

By: Oliverson

H.B. No. 4686

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of the Harris County Municipal
3 Utility District No. 478; providing authority to issue bonds;
4 providing authority to impose assessments, fees, and taxes.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 8334.005(b), Special District Local Laws
7 Code, is amended to read as follows:

8 (b) The district is created to accomplish the purposes of:

9 (1) a municipal utility district as provided by
10 general law and Section 59, Article XVI, Texas Constitution; and

11 (2) Section 52, Article III, Texas Constitution, that
12 relate to the construction, acquisition, ~~[ex]~~ improvement,
13 operation, or maintenance of macadamized, graveled, or paved roads
14 ~~[described by Section 54.234, Water Code]~~, or improvements,
15 including storm drainage, in aid of those roads.

16 SECTION 2. Section 8334.103(a), Special District Local Laws
17 Code, is amended to read as follows:

18 (a) Under Section 52, Article III, Texas Constitution, the
19 district may design, acquire, construct, finance, issue bonds for,
20 improve, operate, maintain, and convey to this state, a county, or a
21 municipality for operation and maintenance macadamized, graveled,
22 or paved roads ~~[described by Section 54.234, Water Code]~~, or
23 improvements, including storm drainage, in aid of those roads.

24 SECTION 3. Subchapter C, Chapter 8334, Special District

1 Local Laws Code, is amended by adding Sections 8334.1035 and
2 8334.107 to read as follows:

3 Sec. 8334.1035. ROAD STANDARDS AND REQUIREMENTS. (a) A
4 road project must meet all applicable construction standards,
5 zoning and subdivision requirements, and regulations of each
6 municipality in whose corporate limits or extraterritorial
7 jurisdiction the road project is located.

8 (b) If a road project is not located in the corporate limits
9 or extraterritorial jurisdiction of a municipality, the road
10 project must meet all applicable construction standards,
11 subdivision requirements, and regulations of each county in which
12 the road project is located.

13 (c) If the state will maintain and operate the road, the
14 Texas Transportation Commission must approve the plans and
15 specifications of the road project.

16 Sec. 8334.107. DIVISION OF DISTRICT. (a) The district may
17 be divided into two or more new districts only if the district:

- 18 (1) has never issued any bonds; and
19 (2) is not imposing ad valorem taxes.

20 (b) This chapter applies to any new district created by the
21 division of the district, and a new district has all the powers and
22 duties of the district.

23 (c) Any new district created by the division of the district
24 may not, at the time the new district is created, contain any land
25 outside the area described by Section 2 of the Act enacting this
26 chapter.

27 (d) The board, on its own motion or on receipt of a petition

1 signed by the owner or owners of a majority of the assessed value of
2 the real property in the district, may adopt an order dividing the
3 district.

4 (e) An order dividing the district must:

5 (1) name each new district;

6 (2) include the metes and bounds description of the
7 territory of each new district;

8 (3) appoint temporary directors for each new district;

9 and

10 (4) provide for the division of assets and liabilities
11 between or among the new districts.

12 (f) On or before the 30th day after the date of adoption of
13 an order dividing the district, the district shall file the order
14 with the Texas Commission on Environmental Quality and record the
15 order in the real property records of each county in which the
16 district is located.

17 (g) Any new district created by the division of the district
18 shall hold a confirmation and directors' election as required by
19 Section 49.102, Water Code.

20 (h) Municipal consent to the creation of the district and to
21 the inclusion of land in the district granted under Section
22 8334.004 acts as municipal consent to the creation of any new
23 district under this section and the inclusion of land in the new
24 district.

25 (i) Any new district created by the division of the district
26 must hold an election as required by this chapter to obtain voter
27 approval before the district may impose a maintenance tax or issue

1 bonds payable wholly or partly from ad valorem taxes.

2 (j) If the creation of the new district is confirmed, the
3 new district shall provide the election date and results to the
4 Texas Commission on Environmental Quality.

5 SECTION 4. Sections 8334.003, 8334.103(b), and 8334.104,
6 Special District Local Laws Code, are repealed.

7 SECTION 5. The Harris County Municipal Utility District
8 No. 478 retains all the rights, powers, privileges, authority,
9 duties, and functions that it had before the effective date of this
10 Act.

11 SECTION 6. (a) The legislature validates and confirms all
12 governmental acts and proceedings of the Harris County Municipal
13 Utility District No. 478 that were taken before the effective date
14 of this Act.

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

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

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

21 SECTION 7. (a) The legal notice of the intention to
22 introduce this Act, setting forth the general substance of this
23 Act, has been published as provided by law, and the notice and a
24 copy of this Act have been furnished to all persons, agencies,
25 officials, or entities to which they are required to be furnished
26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
27 Government Code.

1 (b) The governor, one of the required recipients, has
2 submitted the notice and Act to the Texas Commission on
3 Environmental Quality.

4 (c) The Texas Commission on Environmental Quality has filed
5 its recommendations relating to this Act with the governor, the
6 lieutenant governor, and the speaker of the house of
7 representatives within the required time.

8 (d) All requirements of the constitution and laws of this
9 state and the rules and procedures of the legislature with respect
10 to the notice, introduction, and passage of this Act are fulfilled
11 and accomplished.

12 SECTION 8. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2019.