

BILL ANALYSIS

Senate Research Center
87R9965 MP-D

H.B. 3436
By: Bell, Cecil (Kolkhorst)
Local Government
5/19/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3436 creates Waller County Municipal Utility District No. 40 (district). The district will encompass approximately 377.77 acres of land located within Waller County, Texas. The district is located within the extraterritorial jurisdiction of the City of Houston, Texas. H.B. 3436 is a standard template bill and provides for water, sewer, drainage, and road facilities (facilities), which need to be secured because the land to be located within the district will be developed for residential purposes. H.B. 3436 follows the template in all regards, except that it provides the district with the authority to divide into two or more districts. The district is 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. The district will have standard road powers and must comply with all applicable road standards. The district will have the authority to issue tax-exempt bonds to purchase, acquire, or construct the facilities. It is also necessary to empower the district with authority to impose a tax and to grant the district a limited power of eminent domain. The bill provides for the creation, administration, powers, duties, operation, and financing of the district.

H.B. 3436 amends current law relating to the creation of the Waller County Municipal Utility District No. 40, grants a limited power of eminent domain and 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 7901, as follows:

CHAPTER 7901. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 40

Sets forth standard language for the creation of the Waller County Municipal Utility District No. 40 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7901.0101-7901.0106);

Size, composition, election, and terms of the board of directors of the district, including appointing temporary directors (Sections 7901.0201-7901.0202);

Powers and duties of the district (Sections 7901.0301-7901.0306); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7901.0401-7901.0503).

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 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 7901, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7901.0307, as follows:

Sec. 7901.0307. 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), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2021.