

BILL ANALYSIS

Senate Research Center

S.B. 1147
By: Duncan
Administration
7/22/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Legislative Council (TLC) is required by law under Section 323.007, Government Code, to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable, to promote the purpose of making the statutes more accessible, understandable, and usable without altering the sense, meaning, or effect of the law. In 1965, TLC adopted a long-range plan of compiling the law into 26 codes arranged by general topics; TLC now has a plan to compile the law into 27 codes. The bill is the fourth bill in TLC's ongoing project of systematically codifying local laws concerning special districts.

The bill adds chapters to the Special District Local Laws Code with each chapter representing the local law or laws governing a particular special district.

TLC's legal staff has taken meticulous care to ensure that no substantive change has been made in the laws and to preserve an ambiguity or interpretation that may exist in the current laws. TLC's staff has developed an extensive mailing list, and drafts of the proposed chapters have been distributed to interested persons, including state agencies and representatives of each district whose local law was selected for inclusion, for review and comment. TLC's staff has studied submitted comments and suggestions and has taken action to satisfy any concerns expressed.

S.B. 1147 amends current law relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE 1. NONSUBSTANTIVE REVISION OF LOCAL LAWS

SECTION 1.01. Amends Subtitle A, Title 3, Special District Local Laws Code, by adding Chapters 1011, 1034, 1058, 1069, 1074, 1086, 1098-1106, 1108, and 1111, as follows:

CHAPTER 1011. SCHLEICHER COUNTY HOSPITAL DISTRICT
(Pages 1-19 of this bill.)

CHAPTER 1034. HALL COUNTY HOSPITAL DISTRICT
(Pages 19-37 of this bill.)

CHAPTER 1058. MCCAMEY COUNTY HOSPITAL DISTRICT
(Pages 37-58 of this bill.)

CHAPTER 1069. NACOGDOCHES COUNTY HOSPITAL DISTRICT
(Pages 58-83 of this bill.)

CHAPTER 1074. COMANCHE COUNTY CONSOLIDATED HOSPITAL DISTRICT
(Pages 83-104 of this bill.)

CHAPTER 1086. CROSBY COUNTY HOSPITAL DISTRICT
(Pages 104-126 of this bill.)

CHAPTER 1098. STONEWALL COUNTY HOSPITAL DISTRICT
(Pages 126-147 of this bill.)

CHAPTER 1099. STAFFORD HOSPITAL DISTRICT
(Pages 147-171 of this bill.)

CHAPTER 1100. SOUTH RANDALL COUNTY HOSPITAL DISTRICT
(Pages 171-199 of this bill.)

CHAPTER 1101. SUTTON COUNTY HOSPITAL DISTRICT
(Pages 199-224 of this bill.)

CHAPTER 1102. SWEENY HOSPITAL DISTRICT
(Pages 225-245 of this bill.)

CHAPTER 1103. SWISHER MEMORIAL HOSPITAL DISTRICT
(Pages 245-260 of this bill.)

CHAPTER 1104. TEAGUE HOSPITAL DISTRICT
(Pages 260-284 of this bill.)

CHAPTER 1105. TERRY MEMORIAL HOSPITAL DISTRICT
(Pages 284-301 of this bill.)

CHAPTER 1106. TEXHOMA MEMORIAL HOSPITAL DISTRICT
(Pages 301-314 of this bill.)

CHAPTER 1108. TRINITY MEMORIAL HOSPITAL DISTRICT
(Pages 314-333 of this bill.)

CHAPTER 1111. WALKER COUNTY HOSPITAL DISTRICT
(Pages 333-350 of this bill.)

SECTION 1.02. Amends Subtitle E, Title 6, Special District Local Laws Code, by adding Chapters 7806 and 7807, as follows:

CHAPTER 7806. NORTHWEST DALLAS COUNTY FLOOD CONTROL DISTRICT
(Pages 350-357 of this bill.)

CHAPTER 7807. VALWOOD IMPROVEMENT AUTHORITY OF DALLAS COUNTY,
TEXAS
(Pages 357-371 of this bill.)

SECTION 1.03. Amends Subtitle H, Title 6, Special District Local Laws Code, by adding Chapters 8833, 8835, 8838, 8839, 8841, 8843, 8845, 8851, 8854, and 8857, as follows:

CHAPTER 8833. GUADALUPE COUNTY GROUNDWATER CONSERVATION DISTRICT
(Pages 372-374 of this bill.)

CHAPTER 8835. BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
(Pages 374-381 of this bill.)

CHAPTER 8838. COW CREEK GROUNDWATER CONSERVATION DISTRICT
(Pages 381-389 of this bill.)

CHAPTER 8839. GATEWAY GROUNDWATER CONSERVATION DISTRICT
(Pages 389-392 of this bill.)

CHAPTER 8841. GOLIAD COUNTY GROUNDWATER CONSERVATION DISTRICT
(Pages 392-397 of this bill.)

CHAPTER 8843. HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT
(Pages 397-403 of this bill.)

CHAPTER 8845. IRION COUNTY WATER CONSERVATION DISTRICT
(Pages 404-417 of this bill.)

CHAPTER 8851. MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT
(Pages 418-422 of this bill.)

CHAPTER 8854. REFUGIO GROUNDWATER CONSERVATION DISTRICT
(Pages 422-427 of this bill.)

