

BILL ANALYSIS

S.B. 1830
By: Hegar
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 1830 proposes to grant supplemental authority to construct, finance, and maintain roads, under Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III, Texas Constitution, to Fort Bend County Municipal Utility District No. 194 (district).

The district was created by Order of the Texas Commission on Environmental Quality and operates under Chapter 49 and 54 of the Water Code. The district has the authority to construct certain road facilities pursuant to Chapter 8317, Special Districts Local Laws Code. Additional road infrastructure is necessary to promote the development of the area within the district.

As proposed, S.B. 1830 amends current law relating to the powers and duties of Fort Bend County Municipal Utility District No. 194.

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. Amends Section 8317.002(b), Special District Local Laws Code, to provide that the Fort Bend County Municipal Utility District No. 194 (district) is essential to accomplish the purposes of Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, rather than construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234 (Acquiring Road Powers), Water Code, or improvements, including storm drainage, in aid of those roads.

SECTION 2. Amends Section 8317.053, Special District Local Laws Code, as follows:

Sec. 8317.053. **AUTHORITY FOR ROAD PROJECTS.** Deletes Subsection (a) designation. Authorizes the district, under Section 52, Article III, Texas Constitution, to design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, rather than design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Deletes existing Subsection (b) authorizing the district to exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

SECTION 3. Amends Subchapter B, Chapter 8317, Special District Local Laws Code, by adding Section 8317.0541, as follows:

Sec. 8317.0541. ROAD STANDARDS AND REQUIREMENTS. (a) Requires that a road project meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) Requires that the road project, if a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) Requires the Texas Transportation Commission, if the state will maintain and operate the road, to approve the plans and specifications of the road project.

SECTION 4. Repeals Section 8317.054 (Approval of Road Project), Special District Local Laws Code.

SECTION 5. Provides that the district retains all rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 6. (a) Provides that the legislature validates and confirms all governmental acts and proceedings of the district that were taken before the effective date of this Act.

(b) Provides that this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment, or

(2) has been held invalid by a final court judgment.

SECTION 7. 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 8. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if this Act receives a vote of two-thirds of all members of both houses; otherwise, this Act takes effect September 1, 2013.