

BILL ANALYSIS

C.S.H.B. 3548
By: Gattis
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Williamson County Municipal Utility District No. 16 (district) will encompass an area of land in Williamson County that is outside of the corporate limits and extraterritorial jurisdiction of any city. The district is located east of the City of Georgetown along State Highway 29. The land to be located within the district will be developed into single family residential and commercial developments; 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, and/or construct facilities for such services to serve the future occupants of the land utilizing tax exempt bonds. Committee Substitute House Bill 3548 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.

Amends Subtitle F, Title 6, Special District Local Laws Code by adding Chapter 8133, titled WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 16, containing the following provisions:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8133.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8133.002. NATURE OF DISTRICT. Provides that a district, to be known as the Williamson County Municipal Utility District No. 16 (district), is created in Williamson County and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8133.003. CONFIRMATION ELECTION REQUIRED. Provides that the creation of the district is subject to approval at a confirmation election held before September 1, 2009; and provides for dissolution of the district and the expiration of Chapter 8133 if the district is not confirmed.

Sec. 8133.004. INITIAL DISTRICT TERRITORY. Sets forth the territory that will be initially included in the district by reference to Section 2 of the Act. Sets forth legislative findings relating to the boundaries of the district.

Sec. 8133.005. APPLICABILITY OF OTHER LAW. Provides that the Act and Chapters 30, 49, and 54, Water Code, apply to the district.

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8133.021. TEMPORARY DIRECTORS. Sets forth the composition and terms of the temporary board of directors. Provides that a temporary director is not required to own land in or reside in the district. Provides that if a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. Provides that

if, at any time, there are fewer than three qualified temporary directors, the Texas Commission on Environmental Quality (TCEQ) shall appoint the necessary number of persons to fill all vacancies. Provides that temporary directors serve until directors are elected under Sec. 8133.023.

Sec. 8133.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Sets forth the conditions for the organizational meeting of the district.

Sec. 8133.023. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. Requires the temporary board to call and hold an election to confirm establishment of the district and elect five initial directors. Provides that at the election the board may submit to the voters a proposition to authorize an issuance of bonds, a maintenance tax, or a tax to fund payments required under a contract. Provides that Section 41.001(a) (Uniform Election Dates), Election Code, does not apply to the confirmation election.

Sec. 8133.024. INITIAL ELECTED DIRECTORS; TERMS. Sets forth staggered terms for the directors elected at the confirmation election.

Sec. 8133.025. EXPIRATION OF SUBCHAPTER. Provides for the expiration of Subsection A-1 on September 1, 2012.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8133.051. DIRECTORS; TERMS. Provides that the district is governed by a five-member board of directors. Provides that permanent directors serve staggered four-year terms.

Sec. 8133.052. ELECTION OF DIRECTORS. Provides that the directors shall be elected on the uniform election day in May of each even-numbered year.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8133.101 WASTEWATER TREATMENT FACILITY DESIGN APPROVAL. Requires the district to obtain the approval of the Brazos River Authority for the design of any district wastewater treatment facility.

Sec. 8133.102. WASTEWATER SERVICE PROVIDERS. Imposes the restriction that only the Brazos River Authority or a provider approved by the Brazos River Authority may provide wastewater service in the district.

Sec. 8133.103. COMPLIANCE WITH SEWER SERVICE AGREEMENT. Requires the district to comply with the terms and conditions of the "Agreement Regarding Sewer Service Areas and Customers by and between Lower Colorado River Authority, Brazos River Authority, City of Georgetown, City of Liberty Hill, and Chisholm Trail Special Utility District" dated February 1, 2005.

SECTION 2.

Sets forth a metes and bounds description of the territory that is to be initially included in the district, being 151.62 acres of land, more or less.

SECTION 3.

(a) Provides that the proper and legal notice setting forth the substance of this Act has been published as provided by law. Provides that a notice of a copy of this Act has been furnished to the required persons, agencies, officials, or entities according to the constitution and other laws of this state.

(b) Provides that governor has submitted the notice and Act to the Texas Commission on Environmental Quality (TCEQ).

(c) Provides that the TCEQ has filed its recommendations relating to this Act with the governor, lieutenant governor, and the speaker of the house of representatives within the required time.

(d) 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. Provides that the effective date of the Act is September 1, 2005.

EFFECTIVE DATE

This Act takes effect September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends Sec. 8133.103, Special District Local Laws Code, to correctly reflect the name and date of the agreement, to-wit: "Agreement Regarding Sewer Service Areas and Customers by and between Lower Colorado River Authority, Brazos River Authority, City of Georgetown, City of Liberty Hill, and Chisholm Trail Special Utility District" dated February 1, 2005.