

## **BILL ANALYSIS**

Senate Research Center  
85R7288 AAF-D

S.B. 996  
By: Creighton  
Intergovernmental Relations  
4/7/2017  
As Filed

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

S.B. 996 creates the Trinity Lakes Municipal Utility District of Montgomery County (district). The District will encompass approximately 93.40 acres of land located within the extraterritorial jurisdiction of the City of Conroe and the extraterritorial jurisdiction of the City of Willis in Montgomery County. Water, sewer, drainage, and road facilities need to be secured because the land to be located within the district will be developed for residential purposes. 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. The district will have standard road powers and must comply with all applicable city standards. The district will have the authority to issue tax-exempt bonds to purchase, acquire, or construct facilities. It is also necessary to empower the district with authority to impose a tax and to grant the district a limited power of eminent domain. S.B. 996 provides for the creation, administration, powers, duties, operation, and financing of the district.

Both the City of Conroe and the City of Willis have adopted resolutions supporting the legislation creating the district. The City of Willis has adopted a resolution consenting to the creation of the district.

As proposed, S.B. 996 amends current law relating to the creation of the Trinity Lakes Municipal Utility District of Montgomery County; 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 7971, as follows:

#### **CHAPTER 7971. TRINITY LAKES MUNICIPAL UTILITY DISTRICT OF MONTGOMERY COUNTY**

##### **SUBCHAPTER A. GENERAL PROVISIONS**

Sets forth standard language for the creation of the Trinity Lakes Municipal Utility District in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7971.001-7971.006);

Size, composition, and terms of the board of directors of the district (Sections 7971.051-7971.052);

Powers and duties of the district (Sections 7971.101-7971.105); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7971.151-7971.203).

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 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 7971, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7971 to read as follows:

Sec. 7971.106. 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), Article I, Texas Constitution.

SECTION 5. Effective date: September 1, 2017.