

## **BILL ANALYSIS**

Senate Research Center

H.B. 1440  
By: Bell (Creighton)  
Administration  
7/25/2017  
Enrolled

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

H.B. 1440 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 154, 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 7974, as follows:

#### CHAPTER 7974. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 154

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 154 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7974.001-7974.050);

Size, composition, election, and terms of the board of directors of the district, including temporary directors (Sections 7974.051-7974.100);

Powers and duties of the district (Sections 7974.101-7974.150); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7974.151-7974.203).

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 (Powers and Duties), Chapter 7974, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7974.107, as follows:

Sec. 7974.107. 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) (relating to authorizing the legislature

to enact a certain law granting the power of eminent domain to an entity under certain circumstances on or after January 1, 2010), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2017.