

BILL ANALYSIS

S.B. 1772
By: Deuell
Natural Resources
Committee Report (Amended)

BACKGROUND AND PURPOSE

Dallas County Water Control and Improvement District No. 6 (district) is requesting that its existing boundaries be validated by legislation. The district believes that the territory in the district has been properly annexed. The district does not intend this legislation to expand its boundaries or add any additional territory with any proposed legislation. The district only desires to correct any possible surveying errors made in annexing land since the last legislative validation in 1991.

While the district does not know of any clerical errors, past experience has shown that some minor errors can occur. For example, even with the 1991 validation there were surveying issues that had to be resolved with the Texas Natural Resource and Conservation Commission, now the Texas Commission on Environmental Quality (TCEQ), with a survey of the district in 1997. Consequently, due to recent issues in 2004 with TCEQ concerning escrowed bond monies where the district had to seek assistance in securing escrow release, the district feels it is prudent to now seek the validation of its boundaries. Such delays can mean an increase in interest rates which can be costly to the district's taxpayers.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. VALIDATION. (a) Provides that the following are validated and confirmed in all respects:

(1) the boundaries of Dallas County Water Control and Improvement District No. 6 (district), as provided by Section 5 of this Act; and

(2) any act or proceeding of the district, including elections and annexations, not excepted by Subsection (b) of this section and taken not more than five years before the effective date of this Act, effective as of the date on which the act or proceeding occurred.

(b) Provides that this section does not apply to an act or proceeding that is the subject of litigation pending on the effective date of this Act or to an act that, under a statute of this state or the United States, was a misdemeanor or a felony at the time the act occurred.

SECTION 2. DEFINITION. Defines "district."

SECTION 3. BOUNDARIES. (a) Provides that the district is composed of the territory described by Section 5 of this Act.

(b) Provides that the boundaries and field notes contained in Section 5 of this Act 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 district board.

SECTION 4. FINDING OF BENEFIT. Provides that all of the land and other property included within the boundaries of the district will be benefited by 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 5. Sets forth the boundaries of the district.

SECTION 6. NO ADDITIONAL POWERS OR DUTIES. Provides that this Act does not grant any additional powers or duties to the district.

SECTION 7. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. 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 8. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage or September 1, 2005.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 amends the bill to provide that the district will not provide additional retail water utility service in the City of Mesquite corporate boundaries without the consent of the City of Mesquite other than the service provided on the effective date of this act.