

## **BILL ANALYSIS**

Senate Research Center  
88R12383 SCP-F

H.B. 5385  
By: Oliverson (Kolkhorst)  
Local Government  
5/11/2023  
Engrossed

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

H.B. 5385 creates Harris County Municipal Utility District No. 582, which contains approximately 195.749 acres and is located in far northwest Harris County and within the extraterritorial jurisdiction of the City of Houston. The bill would authorize the proposed district, if confirmed at an election, to finance the construction of facilities to provide water, wastewater, drainage and road services to the tract so that a residential and commercial development could be undertaken on the land proposed to be included within the proposed district. The legislation contains the usual "template" provisions regarding the naming of directors for the proposed district, the powers of the proposed district, and general financial provisions. The City of Houston has consented to the creation of the district.

H.B. 5385 amends current law relating to the creation of the Harris County Municipal Utility District No. 582, 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 7959A, as follows:

#### **CHAPTER 7959A. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 582**

Sets forth standard language for the creation of the Harris County Municipal Utility District No. 582 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 7959A.0101-7959A.0106);

Size, composition, election, and term of the board of directors of the district, including the naming of the initial directors (Sections 7959A.0201-7959A.0202);

Powers and duties of the district (Sections 7959A.0301-7959A.0306); and

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 7959A.0401-7959A.0502).

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) Amends Subchapter C, Chapter 7959A, 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 7959A.0307, as follows:

Sec. 7959A.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 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.