

BILL ANALYSIS

C.S.H.B. 4145
By: Metcalf
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties recognize a need for the construction and financing of water, sewer, drainage, road, and recreational facilities to serve property located within the extraterritorial jurisdiction of the City of Conroe in Montgomery County. C.S.H.B. 4145 seeks to address this need.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4145 amends the Special District Local Laws Code to create the Montgomery County Municipal Utility District No. 151, subject to voter approval at a confirmation election and municipal consent. The bill grants the district the power to undertake certain road projects and to conduct certain navigation improvements, subject to the applicable rules, regulations, and approval of the San Jacinto River Authority. The bill authorizes the district, subject to certain requirements, to issue obligations and impose property, operation and maintenance, and contract taxes. The bill, if it does not receive a two-thirds vote of all the members elected to each house, prohibits the district from exercising the power of eminent domain.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4145 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7918 to read as follows:
CHAPTER 7918. MONTGOMERY

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COUNTY MUNICIPAL UTILITY
DISTRICT NO. 151

SUBCHAPTER A. GENERAL
PROVISIONS

SUBCHAPTER B. BOARD OF
DIRECTORS

SUBCHAPTER C. POWERS AND
DUTIES

Sec. 7918.101. GENERAL POWERS AND
DUTIES.

Sec. 7918.102. MUNICIPAL UTILITY
DISTRICT POWERS AND DUTIES.

Sec. 7918.103. AUTHORITY FOR ROAD
PROJECTS.

Sec. 7918.104. ROAD STANDARDS AND
REQUIREMENTS.

No equivalent provision.

Sec. 7918.105. COMPLIANCE WITH
MUNICIPAL CONSENT ORDINANCE
OR RESOLUTION.

SUBCHAPTER D. GENERAL
FINANCIAL PROVISIONS

SUBCHAPTER E. BONDS AND OTHER
OBLIGATIONS

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Sec. 7918.101. GENERAL POWERS AND
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Sec. 7918.102. MUNICIPAL UTILITY
DISTRICT POWERS AND DUTIES.

Sec. 7918.103. AUTHORITY FOR ROAD
PROJECTS.

Sec. 7918.104. ROAD STANDARDS AND
REQUIREMENTS.

Sec. 7918.105. CERTAIN NAVIGATION
IMPROVEMENTS. (a) The district is
created for the following purposes and has
the power to purchase, construct, acquire,
own, operate, maintain, improve, or extend,
inside or outside the district, a canal or other
waterway, bulkhead, dock, or improvement
in aid of such canals, waterways, bulkheads,
or docks.

(b) Notwithstanding any other law, the
powers provided by Subsection (a) are
subject to the applicable rules, regulations,
and approval of the San Jacinto River
Authority.

(c) In the event the district adopts a rule or
regulation relating to boating or navigation,
the rule or regulation must be consistent
with the applicable rules or regulations of
the San Jacinto River Authority.

Sec. 7918.106. COMPLIANCE WITH
MUNICIPAL CONSENT ORDINANCE
OR RESOLUTION.

SUBCHAPTER D. GENERAL
FINANCIAL PROVISIONS

SUBCHAPTER E. BONDS AND OTHER
OBLIGATIONS

SECTION 2. Establishes boundaries for the Montgomery County Municipal Utility District No. 151.

SECTION 2. Same as introduced version.

SECTION 3. Provisions relating to 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.

SECTION 3. Same as introduced version.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7918, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7918.106 to read as follows:

SECTION 4. Substantially the same as introduced version.

Sec. 7918.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 5. Same as introduced version.