

## **BILL ANALYSIS**

Senate Research Center  
85R7621 AAF-D

H.B. 1963  
By: Thompson, Ed (Taylor, Larry)  
Administration  
5/8/2017  
Engrossed

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

H.B. 1963 proposes the creation of a municipal utility district to be known as Brazoria County Municipal Utility District No. 70 (district), to provide water, wastewater, drainage, recreational, and road improvements for approximately 2,273 acres in Brazoria County located partially within the extraterritorial jurisdiction of the City of Alvin, Texas.

All of the property in the proposed district is owned by Southeast Properties, Ltd., which is seeking the creation of the district to prepare the property for future development following the extension of the Grand Parkway in Brazoria County, the City of Alvin has stated that it has no objection to the creation of the district through the delivery of a letter signed by the mayor, dated February 14, 2017.

H.B. 1963 conforms to the agreed-upon template for the creation of municipal utility districts adopted by the Texas Legislature, with the addition of levee improvement district powers which is common for this area and will enable the district to address flood control needs within the district.

H.B. 1963 amends current law relating to the creation of the Brazoria County Municipal Utility District No. 70, 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 7964, as follows:

#### **CHAPTER 7964. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 70**

Sets forth standard language for the creation of the Brazoria County Municipal Utility District No. 70 (district) in Brazoria County. Sets forth definitions, standards, procedures, requirements, and criteria for:

Creation, approval, purpose, and initial district territory of the district, including required confirmation and election of directors (Sections 7964.001-7964.050);

Size, composition, and terms of the board of directors of the district, including temporary directors (Sections 7964.051-7964.100);

Powers and duties of the district (Sections 7964.101-7964.150); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7964.151-7964.203).

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 7964, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7964.108, as follows:

Sec. 7964.108. 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 the legislature's authority to enact a certain law granting the power of eminent domain to an entity only on a certain vote), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2017.