

BILL ANALYSIS

Senate Research Center

H.B. 846
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Natural Resources
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Engrossed

DIGEST

Currently, Chapter 661, Government Code, requires all state agencies, including river authorities, to establish sick leave pools. Sick leave pools allow agency employees to voluntarily contribute sick leave to a pool for use by employees who have exhausted their sick leave. No explicit authority is provided to water districts, other than river authorities, to establish these pools. This bill would provide permissive authority for sick leave pools for all water districts and authorities operating under Chapter 36 or Chapter 49 of the Water Code. Chapter 36 of the Water Code was enacted in 1995 as a “stand alone” chapter for groundwater conservation districts. Section 36.052 provides that other laws governing the administration or operation of districts do not apply to Chapter 36 districts. Chapter 49 of the Water Code was enacted concurrently to provide administrative provisions for most water districts other than groundwater districts. This bill would add a provision to Chapter 49, Water Code, providing further clarification that it does not apply to districts governed under Chapter 36. Section 49.072, Water Code, disqualifies a director of a water district who becomes a candidate for another office. This provision is problematic as it relates to constitutional provisions for the removal and holdover of district directors. This bill would repeal Section 49.072, Water Code.

PURPOSE

As proposed, H.B. 846 sets forth the administration, management, operation, and authority of water districts and authorities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.068, Water Code, by adding Subsection (d), to authorize the board of directors of water districts and certain authorities to establish a sick leave pool for district employees in the same manner as created for state employees in Chapter 661A, Government Code.

SECTION 2. Amends Section 49.001(1), Water Code, to redefine “district” to exempt any conservation and reclamation district (district) governed by Chapter 36 from application of this chapter unless a special law creating the district or amending the law creating the district states that this chapter applies to that district. Makes a conforming change.

SECTION 3. Amends Section 49.002, Water Code, by adding Subsection (b), to provide an exception to the application of this chapter to a district governed by Chapter 36 unless a special law creating the district or amending the law creating the district states that this chapter applies to that district. Makes a conforming change.

SECTION 4. Amends Section 49.069, Water Code, by adding Subsection (d), to authorize the board of directors of the district to establish a sick leave pool for district employees in the same manner as authorized for state employees under Chapter 661A, Government Code.

SECTION 5. Amends Section 661.001(4), Government Code, to redefine “state agency.” Makes conforming changes.

SECTION 6. Amends Section 49.066(a), Water Code, to authorize a district to sue and be sued on written contracts of the district.

SECTION 7. Repealer: Section 49.072, Water Code (Director's Candidacy for Other Office: Ineligibility).

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.