

BILL ANALYSIS

Senate Research Center
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S.B. 1619
By: Armbrister
Natural Resources
4/27/2001
As Filed

DIGEST AND PURPOSE

As proposed, S.B. 1619 adds certain powers to the Hays County Water Control and Improvement District No. 1, namely the power to provide wastewater service, stormwater drainage authority, and the related infrastructure. These are powers and duties which the district's enabling statute, Chapter 51, Water Code, does not authorize the county commissioners court to grant to a water control and improvement district.

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. VALIDATION OF CREATION. Provides that the creation of the Hays County Water Control and Improvement District No. 1 by the Hays County Commissioners Court on January 16, 2001, is validated, subject to approval at a confirmation election under Chapters 49 (Provisions Applicable to All Districts) and 51 (Water Control and Improvement Districts), Water Code.

SECTION 2. DEFINITION. Defines "district" to mean the Hays County Water Control and Improvement District No. 1.

SECTION 3. BOUNDARIES. Provides that the district's boundaries are those as found by the Hays County Commissioners Court's order creating the district on January 16, 2001.

SECTION 4. FINDINGS RELATIVE TO BOUNDARIES. Sets forth legislative findings.

SECTION 5. FINDING OF BENEFIT. Sets forth findings of benefit.

SECTION 6. POWERS. (a) Provides that the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 49, 51, and 54 (Municipal Utility Districts), Water Code, applicable to water control and improvement districts and municipal utility districts created pursuant to Section 59, Article XVI, Texas Constitution. Provides that if Chapters 49, 51, and 54, Water Code, conflict, Chapter 51 controls. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Provides that no other entity, including any public utility or retail public utility, may expand the provision of retail water or sewer utility service within the boundaries of the district without the written authorization of the district or the district's successors or assigns unless the Texas Natural Resource Conservation Commission (commission) finds that the district or its successors or assigns is not providing continuous and adequate service to customers in the district. Authorizes the commission, in that event, to grant a separate retail public utility certificate of convenience and necessity for that part of the district where the district is not providing continuous and adequate service.

SECTION 7. EFFECTIVE DATE; EXPIRATION DATE. (a) Effective date: upon passage or September 1, 2001.

(b) Provides that if the creation of the district is not confirmed at a confirmation election before September 1, 2003, this Act expires on that date.