

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1005
By: Creighton
Intergovernmental Relations
4/28/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1005 proposes to create Montgomery County Municipal Utility District No. 144, an approximately 186 acre district located in the extra-territorial jurisdiction of the City of Conroe. The proposed legislation follows template language with the exception of Section 7953.106 (b) which provides that if the City of Conroe annexes all or part of the proposed district, then the district is not dissolved and would continue to exist. This language is a result of Conroe's possible desire to annex the land within the proposed district into its' corporate boundaries.

The committee substitute to S.B. 1005 amends the following:

Provides the appropriate Special District Local Laws Code chapter number as they were inadvertently left out of the filed version. It also provides for the Texas Commission on Environmental Quality to appoint the directors upon a petition of the property owner.

C.S.S.B. 1005 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 144, 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 7953, as follows:

CHAPTER 7953. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 144

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 144 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7953.001-7953.007);

Size, composition, appointment procedure, and terms of the board of directors of the district and appointment of temporary directors (Sections 7953.051 and 7953.052);

Powers and duties of the district (Sections 7953.101-7953.107); and

General financial provisions and authority to impose taxes and to issue bonds and obligations for the district (Sections 7953.151-7953.203).

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 Section 7953.107, 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, Chapter 7953, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7953.107, as follows:

Sec.7953.107. 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) (authorizing the legislature 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, on or after January 1, 2010), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2015.