

BILL ANALYSIS

Senate Research Center
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S.B. 1138
By: Taylor, Larry
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill creates the Brazoria County Municipal Utility District No. 68 (district). The district is located within the extraterritorial jurisdiction of the City of Alvin, and water, sewer, drainage, and road facilities will need to be secured because the land will be developed into single-family residential and commercial development.

The district is created under Water Code provisions applicable to all water districts and to municipal utility districts and under constitutional provisions relating to conservation and reclamation districts. It will have standard road powers and must comply with all applicable city standards.

S.B. 1138 provides for the creation, administration, powers, duties, operation, and financing of the district.

As proposed, S.B. 1138 amends current law relating to the creation of the Brazoria County Municipal Utility District No. 68, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, or 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 8493, as follows:

CHAPTER 8493. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 68

Sets forth standard language for the creation of the Brazoria County Municipal Utility District No. 68 (district) in Brazoria County. Sets forth standard procedures, requirements, and criteria for;

Creation and approval of the district (Sections 8493.001-8493.006);

Size, composition, election, and terms of the board of directors of the district (Sections 8493.051 and 8493.052);

Powers and duties of the district (Section 8493.101-8493.107);

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 8493.151-8491.203).

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

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 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 8493, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8493.108, as follows:

Sec. 8493.108. 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) (authorizing the legislature, on or after January 1, 2010, 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), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2015.