

BILL ANALYSIS

Senate Research Center
82R20365 PMO-F

H.B. 3804
By: Gallego (Uresti)
Intergovernmental Relations
5/14/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, certain property is being developed in Brewster County as a master-planned community with related commercial development. H.B. 3804 seeks to establish provisions relating to the creation of the Lajitas Utility District No. 1 of Brewster County, providing authority to impose taxes and issue bonds and granting a limited power of eminent domain in order to provide, and enable the financing of, public services for such property.

H.B. 3804 amends current law relating to the creation of the Lajitas Utility District No. 1 of Brewster County, 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 X, Title 6, Special District Local Laws Code, by adding Chapter 11002, as follows:

CHAPTER 11002. LAJITAS UTILITY DISTRICT NO. 1 OF BREWSTER COUNTY

Sets forth standard language for the creation of the Lajitas Utility District No. 1 (district) in Brewster County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district, requirement of confirmation and directors' election, and findings of public purpose and benefit (Sections 11002.001-11002.050);

Size, composition, election, and terms of the board of directors of the district and provisions for the temporary board directors of the district (Sections 11002.051-11002.100);

Powers and duties of the district (Sections 11002.101-11002.150);

Transfer of public improvements (Sections 11002.151-11002.200);

General financial provisions and authority to impose a tax (Sections 11002.201-11002.250); and

Authority to issue bonds and other obligations for the district (Sections 11002.251-11002.253).

Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement for a road project under Section 11002.104 or a recreational facility as defined by Section 49.462 (Definitions), Water Code. Requires the district, if the district's exercise of its eminent domain power requires relocating, raising, lowering,

rerouting, or altering the construction of any electric transmission or electric distribution line, conduit, pole, or facility, to bear the actual cost of relocating, raising, lowering, rerouting, or altering the construction of any electric transmission or electric distribution line to provide a comparable replacement without enhancing the facility, after deducting from the cost the net salvage value derived from the old facility.

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 11002.107, Special District Local Laws Code, as added by 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 11002, Special District Local Laws Code, as added by this Act, if this Act does not receive a two-thirds vote of all the members elected to each house, by adding Section 11002.107, as follows:

Sec. 11002.107. 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) (relating to authorizing the legislature to enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house), Article I (Bill of Rights), Texas Constitution.

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