

BILL ANALYSIS

Senate Research Center
88R11853 MP-F

S.B. 2571
By: Creighton
Local Government
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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, road facilities and recreational facilities.

Pursuant to Article XVI, Section 59, and Article III, Section 52, Texas Constitution, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, S.B. 2571 seeks to create a municipal utility district to be known as Montgomery County Municipal Utility District No. 225 over an approximate 379 acre tract of land located within the corporate limits of the City of Conroe in Montgomery County. Article XVI, Section 59, and Article III, Section 52, Texas Constitution, provides for the creation of local governmental districts which 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.

Once created, Montgomery County Municipal Utility District No. 225 will be authorized to incur indebtedness to provide water, sanitary sewer, storm drainage, road and recreational improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such indebtedness.

As proposed, S.B. 2571 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 225, 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 8074, as follows:

CHAPTER 8074. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 225

Sets forth the required language for the creation of the Montgomery County Municipal Utility District No. 225 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8074.0101-8074.0106);

Election of temporary directors, and size and qualifications of the board of directors (Sections 8074.0201-8074.0202);

Powers and duties of the district (Sections 8074.0301-8074.0305);

General financial provisions, including authority to impose taxes or issue bonds and obligations for the district (Sections 8074.0401- 8074.0503); and

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) Amends Subchapter C, Chapter 8074, Special District Local Laws Code, by adding Section 8074.0306, as added by Section 1 of this Act, if this Act does not receive a two-thirds vote of all the members elected to each house, as follows:

Sec. 8074.0306. 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 authorizing the legislature, on or after January 1, 2010, to enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2023.