

BILL ANALYSIS

Senate Research Center

S.B. 1916
By: Watson
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current Texas law provides for the creation of conservation and reclamation districts which are, subject to voter approval, authorized to incur debt to provide permanent improvements and to levy taxes for the maintenance and operation of improvements and for the repayment of debt.

S.B. 1916 proposes to create a conservation and reclamation district to be known as Southeast Travis County Municipal Utility District No. 4 (district), over land in Travis County, Texas.

The proposed district is approximately 378 acres located within the extraterritorial jurisdiction of the City of Austin. The district is supported by the developers of the City of Austin.

As proposed, S.B. 1916 amends current law relating to the creation of the Southeast Travis County Municipal Utility District No. 4, provides authority to impose a tax and issue bonds and grants 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 8_ [sic], as follows:

[Note: As drafted, bill contains incomplete citations.]

SOUTHEAST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

Sets forth language for the creation of the Southeast Travis County Municipal Utility District No. 4 (district) in Travis County. Sets forth standards, procedures, requirements, and criteria for:

Definitions, nature of district, confirmation and directors' election, consent of municipality, findings of public purpose and benefit, and initial district territory (Sections 8_.001-8_.050);

Size, composition, election, and terms of the board of directors of the district (Sections 8_.051-8_.100);

Powers and duties of the district, authority for road projects, approval of road project, compliance with municipal consent ordinance or resolution, and limitation on use of eminent domain (Sections 8_.101-8_.150); and

General financial provisions, elections regarding taxes or bonds, operation and maintenance tax, contract taxes, authority to issue bonds and other obligations, taxes for bonds and bonds for road projects (Sections 8_.151-8_.203).

Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement for a road project authorized by Section 8_.103 or a recreational facility as defined by Section 49.462 (Definitions), Water Code.

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 8____.106, 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) Provides that if this Act does not receive a two-thirds vote of all members elected to each house, Subchapter C, Chapter 8____, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8____.106 to read as follows:

Section 8____.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© [sic], Article I, Texas Constitution.

SECTION 5. Effective date, except as provided by Section 4 of this Act: upon passage or September 1, 2011.