

BILL ANALYSIS

Senate Research Center
85R19819 AAF-F

S.B. 2273
By: Campbell
Intergovernmental Relations
4/21/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2273 creates the Kendall County Water Control and Improvement District No. 4 (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 owners of all of the land in the district and local elected officials support the creation of the district.

As proposed, S.B. 2273 amends current law relating to the creation of the Kendall County Water Control and Improvement District No. 4, 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 9074, as follows:

CHAPTER 9074. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4

Sets forth standard language for the creation of Kendall County Water Control and Improvement District No. 4 (district) in Kendall County. Sets forth definitions, standards, procedures, requirements, and criteria for:

General provisions, including the nature of the district, the requirements to confirm the creation of the district by election and to elect five permanent directors, consent to creation of the district by certain municipalities, the public purpose of the district, and the initial district territory (Sections 9074.001-9074.050);

Size, composition, election, and terms for the board of directors, including provisions related to initial temporary directors (Sections 9074.051-9074.100);

Powers and duties of the district (Sections 9074.101-9074.150);

General financial provisions, including the authority to impose certain taxes (Sections 9074.151-9074.200); and

Authority to issue certain bonds and other obligations (Sections 9074.201-9074.203).

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 9074.103 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 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 9074.107, 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, Chapter 9074, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9074.107, as follows:

Sec. 9074.107. 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 to enact a certain law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house), Article I (Bill of Rights), Texas Constitution.

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