

BILL ANALYSIS

Senate Research Center
84R20322 GRM-F

S.B. 2064
By: Creighton
Intergovernmental Relations
4/28/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

As proposed, 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.

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 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, approval, purpose, and territory of the district (Sections 7954.001-7954.006);

Size, composition, and terms of the board of directors of the district (Sections 7954.051 and 7954.052);

Powers and duties of the district (Sections 7954.101-7954.106);

General financial provisions (Sections 7954.151-7954.153); and

Authority to impose taxes and to issue bonds and obligations for the district (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. Effective date: upon passage or September 1, 2015.