

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1822
By: Armbrister
Intergovernmental Relations
5/10/2001
Committee Report (Substituted)

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. C.S.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 10 of this Act. Provides that the district is a governmental agency and a body politic and corporate. Provides that the district is created under an is essential to accomplish the purposes of Section 52, Article III, (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), and Section 59, Article XVI (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 issue bonds and impose 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 is created to serve a public use and benefit.

SECTION 6. POWERS. Sets forth guidelines regarding the rights, powers, privileges, authority, functions, and duties of the district.

SECTION 7. ADMINISTRATIVE PROVISIONS. Requires the district to comply with Chapter 51C, Water Code, except as specifically provided in this Act, and Chapter 49, Water Code, to the extent it does not conflict with Chapter 51, Water Code.

SECTION 8. BOARD OF DIRECTORS. Sets forth guidelines regarding the board of directors.

SECTION 9. TEMPORARY DIRECTORS. (a) Sets forth the composition of the temporary board of directors.

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

(c) Provides that if a temporary director fails to qualify for office, the temporary 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 10. 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, as provided by Sections 49.101(General) and 49.102 (Confirmation and Director Election), Water Code, and, if applicable, 49.104 (Alternative Election Procedures), Water Code.

(b) Requires the confirmation and permanent directors' election to be conducted as provided by the Election Code, except that Section 41.001(a) (Uniform Election Dates), Election Code does not apply to the election.

SECTION 11. ELECTION OF DIRECTORS. Sets forth guidelines regarding the election of directors.

SECTION 12. 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 13. EFFECTIVE DATE. Effective date: upon passage or September 1, 2001.