

BILL ANALYSIS

C.S.H.B. 4193
By: Spitzer
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that certain land within the corporate limits of the City of Forney is proposed to be developed into single-family residential housing and that water, sewer, drainage, and road services need to be secured for such development. C.S.H.B. 4193 seeks to address this need.

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. 4193 amends the Special District Local Laws Code to create the Kaufman County Municipal Utility District No. 15, subject to voter approval at a confirmation election and municipal and school district 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 to 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. 4193 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 by adding Chapter 7923 to read as follows:
CHAPTER 7923. KAUFMAN COUNTY

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CHAPTER 7923. KAUFMAN COUNTY

MUNICIPAL UTILITY DISTRICT NO. 15
SUBCHAPTER A. GENERAL
PROVISIONS

Sec. 7923.001. DEFINITIONS.

Sec. 7923.002. NATURE OF DISTRICT.

Sec. 7923.003. CONFIRMATION AND
DIRECTORS' ELECTION REQUIRED.

Sec. 7923.004. CONSENT OF
MUNICIPALITY REQUIRED.

The temporary directors may not hold an
election under Section 7923.003 until each
municipality in whose corporate limits or
extraterritorial jurisdiction the district is
located has consented by ordinance or
resolution to the creation of the district and
to the inclusion of land in the district.

Sec. 7923.005. FINDINGS OF PUBLIC
PURPOSE AND BENEFIT.

Sec. 7923.006. INITIAL DISTRICT
TERRITORY.

SUBCHAPTER B. BOARD OF
DIRECTORS

SUBCHAPTER C. POWERS AND
DUTIES

SUBCHAPTER D. GENERAL
FINANCIAL PROVISIONS

SUBCHAPTER E. BONDS AND OTHER
OBLIGATIONS

SECTION 2. Establishes boundaries for Kaufman County Municipal Utility District No. 15.

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

MUNICIPAL UTILITY DISTRICT NO. 15
SUBCHAPTER A. GENERAL
PROVISIONS

Sec. 7923.001. DEFINITIONS.

Sec. 7923.002. NATURE OF DISTRICT.

Sec. 7923.003. CONFIRMATION AND
DIRECTORS' ELECTION REQUIRED.

Sec. 7923.004. CONSENT OF
MUNICIPALITY AND SCHOOL
DISTRICT REQUIRED.

(a) The temporary directors may not hold
an election under Section 7923.003 until
each municipality in whose corporate limits
or extraterritorial jurisdiction the district is
located has consented by ordinance or
resolution to the creation of the district and
to the inclusion of land in the district.

(b) A municipality described by Subsection
(a) may give its consent only after each
affected school district passes a resolution
consenting to the creation of the district.

Sec. 7923.005. FINDINGS OF PUBLIC
PURPOSE AND BENEFIT.

Sec. 7923.006. INITIAL DISTRICT
TERRITORY.

SUBCHAPTER B. BOARD OF
DIRECTORS

SUBCHAPTER C. POWERS AND
DUTIES

SUBCHAPTER D. GENERAL
FINANCIAL PROVISIONS

SUBCHAPTER E. BONDS AND OTHER
OBLIGATIONS

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

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 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7923, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7923.106 to read as follows:

Sec. 7923.106. 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 5. This Act takes effect September 1, 2015.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.