

BILL ANALYSIS

Senate Research Center
83R22944 PMO-D

C.S.S.B. 1893
By: Birdwell
Intergovernmental Relations
4/25/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties have expressed the need for a municipal management district in the extraterritorial jurisdiction of the City of Burleson to serve the proposed Chisholm Trails development. C.S.S.B. 1893 seeks to address this issue by creating the Chisholm Trails Municipal Utility District No. 1 (district) to provide certain improvement projects and services to benefit the property in the district and to pay for such projects and services by levying an ad valorem tax.

C.S.S.B. 1893 amends the Special District Local Laws Code to create the district to provide certain improvements, projects, and services for public use and benefit. The bill provides for, among other provisions, water district powers, road district powers, and contract powers. The district's powers and duties include, subject to certain requirements, the authority to issue obligations and levy ad valorem taxes for maintenance and operation of the district and to repay district obligations. The district has the power to divide subject to the consent of the city and other affected parties. If a development agreement with the city is not executed by September 1, 2016, the district is dissolved.

C.S.S.B. 1893 amends current law relating to the creation of the Chisholm Trails Municipal Utility District No. 1, 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 8483, as follows:

CHAPTER 8483. CHISHOLM TRAILS MUNICIPAL UTILITY DISTRICT NO. 1

Sets forth standard language for the creation of the Chisholm Trails Municipal Utility District No. 1 (district). Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 8483.001-8483.006);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 8483.051-8483.052);

Powers and duties of the district (Sections 8483.101-8483.107); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8483.151-8483.203).

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 8483, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8483.108, as follows:

Sec. 8483.108. 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.