

BILL ANALYSIS

Senate Research Center

S.B. 1771
By: Armbrister
Natural Resources
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As Filed

DIGEST AND PURPOSE

Currently, land located outside the corporate limits but within the extraterritorial jurisdiction of the City of Dripping Springs is slated to be developed into single-family residential and commercial developments. Because the land is not located within Dripping Springs, water, sewer, and drainage services need to be secured through the creation of a special district that can oversee and administer them. As proposed, S.B. 1771 creates the Hays County Water Control and Improvement District No. 3 in accordance with Chapters 49 (Provisions Applicable to All Districts) and 51 (Water Control and Improvement Districts), Water Code.

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. CREATION. Creates the Hays County Water Control and Improvement District No. 3, in Hays County, Texas, subject to voter approval at a confirmation election as provided in Section 9 of this Act. Provides that the district is a governmental agency and a body politic and corporate and is created under and is essential to accomplish the purposes of Article XVI, Section 59 (Conservation and Development of Natural Resources; Conservation and Reclamation Districts), of the Texas Constitution.

SECTION 2. DEFINITION. Defines “district.”

SECTION 3. BOUNDARIES. Sets forth the boundaries of the district.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. Provides legislative findings relating to boundaries.

SECTION 5. FINDING OF BENEFIT. Provides findings of benefit.

SECTION 6. POWERS. Sets forth guidelines regarding the rights, powers, privileges, authority, functions, and duties of the district. Provides that the district created under this Act is wholly located within the area of extra-territorial jurisdiction of the City of Dripping Springs and is subject to the requirements of municipal ordinances applicable to extra-territorial areas, unless the municipality's governing body waives compliance.

SECTION 7. BOARD OF DIRECTORS. Sets forth guidelines regarding the district's board of directors.

SECTION 8. TEMPORARY DIRECTORS. Sets forth guidelines regarding the temporary board of directors and vacancies on the board and provides that the board is composed of certain stated members.

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS ELECTION. Requires the temporary board of directors to call and hold an election to confirm establishment of the district and to elect five initial directors as provided by Chapter 49, Water Code.

SECTION 10. ELECTION OF DIRECTORS. Sets forth guidelines regarding the election of directors.

SECTION 11. DIVISION. Provides that the district will constitute an "original district" for purposes of Section 51.748 (Division of Original District With No Outstanding Indebtedness), Water Code, and is authorized to divide into two or more districts following the procedure set forth in Sections 51.749 (Election to Approve Division) through 51.758 (Notice of Certain Exclusions; Petition for Ratification Election), Water Code, without the consent of any municipality.

SECTION 12. DEVELOPMENT AGREEMENT. Authorizes the district, and/or the owners of land within the district, to enter into written contracts with any municipality within whose extraterritorial jurisdiction the district is located, in whole or in part, for certain purposes and that meet certain requirements. Authorizes a municipality to contract with the district, and/or the owners of the land within the district, to accomplish the purposes set forth this section.

SECTION 13. PAYMENT OF EXPENSES. Authorizes the district, in addition to payment of any expenses authorized under Section 49.155 (Payment of Expenses), Water Code or other provisions of applicable law, to pay out of bond proceeds, or other available funds of the district, certain costs and expenses.

SECTION 14. APPLICABLE REGULATIONS. Authorizes the district, a municipality within whose extraterritorial jurisdiction the district is located, in whole or in part, and the county within which the district is located, to enter into a written contract that specifies the development regulations applicable to the land within the district. Authorizes a county to contract and agree that the municipality's development regulations and development approval processes will apply to the land within the district and that no county review or approval of any development permit, approval, plat or other application is required.

SECTION 15. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. Provides findings relating to procedural requirements.

SECTION 16. EFFECTIVE DATE. Effective date: upon passage or September 1, 2001.