BILL ANALYSIS

DIGEST

Recently, property owners, businesses, and merchants within the Kirby Drive area of Houston are desirous of upgrading and beautifying the area. A municipal management district would facilitate the acquisition, construction, financing, operation, and maintenance of the desired improvements. This bill establishes the Upper Kirby Management District.

PURPOSE

As proposed, S.B. 1750 establishes the Upper Kirby Management District.

RULEMAKING AUTHORITY

Rulemaking authority is granted to board of directors of the district in SECTION 1 (Section 376.133, Local Government Code) in this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 12A, Local Government Code, by adding Chapter 376, as follows:

CHAPTER 376. SPECIFIC MUNICIPAL MANAGEMENT DISTRICTS

SUBCHAPTER D. UPPER KIRBY MANAGEMENT DISTRICT

Sec. 376.121. CREATION OF DISTRICT. Creates the Upper Kirby Management District (district). Authorizes the name of the district to be changed by resolution of the board of directors of the district (board).

Sec. 376.122. DECLARATION OF INTENT. Provides the intent and purpose of the creation of the district.

Sec. 376.13. DEFINITIONS. Defines "board," "district," "municipality," and "county."

Sec. 376.124. BOUNDARIES. Sets forth the boundaries of the district. Authorizes the district to annex or exclude land from the district. Requires a description of the boundaries to be filed with the Texas Natural Resource Conservation Commission.

Sec. 376.125. FINDINGS RELATING TO BOUNDARIES. Sets forth findings related to boundaries.

Sec. 376.126. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. Sets forth findings and benefit of public purpose of the district.

Sec. 376.127. CONSTRUCTION OF SUBCHAPTER. Requires this subchapter to be liberally construed.

Sec. 376.128. BOARD OF DIRECTORS IN GENERAL. Provides that the district is governed by a board of five directors. Provides that Sections 49.053, 49.054, 49.056-49.058, and 49.060, Water Code, apply to the board. Provides that Chapter 375D, Local

Government Code, applies to the board to the extent that subchapter does not conflict with this subchapter.

Sec. 376.129. APPOINTMENT OF DIRECTORS; VACANCY. Sets forth requirements and procedures for appointment and vacancy of a director.

Sec. 376.130. POWERS AND DUTIES OF DISTRICT. Sets forth powers and duties of district.

Sec. 376.131. RELATION TO OTHER LAW. Provides that this subchapter prevails if inconsistent with other laws. Provides that any law consistent with this subchapter is incorporated by reference.

Sec. 376.132. TORT CLAIMS. Provides that the district is a government unit and operations of the district are essential government functions.

Sec. 376.133. NONPROFIT CORPORATION. Authorizes the board, by resolution, to create a nonprofit corporation to assist in implementing a project authorized by this subchapter. Sets forth the requirements and procedures of the nonprofit corporation.

Sec. 376.134. DEBT. Authorizes the district to issue bonds.

Sec. 376.135. ASSESSMENTS. Sets forth requirements for collecting assessments. Provides that an assessment is a tax.

Sec. 376.136. ELECTIONS. Sets forth requirements for elections.

Sec. 376.137. MAINTENANCE TAX. Authorizes the district to impose and collect ad valorem taxes. Requires the board to set the tax rate.

Sec. 376.138. DISSOLUTION OF DISTRICT. Sets forth requirements from dissolving the district.

Sec. 376.139. REINVESTMENT ZONES. Provides that the district or any parts thereof are eligible to be included in a tax incremental reinvestment zone created by a municipality under Chapter 311, Tax Code.

Sec. 376.140. EXEMPTION OF PUBLIC UTILITY FROM FEE OR ASSESSMENT. Prohibits a district from imposing an impact fee or assessment on certain property of a public utility.

SECTION 2. Sets forth the constituency and terms of the board. Provides that this section expires September 1, 2001.

SECTION 3. Sets forth the findings of the legislature.

SECTION 4. Emergency clause.
Effective date: upon passage.