

## **BILL ANALYSIS**

Senate Research Center

H.B. 1385  
By: Bell (Williams)  
Intergovernmental Relations  
4/30/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1385 creates Montgomery County Municipal Utility District No. 139 (district). The district will contain approximately 793 acres located within the extraterritorial jurisdiction of the City of Conroe. Conroe has consented to the creation of the district and has adopted a resolution in support of the bill. The bill provides standard district powers for water, sewer, drainage and road facilities, and division. The bill also authorizes the district and Conroe to enter into a strategic partnership agreement to allow the district to continue to exist after annexation.

H.B. 1385 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 139, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, or taxes.

### **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 8449, as follows:

#### CHAPTER 8449. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 139

Sets forth standard language for the creation of the Montgomery County Municipal District No. 139 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 8449.001-8449.006);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8449.051-8449.052);

Powers and duties of the district, including division of the district (Sections 8449.101-8449.107); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8449.151-8449.203).

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. 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 4. (a) Provides that if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8449, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8449.108, as follows:

Sec. 8449.108. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(b) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c) (relating to authorizing eminent domain only on a two-thirds vote of all members elected to each house), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2013.