

BILL ANALYSIS

S.B. 637
By: Hegar
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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

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 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. Sets forth legislative findings regarding the fulfillment of procedural requirements with respect to the notice, introduction, and passage of this Act.

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. Provides the effective date of this Act .

EFFECTIVE DATE

This Act takes effect September 1, 2009.