

## **BILL ANALYSIS**

Senate Research Center  
83R15246 PMO-F

S.B. 1843  
By: Hegar  
Intergovernmental Relations  
3/29/2013  
As Filed

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

S.B. 1843 creates a conservation and reclamation district to be known as Fulshear Municipal Utility District No. 2 (district). The district will encompass approximately 56 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, 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. 1843 amends current law relating to the creation of the Fulshear 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 8480, as follows:

#### **CHAPTER 8480. FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 2**

Sets forth standard language for the creation of the Fulshear Municipal Utility District No. 2 (district) in Fort Bend County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 8480.001-8480.006);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8480.051-8480.052);

Powers and duties of the district (Sections 8480.101-8480.105); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8480.151-8480.203).

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 8480, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8480.106, as follows:

Sec. 8480.106. 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: September 1, 2013.