BILL ANALYSIS

Senate Research Center

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H.B. 3047

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Intergovernmental Relations

5/16/2019

Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3047 amends the Special District Local Laws Code to create the Montgomery County Municipal Utility District No. 167 (district), subject to municipal consent and voter approval at a confirmation election. The bill grants the district the power to undertake certain road projects and provides for the division of the district and a limitation on the district's use of eminent domain, should the district assume eminent domain powers. The bill authorizes the dsitrict, subject to certain requirement, to issue obligations and impose property, operation and maintenance, and contract taxes. The bill expressly prohibits the district from exercising the power of eminent domain if the bill does not receive a two-thirds vote of all the members elected to each house.

H.B. 3047 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 167; 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 8065, as follows:

CHAPTER 8065. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 167

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 167 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8065.0101–8065.0106);

Size, composition, election, and terms of the board of directors of the district, including the naming of temporary directors (Sections 8065.0201–8065.0202);

Powers and duties of the district (Sections 8065.0301–8065.0307);

General financial provisions and authority to impose a tax (Sections 8065.0401–8065.0403); and

Authority to issue bonds and obligations for the district (Sections 8065.0501–8065.0503); and

Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement for certain purposes.

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 8065.0307, 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 8065, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8065.0307, as follows:

        Sec. 8065.0307. 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.