

## **BILL ANALYSIS**

Senate Research Center  
83R2012 AED-F

S.B. 1883  
By: Schwertner  
Intergovernmental Relations  
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As Filed

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

Leander TODD Municipal Utility District No. 1 of Williamson County (District) will encompass an area of land within the corporate limits of the City of Leander, Texas. The land to be located within the district will be developed into single family residential homes and commercial property; therefore, water, sewer, drainage, and road services need to be secured.

S.B. 1883 creates the district under Chapters 49 (Provisions Applicable to All Districts) and 54 (Municipal Utility Districts), Water Code, 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. The bill provides regulations regarding the creation, administration, powers, duties, operation, and financing of the district.

As proposed, S.B. 1883 amends current law relating to the creation of the Leander TODD Municipal Utility District No. 1 of Williamson County, 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 8412, as follows:

#### **CHAPTER 8412. LEANDER TODD MUNICIPAL UTILITY DISTRICT**

##### **NO.1 OF WILLIAMSON COUNTY**

Sets forth standard language for the creation of the Leander TODD Municipal District No. 1 (district) in Williamson County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 8412.001-8412.006);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8412.051-8412.052);

Powers and duties of the district (Sections 8412.101-8412.107); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8412.151-8412.203).

Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement for a road project authorized by Section 8412.103, 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 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 Section 8412.107, 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 8412, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8412.107 to read as follows:

Sec. 8412.107. 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, Texas Constitution.

SECTION 5. Effective date, except as provided by Section 4 of this Act: upon passage or September 1, 2013.