

BILL ANALYSIS

Senate Research Center
87R17980 ANG-F

H.B. 4646
By: Rodriguez (Zaffirini)
Local Government
5/14/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Continuing development and growth in Central Texas, including Travis 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, Section 59, and Article III, Section 52, of the Texas Constitution provide for the creation of local governmental districts that are authorized to incur indebtedness to provide such permanent improvements, levy taxes for the maintenance and operation of such improvements, and repay on indebtedness.

H.B. 4646 would create the Creedmoor Municipal Utility (district). The district would include approximately 212.934 acres in Travis County. Along with powers authorized by Chapters 49 and 54, Water Code, H.B. 4646 also provides for road powers pursuant to Article III, Section 52, of the Texas Constitution and Section 53.029(c), Water Code. H.B. 4646 would also grant a limited power of eminent domain and provide authority to issue bonds.

H.B. 4646 amends current law relating to the creation of the Creedmoor 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 7951A, as follows:

CHAPTER 7951A. CREEDMOOR MUNICIPAL UTILITY DISTRICT

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

Creation and approval of the district (Sections 7951A.0101-7951A.0106);

Size, composition, election, and terms of the board of directors of the district (Sections 7951A.0201 and 7951A.0202);

Powers and duties of the district (Sections 7951A.0301-7951A.0305); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7951A.0401-7951A.0503).

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 7951A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7951A.0306, as follows:

Sec. 7951A.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) (relating to authorizing the legislature to enact a general, local, or special law granting the power of eminent domain), Article I, Texas Constitution.

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