

## **BILL ANALYSIS**

S.B. 813  
By: Gallegos  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Harris County Municipal Utility District No. 528 (district) will encompass an area of land currently located within the corporate boundaries of the City of Baytown, Harris County, Texas. The land to be located within the district will be developed into single family residential and commercial development; therefore, water, sewer, drainage, road, and park and recreational services need to be secured.

It is necessary to create the district under Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, and Section 59, Article XVI, Texas Constitution, in order to purchase, acquire, or construct facilities for such services to serve the future occupants of the land utilizing tax exempt bonds. It is also necessary to empower the district with authority to impose a tax and issue bonds and to grant the power of eminent domain. This bill creates the district, allowing for infrastructure in the form of water, sewer, and drainage to be secured. By creating the district, the land contained therein can develop in a flexible and efficient manner. No district currently exists within the area affected by the district.

S.B. 813 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**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **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:

General provisions (Sections 8318.001-8318.050);

Size, composition, and terms of the temporary directors of the district (Sections 8318.0051-8318.100);

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

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

Authority to issue bonds and other obligations (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 or easement for a road project authorized by Section 8318.103, or a recreational facility as defined by Section 49.462, 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) Provides that if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8318, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8318.106, to read 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) (relating to power of eminent domain), Article I (Taking Damaging, or Destroying Property for Public Use; Special Privileges and Immunities; Control of Privileges and Franchises), Texas Constitution.

SECTION 5. Provides for the effective date of this Act.

**EFFECTIVE DATE**

Except as provided by Section 4 of this Act: this Act takes effect September 1, 2011.