

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1154
By: Bernsen
Natural Resources
4/12/1999
Committee Report (Substituted)

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, C.S.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. Sets forth the legislative intent concerning the authority of certain districts and municipalities to enter into regional development agreements.

SECTION 2. Amends Chapter 43D, Local Government Code, by adding Section 43.0752, as follows:

Sec. 43.0752. REGIONAL DEVELOPMENT AGREEMENTS. Defines "district," "municipality," "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 and the municipality, notwithstanding any other law or municipal charter provision to the contrary. Sets forth certain provisions authorized to be contained in a regional development agreement. Sets forth certain requirements for a regional development agreement. Authorizes another district to join or become a party to a regional development agreement in the manner authorized in the agreement, subject to compliance with Subsection (d)(1) and (3). Provides that a regional development agreement need not include a description of the lands contained within the boundaries of the district(s). Requires the agreement to be recorded in the deed records of any county in which any land in the district is located. Provides that a regional development agreement binds each party to the agreement and each owner and future owner of land that is subject to the agreement. Provides that if a party or landowner is excluded or removed from an agreement, the removal or exclusion is effective on the recordation requirement of Subsection (d)(3). Prohibits a regional development agreement from requiring a district to provide public services and facilities to a person to whom the district is not otherwise authorized to provide services or facilities or to make payments from any source from which the district is not otherwise authorized to make payments. Authorizes a district to contract with any person for services or facilities to be provided at no cost to the district or for the payment of funds by the person in support of a regional development agreement. Provides that a regional development agreement and any action taken under the agreement is not subject to approval or appeal brought under the Water Code. Provides that Section 42.023 and Sections 42.041(b) - (e), Local Government Code, do not apply to any land or owner of land within a district that is a party to a regional development agreement during the period of deferral of annexation established in a regional development agreement. Provides that an annexation proceeding that is not completed before the effective date of this section is suspended during the deferral period. Requires this section to be liberally construed so as to give effect to its legislative purposes and to sustain the validity of a regional development agreement if the agreement was entered into or under or in

anticipation of this section.

SECTION 3. 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 4. Provides that there exists a public necessity and that the public benefits from and it furthers the legislative goal of conservation and development of the natural resources of the state to make certain the existing law facilitates regional development agreements.

SECTION 5. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause to state the bill relates to the establishment of regional development agreements between certain municipalities and special districts.

SECTION 1.

Sets forth the legislative intent concerning the authority of certain districts and municipalities to enter into regional development agreements.

SECTION 2.

Amends Section 43.0752, Chapter 43D, Local Government Code, to redefine “district,” “municipality,” “planned community,” and “regional development agreement.” Deletes text setting forth the legislative intent. Provides that if a party or landowner is excluded or removed from an agreement, the removal or exclusion is effective on the recordation requirement of Subsection (d)(3). Deletes text providing 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. Deletes text requiring 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. Makes conforming and nonsubstantive changes.

SECTION 3.

Amends SECTION 3 to make nonsubstantive changes.

SECTION 4.

Sets forth the legislative findings concerning the public necessity and the public benefits from making certain the existing law facilitates regional development agreements. Deletes proposed SECTIONS 4 -6.

SECTION 5.

Makes the effective date upon passage, rather than 90 days after adjournment.