

BILL ANALYSIS

Senate Research Center
85R26935 JCG-F

H.B. 4294
By: Holland (Estes)
Intergovernmental Relations
5/19/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4294 amends the Special District Local Laws Code to create the North Celina Municipal Management District No. 3, subject to municipal consent by ordinance or resolution, to provide certain improvements, projects, and services for public use and benefit.

H.B. 4294 provides for, among other provisions, the addition or removal of territory from the district, a limitation on the district's eminent domain power, the division of the district, and the dissolution of the district by the governing body of the City of Celina.

H.B. 4294 sets out the district's powers and duties, which include public improvement district powers and, subject to certain requirements, the authority to impose and collect assessments and issue obligations. The bill prohibits the district from providing retail water or sewer services and, if the bill does not receive a two-thirds vote of all the members elected to each house, from exercising the power of eminent domain.

H.B. 4294 amends current law relating to the creation of the North Celina Municipal Management District No. 3, provides a limited authority of eminent domain and provides authority to impose taxes, levy assessments, and issue bonds.

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 C, Title 4, Special District Local Laws Code, by adding Chapter 3959, as follows:

CHAPTER 3959. NORTH CELINA MUNICIPAL MANAGEMENT DISTRICT NO. 3

Sets forth standard language for the creation of the North Celina Municipal Management District No. 3. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 3959.001-3959.050)

Size, composition, appointment, compensation, and terms of the board of directors of the district, including the naming of the initial directors (Sections 3959.051-3959.100);

Powers and duties of the district (Sections 3959.101-3959.150);

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 3959.151-3959.250); and

Dissolution of the district by the city (Sections 3959.251-3959.300).

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 Section 3959.109, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) Provides that if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 3959, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 3959.109 to read as follows:

Sec. 3959.109. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(c) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c) (relating to granting eminent domain), Article I, Texas Constitution.

SECTION 5. Effective date: September 1, 2017.