

BILL ANALYSIS

Senate Research Center
84R5342 AAF-F

H.B. 1068
By: Zerwas (Kolkhorst)
Intergovernmental Relations
5/6/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1068 proposes the creation of a municipal utility district to be known as Fort Bend County Municipal Utility District No. 216 (district), to provide water, wastewater, drainage, recreational, and road improvements for this tract of land. The district No. 216 will contain approximately 503 acres in Fort Bend County and within the extraterritorial jurisdiction of the City of Fulshear, Texas.

All of the property in the proposed district is owned by Sam Yeager Development Corporation, a well-known and accomplished developer in the Houston metropolitan area. The City of Fulshear has consented to the creation of the district through the adoption of a resolution.

The bill conforms in all respects to the agreed template for the creation of municipal utility districts adopted by the Texas Legislature.

H.B. 1068 amends current law relating to the creation of the Fort Bend County Municipal Utility District No. 216, 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 8424, as follows:

CHAPTER 8424 . FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 216

Sets forth standard language for the creation of the Fort Bend County Municipal Utility District No. 216 (district) in Fort Bend County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8424.001-8424.006);

Size, composition, and terms of the board of directors of the district and appointment of temporary directors (Sections 8424.051 and 8424.052);

Powers and duties of the district (Sections 8424.101-8424.105); and

General financial provisions and authority to impose taxes and to issue bonds and obligations for the district (Sections 8424.151-8424.153 and Sections 8424.201-8424.203).

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 if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8424, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8424.106, as follows:

Sec. 8424.106. 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) (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, or after January 1, 2010), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2015.