

## **BILL ANALYSIS**

Senate Research Center  
85R6863 AAF-F

S.B. 914  
By: Campbell  
Intergovernmental Relations  
4/11/2017  
As Filed

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

S.B. 914 creates Kendall County Water Control and Improvement District No. 3 (district) as a political subdivision of the State of Texas. The district will construct and finance water, sewer, drainage, road, and recreational facilities to serve property within the district, which is located in the extraterritorial jurisdiction of the City of Boerne in Kendall County. The district will be a municipal utility district operating pursuant to Chapters 49 and 54, Water Code.

A special district is needed to finance and construct the utility infrastructure (water, sewer, drainage, roads, and recreational facilities) necessary to promote the development of the area within the district.

Special districts are created for specific areas. No special district currently serves the area proposed to be included in the district.

The owner of all of the land in the district supports the creation of the district.

As proposed, S.B. 914 amends current law relating to the creation of the Kendall County Water Control and Improvement District No. 3; grants a limited power of eminent domain; provides authority to issue bonds; and provides authority to impose assessments, fees, and 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 I, Title 6, Special District Local Laws Code, by adding Chapter 9072, as follows:

#### **CHAPTER 9072. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3**

Sets forth standard language for the creation of the Kendall County Water Control and Improvement District No. 3 (district) in Kendall County. Sets forth definitions, standards, procedures, requirements, and criteria for:

General provisions, including the nature of the district, requirements to confirm creation of the district and to elect five permanent directors, consent to creation of district by certain municipalities, the public purpose of the district, and the initial district territory (Sections 9072.001-9072.050);

Size, composition, appointment, compensation, and terms of the board of directors of the district, including the naming of the initial directors (Sections 9072.051-9072.100);

Powers and duties of the district (Sections 9072.101-9072.150);

General financial provisions and authority to impose a tax and issue bonds and obligations for the district (Sections 9072.151-9072.200); and

Authority to issue certain bonds or other obligations (Sections 9072.201-9072.250).

Prohibits the district from exercising the power of eminent domain outside the district to acquire a site or easement for a recreational facility, as defined by Section 49.462 (Definitions), Water Code, or a road project authorized by Section 9072.103.

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 9072.107, Special District Local Laws Code, as added by Section 1 of this Act, only takes effect upon passage by two-thirds vote of all the members elected to each house.

(b) Amends Subchapter C, Chapter 9072, Special District Local Laws Code, as added by Section 1 of this Act, if this Act does not receive a two-thirds vote of all the members elected to each house, to add Section 9072.107, as follows:

Sec. 9072.107. 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 requirement of Section 17(c) (relating to the power of the legislature to grant the power of eminent domain to an entity), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2017.