

BILL ANALYSIS

Senate Research Center
88R17365 MP-F

H.B. 5318
By: Metcalf (Kolkhorst)
Local Government
5/5/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Continuing development and growth in Montgomery County has created the need for permanent improvements such as drainage and flood control projects, and road and recreational facilities. Pursuant to Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, the bill seeks to create a water control and improvement district to be known as Montgomery County Water Control and Improvement District No. 6 over an approximate 299-acre tract of land located within the extraterritorial jurisdiction of the City of Conroe in Montgomery County, Texas.

Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution provide for the creation of local governmental districts which 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. This legislation grants the district the power to undertake drainage, recreational, and road projects. The legislation authorizes the district, subject to certain requirements, to issue bonds and other obligations and impose property taxes.

H.B. 5318 amends current law relating to the creation of the Montgomery County Water Control and Improvement District No. 6, 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 I, Title 6, Special District Local Laws Code, by adding Chapter 9058, as follows:

CHAPTER 9058. MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 6

Sets forth standard language for the creation of the Montgomery County Water Control and Improvement District No. 6. (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 9058.0101-9058.0106);

Size, composition, election, and terms for the board of directors, including provisions related to initial temporary directors (Sections 9058.0201-9058.0202);

Powers and duties of the district (Sections 9058.0301-9058.0306);

General financial provisions, including the authority to impose an ad valorem tax and other taxes (Section 9058.0401-9058.0403); and

Authority to issue certain bonds and other obligations (Sections 9058.0501-9058.0504).

Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement of road for a road project authorized by Section 9058.0303 or a recreational facility, as defined by Section 49.462 (Definitions), Water Code.

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 Section 9058.0306, 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) Amends Subchapter C, Chapter 9058, 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 9058.0306, as follows:

Sec. 9058.0306. 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) (relating to authorizing the legislature 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.