

BILL ANALYSIS

Senate Research Center
88R14033 MP-F

H.B. 5357
By: Wilson (Flores)
Local Government
5/15/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 5357 amends the Special District Local Laws Code to create the Liberty Hill Municipal Utility District, subject to municipal consent and voter approval at a confirmation election. H.B. 5357 grants the district the power to undertake certain road projects. H.B. 5357 authorizes the district, subject to certain requirements, to issue obligations and impose property, operation and maintenance, and contract taxes. H.B. 5357 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. 5357 amends current law relating to the creation of the Liberty Hill 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 7947A, as follows:

CHAPTER 7947A. LIBERTY HILL MUNICIPAL UTILITY DISTRICT

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

Creation, purpose, and approval of the district (Sections 7947A.0101-7947A.0106);

Size, terms, and election of the board of directors and appointment of temporary directors (Sections 7947A.0201-7947A.0202);

Powers and duties of the district (Sections 7947A.0301-7947A.0305); and

General financial provisions, including authority to impose taxes and issue bonds and obligations for the district (Sections 7947A.0401-7947A.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) Amends Subchapter C, Chapter 7947A, 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 7947A.0306, as follows:

Sec. 7947A.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, on or after January 1, 2010, 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.