CHAPTER 8857. TEXANA GROUNDWATER CONSERVATION DISTRICT
(Pages 428-432 of this bill.)

SECTION 1.04. Amends Title 6, Special District Local Laws Code, by adding Subtitle M, as follows:

SUBTITLE M. WATER POWER CONTROL DISTRICTS
(Pages 432-435 of this bill.)

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Amends Section 1(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, to make conforming changes.

ARTICLE 3. REPEALERS

SECTION 3.01. Repealers: (1) Chapter 38, Acts of the 60th Legislature, Regular Session, 1967;

(2) Chapter 1017, Acts of the 70th Legislature, Regular Session, 1987;

(3) Chapter 183, Acts of the 60th Legislature, Regular Session, 1967;

(4) Chapter 431, Acts of the 60th Legislature, Regular Session, 1967;

(5) Article 3, Chapter 132, Acts of the 74th Legislature, Regular Session, 1995;

(6) Chapter 548, Acts of the 71st Legislature, Regular Session, 1989;

(7) Chapter 54, Acts of the 58th Legislature, Regular Session, 1963;

(8) Chapter 470, Acts of the 61st Legislature, Regular Session, 1969;

(9) Chapter 200, Acts of the 62nd Legislature, Regular Session, 1971;

(10) Chapter 1047, Acts of the 68th Legislature, Regular Session, 1983;

(11) Chapter 135, Acts of the 58th Legislature, Regular Session, 1963;

- (12) Chapter 16, Acts of the 59th Legislature, Regular Session, 1965;
- (13) Chapter 1055, Acts of the 68th Legislature, Regular Session, 1983;
- (14) Chapter 653, Acts of the 59th Legislature, Regular Session, 1965;
- (15) Sections 2 and 3, Chapter 838, Acts of the 66th Legislature, Regular Session, 1979;
- (16) Chapter 24, Acts of the 72nd Legislature, Regular Session, 1991;
- (17) Chapter 422, Acts of the 60th Legislature, Regular Session, 1967;
- (18) Sections 1 and 3-25, Chapter 265, Acts of the 67th Legislature, Regular Session, 1981; and
- (19) Chapter 848, Acts of the 62nd Legislature, Regular Session, 1971.

SECTION 3.02. Repealers: (1) Sections 1, 2, 4-16, Chapter 472, Acts of the 69th Legislature, Regular Session, 1985;

- (2) Chapter 201, Acts of the 64th Legislature, Regular Session, 1975;
- (3) Sections 3, 4, and 5, Chapter 588, Acts of the 71st Legislature, Regular Session, 1989;
- (4) Sections 1, 2, 4-10, Chapter 1066, Acts of the 75th Legislature, Regular Session, 1997;
- (5) Section 7, Chapter 1141, Acts of the 76th Legislature, Regular Session, 1999;
- (6) Sections 3 and 4, Chapter 410, Acts of the 81st Legislature, Regular Session, 2009;
- (7) Part 13, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
- (8) Article 2, Chapter 1307, Acts of the 77th Legislature, Regular Session, 2001;
- (9) Part 1, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
- (10) Chapter 1349, Acts of the 77th Legislature, Regular Session, 2001;
- (11) Sections 4 and 5, Chapter 1064, Acts of the 81st Legislature, Regular Session, 2009;
- (12) Chapter 1352, Acts of the 77th Legislature, Regular Session, 2001;
- (13) Sections 9 and 10, Chapter 192, Acts of the 80th Legislature, Regular Session, 2007;
- (14) Chapter 1359, Acts of the 77th Legislature, Regular Session, 2001;
- (15) Section 2, Chapter 12, Acts of the 81st Legislature, Regular Session, 2009;
- (16) Section 2(b), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999;
- (17) Part 3, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
- (18) Chapter 65, Acts of the 69th Legislature, Regular Session, 1985;

- (19) Sections 13 and 14, Chapter 113, Acts of the 81st Legislature, Regular Session, 2009;
- (20) Chapter 1299, Acts of the 77th Legislature, Regular Session, 2001;
- (21) Part 9, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
- (22) Chapter 1314, Acts of the 77th Legislature, Regular Session, 2001;
- (23) Chapter 307, Acts of the 77th Legislature, Regular Session, 2001;
- (24) Part 11, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
and
- (25) Article 10, Chapter 4, Acts of the 72nd Legislature, 1st Called Session, 1991.

ARTICLE 4. GENERAL MATTERS

SECTION 4.01. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE. Provides that this Act is enacted under Section 43 (Revision of Laws), Article III (Legislative Department), Texas Constitution. Provides that this Act is intended as a codification only, and no substantive change in the law is intended by this Act. Provides that this Act does not increase or decrease the territory of any special district of the state as those boundaries exist on the effective date of this Act.

SECTION 4.02. PRESERVATION OF VALIDATION MADE BY PREVIOUS LAW. (a) Provides that the repeal of a law, including a validating law, by this Act does not remove, void, or otherwise affect in any manner a validation under the repealed law. Provides that the validation is preserved and continues to have the same effect that it would have if the law were not repealed.

(b) Provides that Subsection (a) of this section does not diminish the saving provisions prescribed by Section 311.031 (Saving Provisions), Government Code.

SECTION 4.03. EFFECTIVE DATE. Effective date: April 1, 2013.