

## **BILL ANALYSIS**

Senate Research Center

H.B. 1055  
By: Hope (Staples)  
Intergovernmental Relations  
5/13/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Pursuant to Section 59, Article XVI, Texas Constitution, H.B. 1054 creates a conservation and reclamation district to be known as Montgomery County Municipal Utility District No. 101. Land located in the proposed district's boundaries is undeveloped, and the creation of the district would facilitate the provision of utility services to future residential communities. The district would have all the rights and powers granted to municipal utility districts in Chapter 49, Water Code. However, the district would not have the ability to invoke eminent domain authority to acquire land outside the district boundaries.

### **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 8120, as follows:

#### CHAPTER 8120. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 101

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8120.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8120.002. NATURE OF DISTRICT. Provides that the Montgomery County Municipal County Utility District No. 101 (district) is a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sec. 8120.003. CONFIRMATION ELECTION REQUIRED. Provides that if the creation of the district is not confirmed at a confirmation election held under Section 8120.023 before September 1, 2010, the district is dissolved with certain exceptions. Provides that if the district is not confirmed, this chapter expires September 1, 2013.

Sec. 8120.004. INITIAL DISTRICT TERRITORY. (a) Provides that the district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) Provides that the boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. Provides that the district is not negatively affected by a mistake made in the field notes or in copying the field notes in the legislative process.

Sec. 8120.005. APPLICABILITY OF OTHER WATER DISTRICTS LAW. Provides that Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, apply to the district.

[Reserves Sections 8120.006-8120.020 for expansion.]

## SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8120.021. TEMPORARY DIRECTORS. (a) Authorizes a person who owns land in the district, on or after September 1, 2005, to submit a petition to the Texas Commission on Environmental Quality (commission) requesting that the commission appoint as temporary directors the five persons named in the petition.

(b) Requires the commission to appoint as temporary directors the five persons named in the first petition received by the commission under Subsection (a).

(c) Requires a vacancy in the office of temporary director to be filled as provided by Section 49.105 (Vacancies), Water Code.

(d) Provides that temporary directors serve until a certain date.

Sec. 8120.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires the temporary directors, as soon as practicable after all the temporary directors have qualified under Section 49.055 (Sworn Statement, Bond, and Oath of Office), Water Code, to meet at a location in the district agreeable to a majority of directors. Requires the meeting, if a location cannot be agreed upon, to be at the Montgomery County Courthouse. Requires the temporary directors, at the meeting, to elect officers from among the temporary directors and conduct any other district business.

Sec. 8120.023. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) Requires the temporary directors to hold an election to confirm the creation of the district and to elect five directors as provided by Section 49.102 (Confirmation and Director Election), Water Code.

(b) Provides that Section 41.001(a) (Uniform Election Dates), Election Code, does not apply to a confirmation and initial directors' election held under this section.

Sec. 8120.024. INITIAL ELECTED DIRECTORS; TERMS. Requires the directors elected under Section 8120.023 to draw lots to determine which two serve until the first regularly scheduled election of directors under Section 8120.052 and which three serve until the second regularly scheduled election of directors.

Sec. 8120.025. FIRST REGULARLY SCHEDULED ELECTION OF DIRECTORS. Authorizes the board of directors of the district (board) by order to postpone the first election under Section 8120.052 following the confirmation and directors' election held under 8120.023 in certain circumstances.

Sec. 8120.026. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2013.

[Reserves Sections 8120.027-8120.050 for expansion.]

## SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8120.051. DIRECTORS; TERMS. Provides that the district is governed by a board of five directors, who serve staggered four-year terms.

Sec. 8120.052. ELECTION OF DIRECTORS. Requires the appropriate number of directors to be elected on the uniform election date in May of each even-numbered year.

[Reserves Sections 8120.053-8120.100 for expansion.]

## SUBCHAPTER C. POWERS AND DUTIES

Sec. 8120.101. UTILITIES. Prohibits the district from imposing an impact fee or assessment on the property, equipment, rights-of-way, facilities, or improvements of certain entities.

Sec. 8120.102. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS. Requires the district, subject to the limitations of Section 54.016 (Consent of City), Water Code, to comply with all applicable requirements of any ordinance or resolution adopted by a municipality in the corporate limits or extraterritorial jurisdiction of which the district is located, including an ordinance or resolution adopted before September 1, 2005, that consents to the creation of the district or to the inclusion of lands within the district.

Sec. 8120.103. LIMITATION ON USE OF EMINENT DOMAIN. Prohibits the district from exercising the power of eminent domain outside the district boundaries to acquire a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal facility.

SECTION 2. Sets forth the initial boundaries of the Montgomery County Municipal Utility District No. 101.

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. Effective date: September 1, 2005.