

BILL ANALYSIS

Senate Research Center

S.B. 1822
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DIGEST AND PURPOSE

Currently, there is a need for improvements in water, sewer, and drainage systems in a residential and commercial project in Hays County. As proposed, S.B. 1822 creates the Hays County Water Control and Improvement District No. 4 and empowers it to make such improvements.

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. 4 (district), in Hays County, subject to approval at a confirmation election under Section 9 of this Act. Provides that the district is created as a special district under and is essential to accomplish the purposes of Article III, Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), and Article XVI, Section 59 (Conservation and Development of Natural Resources; Conservation and Reclamation Districts), Texas Constitution.

SECTION 2. DEFINITIONS. Defines "board," "commission," "district," and "project."

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

SECTION 4. FINDINGS RELATED TO BOUNDARIES. Provides that the legislature finds that the boundaries and field notes of the district form a closure. Provides that a mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district, the right of the district to levy and collect taxes, or the legality or operation of the district or its governing body.

SECTION 5. FINDING OF BENEFIT. Provides that all of the land and other property included within the boundaries of the district will benefit from the works and projects that are to be accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. Provides that the district serves a public use and benefit.

SECTION 6. POWERS. Provides that the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state to conservation and reclamation districts, including, but not limited to Chapters 49 (Provisions Applicable to All Districts), 51 (Water Control and Improvement Districts), and 54 (Municipal Utility Districts), Water Code, as amended. Provides that the district, after approval at an election under Sections 53.029 (c) and (d) (Division of or Assumption of Authority by Certain Districts), Water Code, has all of the rights and powers of a road district.

SECTION 7. ADMINISTRATIVE PROVISIONS. Provides that the district operates as a water control and improvement district and complies with the administrative provisions of Chapter 51, Water

Code, except as specifically provided in this Act. Requires the district also to comply with Chapter 49, Water Code, to the extent it does not conflict with Chapter 51.

SECTION 8. TEMPORARY DIRECTORS. (a) Sets forth the composition of the temporary board of directors.

(b) Requires a director of the district to meet the qualifications required under Chapters 49 and 51, Water Code.

(c) Provides that if a director fails to qualify for office, the directors who have qualified are required to appoint a person to fill the vacancy. Provides that if at any time there are fewer than three qualified temporary directors, the Texas Natural Resource Conservation Commission is required to appoint the necessary number of persons to fill all vacancies on the board.

SECTION 9. CONFIRMATION AND DIRECTORS' ELECTION. (a) Requires the temporary board of directors to call and hold an election to confirm the creation of the district and to elect five permanent directors, in the manner required by Sections 49.101(General), 49.102 (Confirmation and Director Election), 49.103 (Terms of Office of Directors), 49.104 (Alternative Election Procedures), and 49.105 (Vacancies), Water Code.

(b) Authorizes the confirmation and permanent directors' election to be conducted on a date other than the dates designated in Section 41.001 (Uniform Election Dates), Election Code. Requires the confirmation and permanent directors' election to otherwise conform to the Election Code and to Chapter 49, Water Code. Requires all subsequent directors' elections to be held in conformity with Section 49.103, Water Code.

SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. Sets forth legislative findings regarding the fulfillment and accomplishment of all procedural requirements with respect to the notice, introduction, and passage of this Act.

SECTION 11. AD VALOREM TAXES. Provides that the district has the authority to conduct elections and levy, assess, and collect ad valorem taxes in the manner and for the purposes authorized by Sections 49.106 (Bond Elections), 49.107 (Operation and Maintenance Tax), and 49.108(a) - (d) (Contract Elections), Water Code, and needs no approval other than that specified in Section 1 of Chapter 778, Acts of the 74th Legislature, Regular Session, 1995 (regarding the powers of water control and improvement districts).

SECTION 12. EFFECTIVE DATE. Effective date: upon passage or August 28, 2001.

SECTION 13. EMERGENCY. Sets forth the emergency clause.