

BILL ANALYSIS

Senate Research Center
76R9121 MI-D

H.B. 3401
By: Hardcastle (Haywood)
Natural Resources
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Engrossed

DIGEST

Currently, Wilbarger County in Northwest Texas is subject to flooding in times of heavy rains because of its terrain and soil composition. A stormwater control district may be needed to further county efforts in stormwater management. This bill would create the Wilbarger County Stormwater Control District, subject to voter approval.

PURPOSE

As proposed, H.B. 3401 sets forth requirements for the creation, administration, powers, duties, operation, and financing of the Wilbarger County Stormwater Control District.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION; LEGISLATIVE DECLARATION. Creates the Wilbarger County Stormwater Control District (district) subject to approval at a confirmation election under SECTION 9 of this Act. Provides that the district is created under and is essential to the accomplishment of the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 2. DEFINITION. Defines “district.”

SECTION 3. BOUNDARIES. Sets forth the boundaries of the district.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. Provides that the legislature finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. Sets forth the finding of benefit.

SECTION 6. POWERS. Provides that the district has all the rights, powers, privileges, authority, functions, and duties (powers) provided by the general law of this state including Chapters 49, 56, and 66, Water Code. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act. Provides that Chapter 66 prevails over Chapters 56 and 66, Water Code. Subjects the powers of the district to the supervision of the state to be exercised by and through the Texas Natural Resource Conservation Commission.

SECTION 7. BOARD OF DIRECTORS. Provides that the district is governed by a board of five directors. Sets forth procedures for filling membership of the board.

SECTION 8. TEMPORARY DIRECTORS. Sets forth the composition of and the procedures for fulfilling the membership of the temporary board of directors (temporary board).

SECTION 9. CONFIRMATION AND INITIAL DIRECTOR’S ELECTION. Requires the temporary board to hold an election to confirm establishment of the district and to elect five initial directors as provided by Chapter 49, Water Code. Provides that Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section. Provides that this Act expires on the fourth anniversary date of the effective date of this Act, if the establishment of the district has not been confirmed.

SECTION 10. ELECTION OF DIRECTORS. Requires an election to be held on the first Saturday in May of the first even-numbered year after the year in which the confirmation election is held to elect directors of the board.

SECTION 11. ADDITIONAL POWERS. Sets forth powers granted to the district in regards to the issuance of bonds, the payment of bonds, the acquisition of land, materials, waste grounds, easements, rights-of-way, and the leasing of property.

SECTION 12. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth findings related to procedural requirements.

SECTION 13. Emergency clause.
Effective date: upon passage.