

BILL ANALYSIS

S.B. 1840
By: Lucio
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Although Willacy County Drainage District No. 1 (district) is a drainage district, it is vested with the rights, powers, and duties conferred and imposed by the general laws applicable to fresh water supply districts. The purpose, function, and operation of a drainage district is different than a fresh water supply district. In various respects, the general laws governing fresh water supply districts are either incompatible with or unsuitable to a drainage district. S.B. 1840 makes Chapter 56, Water Code, which is applicable to drainage districts applicable to the district, rather than Chapter 53, Water Code, which is applicable to fresh water supply districts.

The terminology of the Water Code now refers to the governing board of a district as a board of directors whereas the district's enabling act uses the term "board of supervisors." S.B. 1840 updates the name of the district's governing board to the board of directors.

The district's tax rate is capped at 25 cents per one hundred dollars valuation. The district's tax rate is now at the cap. S.B. 1840 allows the district to levy taxes in excess of the current 25 cents per one hundred valuation cap, if necessary.

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. Amends Section 3, Chapter 10, Acts of the 61st Legislature, Regular Session, 1969, to provide that the Willacy County Drainage District No. 1 (district) has all the rights, powers, privileges, and duties applicable to drainage districts, rather than fresh water supply districts. Provides that the district is governed by a board of directors, rather than a board of supervisors. Requires the district, before issuing any construction bonds, to submit plans and specifications for approval in the manner required by Subchapter F (Issuance of Bonds), Chapter 49, Water Code, rather than submit plans and specifications to the Texas Water Rights Commission for approval in the manner required by Chapter 336, Acts of the 57th Legislature, Regular Session, 1961 (Article 7880-139, V.T.C.S.). Makes conforming changes.

SECTION 2. Amends Section 5, Chapter 10, Acts of the 61st Legislature, Regular Session, 1969, to provide that the board of directors has the powers, authority, and duties conferred and imposed on boards of directors of drainage districts organized under the provisions of Chapter 56 (Drainage Districts), Water Code, rather than Chapter 4, Title 128, Revised Civil Statutes of Texas, 1925, together with all amendments thereof and additions thereto. Makes conforming changes. Deletes existing text of Subsection (b).

SECTION 3. Amends Section 7, Chapter 10, Acts of the 61st Legislature, Regular Session, 1969, to make a conforming change.

SECTION 4. Amends Sections 8(a)-(c), Chapter 10, Acts of the 61st Legislature, Regular Session, 1969, to provide that the provisions of Subchapter D (Election Provisions), Chapter 49 and Subchapter F (Issuance of Bonds and Notes), Chapter 56, Water Code, rather than Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, apply to all bond elections in the district, except where in conflict with this Act. Makes conforming changes.

SECTION 5. Amends Section 10, Chapter 10, Acts of the 61st Legislature, Regular Session, 1969, to authorize the board of directors to impose a tax for operation and maintenance purposes at a rate that exceeds 25 cents on each \$100 valuation of taxable property within the district if the tax is approved by a vote of a majority of the voters of the district voting at an election called for that purpose in accordance with Section 49.107 (Operation and Maintenance Tax), Water Code. Authorizes the proposition in a tax election to be for a specific maximum tax rate or for an unlimited rate. Makes conforming changes.

SECTION 6. Amends Section 12, Chapter 10, Acts of the 61st Legislature, Regular Session, 1969, to authorize land to be added to the district in the manner provided by Chapters 49 (General Provisions Applicable to All Districts) and 56 (Drainage Districts), Water Code. Deletes existing text relating to the manner in which land may be added to the district according to statute or by petition.

SECTION 7. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage or September 1, 2005.