

BILL ANALYSIS

Senate Research Center
86R31129 GRM-D

C.S.H.B. 4749
By: Schaefer (Hughes)
Intergovernmental Relations
5/18/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Certain undeveloped land near the City of Tyler would benefit from the creation of a municipal utility district. H.B. 4749 seeks to provide for the creation of the Rose City Municipal Utility District. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 4749 amends current law relating to the creation of the Rose City Municipal Utility District; grants a limited power of eminent domain; provides authority to issue bonds; and provides authority to impose assessments and fees.

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 7958, as follows:

CHAPTER 7958. ROSE CITY MUNICIPAL UTILITY DISTRICT

Sets forth standard language for the creation of the Rose City Municipal Utility District (district) in Smith County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7958.0101–7958.0106);

Size, composition, appointment, qualifications, compensation, and terms of the board of directors of the district (Sections 7958.0201–7958.0203);

Powers and duties of the district (Sections 7958.0301–7958.0308);

General financial provisions (Sections 7958.0401–7958.0402);

Authority to issue bonds and obligations for the district (Sections 7958.0501);

Dissolution of the district by election and disposition of assets and obligations (Sections 7958.0601–7958.0609); and

Annexation of land (Sections 7958.0701–7958.0702).

Authorizes a limited power of eminent domain only for the limited purpose of acquiring or constructing sewer and wastewater facilities.

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. (a) Provides that Section 7958.0304, 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 7958, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7958.0304, as follows:

Sec. 7958.0304. 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), Article I, Texas Constitution.

SECTION 5. Effective date: September 1, 2019.