

BILL ANALYSIS

Senate Research Center
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S.B. 2259
By: Springer
Local Government
5/15/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2259 creates Clear Sky Municipal Utility District of Cooke County (district). The district will encompass approximately 179.94 acres of land located within Cooke County, Texas. The district is not located within the extraterritorial jurisdiction or corporate limits of any municipality. S.B. 2259 is a standard template bill and provides for water, sewer, drainage, and road facilities (facilities), which need to be secured because the land to be located within the district will be developed for residential purposes. S.B. 2259 follows the template in all regards. 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 road standards. The district will have the authority to issue tax-exempt bonds to purchase, acquire, or construct the 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. The bill provides for the creation, administration, powers, duties, operation, and financing of the district.

As proposed, S.B. 2259 amends current law relating to the creation of the Clear Sky Municipal Utility District No. 1 of Cooke County and grants a limited power of eminent domain.

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 7954A, as follows:

CHAPTER 7954A. CLEAR SKY MUNICIPAL UTILITY DISTRICT NO. 1 OF COOKE COUNTY

Sets forth standard language for the creation of the Gray County Municipal Utility District No. 1 (district) in Gray County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 7954A.0101-7954A.0106);

Size, composition, election, and terms of the board of directors of the district (Sections 7954A.0201 and 7954A.0202);

Powers and duties of the district (Sections 7954A.0301-7954A.0305); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 7954A.0401-7954A.0503).

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 7954A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7954A.0306 to read as follows:

Sec. 7954A.0306. NO EMINENT DOMAIN POWER. The district may not exercise 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, 2021.