

BILL ANALYSIS

Senate Research Center
87R10600 SGM-F

S.B. 2146
By: Taylor
Local Government
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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, road facilities, and recreational facilities. Brazoria County Municipal Utility District No. 80 (district) is an existing district covering approximately 224 acres in the extraterritorial jurisdiction of the City of Conroe, Texas. The bill seeks to grant to the district the power to divide into two or more districts, which districts will be authorized, pursuant to Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution, to incur indebtedness to provide water, sanitary sewer, storm drainage, road, and recreational improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such indebtedness.

As proposed, S.B. 2146 amends current law relating to the creation of the Brazoria County Municipal Utility District No. 80, 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 8152, as follows:

CHAPTER 8152. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 80

Sets forth standard language for the creation of the Brazoria County Municipal Utility District No. 80 in Brazoria County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of and public purpose for the district (Sections 8152.0101-8152.0106);

Size, composition, appointment, and compensation and reimbursement of expenses for the board of directors, including composition of the initial board (Sections 8152.0201-8152.0202);

Powers and duties of the district (Sections 8152.0301-8152.0305); and

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 8152.0401-8152.0503).

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 8152, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8152.0306 to read as follows:

Sec. 8152.0306. 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: upon passage or September 1, 2021.