

BILL ANALYSIS

S.B. 2064
By: Creighton
Special Purpose Districts
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Continuing development and growth in Montgomery 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 major thoroughfare improvements. Article XVI (General Provisions), Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), and Article III (Legislative Department), Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), of the Texas Constitution provide for the creation of local governmental districts that 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 Constitution of Texas, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, S.B. 2064 creates a municipal utility district, with road powers, to be known as Montgomery County Municipal Utility District No. 153, over a tract of land containing approximately 730 acres of land in Montgomery County, Texas.

S.B. 2064 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 153, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, and taxes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subtitle F, Title 6, Special District Local Laws Code, by adding Chapter 7954, as follows:

CHAPTER 7954. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 153

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 153 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district, including provisions related to definitions; nature of district; confirmation and directors' election required; consent of municipality required; findings of public purpose and benefit; and initial district territory (Sections 7954.001-7954.006);

Size, composition, election, and terms of the board of directors of the district, including provisions related to governing body and terms and temporary directors (Sections 7954.051 and 7954.052);

Powers and duties of the district, including provisions related to general powers and duties; municipal utility district powers and duties; authority for road projects; road standards and requirements; compliance with municipal consent ordinance or resolution; and division of district (Sections 7954.101-7954.106); and

General financial provisions and bonds and obligations for the district, including provisions related to elections regarding taxes or bonds; operation and maintenance tax; contract taxes; authority to issue bonds and other obligations; taxes for bonds; and bonds for road projects (Section 7954.151-7954.153 and Sections 7954.201-7954.203).

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, if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7954, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7954.107, as follows:

Sec. 7954.107. 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) (authorizing the legislature to enact a general, local, or special law granting the power of eminent domain to an entity under certain circumstances), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Provides for the effective date of this Act.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2015.