

## **BILL ANALYSIS**

Senate Research Center  
81R1938 PMO-D

S.B. 637  
By: Hegar  
Natural Resources  
2/26/2009  
As Filed

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

This bill creates the Wharton County Drainage District (district) with boundaries that are coextensive with those of Wharton County.

As proposed, S.B. 637 creates the district to be a governmental agency and a body politic and corporate. S.B. 637 provides all powers granted to drainage districts operating pursuant to Article XVI, Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts) of the Constitution of Texas, including Chapters 49 (Provisions Applicable to All Districts) and 56 (Drainage Districts), Texas Water Code.

### **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 A, Title 6, Special District Local Laws Code, by adding Chapter 6607, as follows:

#### CHAPTER 6607. WHARTON COUNTY DRAINAGE DISTRICT

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6607.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 6607.002. NATURE OF DISTRICT. Provides that the Wharton County Drainage District (district), subject to approval at a confirmation election under Section 6607.102, is a drainage district created in Wharton County under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sec. 6607.003. FINDINGS OF BENEFIT AND PURPOSE. (a) Provides that the district is created to serve a public use and benefit.

(b) Provides that all land and other property included in the district will benefit from the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution.

(c) Provides that the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 6607.004. DISTRICT TERRITORY. Provides that the district territory is coextensive with the boundaries of Wharton County, Texas.

[Reserves Sections 6607.005-6607.050 for expansion.]

##### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 6607.051. DIRECTORS. (a) Provides that the district is governed by a board of five directors (board) consisting of the Commissioners Court of Wharton County.

(b) Provides that service on the board is an additional duty of office for a member of the Commissioners Court of Wharton County.

[Reserves Sections 6607.052-6607.100 for expansion.]

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 6607.101. GENERAL POWERS AND DUTIES. Provides that the district has all rights, powers, privileges, functions, and duties provided by the general law of this state applicable to a drainage district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 (Provisions Applicable to All Districts) and 56 (Drainage Districts), Water Code.

Sec. 6607.102. CONFIRMATION ELECTION. (a) Requires the board to hold an election to confirm the creation of the district.

(b) Provides that Section 41.001(a) (relating to requirements of general and special elections), Election Code, does not apply to a confirmation election under this section.

(c) Requires that the confirmation election, except as provided by this section, be conducted as provided by Sections 49.102(a)-(f) (relating to confirmation and director elections), Water Code, and the Election Code.

(d) Provides that the district is not required to elect directors at the confirmation election.

SECTION 2. (a) Provides that the legal notice of intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality (TCEQ).

(c) Provides that TCEQ has filed its recommendations on this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that all requirements of the constitution and 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 3. Provides that if the creation of the district is not confirmed at a confirmation election held under Section 1 of this Act before September 1, 2011, this Act and Chapter 6607, Special District Local Laws Code, as added by this Act, expire on that date.

SECTION 4. Effective date: September 1, 2009.