

BILL ANALYSIS

Senate Research Center
84R22966 SLB-F

C.S.S.B. 2039
By: Creighton
Intergovernmental Relations
4/23/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 2039 creates Harris County Municipal Utility District No. 546 (district) as a political subdivision of the State of Texas. The district will construct and finance water, sewer, drainage, road, and recreational facilities to serve property within the district, which is located in the extraterritorial jurisdiction of the City of Houston in Harris County. The district will be a municipal utility district operating pursuant to Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code.

A special district is needed to finance and construct the utility infrastructure (water, sewer, drainage, roads, and recreational facilities) necessary to promote the development of the area within the district.

Special districts are created for specific areas. No special district currently serves the area proposed to be included in the district.

The owner of all of the land in the district supports the creation of the district. There is no known opposition to this legislation.

The substitute to S.B. 2039 amends Section 7952.052 of the Act to provide for the appointment of temporary directors by the Texas Commission on Environmental Quality in lieu of naming temporary directors in the Act.

C.S.S.B. 2039 amends current law relating to the creation of the Harris County Municipal Utility District No. 546, 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 7952, as follows:

CHAPTER 7952. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 546

Sets forth standard language for the creation of the Harris County Municipal Utility District No. 546 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation, approval, purpose, and territory of the district (Sections 7952.001-7952.006);

Size, composition, appointment procedure, compensation, and terms of the board of directors of the district (Sections 7952.051-7952.052);

Powers and duties of the district, authority for road projects, road standards and requirements, and compliance with municipal consent ordinance or resolution (Sections 7952.101-7952.105);

General financial provisions (Sections 7952.151-7952.153);

Authority to impose taxes and to issue bonds and obligations for the district (Sections 7952.201-7952.203);

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 7952, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7952.106, as follows:

Sec. 7952.106. 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) (providing that the legislature may enact a general, local, or special law granting the power of eminent domain to an entity), Article I (Bill of Rights), Texas Constitution.

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