes the board of directors of the district by resolution to change the number of voting directors on the board, provided the board determines that the change is in the best interest of the district. The bill prohibits the board from consisting of fewer than nine or more than 30 voting directors. The bill clarifies that for purposes of determining whether a quorum of the board is present a board position vacant for any reason, a director who is abstaining from participation in a vote because of a conflict of interest, or a nonvoting director, are not counted.

H.B. 4747 establishes that the implementation of a district project is a governmental function or service for the purposes of the Interlocal Cooperation Act. The bill authorizes the board by resolution to authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project, providing residential housing, or providing an authorized service. The bill provides for the authority of the nonprofit corporation to appoint the board of directors of the nonprofit corporation and for the dissolution of the nonprofit corporation.

H.B. 4747 authorizes the district to join and pay dues to certain charitable organizations that perform a service or provide an activity consistent with the furtherance of a district purpose. The bill authorizes the district to impose an assessment to pay the cost of burying or removing electrical power lines, telephone lines, cable or fiber-optic lines, or any other type of electrical or optical line; removing poles and any elevated lines using the poles; and reconnecting the lines to

the buildings or other improvements to which the lines were connected. The bill authorizes the district to acquire, operate, or charge fees for the use of the district conduits for another person's telecommunications network, fiber-optic cable, or electronic transmission line; or any other type of transmission line or supporting facility. The bill prohibits the district from requiring a person to use a district conduit.

H.B. 4747 renumbers Section 3802.106, Special District Local Laws Code, as added by Chapter 728 (H.B. 2018), Acts of the 79th Legislature, Regular Session, 2005.

EFFECTIVE DATE

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