

BILL ANALYSIS

Senate Research Center
87R17167 ANG-F

S.B. 2236
By: Creighton
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2236 creates Montgomery County Municipal Utility District No. 209 (district). The district will encompass approximately 50.726 acres of land located within Montgomery County, Texas. The district is located within the extraterritorial jurisdiction of the City of Conroe, Texas.

S.B. 2236 is a standard template bill and provides for water, sewer, drainage, and road facilities (facilities), which need to be secured because the land to be located within the district will be developed for residential purposes. S.B. 2236 follows the template in all regards. The district is created under Water Code provisions applicable to all water districts and to municipal utility districts and under constitutional provisions relating to conservation and reclamation districts. The district will have standard road powers and must comply with all applicable road standards. The district will have the authority to issue tax-exempt bonds to purchase, acquire, or construct the facilities. It is also necessary to empower the district with authority to impose a tax and to grant the district a limited power of eminent domain. The bill provides for the creation, administration, powers, duties, operation, and financing of the district.

As proposed, S.B. 2236 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 209, 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 7941A, as follows:

CHAPTER 7941A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 209

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 209 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district, and election of permanent directors (Sections 7941A.0101-7941A.0106);

Size, composition, election, and terms of the board of directors of the district, including initial temporary directors (Sections 7941A.0201-7941A.0202);

Powers and duties of the district (Sections 7941A.0301-7941A.0305); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7941A.0401-7941A.0503).

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 7941A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7941A.0306, as follows:

Sec. 7941A.0306. 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 requiring a two-thirds vote of all the members elected to each house to grant the power of eminent domain), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2019.