

## **BILL ANALYSIS**

Senate Research Center  
82R8846 RWG-D

C.S.S.B. 630  
By: Hegar, Wentworth  
Intergovernmental Relations  
3/23/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.S.B. 630 provides for additional powers of the Ranch at Clear Fork Creek Municipal Utility District No. 2 (district), including the addition of road powers, providing for division of the district, and placing limitations on eminent domain powers. The district, with these additional powers, would generally have the powers and authority provided by Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code.

C.S.S.B. 630 also adds an additional 1193.5 acres currently located partially in the city limits or extraterritorial jurisdiction of the City of Umland and located within Caldwell County.

C.S.S.B. 630 amends current law relating to the Ranch at Clear Fork Creek Municipal Utility District No. 2, 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 8344, as follows:

#### CHAPTER 8344. RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY DISTRICT NO. 2

Sets forth standard language for the creation of the Ranch at Clear Fork Creek Municipal Utility District No. 2 (district) in Hays County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8344.001-8344.050);

Size, composition, election, and terms of the board of directors of the district (Sections 8344.051-8344.100);

Powers and duties of the district (Sections 8344.101-8344.150);

Division of district into multiple districts (Sections 8344.151-8344.200); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8344.201-8344.251).

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 8344.102 (Authority for Road Projects) 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 8344.104, 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 the members elected to each house, Subchapter C, Chapter 8344, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8344.104 to read as follows:

Sec. 8344.104. 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 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 provided by Section 4 of this Act: upon passage or September 1, 2011.