

BILL ANALYSIS

Senate Research Center
84R12688 GRM-F

H.B. 4127
By: Metcalf (Creighton)
Intergovernmental Relations
5/8/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, certain land located in the unincorporated area of Montgomery County is undeveloped. Interested parties suggest that the area would benefit from the creation of a municipal utility district for purposes of single-family residential and commercial development. H.B. 4127 seeks to provide for the creation, administration, powers, duties, operation, and financing of the district.

H.B. 4127 amends current law relating to the creation of the Foster Municipal Utility District No. 1 of Montgomery County; 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 7926, as follows:

CHAPTER 7926. FOSTER MUNICIPAL UTILITY DISTRICT NO. 1 OF MONTGOMERY COUNTY

Sets forth standard language for the creation of the Foster Municipal Utility District No. 1 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7926.001-7926.006);

Size, composition, election, and terms of the board of directors of the district (Sections 7926.051-7926.052);

Powers and duties of the district (Sections 7926.101-7926.106); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7926.151-7926.153 and Sections 7926.201-7926.203).

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, if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7926, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7926.107 to read as follows:

Sec. 7926.107. 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 the legislature enacting a general, local, or special law granting the power of eminent domain to an entity) Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2015.