

BILL ANALYSIS

C.S.H.B. 4726
By: Dominguez
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that flood mapping, planning, and mitigation have become vital to the state but that the resources necessary to perform such functions are lacking for Cameron County. C.S.H.B. 4726 seeks to address this issue by creating the Cameron County Flood Control District.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 4726 amends the Special District Local Laws Code to create the Cameron County Flood Control District. The bill sets out the district's powers and duties, which include the rights, powers, privileges, and functions applicable to levee improvement districts. The bill provides for, among other provisions, the alteration of district territory, certain annexation authority, contracts for facilities and improvements, and certain prohibited functions. The bill authorizes the district to issue bonds and incur other indebtedness in a certain manner, provides for the issuance of bond anticipation notes, and authorizes the district to impose a maintenance tax that has been authorized at an election held in the district. The bill authorizes the district to exercise certain eminent domain power if the bill receives a two-thirds vote of all the members elected to each house. If the bill does not receive such a vote, the bill expressly prohibits the district from exercising the power of eminent domain.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4726 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute excludes from the territory of the district the territory in Cameron County that is in another drainage district or irrigation district on the bill's effective date. The substitute includes a provision authorizing the district to alter the territory of the district as provided by

specified statutory provisions. The substitute requires the district to obtain the approval of a drainage or irrigation district before annexing land inside the boundaries of the drainage or irrigation district.

The substitute does not include provisions specifying that the district is governed by a board consisting of five elected directors and provisions relating to eligibility for office, board vacancies, and director compensation. The substitute includes a provision specifying instead that the district is governed by a board consisting of the five county commissioners of Cameron County. The substitute increases the amount of the director's bond from \$5,000 to \$10,000.

The substitute includes a provision authorizing the district to enter into an interlocal agreement with a drainage district, irrigation district, or municipality for maintenance and improvement of district projects, when practicable. The substitute does not include provisions relating to tax abatements in a reinvestment zone.