

## **BILL ANALYSIS**

Senate Research Center  
88R16497 LRM-F

H.B. 5415  
By: Spiller (Springer)  
Local Government  
5/17/2023  
Engrossed

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

H.B. 5415 creates Elm Fork Municipal Utility District No. 1 of Cooke County (district). The district will encompass approximately 7,280 acres of land located within Cooke County, Texas. H.B. 5415 is a standard template bill and provides for water, sewer, drainage, and road facilities (facilities), which need to be secured because the land to be located within the district will be developed for residential purposes. H.B. 5415 follows the template in all regards, except that it provides the district with the authority to divide into two or more districts. Division powers are requested so that the district can divide to provide better, more individualized services to the property if deemed necessary and to accommodate changes in development plans. The district is created under Water Code provisions applicable to all water districts and to municipal utility districts and under constitutional provisions relating to conservation and reclamation districts. The district will have standard road powers and must comply with all applicable road standards. The district will have the authority to issue tax-exempt bonds to purchase, acquire, or construct the facilities. It is also necessary to empower the district with authority to impose a tax and to grant the district a limited power of eminent domain. The bill provides for the creation, administration, powers, duties, operation, and financing of the district.

H.B. 5415 amends current law relating to the creation of the Elm Fork Municipal Utility District No. 1 of Cooke County, 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 7987A, as follows:

#### **CHAPTER 7987A. ELM FORK MUNICIPAL UTILITY DISTRICT NO. 1 OF COOKE COUNTY**

Sets forth language for the creation of the Elm Fork Municipal Utility District No. 1 of Cooke County (district). Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 7987A.0101-7987A.0106);

Size, composition, election, and terms of the board of directors of the district (Sections 7987A.0201-7987A.0202);

Powers and duties of the district (Sections 7987A.0301-7987A.0306); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7987A.0401-7987A.0503).

SECTION 2. Sets forth the initial boundaries for 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) Amends Subchapter C, Chapter 7987A, 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 7987A.0307, as follows:

Sec. 7987A.0307. 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, on or after January 10, 2020, 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: September 1, 2023.