

BILL ANALYSIS

Senate Research Center
84R18064 TSR-F

H.B. 1074
By: Metcalf (Creighton)
Administration
5/19/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Montgomery County Municipal Utility District No. 145 will encompass approximately 265.772 acres of land located within the extraterritorial jurisdiction of the City of Cut and Shoot in Montgomery County. Water, sewer, drainage, and road facilities need to be secured because the land to be located within the district will be developed into single family residential and commercial development. The district will be created under Water Code provisions applicable to all water districts and to municipal utility districts and under constitutional provisions relating to conservation and reclamation districts so that it can use tax exempt bonds to purchase, acquire, or construct facilities. It is also necessary to empower the district with authority to impose a tax and issue bonds and to grant the district a limited power of eminent domain. H.B. 1074 provides for the creation, administration, powers, duties, operation, and financing of the district.

H.B. 1074 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 145, 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 8498, as follows:

CHAPTER 8498. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 145

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 145 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8498.001-8498.006);

Size, composition, and terms of the board of directors of the district and appointment of temporary directors (Sections 8498.051 and 8498.052);

Powers and duties of the district (Sections 8498.101-8498.105); and

General financial provisions and authority to impose taxes and to issue bonds and obligations for the district (Sections 8498.151-8498.153 and Section 8498.201-8498.203).

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 that if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8498, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8498.106, as follows:

Sec. 8498.106. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(b) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c) (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 of all the members elected to each house, of after January 1, 2010), Article I, Texas Constitution.

SECTION 5. Effective date: September 1, 2015.