

BILL ANALYSIS

C.S.S.B. 2276
By: Creighton
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that an area located within Harris County would benefit from the creation of an improvement district. C.S.S.B. 2276 seeks to provide for the creation of the Lakewood Improvement District of Harris County.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.S.B. 2276 amends the Special District Local Laws Code to create the Lakewood Improvement District of Harris County to provide certain improvements, projects, and services for public use and benefit. The bill provides for, among other provisions, the authority to establish defined areas or designated property, the annexation and exclusion of land by the district, the applicability of certain residential property tax exemptions and competitive bidding requirements to the district, the use of electrical or optical lines, law enforcement services, and the dissolution of the district by the district's board of directors. The bill sets out the district's powers and duties, which include, navigation district powers, road district powers, development corporation powers, and, subject to certain requirements, the authority to undertake certain road projects, borrow money, issue obligations, impose and collect assessments, and impose operation and maintenance, contract, property, and sales and use taxes. The bill prohibits the district from exercising the power of eminent domain and exempts the property of certain utilities from certain district assessments and fees.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 2276 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

HOUSE COMMITTEE SUBSTITUTE

85R 32794

17.140.594

Substitute Document Number: 85R 32605

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3951 to read as follows:

CHAPTER 3951. LAKEWOOD IMPROVEMENT DISTRICT OF HARRIS COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

SUBCHAPTER B. BOARD OF DIRECTORS

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3951.101. GENERAL POWERS AND DUTIES.

Sec. 3951.102. IMPROVEMENT PROJECTS AND SERVICES.

Sec. 3951.103. DEVELOPMENT CORPORATION POWERS.

Sec. 3951.104. NONPROFIT CORPORATION.

Sec. 3951.105. AGREEMENTS; GRANTS.

Sec. 3951.106. LAW ENFORCEMENT SERVICES.

Sec. 3951.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.

Sec. 3951.108. ECONOMIC DEVELOPMENT.

Sec. 3951.109. PARKING FACILITIES.

Sec. 3951.110. ANNEXATION AND EXCLUSION OF LAND.

Sec. 3951.111. NAVIGATION DISTRICT POWERS.

Sec. 3951.112. ROAD DISTRICT POWERS.

Sec. 3951.113. ROAD STANDARDS AND REQUIREMENTS.

Sec. 3951.114. PROPERTY OF CERTAIN UTILITIES EXEMPT FROM

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Sec. 3951.114. PROPERTY OF CERTAIN UTILITIES EXEMPT FROM

ASSESSMENTS AND FEES.

Sec. 3951.115. USE OF ELECTRICAL OR OPTICAL LINES. (a) The district may impose an assessment to pay the cost of:

- (1) burying or removing electrical power lines, telephone lines, cable or fiber-optic lines, or any other type of electrical or optical line;
- (2) removing poles and any elevated lines using the poles; and
- (3) reconnecting the lines described by Subdivision (2) to the buildings or other improvements to which the lines were connected.

(b) The district may finance, acquire, construct, improve, operate, maintain, or charge fees for the use of the district conduits for another person's:

- (1) telecommunications network; or
- (2) fiber-optic cable.

(c) Consistent with Title 2, Utilities Code, the district may finance, construct, or maintain conduits for:

- (1) electronic transmission and distribution lines and supporting facilities; or
- (2) other types of transmission and distribution lines and supporting facilities.

(d) The district may not require a person to use a district conduit.

Sec. 3951.116. NO EMINENT DOMAIN POWER.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

SUBCHAPTER E. TAXES AND BONDS

SUBCHAPTER F. SALES AND USE TAX

SUBCHAPTER G. DEFINED AREAS

SUBCHAPTER H. DISSOLUTION OF DISTRICT

SECTION 2. Sets out the metes and bounds of the district.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been

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SECTION 2. Same as engrossed version.

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published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

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