

BILL ANALYSIS

Senate Research Center
89R20472 MP-F

S.B. 3035
By: Creighton
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Continuing growth and development in Montgomery County has created the need for additional permanent drainage improvements. S.B. 3035 creates Montgomery County Water Control and Improvement District No. 7 (district) under Chapter 51, Water Code, the core function of which is to construct, own, finance, and operate drainage improvements. The district covers approximately 480 acres and is located in the unincorporated area of Montgomery County. The district will also be able to construct, own, finance, and operate road and recreational facilities to serve the land in the district.

As proposed, S.B. 3035 amends current law relating to the creation of the Montgomery County Water Control and Improvement District No. 7, 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 I, Title 6, Special District Local Laws Code, by adding Chapter 9094, as follows:

CHAPTER 9094. MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 7

Sets forth standard language for the creation of the Montgomery County Water Control and Improvement District No. 7 (district) in Montgomery county. Sets forth standards, procedures, requirements, and criteria for:

General provisions, including the nature of the district, the requirements to confirm the creation of the district by election and to elect five permanent directors, consent to creation of the district by certain municipalities, the public purpose of the district, and the initial district territory (Sections 9094.0101-9094.0106);

Size, composition, election, and terms for the board of directors, including provisions related to initial temporary directors (Sections 9094.0201-9094.0202);

Powers and duties of the district (Sections 9094.0301-9094.0305);

General financial provisions, including the authority to impose an ad valorem tax once approved by voters at an election, and the authority to impose certain other taxes (Sections 9094.0401-9094.0403); and

Authority to issue certain bonds and other obligations (Sections 9094.0501-9094.0504).

Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement for a recreational facility, as defined by Section 49.462 (Definitions), Water Code, or a road project authorized by Section 9094.0303.

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 Section 9094.0306, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) Provides that, if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C (Powers and Duties), Chapter 9094, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9094.0306 to read as follows:

Sec. 9094.0306. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(c) 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 to enact a certain 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, 2025.