

## **BILL ANALYSIS**

Senate Research Center  
84R23224 KJE-F

H.B. 3605  
By: Burns (Birdwell)  
Intergovernmental Relations  
5/20/2015  
Engrossed

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

H.B. 3605 amends the Special District Local Laws Code to create the Joshua Farms Municipal Management District No. 2, subject to voter approval at a confirmation election and a certain development and operating agreement with the City of Cleburne, to provide certain improvements, projects, and services for public use and benefit. The bill provides for, among other provisions, water district powers, road district powers, public improvement district powers, contract powers, limits on the district's emergency services powers, the annexation or exclusion of district land, the enforcement of real property restrictions by the district, division of the district, and dissolution of the district. The district's powers and duties include, subject to certain requirements and a certain development and operating agreement, the authorization to issue obligations without an election, to impose assessments, and to contract for the collection of assessments with the commissioners court of the county under the Interlocal Cooperation Act. The bill prohibits the district from constructing, acquiring, maintaining, or operating a toll road and from imposing property taxes and impact fees. The bill, if it does not receive a two-thirds vote of all the members elected to each house, prohibits the district from exercising the power of eminent domain.

H.B. 3605 prohibits the initial directors of the district from holding a confirmation and directors' election until the City of Cleburne has entered into a certain development and operating agreement under the bill's provisions, prohibits the district from exercising any powers under the bill's provisions until the development and operating agreement is executed, and dissolves the district and sets the bill's provisions to expire March 1, 2018, if the development and operating agreement is not entered into before that date.

H.B. 3605 amends current law relating to the creation of the Joshua Farms Municipal Management District No. 2, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments or fees.

### **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 C, Title 4, Special District Local Laws Code, by adding Chapter 3929, as follows:

#### **CHAPTER 3929. JOSHUA FARMS MUNICIPAL MANAGEMENT DISTRICT NO. 2**

Sets forth standard language for the creation of the Joshua Farms Municipal Management District No. 2 (district) in Johnson County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 3929.001-3929.004);

Size, composition, appointment, compensation, and terms of the board of directors of the district, including the naming of the initial directors (Sections 3929.005-3929.012 and 3929.051-3929.054);

Powers and duties of the district (Sections 3929.101-3929.113, 3929.151-3929.156, and 3929.201-3929.205);

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 3929.251-3929.258); and

Dissolution of the district by the city (Sections 3929.301-3929.304).

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 3929.111, 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-third vote of all the members elected to each house, Subchapter C, Chapter 3929, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 3929.111, as follows:

Sec. 3929.111. 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) (authorizing the legislature, on or before January 1, 2010, 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 1, Texas Constitution.

SECTION 5. Effective date: September 1, 2015.