

## **BILL ANALYSIS**

Senate Research Center  
82R19375 KYF-F

H.B. 2363  
By: Flynn (Deuell)  
Intergovernmental Relations  
5/17/2011  
Engrossed

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

An urban area in Hunt County that will experience substantial and sustained residential and commercial growth in the near future is not currently supplied with adequate water, sanitary sewer, drainage facilities and services, and roads and road improvements. A portion of the area is contained within the corporate boundaries of the City of Royse City with the remainder in the city's extraterritorial jurisdiction. H.B. 2363 seeks to establish provisions relating to the creation of the Bearpen Creek Municipal Utility District of Hunt County, providing authority to impose a tax and issue bonds, and granting a limited power of eminent domain in order to provide for public services to serve the future occupants of the district territory.

H.B. 2363 amends current law relating to the creation of the Bearpen Creek Municipal Utility District of Hunt 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 8363, as follows:

#### **CHAPTER 8363. BEARPEN CREEK MUNICIPAL UTILITY DISTRICT OF HUNT COUNTY**

Sets forth standard language for the creation of the Bearpen Creek Municipal Utility District of Hunt County (district) in Hunt County. Sets forth standards, procedures, requirements, and criteria for:

Creation and approval of the district (Sections 8363.001-8363.050);

Size, composition, election, and terms of the board of directors of the district (Sections 8363.051-8363.100);

Powers and duties of the district (Sections 8363.101-8363.200);

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 8363.201-8363.250); and

Dissolution of the district (Section 8363.251).

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 8363.103, 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 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 8363.107, 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 (Powers and Duties), Chapter 8363, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8363.107 to read as follows:

Sec. 8363.107. 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, on or after January 1, 2010, to enact a general, local, or special law granting the power of eminent domain to an entity only on two-thirds vote of all the members elected to each house), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date, except as provided by Section 4: upon passage or September 1, 2011.