

BILL ANALYSIS

Senate Research Center

S.B. 1895
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the residential and commercial areas of Burnet and Travis counties are experiencing substantial growth. Owners of property located at the county boarder along State Highway 71 are facing challenges in managing the growth and providing benefits and services to the residents in both of these counties.

As proposed, S.B. 1895 creates the Bluebonnet Municipal Utility District in order to promote and encourage economic growth and development in Burnet and Travis counties. The district includes mixed used development of both residential and commercial properties located in these counties.

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. DEFINITIONS. Defines "board," "commission," and "district."

SECTION 2. CREATION. Provides that a municipal utility district, to be known as the Bluebonnet Municipal Utility District (district), is created in Travis and Burnet Counties, subject to approval at a confirmation election under Section 9 of this Act.

(b) Provides that the district is a governmental agency and a political subdivision of this state.

SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) Provides that the district is created to serve a public use and benefit.

(b) Provides that the district is created under and is essential to accomplish the purposes of Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation), Article XVI, Texas Constitution.

(c) Provides that all of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution.

SECTION 4. BOUNDARIES. Sets forth the boundaries of the district.

SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. Provide that the legislature finds that the boundaries and field notes of the district form a closure. Provides that if a mistake is made in the field notes or in copying the field notes in the legislative process, the mistake does not have a negative affect on certain aspects of the district.

SECTION 6. APPLICABILITY OF OTHER LAW. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 7. BOARD OF DIRECTORS. Sets forth the terms and qualifications of the temporary and initial directors.

SECTION 8. TEMPORARY DIRECTORS. (a) Provides that the temporary board of directors consists of certain specific persons.

(b) Requires the temporary directors who have qualified, if a temporary director fails to qualify for office, to appoint a person to fill the vacancy. Requires the Texas Commission on Environmental Quality (commission), if at any time there are fewer than three qualified temporary directors to appoint the necessary number of persons to fill all vacancies on the board.

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) Requires the temporary board of directors to call and hold an election to confirm the establishment of the district and to elect five initial directors as provided by Section 49.102 (Confirmation and Director Election), Water Code.

(b) Requires the initial directors elected to draw lots to decide which two shall serve terms lasting until replacement directors are elected at the first regularly scheduled election of directors under Section 10 of this Act and which three shall serve until the second regularly scheduled election of directors.

SECTION 10. ELECTION OF DIRECTORS. (a) Requires an election, on the first Saturday in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, to be held in the district for the election of two directors to replace the two initial directors serving shorter terms from the confirmation election.

(b) Requires the appropriate number of directors, to be elected on the first Saturday in May of each subsequent even-numbered year following the election.

SECTION 11. GENERAL POWERS. Provides that the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 54 (Municipal Utility Districts), Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution. Requires the district to also have powers to finance and construct necessary roadways within the boundaries of the district. Requires the district to also have the power and authority to divide into two or more districts following the procedure set forth in Sections 51.749 (Election to approve Division) through 51.758 (Division of Original District With No Outstanding Indebtedness), Water Code, without any further approval or consent.

SECTION 12. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. Prohibits a municipality in whose extraterritorial jurisdiction the district is located, partially or in its entirety, from adopting an ordinance or resolution to taking certain actions.

SECTION 13. ANNEXATION. (a) Authorizes a municipality to annex land within the district pursuant to Chapter 43 (Municipal Annexation) of the Local Government Code only after the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to provide service to the proposed development within the district; accomplish the purposes for which the district was created; and exercise the powers provided by the general law of this state and this article.

(b) Provides that such installation of 90 percent prior to any annexation of land within the district by a municipality is required regardless of whether the district is located within the extraterritorial jurisdiction of one or more municipalities.

(c) Authorizes the district to add or exclude land in the manner provided by Chapters 49 (Provisions Applicable to All Districts) and 54, Water Code, without the consent of any municipality.

SECTION 14. REIMBURSEMENT TO LANDOWNER OR DEVELOPER; INSTALLATION OF FACILITIES. Requires the municipality to take certain actions, if a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds.

SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides that all requirements of the constitution and 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 16. EFFECTIVE DATE; EXPIRATION DATE. Effective date: September 1, 2005.