

BILL ANALYSIS

Senate Research Center
86R10384 GRM-F

H.B. 2380
By: Metcalf (Nichols)
Intergovernmental Relations
5/3/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill proposes to create Montgomery County Municipal Utility District No. 173 (district) containing approximately 171 acres of land within the extra-territorial jurisdiction of the City of Conroe (city) located north of the intersection of Calvary Road and Amblerwood Street. 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.

H.B. 2380 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 173; 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 8077, as follows:

CHAPTER 8077. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 173

Sets forth standard language for the creation of the Montgomery County Municipal District No. 173 (district) in Montgomery County. Sets forth standard, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8070.0101–8077.0106);

Size, composition, election, and term of the board of directors of the district, including provisions relating to temporary directors (8077.0201–8077.0202);

Powers and duties of the district, including limitation on use of eminent domain (8077.0301–8077.0307); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (8077.0401–8077.0503)

Sec. 8077.0307. LIMITATION ON USE OF EMINENT DOMAIN. Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement for a recreational facility, as defined by Section 49.462 (Definitions), Water Code or a road project authorized by Section 8077.0303, as follows:

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) Makes application of Section 8077.0307, Special District Local Laws Code, as added by Section 1 of this Act, contingent on this Act receiving 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 8077, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8077.0307, as follows:

Sec. 8077.0307. 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: upon passage or September 1, 2019.