

## **BILL ANALYSIS**

Senate Research Center  
84R12934 TSR-F

H.B. 4129  
By: Bell (Kolkhorst)  
Administration  
5/5/2015  
Engrossed

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

Interested parties assert that continuing development and growth in Waller County has created the need for permanent improvements such as water supply and distribution facilities, wastewater collection and treatment facilities, drainage and flood control projects, and major thoroughfare improvements. Current law provides for the creation of local governmental districts that are authorized to issue bonds or other obligations in order to provide such permanent improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such obligations. H.B. 4129 seeks to address this need in Waller County through the creation of a municipal utility district.

H.B. 4129 amends the Special District Local Laws Code to create the Waller County Municipal Utility District No. 22, subject to voter approval at a confirmation election and municipal consent. The bill grants the district the power to undertake certain road projects. 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.

H.B. 4129 amends current law relating to the creation of the Waller County Municipal Utility District No. 22, 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 7919, as follows:

#### CHAPTER 7919. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 22

Sets forth standard language for the creation of the Waller County Municipal Utility District No. 22 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation, approval, purpose, and territory of the district (Sections 7919.001-7919.006.);

Size, composition, election, and terms of the board of directors of the district (Sections 7919.051 and 7919.052);

Powers and duties of the district (Sections 7919.101-7919.105);

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 7919.151-7919.153 and Sections 7919.201-7919.203);

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 7919, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7919.106, as follows:

Sec. 7919.106. 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 under certain circumstances), Article I, Texas Constitution.

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