

BILL ANALYSIS

Senate Research Center
83R15901 PMO-F

H.B. 1260
By: Creighton (Williams)
Administration
5/20/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that certain land within the corporate limits of the City of Conroe is proposed to be developed into single family residential homes and that water, sewer, drainage, and road services need to be secured for such development. H.B. 1260 seeks to address this need by providing for the creation of the Montgomery County Municipal Utility District No. 132.

H.B. 1260 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 132, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

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 8414, as follows:

CHAPTER 8414. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 132

Sets forth standard language for the creation of the Montgomery County Municipal District No. 132 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 8414.001-8414.007);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8414.051-8414.052);

Powers and duties of the district (Sections 8414.101-8414.107); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8414.151-8414.203).

Prohibits the district from exercising the power of eminent domain outside the district without the written consent of the City of Conroe.

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 Section 8414.107, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) Provides that if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8414, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8414.107, as follows:

Sec. 8414.107. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(c) 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 eminent domain only on a two-thirds vote of all members elected to each house), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2013.