

BILL ANALYSIS

Senate Research Center
83R5401 AED-F

S.B. 482
By: Williams
Intergovernmental Relations
4/29/2013
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 major thoroughfare improvements. Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservations and Reclamation Districts), Article XVI, and Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), Article III, Texas 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 Section 59, Article XVI, and Section 52, Article III, Texas Constitution, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, the bill creates a municipal utility district, with limited road powers, to be known as Montgomery County Municipal Utility District No. 136, over a tract of land containing approximately 302 acres of land in Montgomery County.

As proposed, S.B. 482 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 136, grants a limited power of eminent domain, and provides authority to issue bonds and impose a tax.

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 8433, as follows:

CHAPTER 8433. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 136

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 136 (district) in Montgomery County. Sets forth the standards, procedures, requirements, and criteria for:

Creation, approval, and purpose of the district (Sections 8433.001-8433.006);

Size, composition, and terms of the board of directors of the district, including the appointment of temporary directors (Sections 8433.051-8433.052);

Powers and duties of the district (Sections 8433.101-8433.105); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8433.151-8433.203).

SECTION 2. Sets forth the initial boundaries for 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 8433, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8433.106, as follows:

Sec. 8433.106. 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.