

BILL ANALYSIS

Senate Research Center
82R22105 KYF-F

H.B. 3864
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International Relations & Trade
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill creates a municipal utility district, to be named the Lazy W District No. 1.

H.B. 3864 amends current law relating to the creation of the Lazy W District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8380, as follows:

CHAPTER 8380. LAZY W DISTRICT NO. 1

Sets forth standard language for the creation of the Lazy W District No. 1 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 8380.001-8380.050);

Size, composition, election, and terms of the board of directors of the district (Sections 8380.051-8380.100);

Powers and duties of the district (Sections 8380.101-8380.150); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8380.151-8380.203).

Prohibits the district from exercising the power of eminent domain outside the district.

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 8380.106 (Limitation on Use of Eminent Domain), 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) Amends Subchapter C, Chapter 8380, Special District Local Laws Code, as added by Section 1 of this Act, if this Act does not receive a two-thirds vote of all the members elected to each house, by adding Section 8380.106, as follows:

Sec. 8380.106. 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, 2011.