

BILL ANALYSIS

Senate Research Center
88R11393 SCP-F

S.B. 2585
By: Creighton
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2585 amends the Special District Local Laws Code to create Montgomery County Municipal Utility District No. 235 (district). The bill creates a temporary board of five directors until an election can be held. The bill grants the district authority to construct public water, sewer, drainage, road and park infrastructure that meet all applicable regulations. The district has the authority to issue bonds and impose assessments, fees and taxes. No current public water, sewer, drainage, road or park infrastructure exists to serve the area proposed to be included in the district. The creation of the district will allow the land within the district to be served by public water, sewer, drainage, road and park infrastructure.

This district conforms to the standard template language.

As proposed, S.B. 2585 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 235, 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 8016, as follows:

CHAPTER 8016. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 235

Sets forth language for the creation of the Montgomery County Municipal Utility District No. 235 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8016.0101-8016.0106);

Size, composition, election, and terms of the board of directors of the district (Sections 8016.0201-8016.0202);

Powers and duties of the district (Sections 8016.0301-8016.0305); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8016.0401-8016.0503).

SECTION 2. Sets forth the initial boundaries for the district.

SECTION 3. Provides that all requirements of the constitution and 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 8016, Special District Local Laws Code, 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, by adding Section 8016.0306, as follows:

Sec. 8016.0306. 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 10, 2020, 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.