

BILL ANALYSIS

Senate Research Center
84R12935 TSR-F

H.B. 4133
By: Bell (Kolkhorst)
Administration
5/14/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties assert that continuing development and growth in Waller County has created the need for permanent improvements such as water supply and distribution facilities, wastewater collection and treatment facilities, drainage and flood control projects, and major thoroughfare improvements. Current law provides for the creation of local governmental districts that are authorized to issue bonds or other obligations in order to provide such permanent improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such obligations. H.B. 4133 seeks to address this need in Waller County through the creation of a municipal utility district.

H.B. 4133 amends the Special District Local Laws Code to create the Waller County Municipal Utility District No. 23, subject to voter approval at a confirmation election and municipal consent. The bill grants the district the power to undertake certain road projects. The bill authorizes the district, subject to certain requirements, to issue obligations and impose property, operation and maintenance, and contract taxes. The bill, if it does not receive a two-thirds vote of all the members elected to each house, prohibits the district from exercising the power of eminent domain.

H.B. 4133 amends current law relating to the creation of the Waller County Municipal Utility District No. 23 grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, and 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 7920, as follows:

CHAPTER 7920. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 23

Sets forth standard language for the creation of the Waller County Municipal Utility District No. 23 (district) in Waller County. Sets forth standards, procedures, requirements and criteria for:

Creation and approval of the district (Sections 7920.001-7920.006);

Size, composition, election, and terms of the board of directors of the district (Sections 7920.051 and 7920.052);

Powers and duties of the district (Sections 7920.101-7920.105); and

General financial provisions and authority to impose taxes and to issue bonds and obligations for the district (Sections 7920.151-7920.153 and Sections 7920.201-7920.203).

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 7920, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7920.106, as follows:

Sec. 7920.106. 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) (authorizing the legislature to enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house, on or after January 1, 2010), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2015.