

BILL ANALYSIS

Senate Research Center
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S.B. 1871
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Intergovernmental Relations
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1871 creates the Brazoria County Municipal Utility District No. 44 (district), which will encompass an area of land inside the extraterritorial jurisdiction of the City of Bonney, Brazoria County, Texas. The land to be located within the district will be developed into single-family residential and commercial properties; therefore, water, sewer, and drainage, services need to be secured. It is necessary to create the district under Chapters 49 (Provisions Applicable to all Districts) and 54 (Municipal Utility Districts), Water Code, in order to purchase, acquire, or construct facilities for such services to serve the future occupants of the land utilizing tax exempt bonds. S.B. 1871 provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district.

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 8153, as follows:

CHAPTER 8153. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT
NO. 44

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8153.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8153.002. NATURE OF DISTRICT. Provides that the Brazoria County Municipal Utility District No. 44 (district) is a municipal utility district in Brazoria County created under and essential to accomplish the purposes of Section 52 (Counties, Cities, or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III, and Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sec. 8153.003. CONFIRMATION ELECTION REQUIRED. Provides that if the creation of the district is not confirmed at a confirmation election held under Section 8153.023 before September 1, 2007, then the district is dissolved with certain exceptions. Provides that if the district is not confirmed, this chapter expires September 1, 2010.

Sec. 8153.004. INITIAL DISTRICT TERRITORY. (a) Provides that the district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) Provides that the boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. Provides that a mistake made in the field notes or in copying the field notes in the legislative process does not affect certain functions.

[Reserves Sections 8153.005-8153.020 for expansion.]

SUBCHAPTER A1. TEMPORARY PROVISIONS

Sec. 8153.021. TEMPORARY DIRECTORS. (a) Authorizes a person who owns land in the district, on or after September 1, 2005, to submit a petition to the Texas Commission on Environmental Quality (commission) to appoint as temporary directors the five persons named in the petition.

(b) Requires the commission to appoint as temporary directors the five persons named in the first petition received by the commission under Subsection (a).

(c) Requires the commission, if a temporary director fails to qualify for office, to appoint a person to fill the vacancy.

(d) Provides that temporary directors serve until a certain date.

Sec. 8153.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires the temporary directors, as soon as practicable after all the temporary directors have qualified under Section 49.055 (Sworn Statement, Bond, and Oath of Office), Water Code, to meet at a location in the district agreeable to a majority of directors. Requires the meeting, if a location cannot be agreed upon, to be at the Brazoria County Courthouse. Requires the temporary directors, at the meeting, to elect officers from among the temporary directors and conduct any other district business.

Sec. 8153.023. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Requires the temporary directors to hold an election to confirm the creation of the district and to elect five directors as provided by Section 49.102 (Confirmation and Director Election), Water Code.

Sec. 8153.024. INITIAL ELECTED DIRECTORS; TERMS. Requires the directors elected under Section 8153.023 to draw lots to determine which two will serve until the first regularly scheduled election of directors under Section 8153.052 and which three will serve until the second regularly scheduled election of directors.

Sec. 8153.025. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2010.

[Reserves Sections 8153.026-8153.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8153.051. DIRECTORS; TERMS. Provides that the district is governed by a board of five directors who serve staggered four-year terms.

Sec. 8153.052. ELECTION OF DIRECTORS. Requires the appropriate number of directors to be elected on the uniform election date in May of each even-numbered year.

[Reserves Sections 8153.053-8153.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8153.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. Provides that the district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8153.102. ROAD PROJECTS. Authorizes the district to construct, acquire, improve, maintain, or operate macadamized, gaveled, or paved roads or turnpikes, or improvements in aid of those roads or turnpikes, inside or outside the district.

Sec. 8153.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS. Requires the district, subject to the limitations of Section 54.016, Water Code, to comply with all applicable requirements of any ordinance or resolution adopted before September 1, 2005, that consents to the creation of the district or to the inclusion of lands with in the district

[Reserves Sections 8153.104-8153.150 for expansion.]

SUBCHAPTER D. GENERAL FINANCING PROVISIONS

Sec. 8153.151. TAX TO REPAY BONDS. Authorizes the district to impose a tax to pay the principal of or interest on bonds issued under Section 8153.201.

[Reserves Sections 8153.152-8153.200 for expansion.]

SUBCHAPTER E. BONDS

Sec. 8153.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) Authorizes the district to issue bonds or other obligations as provide by Chapters 49 and 54, Water Code, to finance the construction, maintenance, or operation of projects under Sections 8153.101 and 8153.102.

(b) Prohibits the district from issuing bonds to finance projects authorized by Section 8153.102 unless the issuance is approved by a vote of a two-thirds majority of the voters of the district voting at an election called for that purpose.

(c) Prohibits bonds or other obligations issued or incurred to finance projects authorized by Section 8153.102 from exceeding one-fourth of the assessed value of the real property in the district.

(d) Provides that Sections 49.181 (Authority of Commission Over Issuance of District Bonds) and 49.182 (Commission Supervision of Projects and Improvements), Water Code, do not apply to a project undertaken by the district under Section 8153.102 or to bonds issued by the district to finance the project.

SECTION 2. Sets forth the initial boundaries of the Brazoria County Municipal Utility District No. 44.

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. Effective date: September 1, 2005.