

BILL ANALYSIS

Senate Research Center

H.B. 1588
By: Creighton (Williams)
Administration
5/20/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, certain land located within the extraterritorial jurisdiction limits of the City of Conroe is undeveloped. Interested parties contend that the area would benefit from the creation of a municipal utility district.

H.B. 1588 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 133, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, or 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 8457, as follows:

CHAPTER 8457. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 133

Sets forth standard language for the creation of the Montgomery County Municipal District No. 133 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 8457.001-8457.006);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8457.051-8457.052);

Powers and duties of the district (Sections 8457.101-8457.105); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8457.151-8457.203).

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 8457, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8457.106, as follows:

Sec. 8457.106. 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 eminent domain only on a two-thirds vote of all members elected to each house), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2013.