

BILL ANALYSIS

C.S.H.B. 3608
By: Krusee
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current Texas law provides for the creation of conservation and reclamation districts which are authorized to incur indebtedness to provide permanent improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such indebtedness. As proposed, C.S.H.B. 3608 creates a conservation and reclamation district to be known as the Northeast Williamson County Municipal Utility District (district), of Williamson County, Texas. The land to be located within the district will be developed into a single family residential development and therefore, water, sewer, and drainage services need to be secured. It is necessary to create the municipal utility district under Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, in order to purchase, acquire, or construct facilities for such services to serve the future occupants of the land utilizing tax exempt bonds. C.S.H.B. 3608 provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district

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. Creates a conservation and reclamation district, to be known as the Northeast Williamson County Municipal Utility District of Williamson County, Texas, subject to approval at a confirmation election under Section 12 of this Act. Provides that the district is a governmental agency and a body politic and corporate. Provides that the district is created under, and is essential to accomplish the purposes, of Article XVI, Section 59, of the Texas Constitution.

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

SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. Creates the district to serve a public use and benefit. 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 Article XVI, Section 59, of the Texas Constitution.

SECTION 5. BOUNDARIES. Provides that the district includes the territory contained within a certain area.

SECTION 6. FINDINGS RELATING TO BOUNDARIES. Provides that the legislature finds that the boundaries and field notes of the district form a closure. Provides that a mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district, the validity of its bonds, notes, or indebtedness, the right of the district to levy and collect taxes, or the legality or operation of the district or its governing body.

SECTION 7. GENERAL POWERS. Provides that the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 30, 49, 50 and 54, Water Code, applicable to municipal utility districts created under Article XVI, Section 59, of the Texas Constitution. Provides that the rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Commission on Environmental Quality (TCEQ).

SECTION 8. APPLICABILITY OF OTHER LAW. This Act prevails over any provision of general law that is in conflict with this Act.

SECTION 9. BOARD OF DIRECTORS. Provides that the district is governed by a board of five directors.

SECTION 10. APPOINTMENT OF TEMPORARY DIRECTORS. Appoints the five temporary directors.

SECTION 11. METHOD OF ELECTING DIRECTORS. Directors shall be elected at large.

SECTION 12. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Requires the temporary board of directors to call and hold an election to confirm establishment of the district and to elect five permanent directors as provided by Section 49.102, Water Code. Provides that Section 41.001(a) of the Election Code does not apply to a confirmation and directors' election held as provided by this section.

SECTION 13. ELECTION OF DIRECTORS. Sets forth requirements regarding the election of permanent directors.

SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. Provides that the proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to TCEQ. Provides that TCEQ has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. 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 15. EFFECTIVE DATE.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute changes the name of the district from the Northeast Williamson County Utility District to the Northeast Williamson County Municipal Utility District. The substitute also provides names of the individuals on the temporary board of directors.