

BILL ANALYSIS

Senate Research Center
83R5366 MMC-F

S.B. 1846
By: Taylor
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1846 creates Brazoria County Municipal Utility District No. 49 (district). Currently, the land located within the boundaries of the proposed district is undeveloped. The territory of the district will lie within the corporate limits of the City of Alvin, in Brazoria County. The district will have all of the powers granted to municipal utility districts operating pursuant to Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, with road powers pursuant to Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article 3, of the Texas Constitution.

As proposed, S.B. 1846 amends current law relating to the creation of the Brazoria County Municipal Utility District No. 49, 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 8427, as follows:

CHAPTER 8427. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 49

Sets forth standard language for the creation of the Brazoria County Municipal District No. 49 (district) in Brazoria County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 8427.001-8427.006);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8427.051-8427.052);

Powers and duties of the district (Sections 8427.101-8427.105); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8427.151-8427.203).

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. Provides that all requirements of the constitution and the 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 8427, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8427.106, as follows:

Sec. 8427.106. 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) (relating to authorizing eminent domain only on a two-thirds vote of all members elected to each house), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2013.