

## **BILL ANALYSIS**

Senate Research Center  
85R7621 AAF-D

S.B. 1043  
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As Filed

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

Continuing development and growth in Brazoria 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 road facilities. Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution provide for the creation of local governmental districts that 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 Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, the bill creates a municipal utility district, with road powers, to be known as Brazoria County Municipal Utility District No. 70, over a tract of land containing approximately 2,273 acres of land located partially within the extraterritorial jurisdiction of the City of Alvin in Brazoria County, Texas.

As proposed, S.B. 1043 amends current law relating to the creation of the Brazoria County Municipal Utility District No. 70, 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 7964, as follows:

#### CHAPTER 7964. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 70

Sets forth standard language for the creation of the Brazoria County Municipal Utility District No. 70 (district) in Brazoria County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7964.001-7964.050);

Size, composition, election, and terms of the board of directors of the district, including provisions relating to temporary directors (Sections 7964.051-7964.100);

Powers and duties of the district (Sections 7964.101-7964.150); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7964.151-7964.203).

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) Amends Subchapter C, Chapter 7964, Special District Local Laws Code, as added by Section 1 of this Act, if this Act does not receive a two-thirds vote of all members elected to each house, by adding Section 7964.108, as follows:

Sec. 7964.108. 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) (relating to authorizing the legislature to enact a general, local, or special law, under certain conditions, granting the power of eminent domain), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2017.