

## BILL ANALYSIS

Senate Research Center  
79R11801 QS-F

H.B. 3479  
By: Rose (Wentworth)  
Intergovernmental Relations  
5/19/2005  
Engrossed

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

The Texas Constitution authorizes the creation of water control and improvement districts to supply and store water for use, operate sanitary wastewater systems, and provide irrigation, drainage, and water quality service. H.B. 3479 creates the South Buda Water Control and Improvement District No. 1, subject to voter approval at a confirmation election, and sets forth the district's boundaries, powers and duties.

### 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 9004, as follows:

#### CHAPTER 9004. SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9004.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 9004.002. NATURE OF DISTRICT. Provides that the South Buda Water Control and Improvement District No. 1 (district) is a water control and improvement district in Hays County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9004.003. CONFIRMATION ELECTION REQUIRED. Provides that if the creation of the district is not confirmed at a confirmation election held before September 1, 2010, the district is dissolved September 1, 2010, except that any debts incurred shall be paid, any assets that remain after the payment of debts shall be transferred to Hays County, and the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and this chapter expires September 1, 2013.

Sec. 9004.004. DISTRICT TERRITORY. (a) Provides that the district is initially composed of the territory described by SECTION 2 of the Act creating this chapter.

(b) Provides that the boundaries and field notes contained in SECTION 2 of the Act creating this chapter form a closure. Provides that a mistake made 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 impose taxes; or the legality or operation of the board.

Sec. 9004.005. APPLICABILITY OF OTHER LAW; CONFLICTS OF LAW. Provides that, except as otherwise provided by this chapter, certain chapters of the Water Code and Transportation Code apply to the district. Provides that if a provision of Chapter 441, Transportation Code, relating to road utility districts, conflicts with this chapter or certain chapters of the Water Code, those certain chapters prevail.

[Reserves Sections 9004.006 - 9004.020 for expansion.]

#### SUBCHAPTER A1. TEMPORARY PROVISIONS

Sec. 9004.021. CONFIRMATION ELECTION. Requires the board of directors of the district to hold an election to confirm the validation of the creation of the district. Requires the election to be conducted as provided by Section 49.102 (Confirmation and Director Election), Water Code.

Sec. 9004.022. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2013.

[Reserves Sections 9004.023 - 9004.050 for expansion.]

#### SUBCHAPTER B. POWERS AND DUTIES

Sec. 9004.051. STREET OR SECURITY LIGHTING. Authorizes the district to purchase, install, operate, or maintain street lighting or security lighting within public utility easements or public right-of-way in the district.

SECTION 2. Sets forth the boundaries of the district.

SECTION 3. Provides that the creation of the district by the Hays Commissioners Court on January 25, 2005, is validated.

SECTION 4. Provides that all requirements of the constitution and laws of this state and rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. Effective date: upon passage or September 1, 2005.