

## **BILL ANALYSIS**

Senate Research Center  
86R8986 SLB-F

S.B. 2458  
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 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 and division powers, to be known as Wood Trace Municipal Utility District No. 4 of Montgomery County, Texas, over a tract of land containing approximately 1,758 acres of land located within an unincorporated area of Montgomery County, Texas.

As proposed, S.B. 2458 amends current law relating to the creation of the Wood Trace Municipal Utility District No. 4 of Montgomery County, Texas; 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 8052, as follows:

#### **CHAPTER 8052. WOOD TRACE MUNICIPAL UTILITY DISTRICT NO. 4 OF MONTGOMERY COUNTY, TEXAS**

Sets forth standard language for the creation of the Wood Trace Municipal Utility District No. 4 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation, nature, purpose, and approval of the district (Sections 8052.0101–8052.0106);

Size, composition, election, and terms of the board of directors of the district, including provisions related to temporary directors (Sections 8052.0201–8052.0202);

Powers and duties of the district (8052.0301–8052.0306); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Section 8052.0401–8052.0503).

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 8052, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8052.0307 to read as follows:

Sec. 8052.0307. 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), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2019.