

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 3895  
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Intergovernmental Relations  
5/14/2013  
Engrossed

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

H.B. 3895 renames The Woodlands Road Utility District No. 1, of Montgomery County, Texas, as The Woodlands Road Utility District No. 1. The bill exempts the district from the application of a statutory provision granting the Texas Transportation Commission jurisdiction over road utility district activities or projects. The bill authorizes the district to define its boundaries by metes and bounds, by reference to property descriptions in documents filed for record in the real property records of the county or counties in which the district is located, or by a combination of metes and bounds and such reference. The bill requires a person to be a qualified voter of either Harris County or Montgomery County in order to be eligible to serve as a judge or clerk for a district election.

H.B. 3895 establishes that a majority of all directors of the district's board, including vacant director positions and absent directors, constitutes a quorum and that a majority vote of all directors, including vacant director positions and absent directors, is necessary to adopt any motion or measure. The bill authorizes the board, on its own motion and by written resolution, to increase from time to time the number of directors on the board to include a director appointed by each governing body of one or more political subdivisions, other than a school district or municipality, the boundaries of which overlap more than 90 percent of the district's territory. The bill authorizes such a political subdivision to appoint a member of its governing body or an employee of that political subdivision to the board. The bill requires such an appointee to the board to serve without compensation from the district and to take and perform the constitutional oath of office as a director of the district. The bill requires the Texas Transportation Commission, on petition of a person who owns land included in the district, to fill each vacancy on the board for the unexpired term if at any time there are fewer than the number of directors on the board necessary to constitute a quorum, rather than if at any time there are fewer than three directors on the board.

H.B. 3895 amends current law relating to the name of The Woodlands Road Utility District No. 1, of Montgomery County, Texas, and to the administration, powers, and duties of the district.

### **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 Section 1(a), Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, as follows:

(a) Provides that, pursuant to Article III (Legislative Department), Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), of the Texas Constitution, a road utility district is created in Montgomery County, subject to approval at a confirmation election under Section 9 of this Act, to be known as "The Woodlands Road Utility District No. 1," (district) rather than "The Woodlands Road Utility District No. 1, of Montgomery County, Texas," which is required to be a governmental agency and a body politic and corporate.

SECTION 2. Amends Section 2(3), Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, to redefine "district."

SECTION 3. Amends Sections 6(a) and (b), Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, as follows:

(a) Provides that the district has all of the rights, powers, privileges, authority, duties, and functions conferred by the general law of this state applicable to road utility districts created under Article III, Section 52, of the Texas Constitution, including Chapter 441 (Road Utility Districts), Transportation Code, rather than Chapter 13 (relating to the creation, administration, powers, duties, operations, financing, and dissolution of road utility districts under Article III, Section 52, of the Texas Constitution), Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6674r-1, V.T.C.S.), to the extent those provisions can be made applicable. Provides that a provision of Chapter 441, Transportation Code, granting the Texas Transportation Commission jurisdiction over road utility district activities or projects does not apply to the district.

(b) Authorizes the district, in addition to the rights, powers, privileges, authority, and functions provided by Subsection (a) of this section, to:

(1) add or exclude territory in the manner provided by Subchapter H (Adding and Excluding Territory; Consolidating and Dissolving Districts), Chapter 54 (Municipal Utility Districts), Water Code, and to define the boundaries of the district by:

(A) metes and bounds;

(B) reference to property descriptions in documents filed for record in the real property records of the county or counties in which the district is located; or

(C) a combination of the methods described in Paragraphs (A) and (B); and

(2)-(4) Makes no change to these subdivisions.

SECTION 4. Amends Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, by adding Section 6A, as follows:

Sec. 6A. ELIGIBILITY REQUIREMENTS FOR ELECTION JUDGES AND CLERKS. Requires a person, notwithstanding the requirements of Section 32.051 (General Eligibility Requirements), Election Code, to be eligible to serve as a judge or clerk for a district election, to be a qualified voter of either Harris County or Montgomery County.

SECTION 5. Amends Section 7, Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, by amending Subsection (a) and adding Subsections (d) and (e), as follows:

(a) Provides that except as provided by Section 7A, the district is governed by a board of five directors (board).

(d) Provides that a majority of all directors, including vacant director positions and absent directors, constitutes a quorum.

(e) Provides that a majority vote of all directors, including vacant director positions and absent directors, is necessary to adopt any motion or measure.

SECTION 6. Amends Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, by adding Section 7A, as follows:

Sec. 7A. APPOINTED DIRECTORS. (a) Authorizes the board, on its own motion and by written resolution, to from time to time increase the number of directors on the board to include a director appointed by each governing body of one or more political subdivisions, other than a school district or municipality, the boundaries of which overlap more than 90 percent of the territory of the district.

(b) Authorizes a political subdivision described by Subsection (a), notwithstanding any other law, or a common law or judicial doctrine to the contrary, to appoint to the board a member of the governing body of or an employee of that political subdivision. Requires a director described by this subsection to serve without compensation from the district and to take and perform the constitutional oath of office as a director of the district.

SECTION 7. Amends Section 11(b), Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, to require the Texas Department of Transportation, on petition of a person who owns land included in the district, to fill each vacancy for the unexpired term if at any time there are fewer than the number of directors on the board necessary to constitute a quorum, rather than if at any time there are fewer than three directors on the board.

SECTION 8. Effective date: upon passage or September 1, 2013.