

BILL ANALYSIS

C.S.S.B. 1891
By: Armbrister
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

CSSB 1891 creates the La Salle Water Control and Improvement District No. 1 in Calhoun County. The district has the authority to impose a tax and issue bonds, and has the power of eminent domain.

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 Subtitle I, Title 6, Special District Local Laws Code, by adding Chapter 9008 as follows:

CHAPTER 9008. La Salle Water Control and Improvement District No. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9008.001. DEFINITIONS. Define s Aboard@, Adirector and Adistrict.@

Sec. 9008.002. NATURE OF DISTRICT. Provides that the La Salle Water Control and Improvement District No. 1 (district) is a water control and improvement district created under and essential to accomplish the purpose of Section 52, Article III, Article XVI, Texas Constitution.

Sec. 9008.003. CONFIRMATION OF ELECTION REQUIRED. Provides that if the creation of the district is not confirmed at a confirmation election held under Section 9008.024 by September 1, 2007, the district is dissolved on that date, except that any debts incurred shall be paid, any remaining assets shall be transferred to Calhoun County. The authorization for election of permanent directors expires if not used, on September 10, 2010.

Sec. 9008.004. INITIAL DISTRICT TERRITORY. (a) Provides that the district is 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 this chapter forma closure. Provides that a mistake in the field notes or in copying the field notes in the legislative process does not affect specific aspects of the district.

[Reserves Sections 9008.005-9008.020 for expansion.]

SUBCHAPTER A. TEMPORARY PROVISIONS

Sec. 9008.021. TEMPORARY DIRECTORS. Members of the temporary board are obligated to appoint temporary directors on or after September 1, 2005. Requires the Texas Commission on Environmental Quality (TCEQ) to appoint a person to a vacancy if a temporary director fails to qualify for office. Sets forth terms of office for temporary directors.

Sec. 9008.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires the temporary directors to meet and elect officers from their membership as soon as the temporary directors have qualified under Section 49.055 (Sworn Statement, Bond Office), Water Code.

Sec. 9008.023. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED. (a) Prohibits the temporary directors from holding an election under Section 9008.024 until each municipality within whose corporate limits or extraterritorial jurisdiction the district is located has adopted a resolution consenting to the creation of the District.

(b) Prohibits the temporary directors from holding the election until each county in which the district is located has adopted a resolution consenting to the creation of the district, if the district is located outside the extraterritorial jurisdiction or corporate limits of a municipality.

(c) Prohibits a municipality or county from adopting a resolution under this subchapter prior to the effective date of this Act creating this chapter.

Sec. 9008.024. CONFIRMATION AND INITIAL DIRECTORS= ELECTION. Requires the temporary directors to hold an election before September 1, 2007, to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102 (Confirmation Election), Water Code, if each municipality or county has consented to the creation under Section 9008.023.

Sec. 9008.025. INITIAL ELECTED DIRECTORS; TERMS. Requires the directors elected under Section 9008.024 to draw lots to determine which two shall serve until the first regularly scheduled election of directors under Section 9008.052, and which three shall serve until the second scheduled election of directors.

Sec. 9008.026. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2010.

[Reserves Sections 9008.053-9008.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9008.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. Grants to the district the powers and duties provided by the general law of this state, including chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 9008.102. ROAD PROJECTS. (a) To the extent authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire and operate road projects.

(b) A road project must meet or exceed construction standards imposed by the city or county with jurisdiction over the district.

(c) Each city and county with jurisdiction over the district must adopt its own resolution or ordinance consenting to the road project.

Sec. 9008.103. COMPLIANCE WITH MUNICIPAL ORDINANCES AND RESOLUTIONS. The District must comply with all applicable ordinances of any city with jurisdiction over the district.

Sec. 9008.104. LIMITATION OF USE OF EMINENT DOMAIN. Authorizes the district to exercise the power of eminent domain outside the district only to acquire an easement for a pipeline that serves the district.

[Sections 9008.105-9008.150 reserved for expansion]

Sec. 9008.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of and interest on bonds issued under Section 9008.201.

[Reserves Section 9008.153-9008.200 for expansion]

SUBCHAPTER E. BONDS

Sec. 9008.201. (a) AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. Authorizes the district to issue bonds or other obligations as provided by Chapters 49 and 51, Water Code, to finance the construction, maintenance and operation of projects under Section 9008.101 and 9008.102 hereof.

(b) Bonds or other obligations issued or incurred to finance projects authorized by Section 9008.102 may not exceed one-fourth of the assessed value of the taxable property in the district.

(c) Prohibits a district from issuing bonds under Section 9008.102 unless authorized by a vote of a two-thirds majority.

(d) Provides that Sections 49.181 and 49.182, Water Code, do not apply to bonds issued by the district under Sec. 9008.102 or to bonds issued by the district to finance the project.

SECTION 2- Sets forth the initial boundaries of the district.

SECTION 3- 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 the Act are fulfilled and accomplished.

SECTION 4- Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage or September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSSB 1891 amends the original bill by changing Section 9008.003 to require a confirmation election by the voters.

CSSB 1891 amends the original by renumbering Section 9008.022 adding language requiring an organizational meeting of the temporary directors appointed to conduct district business.

CSSB 1891 amends the original by adding Section 9008.102 to allow limited district road project powers, but requiring consent of the city and county, and compliance with applicable standards and regulations.

CSSB 1891 adds the requirement that the city and county consent to the creation of the district, but that they may not adopt such a resolution until after the effective date of this Act.