

BILL ANALYSIS

Senate Research Center
83R20865 RWG-F

S.B. 1910
By: Hegar
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1910 creates a conservation and reclamation district to be known as Fulshear Municipal Utility District No. 3 (district). The district will encompass approximately 1,354 acres in Fort Bend County, Texas. The land to be located within the district will be developed into single family residential and commercial development; therefore, water, sewer, drainage services, and roads need to be secured. It is necessary to create the district under Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, and Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution, in order to purchase, acquire, or construct facilities for such services to serve the future occupants of the land utilizing tax exempt bonds. It is also necessary to empower the district with authority to impose a tax and issue bonds, and grant the power of eminent domain.

As proposed, S.B. 1910 amends current law relating to the creation of the Fulshear Municipal Utility District No. 3, provides authority to impose taxes 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 8487, as follows:

CHAPTER 8487. FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 3

Sets forth standard language for the creation of the Fulshear County Municipal District No. 3 (district) in Fort Bend County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 8487.001-8487.006);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8487.051-8487.052);

Powers and duties of the district (Sections 8487.101-8487.106); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8487.151-8487.203).

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. Provides that all requirements of the constitution and the 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 if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8487, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8487.107, as follows:

Sec. 8487.107. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(b) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c) (relating to authorizing eminent domain only on a two-thirds vote of all members elected to each house), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2013.