

## **BILL ANALYSIS**

Senate Research Center  
88R19640 SCP-F

H.B. 5320  
By: Metcalf (Kolkhorst)  
Local Government  
5/5/2023  
Engrossed

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

H.B. 5320 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 227, 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 7921A, as follows:

#### CHAPTER 7921A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 227

Sets forth language for the creation of the Montgomery County Municipal Utility District No. 227 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7921A.0101-7921A.0102 and 7921A.0104-7921A.0106);

Size, composition, election, and terms of the board of directors of the district (Section 7921A.0103 and Sections 7921A.0201-7921A.0202);

Powers and duties of the district (Sections 7921A.0301-7921A.0306); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7921A.0401-7921A.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) Amends Subchapter C, Chapter 7921A, Special District Local Laws Code, as added by Section 1 of this Act, if this Act does not receive a two-thirds vote of all the members elected to each house, by adding Section 7921A.0307, as follows:

Sec. 7921A.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) (relating to authorizing the legislature, on or after January 10, 2020, to enact a general, local, or special law granting the power

of eminent domain to an entity only on a two-thirds vote of all the members elected to each house), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2023.