

BILL ANALYSIS

Senate Research Center
83R8066 SGA-F

S.B. 1824
By: Hegar
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1824 grants existing Fort Bend County Municipal Utility District No. 188 the authority to design, acquire, construct, finance, improve, operate, and maintain roads. The proposed legislation uses the template language applicable to road powers.

As proposed, S.B. 1824 amends current law relating to the powers of the Fort Bend County Municipal Utility District No. 188, including powers related to the construction, operation, and financing of roads; and provides authority to issue bonds and impose a tax.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle F, Title 6, Special District Local Laws Code, by adding Chapter 8470, as follows:

CHAPTER 8470. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 188

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8470.001. DEFINITION. Defines "district" for this chapter.

Sec. 8470.002. NATURE OF DISTRICT. Provides that the Fort Bend County Municipal District No. 188 (district) is a municipal utility district in Fort Bend County created under and essential to accomplish the purposes of Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sec. 8470.003. APPLICABILITY OF OTHER LAW. Provides that, except as otherwise provided by this chapter, the following laws apply to the district: Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, including Subchapter J (Services for Certain Defined Areas and Designated Areas), Chapter 54, Water Code, and Section 52(b)(3) (relating to the construction and maintenance of roads and turnpikes), Article III, Texas Constitution.

SUBCHAPTER B. ADDITIONAL POWERS AND DUTIES

Sec. 8470.051. AUTHORITY FOR ROAD PROJECTS. Authorizes the district, under Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), 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, or improvements, including storm drainage, in aid of those roads.

Sec. 8470.052. 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 (TTC), if the state will maintain and operate the road, to approve the plans and specifications of the road project.

Sec. 8470.053. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. Requires the district to comply with all applicable requirements of any ordinance or resolution adopted by the governing body of the municipality that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 8470.101. TAX TO REPAY BONDS FOR ROAD PROJECTS. Authorizes the district to impose a tax to pay the principal of or interest on bonds issued under Section 8470.151.

SUBCHAPTER D. BONDS

Sec. 8470.151. AUTHORITY TO ISSUE BONDS FOR ROAD PROJECTS. (a) Authorizes the district to issue bonds or other obligations as provided by Chapters 49 and 54, Water Code, to finance the construction, maintenance, or operation of projects under Section 8470.051.

(b) Prohibits the district from issuing bonds or other obligations secured wholly or partly by ad valorem taxation to finance projects authorized by Section 8470.051 unless the issuance is approved by a vote of a two-thirds majority of the voters of the district or of the defined area to be benefited by the project as provided by Subchapter J, Chapter 54, Water Code, voting at an election called for that purpose. Provides that the simple majority vote approval required by Section 54.808(a) (relating to the board of directors of a district declaring results and establishing and describing the defined area and setting the tax rate), Water Code, does not apply to an election under this subsection.

(c) Prohibits bonds or other obligations issued or incurred to finance projects authorized by Section 8470.051 from exceeding one-fourth of the assessed value of the real property in the district or the defined area, if applicable.

SECTION 2. 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 3. Effective date: September 1, 2013.