

BILL ANALYSIS

Senate Research Center
85R5395 GRM-F

S.B. 995
By: Creighton
Intergovernmental Relations
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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 road facilities. Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution provide for the creation of local governmental districts which 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. 154, over a tract of land containing approximately 1,121 acres of land located within the extraterritorial jurisdiction of the City of Magnolia in Montgomery County, Texas.

As proposed, S.B. 995 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 154; 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 7974, as follows:

CHAPTER 7974. MONTGOMERY COUNTY MUNICIPAL DISTRICT NO. 154

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 154 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation, public purpose, and approval of the district (Sections 7974.001-7974.006);

Size, composition, appointment, and terms of the board of directors of the district (Sections 7974.051-7974.052);

Powers and duties of the district, including provisions for initial temporary directors (Sections 7974.101-7974.106); and

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 7974.151-7974.203).

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 7974, Special District Local Laws Code, as added by this Act, is amended by adding Section 7974.107, as follows:

Sec. 7974.107. 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 the requirements of Section 17(c) (relating to the granting of the power of eminent domain upon a two-thirds vote of each house), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2017.