

BILL ANALYSIS

Senate Research Center
87R8554 SLB-F

S.B. 2241
By: Creighton
Local Government
5/14/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2241 proposes to create a municipal utility district to be known as the Montgomery County Municipal Utility District No. 204, located northeast of the City of Willis, being approximately 2506 acres in Montgomery County, Texas. It is not within the corporate limits or extraterritorial jurisdiction of any municipality. Mike Manners is the owner of the land proposed to be included in the district.

It is necessary to create a district under Section 49 and 54, Texas Water Code, and Section 59, Article 16, and Section 52, Article 3, Texas Constitution, in order to construct public infrastructure, including water, sewer, drainage, and roads, to serve the currently undeveloped land.

The proposed legislation follows the template bill.

As proposed, S.B. 2241 amends current law relating to the creation of the Montgomery County Municipal Utility District No. 204, 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 8061, as follows:

CHAPTER 8061. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 204

Sets forth standard language for the creation of the Montgomery County Municipal Utility District No. 204 (district) in Montgomery County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of and public purpose for the district (Sections 8061.0101-8061.0106);

Size, composition, appointment, and compensation and reimbursement of expenses for the board of directors, including composition of the initial district (Sections 8061.0201-8061.0202);

Powers and duties of the district (Sections 8061.0301-8061.0307); and

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 8061.0401-8061.0503).

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 Section 8061.0307, 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 8061, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8061.0307 to read as follows:

Sec. 8061.0307. 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.