

BILL ANALYSIS

Senate Research Center

S.B. 1005
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Intergovernmental Relations
4/21/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1005 proposes to create Montgomery County Municipal Utility District No. 144, an approximately 186-acre district located in the extra-territorial jurisdiction of the City of Conroe. The proposed legislation follows template language with the exception of Sec. __.107, (b) which provides that if the City of Conroe annexes all or part of the proposed district, then the district is not dissolved and would continue to exist. This language is a result of Conroe's possible desire to annex the land within the proposed district into its corporate boundaries.

As proposed, S.B. 1005 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 144, 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 __, as follows:

CHAPTER . MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 144

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 144 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections __.001-__.007);

Size, composition, appointment procedure, and terms of the board of directors of the district (Sections __.051 and __.052);

Powers and duties of the district (Sections __.101- __.107); and

General financial provisions and authority to impose taxes and to issue bonds and obligations for the district (Sections __.151-__.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 Section __.106, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) Provides that, if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter ____, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section _____.106, as follows:

Sec. _____.106. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(c) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c) (authorizing the legislature to enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house, on or after January 1, 2010), Article I, Texas Constitution.

SECTION 5. Effective date, except as provided by Section 4 of this Act: upon passage or September 1, 2015.