

BILL ANALYSIS

Senate Research Center
87R18537 ANG-F

H.B. 4654
By: Metcalf (Creighton)
Local Government
5/20/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Continuing development and growth in Montgomery County has created the need for permanent improvements such as water supply and distribution facilities, wastewater collection and treatment facilities, drainage and flood control projects, road facilities, and recreational facilities. Pursuant to Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, the bill seeks to create a municipal utility district to be known as Montgomery County Municipal Utility District No. 210 (district) over an approximate 472-acre tract of land located partially within the extraterritorial jurisdiction of the City of Conroe, Texas. Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution provide for the creation of local governmental districts that are authorized to incur indebtedness to provide such permanent improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such indebtedness. Once created, the district will be authorized to incur indebtedness to provide water, sanitary sewer, storm drainage, road and recreational improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such indebtedness.

H.B. 4654 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 210, 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 7949A, as follows:

CHAPTER 7949A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 210

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 210 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of and public purpose for the district (Sections 7949A.0101-7949A.0106);

Size, composition, appointment, and compensation and reimbursement of expenses for the board of directors, including composition of the initial board (Sections 7949A.0201-7949A.0202);

Powers and duties of the district (Sections 7949A.0301-7949A.0305); and

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 7949A.0401-7949A.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 7949A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7949A.0306, as follows:

Sec. 7949A.0306. 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.