

BILL ANALYSIS

Senate Research Center
83R9146 AED-F

S.B. 1862
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Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently there are 445 acres of land in Hays County that require the creation of a municipal utility district in order to develop basic infrastructure including roads, water, sanitary sewer, and drainage.

S.B. 1862 creates the Crosswinds Municipal Utility District (district) to provide for water, sanitary sewer, drainage, and parks and recreational purposes to serve properties within the district. The district will be located approximately two miles northeast of IH-35 in northeast Hays County, Texas.

The district will be a municipal utility district operating pursuant to Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts) of the Texas Water Code.

As proposed, S.B. 1862 amends current law relating to the creation of the Crosswinds Municipal Utility District, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, or taxes.

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 8468, as follows:

CHAPTER 8468. CROSSWINDS MUNICIPAL UTILITY DISTRICT

Sets forth standard language for the creation of the Crosswinds Municipal Utility District (district). Sets forth standards, procedures, requirements and criteria for:

Creation and approval of the district (Sections 8468.001-8468.006);

Size, composition, election, and terms of the board of directors of the district (Sections 8468.051-8468.052);

Powers and duties of the district (Sections 8468.101-8468-103);

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8468.151-8468.202)

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 8468, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8468.104, as follows:

Sec. 8468.104. 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.