

BILL ANALYSIS

Senate Research Center

S.B. 1154
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Natural Resources
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As Filed

DIGEST

Currently, under Texas law, municipalities and conservation and reclamation districts are not authorized to enter into regional development agreements. This bill would authorize certain districts and municipalities to enter into regional development agreements.

PURPOSE

As proposed, S.B. 1154 authorizes certain districts and municipalities to enter into regional development agreements.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 43D, Local Government Code, by adding Section 43.0752, as follows:

Sec. 43.0752. REGIONAL DEVELOPMENT AGREEMENTS. Sets forth the legislative intent concerning the authority of certain districts and municipalities to enter into regional development agreements. Defines "municipality," "district," "planned community," and "regional development agreement." Authorizes the governing body of a municipality and the governing body of one or more conservation and reclamation districts to enter into a regional development agreement to further regional cooperation between the district(s) and the municipality, notwithstanding any general or special law or any home rule charter provision to the contrary. Authorizes certain provisions to be contained in a regional development agreement. Requires a regional development agreement to be in writing and not be effective until approved by the governing bodies of the municipality and the district(s) included as parties thereto; provided that a subsequent joinder or addition of other districts as parties may be authorized and evidenced in the manner provided therein. Provides that upon approval, a regional development agreement is binding on subsequent governing bodies of the district(s) included or added as parties thereto and of the municipality throughout the term. Provides that a regional development agreement need not include a description of the lands contained within the boundaries of the district(s) included or added as parties thereto, but requires the agreement to be recorded in the deed records of the county or counties in which the lands contained in the district(s) included or added as parties thereto are located. Requires a regional development agreement, and any proceedings evidencing the joinder or addition of one or more other district(s) as parties thereto, upon recordation, to also bind each owner and each future owner of land which may from time to time be included within the boundaries of the district(s). Requires the owners and future owners of added or excluded lands to be bound, upon compliance with the requirements for recordation included in Chapter 49J, Water Code or in any similar general or special law. Prohibits Sections 42.023 and 42.041(b) - (e), Local Government Code, from being applicable to any land or owner of land within district(s) included or added as parties to a regional development agreement during the period of deferral of annexation established in a regional development agreement, and provides that any proceedings initiated pursuant thereto but not completed prior to the effective date of this section shall be suspended during such deferral period. Provides that nothing herein shall be deemed or construed to permit or require a district to provide public services and facilities or to make payment of public funds from sources not otherwise authorized by law; provides that in consideration of the mutual benefits to be received by the implementation of a regional development agreement or for other lawful consideration, a district may contract with any person for the provision of any service or

facility or the payment of funds by such person, at no cost or expense to the district in support or furtherance of a regional development agreement to which the district is a party. Provides that a regional development agreement and any action taken pursuant thereto by the parties are not subject to approval or appeal brought under the Water Code. Requires this section to be liberally construed so as to give effect to its legislative purposes and to sustain the validity of regional development agreements.

SECTION 2. Provides that an agreement entered into in anticipation of the passage or effectiveness of this Act, or any portion of such agreement, shall not be invalid because of its authorization, execution or delivery prior to the effective date of this Act.

SECTION 3. Provides that this Act is intended as remedial legislation to facilitate and to relieve any uncertainty under existing law as to the authority of certain municipalities and districts to enter into regional development agreements.

SECTION 4. Sets forth legislative findings regarding the public necessity of this legislation.

SECTION 5. Provides that the public benefits and the furtherance of the legislative goal of conservation and development of the natural resources of the state be derived from making certain the existing law facilitates regional development agreements.

SECTION 6. Emergency clause.
Effective date: 90 days after adjournment.