

BILL ANALYSIS

Senate Research Center
88R11388 LRM-F

H.B. 5379
By: Wilson (Schwertner)
Local Government
5/15/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 5379 amends the Special District Local Laws Code to create the Williamson and Bell Counties Municipal Utility District No. 1, subject to municipal consent and voter approval at a confirmation election. 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 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. 5379 amends current law relating to the creation of the Williamson and Bell Counties Municipal Utility District No. 1, 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 7972A, as follows:

CHAPTER 7972A. WILLIAMSON AND BELL COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1

Sets forth standard language for the creation of the Williamson and Bell Counties Municipal Utility District No. 1 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 7972A.0101-7972A.0106);

Size, composition, election, and terms of the board of directors of the district, including the naming of the initial directors (Sections 7972A.0201-7972A.0202);

Powers and duties of the district (Sections 7972A.0301-7972A.0305); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7972A.0401-7972A.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 7972A, 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 7972A.0306, as follows:

Sec. 7972A.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 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.