

BILL ANALYSIS

C.S.H.B. 4128
By: Metcalf
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, certain land located in the extraterritorial jurisdiction of the City of Conroe is undeveloped. Interested parties suggest that water, sewer, drainage, and road facilities need to be secured to accommodate single-family residential and commercial development of the land. C.S.H.B. 4128 seeks to provide for the creation, administration, powers, duties, operation, and financing of a municipal utility district.

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.H.B. 4128 amends the Special District Local Laws Code to create the Montgomery County Municipal Utility District No. 147, subject to voter approval at a confirmation election and municipal consent. The bill grants the district the power to undertake certain road projects and 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.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4128 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended.	SECTION 1. Same as introduced version.

SECTION 2. Establishes boundaries for Montgomery County Municipal Utility District No. 147.

SECTION 2. Establishes different boundaries for Montgomery County Municipal Utility District No. 147.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been 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, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) 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 are fulfilled and accomplished.

SECTION 3. Same as introduced version.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7907, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7907.106 to read as follows:

Sec. 7907.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 4. Same as introduced version.

SECTION 5. This Act takes effect September 1, 2015.

SECTION 5. Same as introduced version.