

## **BILL ANALYSIS**

Senate Research Center  
84R13590 GRM-F

S.B. 2015  
By: Creighton  
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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 and major thoroughfare improvements. Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution provide for the creation of local governmental districts that 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.

Pursuant to Article XVI, Section 59, and Article III, Section 52, of the Constitution of Texas, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, the bill creates a municipal utility district, with road powers, to be known as Montgomery County Municipal Utility District No. 152, over a tract of land containing approximately 695 acres of land in Montgomery County, Texas.

As proposed, S.B. 2015 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 152, 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 7932, as follows:

#### CHAPTER 7932. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 152

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 152 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7932.001-7932.006);

Size, composition, election, and terms of the board of directors of the district (Sections 7932.051 and 7932.052);

Powers and duties of the district (Sections 7932.101-7932.105);

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7932.151-7932.153 and Sections 7932.201-7932.203);

SECTION 2. Sets forth the initial boundaries of 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) Provides that, if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7932, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7932.106 to read as follows:

Sec. 7932.106. 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) (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, Texas Constitution.

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