

BILL ANALYSIS

H.B. 4814
By: Woolley
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Harris County Improvement District No. 1 was created by Acts 1987, 70th Legislature, Regular Session, Chapter 1026. In 2005, the Special Act was codified as Chapter 3818, Special District Local Law Code.

H.B. 4814 aligns Harris County Improvement District No. 1 with the powers and functions defined in Chapter 375, Local Government Code, which was enacted in 1991 and sets forth the powers, authority, and duties of all municipal 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. 4814 amends the Special District Local Laws Code to set out provisions for contracts of the Harris County Improvement District No. 1 with law enforcement, membership in charitable organizations, and economic development programs. The bill sets out financial provisions for disbursements and transfers of district money, money used for improvements or services, an operations and maintenance tax, the authority to borrow money and issue bonds, taxes for bonds, elections regarding taxes and bonds, competitive bidding, and tax and assessment abatement.

H.B. 4814 clarifies that the district is created under the Texas Constitution. The bill requires the Texas Commission on Environmental Quality (TCEQ) to appoint directors from persons recommended by the board of directors of the district, rather than attempt to appoint directors to represent all geographical areas and business interests in the district and to solicit input from the existing board concerning persons who would be eligible to represent the various interests in the district. The bill adds a provision authorizing the board by resolution to change the number of directors on the board, but only if the board determines that the change is in the best interest of the district, providing that the board may not consist of fewer than 9 or more than 15 directors. The bill requires the board, rather than TCEQ, to fill a vacancy on the board by appointment.

H.B. 4814 adds and amends provisions relating to assessments to clarify that the board may finance a service or improvement project with assessments only after a public hearing; to provide for the method of notice for the hearing; and to prohibit the board from imposing an assessment for financing a service or improvement project unless a written petition requesting the improvement or service has been filed with the board, and makes conforming changes.

H.B. 4814 validates and confirms all acts and proceedings of the board taken before the effective date of the bill, except for any matter that, on the effective date of this bill, is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

H.B. 4814 repeals Sections 3818.052(b), 3818.053, 3818.151(b), 3818.205(b), and 3818.208, relating to qualification to serve as a director, concurrence of directors, a petition for district acquisition, construction, or development of a mass transit improvement or facility, a petition for authority to impose certain taxes, and a petition for a bond election. The bill makes changes conforming to these repeals.

EFFECTIVE DATE

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