

BILL ANALYSIS

Senate Research Center
82R4383 RWG-F

H.B. 886
By: Smith, Wayne (Gallegos)
Intergovernmental Relations
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 886 amends current law relating to the creation of the Harris County Municipal Utility District No. 528, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

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 8318, as follows:

CHAPTER 8318. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 528

Sets forth standard language for the creation of the Harris County Municipal Utility District No. 528 (district) in Harris County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district, required confirmation and directors' election, required consent of municipality, and findings of public purpose and benefit (Sections 8318.001-8318.050);

Size, composition, election, and terms of the board of directors of the district and the temporary directors of the district (Sections 8318.051-8318.100);

Powers and duties of the district (Sections 8318.101-8318.150);

General financial provisions and authority to impose a tax (Sections 8318.151-8318.200); and

Authority to issue bonds and other obligations for the district (Sections 8318.201-8318.203).

Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement for a road project under Section 8318.103 or a recreational facility as defined by Section 49.462 (Definitions), Water Code.

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 Section 8318.106, 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) Amends Subchapter C, Chapter 8318, as added by Section 1 of this Act, Special District Local Laws Code, if this Act does not receive a two-thirds vote of all the members elected to each house, by adding Section 8318.106, as follows:

Sec. 8318.106. 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, except as provided by Section 4 of this Act: September 1, 2011.