

BILL ANALYSIS

Senate Research Center
87R17168 SGM-F

S.B. 2182
By: Creighton
Local Government
4/16/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2182 creates the Montgomery County Water Control and Improvement District No. 205 (district) under Chapter 51, Water Code, whose core function is to construct, own, and operate drainage improvements. The district covers approximately 965 acres and is located in the extraterritorial jurisdiction of the City of Conroe, Texas.

As proposed, S.B. 2182 amends current law relating to the creation of the Montgomery County Water Control and Improvement District No. 205, 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 9082, as follows:

CHAPTER 9082. MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 205

Sets forth standard language for the creation of the Montgomery County Water Control and Improvement District No. 205 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of and public purpose for the district (Sections 9082.0101-9082.0106);

Size, composition, appointment, and compensation and reimbursement of expenses for the board of directors, including composition of the initial district (Sections 9082.0201-9082.0202);

Powers and duties of the district (Sections 9082.0301-9082.0306); and

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 9082.0401-9082.0504).

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 Section 9082.0306, 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 9082, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9082.0306, as follows:

Sec. 9082.0306. 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), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2021.