

BILL ANALYSIS

C.S.H.B. 4811
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the land located within the boundaries of the proposed Comal County Water Control and Improvement District No. 6 is undeveloped. The territory of the district would lie within the extraterritorial jurisdiction of the City of Bulverde and Comal County. The district would have all of the powers granted to water control and improvement districts operating pursuant to Chapters 49 and 51, Water Code, with road powers pursuant to Article 3, Section 52 of the Texas Constitution.

C.S.H.B. 4811 creates the Comal County Water Control and Improvement District No. 6.

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

C.S.H.B. 4811 amends the Special District Local Laws Code to set forth standard language for the creation of the Comal County Water Control and Improvement District No. 6. The bill sets forth general provisions for the nature of the district, the confirmation of the district and election of the board of directors, consent requirements, extraterritorial status, the district's public purpose and benefit, and initial district territory; the number of members and terms of the board of directors of the district, including provisions for temporary directors; the powers and duties of the district, including those relating to a water control and improvement district, the power to undertake certain road projects and approval requirements for those projects, required compliance with municipal consent ordinances and resolutions, and the limited use of eminent domain; and requirements relating to water and wastewater infrastructure.

C.S.H.B. 4811 sets forth general financial provisions authorizing the district, subject to the approval of district voters with limited exception, to issue bonds and other obligations, impose a property tax for operations and maintenance, and impose contract taxes. The bill requires the board, on bonds payable wholly or partly from property taxes, to provide for the annual imposition of a continuing direct property tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required. The bill prohibits the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from property taxes from exceeding one-fourth of the assessed value of the real property in the district at the time of issuance. The bill sets forth in detail the initial boundaries of the district and defines the terms "board," "director," and "district."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4811 omits a provision in the original requiring the consent of Comal County to the creation of the district, and adds provisions requiring certain agreements between the district and each municipality in whose extraterritorial jurisdiction the district is located and between such municipalities and district landowners; an agreement addressing the provision of water and wastewater treatment services to district land by each such municipality, each county in which the district is located, and a retail or wholesale provider of such services; findings of the commissioners court of each county in which the district is located that the district meets necessary criteria; an agreement between such commissioners courts and the district relating to use of county right-of-way, exercise of eminent domain, drainage, platting, and water and wastewater service; inclusion of restrictions or conditions imposed by such municipalities; and district exemption from application of certain provisions of the Water Code.

C.S.H.B. 4811 adds provisions not in the original for inclusion of district land in the extraterritorial jurisdiction of the city of Bulverde. The substitute omits provisions in the original relating to the standards and requirements for district road projects. The substitute adds provisions not in the original relating to the approval necessary for district road projects.

C.S.H.B. 4811 differs from the original by restricting district use of eminent domain outside the boundaries of the district. The substitute adds provisions not in the original relating to the approval necessary to construct water and wastewater infrastructure. The substitute omits provisions in the original relating to procedures for the division of the district.