

BILL ANALYSIS

Senate Research Center
87R27421 MP-F

C.S.H.B. 4645
By: Cyrier (Eckhardt)
Local Government
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Continuing development and growth in Central Texas, including Bastrop County, has created the need for large-scale, permanent improvements such as water supply and distribution facilities, wastewater collection and treatment facilities, drainage and flood control projects, and roadway improvements. Article XVI (General Provisions), Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), and Article III (Legislature Department), Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), of the Texas Constitution provide for the creation of local governmental districts that are authorized to incur indebtedness to provide such permanent improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such indebtedness.

H.B. 4645 would create the Wildwood Municipal Utility District (district). The district would include approximately 418 acres in Bastrop County. Along with powers from Chapters 49 and 54, Water Code, H.B. 4645 also provides for road powers pursuant to Article III, Section 52, Texas Constitution. H.B. 4645 would also grant a limited power of eminent domain and provide authority to issue bonds and levy taxes.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 4645 amends current law relating to the creation of the Wildwood Municipal Utility District, 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 7946A, as follows:

CHAPTER 7946A. WILDWOOD MUNICIPAL UTILITY DISTRICT

Sets forth standard language for the creation of the Wildwood Municipal Utility District (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district and election of permanent directors (Sections 7946A.0101-7946A.0106);

Size, composition, and terms of the board of directors of the district (Sections 7946A.0201-7946A.0202);

Powers and duties of the district (Sections 7946A.0301-7946A.0305); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7946A.0401-7946A.0503).

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. Provides that all requirements of the constitution and the 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 7946A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7946A.0306, as follows:

Sec. 7946A.0306. 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), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2021.