

## **BILL ANALYSIS**

Senate Research Center  
88R11394 SCP-F

H.B. 5315  
By: Metcalf (Creighton)  
Local Government  
5/15/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 5315 amends the Special District Local Laws Code to create Montgomery County Municipal Utility District (MUD) No. 219. The bill creates a temporary board of five directors until an election can be held. The bill grants the district authority to construct public water, sewer, drainage, road and park infrastructure that meet all applicable regulations. The district has the authority to issue bonds and impose assessments, fees and taxes. No current public water, sewer, drainage, road or park infrastructure exists to serve the area proposed to be included in the MUD. The creation of Montgomery County MUD No. 219 will allow the land within the MUD to be served by public water, sewer, drainage, road and park infrastructure.

H.B. 5315 conforms to the template in all regards, except it grants the district division powers.

H.B. 5315 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 219, 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 7960A, as follows:

#### CHAPTER 7960A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 219

Sets forth language for the creation of the Montgomery County Municipal Utility District No. 219 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7960A.0101-7960A.0106);

Size, composition, election, and terms of the board of directors of the district (Sections 7960A.0201-7960A.0202);

Powers and duties of the district (Sections 7960A.0301-7960A.0306); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7960A.0401-7960A.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) Amends Subchapter C, Chapter 7960A, Special District Local Laws Code, as added by Section 1 of this Act, if this Act does not receive a two-thirds vote of all the members elected to each house, by adding Section 7960A.0307, as follows:

Sec. 7960A.0307. 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, on or after January 10, 2020, to enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2023.