

## **BILL ANALYSIS**

Senate Research Center  
86R10238 BRG-F

H.B. 3209  
By: Bell, Cecil (Kolkhorst)  
Intergovernmental Relations  
5/11/2019  
Engrossed

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

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 road facilities. 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.

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 creates a municipal utility district, with road powers, to be known as Waller County Municipal Utility District No. 35, over an approximately 696-acre tract of land located within the extraterritorial jurisdiction of the City of Houston in Waller County, Texas.

H.B. 3209 amends current law relating to the creation of the Waller County Municipal Utility District No. 35; 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 8071, as follows:

#### CHAPTER 8071. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 35

Sets forth the standard language for the creation of the Waller County Municipal Utility District No. 35 (district) in Waller County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8071.0101–8071.0106);

Size, composition, election, and terms of the board of directors of the district (Sections 8071.0201–8072.0202);

Powers and duties of the district (Sections 8072.0301–8072.0305);

General financial provisions (Sections 8072.0401–8072.0403);

Authority to impose a tax and to issue bonds and obligations for the district (Sections 8071.0501–8071.0503).

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. Provides that all 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 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 8071, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8071.0306, as follows:

Sec. 8071.0306. 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), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2019.