

## **BILL ANALYSIS**

Senate Research Center  
85R28570 TSR-D

H.B. 4335  
By: Guillen (Lucio)  
Administration  
5/22/2017  
Engrossed

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

The proposed district comprises 501 acres of land located wholly within the extraterritorial jurisdiction of the City of Raymondville. The plans for this property are to provide housing for senior living, from independent living to full care. Similar to other senior housing developments, this development will ultimately provide patio homes for independent living, assisted living in apartment-type housing, and full-care housing when the need arises. Currently, the full-care component is under construction with a completion opening date waiting on approval from the Department of Aging and Disability Services. The infrastructure for this component was provided by a grant from the Texas Department of Agriculture for rural counties.

The City of Raymondville does not have the finances to construct the needed infrastructure and the proposed district will allow for the continued development. The bill contemplates division of the municipal utility district so that the phases can be developed according to the growth.

H.B. 4335 amends current law relating to the creation of the Willacy County Municipal Utility District No. 1, 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 8014, as follows:

#### CHAPTER 8014. WILLACY COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

Sets forth standard language for the creation of the Willacy County Municipal Utility District No. 1 (district) in Willacy County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8014.001-8014.050);

Size, composition, election, and terms of the board of directors of the district, including the naming of the initial directors (Sections 8014.051-8014.100);

Powers and duties of the district (Sections 8014.101-8014.150); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8014.151-8014.203).

Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement for a road project authorized by Section 8014.103 or a recreational facility as defined by Section 49.462 (Definitions), Water Code.

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 Section 8014.107, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) Provides that if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8014, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8014.107, as follows:

Sec. 8014.107. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(c) 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 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), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: June 1, 2017, or September 1, 2017.