

BILL ANALYSIS

C.S.H.B. 3579
By: Rose
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 3579 provides regulations regarding the creation, administration, powers, duties, operation, and financing of the Ranch at Clear Fork Creek Municipal Utility District No. 1 (MUD). The MUD is wholly located within Caldwell County and is subject to a confirmation election.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. DEFINITION. Defines "board," "commission," and "district."

SECTION 2. CREATION. Provides that a conservation and reclamation district, to be known as the Ranch at Clear Fork Creek Municipal Utility District No. 1 (district), is created in Caldwell County, subject to approval by the City of Umland under subject to SECTION 7 of this Act, and subject to a confirmation election under SECTION 12 of this Act. Provides that the district is a governmental agency and a body politic and corporate.

SECTION 3. AUTHORITY FOR CREATION. Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. Provides that all of the land and other property included within the boundaries of the district will be benefitted by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution. Provides that the district is created to serve a public use and benefit.

SECTION 5. BOUNDARIES. Sets forth the boundaries of the district.

SECTION 6. FINDINGS RELATING TO BOUNDARIES. Sets forth legislative findings relating to the boundaries of the district.

SECTION 7. POWERS. Sets forth the powers of the district.

SECTION 8. DEVELOPMENT AGREEMENT. Provides that the district or the owners of land and the municipality may contract for certain enumerated measures.

SECTION 9. APPLICABILITY OF OTHER LAW. Provides that the Act prevails over general law.

SECTION 10. BOARD OF DIRECTORS. Sets forth regulations regarding the board of directors of the district (board).

SECTION 11. TEMPORARY DIRECTORS. Sets forth the composition of the temporary board of directors.

SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION. Sets forth regulations regarding the confirmation and initial directors' election.

SECTION 13. ELECTION OF PERMANENT DIRECTORS. Sets forth regulations regarding the election of directors.

SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENT. Provides that all procedural requirements regarding this Act have been met.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B 3579 is a legislative council draft and also makes a few minor changes to the originally filed bill. It clarifies that any division of the district must be approved by the city council and must be contiguous. Additionally, the substitute clarifies the development agreement language between the city and the district.