

BILL ANALYSIS

Senate Research Center
86R12642 SLB-F

S.B. 2460
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Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2460 creates the Wood Trace Water Control and Improvement District of Montgomery County, Texas ("district") under Chapter 51, Water Code, whose core function is to construct, own, and operate drainage improvements. The district covers approximately 490 acres and is located within the unincorporated area of Montgomery County.

S.B. 2460 provides for the creation of the district, provides authority to impose a tax and issue bonds, and grants a limited power of eminent domain.

As proposed, S.B. 2460 amends current law relating to the creation of the Wood Trace Water Control and Improvement District of Montgomery County, Texas, 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 I, Title 6, Special District Local Laws Code, by adding Chapter 9084, as follows:

CHAPTER 9084. WOOD TRACE WATER CONTROL AND IMPROVEMENT DISTRICT OF MONTGOMERY COUNTY, TEXAS

Sets forth standard language for the creation of the Wood Trace Water Control and Improvement District of Montgomery County, Texas. Sets forth standards, procedures, requirements, and criteria for:

General provisions, including the nature of the district, the requirements to confirm the creation of the district by election and to elect five permanent directors, consent to creation of the district by certain municipalities, the public purpose of the district, and the initial district territory (Sections 9084.0101–9084.0106);

Size, composition, election, and terms for the board of directors, including provisions related to initial temporary directors (Sections 9084.0201–9084.0202);

Powers and duties of the district (Sections 9084.0301–9084.0306), including a limit on the district's use of eminent domain (Section 9084.0306);

General financial provisions, including the authority to impose an ad valorem tax once approved by voters at an election, and the authority to impose certain other taxes (Sections 9084.0401–9084.0403); and

Authority to issue certain bonds and other obligations (Sections 9084.0501–9084.0504)

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 9084.0306, 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 9084, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9084.0306 to read as follows:

Sec. 9084.0306. NO EMINENT DOMAIN POWER. The district may not exercise 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), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2019.