

BILL ANALYSIS

Senate Research Center

H.B. 1478
By: Wong (Ellis)
Intergovernmental Relations
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Chapter 375 (Municipal Management Districts in General), Local Government Code, applies generally to municipal management districts (MUDs) and expressly forbids a MUD from exercising the power of eminent domain.

However, through Chapter 376 (Specific Municipal Management Districts), Local Government Code, a MUD is provided with the powers given to a water district/water supply corporation under Chapter 49 (Provisions Applicable to All Districts), Water Code, and, arguably, given the power of eminent domain.

H.B. 1478 explicitly prohibits 21 different MUDs (15 existing districts and six proposed districts) in the Greater Houston area from exercising the power of eminent domain.

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 Subchapter C, Chapter 3801, Special District Local Laws Code, by adding Section 3801.107, as follows:

Sec. 3801.107. NO EMINENT DOMAIN POWER. Prohibits the Houston Downtown Management District from exercising the power of eminent domain.

SECTION 2. Amends Subchapter C, Chapter 3802, Special District Local Laws Code, by adding Section 3802.106, as follows:

Sec. 3802.106. NO EMINENT DOMAIN POWER. Prohibits the Westchase District from exercising the power of eminent domain.

SECTION 3. Amends Subchapter C, Chapter 3803, Special District Local Laws Code, by adding Section 3803.105, as follows:

Sec. 3803.105. NO EMINENT DOMAIN POWER. Prohibits the Greater Greenspoint Management District of Harris County from exercising the power of eminent domain.

SECTION 4. Amends Subchapter C, Chapter 3804, Special District Local Laws Code, by adding Section 3804.109, as follows:

Sec. 3804.109. NO EMINENT DOMAIN POWER. Prohibits the First Colony Management District from exercising the power of eminent domain.

SECTION 5. Amends Subchapter C, Chapter 3805, Special District Local Laws Code, by adding Section 3805.106, as follows:

Sec. 3805.106. NO EMINENT DOMAIN POWER. Prohibits the Upper Kirby Management District from exercising the power of eminent domain.

SECTION 6. Amends Subchapter C, Chapter 3806, Special District Local Laws Code, by adding Section 3806.105, as follows:

Sec. 3806.105. NO EMINENT DOMAIN POWER. Prohibits the Harris County Improvement District No. 2 from exercising the power of eminent domain.

SECTION 7. Amends Subchapter C, Chapter 3807, Special District Local Laws Code, by adding Section 3807.105, as follows:

Sec. 3807.105. NO EMINENT DOMAIN POWER. Prohibits the Greater East End Management District from exercising the power of eminent domain.

SECTION 8. Amends Subchapter C, Chapter 3808, Special District Local Laws Code, by adding Section 3808.106, as follows:

Sec. 3808.106. NO EMINENT DOMAIN POWER. Prohibits the East Downtown Management District from exercising the power of eminent domain.

SECTION 9. Amends Subchapter C, Chapter 3809, Special District Local Laws Code, by adding Section 3809.108, as follows:

Sec. 3809.108. NO EMINENT DOMAIN POWER. Prohibits the Midtown Management District from exercising the power of eminent domain.

SECTION 10. Amends Subchapter C, Chapter 3810, Special District Local Laws Code, by adding Section 3810.108, as follows:

Sec. 3810.108. NO EMINENT DOMAIN POWER. Prohibits the Harris County Municipal Management District No. 1 from exercising the power of eminent domain.

SECTION 11. Amends Subchapter C, Chapter 3811, Special District Local Laws Code, by adding Section 3811.105, as follows:

Sec. 3811.105. NO EMINENT DOMAIN POWER. Prohibits the Near Northwest Management District from exercising the power of eminent domain.

SECTION 12. Amends Subchapter C, Chapter 3812, Special District Local Laws Code, by adding Section 3812.104, as follows:

Sec. 3812.104. NO EMINENT DOMAIN POWER. Prohibits the Greater Northside Management District from exercising the power of eminent domain.

SECTION 13. Amends Subchapter C, Chapter 3814, Special District Local Laws Code, by adding Section 3814.108, as follows:

Sec. 3814.108. NO EMINENT DOMAIN POWER. Prohibits the Energy Corridor Management District from exercising the power of eminent domain.

SECTION 14. Amends Subchapter C, Chapter 3815, Special District Local Laws Code, by adding Section 3815.106, as follows:

Sec. 3815.106. NO EMINENT DOMAIN POWER. Prohibits the Greater Southeast Management District from exercising the power of eminent domain.

SECTION 15. Amends Subchapter C, Chapter 3817, Special District Local Laws Code, by adding Section 3817.107, as follows:

Sec. 3817.107. NO EMINENT DOMAIN POWER. Prohibits the Aldine Community Improvement District from exercising the power of eminent domain.

SECTION 16. Amends Chapter 784, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 16A, as follows:

Sec. 16A. NO EMINENT DOMAIN POWER. Prohibits the Baybrook Management District from exercising the power of eminent domain.

SECTION 17. Amends Chapter 997, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 16A, as follows:

Sec. 16A. NO EMINENT DOMAIN POWER. Prohibits the Buffalo Bayou Management District from exercising the power of eminent domain.

SECTION 18. Amends Chapter 1254, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 15A, as follows:

Sec. 15A. NO EMINENT DOMAIN POWER. Prohibits the Falls Creek Management District from exercising the power of eminent domain.

SECTION 19. Amends Chapter 765, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 16A, as follows:

Sec. 16A. NO EMINENT DOMAIN POWER. Prohibits the Katy Towne Development District from exercising the power of eminent domain.

SECTION 20. Amends Chapter 987, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 15A, as follows:

Sec. 15A. NO EMINENT DOMAIN POWER. Prohibits the Sienna Plantation Management District from exercising the power of eminent domain.

SECTION 21. Amends Subchapter A, Chapter 777, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 18A, as follows:

Sec. 18A. NO EMINENT DOMAIN POWER. Prohibits the Spring Branch Area Community Improvement Management District from exercising the power of eminent domain.

SECTION 2. Effective date: upon passage or September 1, 2005.