

BILL ANALYSIS

Senate Research Center
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S.B. 1435
By: Ogden
Natural Resources
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As Filed

DIGEST AND PURPOSE

The Brookshire-Katy Drainage District was created by the 57th Legislature in 1961 as a conservation and reclamation district with the rights and powers authorized by Chapter 53 of the Texas Water Code. As proposed, S.B. 1435 updates the district's statutory authority.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Brookshire-Katy Drainage District in SECTION 5 (Section 6A, Acts of the 57th Legislature, Regular Session, 1961) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, by adding Section 1A, as follows:

Sec. 1A. Provides that the legislature finds that the boundaries of the Brookshire-Katy Drainage District (district) and the field notes relating to these boundaries form a closure, and any mistake made in copying the field notes in the legislative process, or a mistake otherwise made in the field notes, does not affect certain factors of the district, or the authority to take any authorized action, or in any other manner affect the legality or operation of the district or its governing body.

SECTION 2. Amends Section 2, Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, to set forth the powers of the district created under the authority of Section 59, Article XVI, Constitution of Texas, including Chapters 49 (Provisions Applicable to All Districts) and 53 (Fresh Water Supply Districts), Water Code. Deletes text regarding exercising of certain powers of the district.

SECTION 3. Amends Section 4, Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, to authorize the Assessor and Collector of the district to deduct from all taxes collected on the current year's tax rolls a certain amount of money to which the Board of Supervisors agrees. Authorizes the Assessor and Collector, for the collection of delinquent taxes, to receive compensation in the same manner as for other duties. Prohibits the Assessor and Collector from duplicating a charge made for costs of suit related to enforcement of state and county taxes. Deletes text regarding the manner in which the blanks utilized by the Assessor and Collector are required to be printed.

SECTION 4. Amends Section 5, Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, to require the district to hold an election as provided by Section 49.107 (Operation and Maintenance Tax), Water Code, before taxes are authorized to be levied or increased. Deletes text regarding taxes authorized at an election.

SECTION 5. Amends Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, by adding Sections 6A, 6B, 6C, and 6D, as follows:

6A. Prohibits a person, on or after September 1, 2001, from constructing drainage facilities or

improvements on or to serve a tract of land in the district unless the district agrees to certain conditions.

(b) Provides that plans and specifications for drainage facilities or improvements located within certain areas require only the approval of the municipality.

(c) Authorizes the district to adopt reasonable rules and set reasonable standards to provide for adequate drainage construction in accordance with standard engineering practices. Authorizes the rules and standards to require the drainage plan to be generally compatible with the district's master plan.

(d) Authorizes the district by rule to establish procedures for presenting plans and specifications to the district and for review and disposition of the plans and specifications by the district.

(e) Requires the district to determine the cost of any drainage facilities or improvements and recommend to the appropriate governing body with jurisdiction over the subdivision that a surety bond or other approved security in that amount for the construction of drainage facilities or improvements be secured in the name of the governing body. Authorizes the district, if the governing body does not secure a bond, to secure a bond for the cost of construction of drainage facilities or improvements.

(f) Authorizes the district to refuse to approve plans and specifications that meet certain criteria.

(g) Provides that this section does not apply to certain activities.

(h) Sets forth the provisions regarding the authority or jurisdiction of a municipality or county. Sets forth provisions regarding rules and standards of the district.

Sec. 6B. (a) Requires rules adopted by the district to be consistent with Chapters 49 and 53, Water Code.

(b) Prohibits the district from exercising certain powers.

Sec. 6C. Provides that a person who violates this Act or a rule adopted under this Act is liable to the district for a certain fee for each offense.

(b) Authorizes the district to sue in a district court in certain instances.

(c) Authorizes the court to include in any final judgment in favor of the district the award of damages and certain fees.

Sec. 6D. Provides that Chapter 311 (Code Construction Act), Government Code, applies to this Act.

SECTION 6. Sets forth provisions regarding changes in law made by this Act.

SECTION 7. Provides that the maintenance tax authorized by the voters of the Brookshire-Katy Drainage District is validated by this Act for the purposes and in the amount authorized by that election.

SECTION 8. (a). Provides that Sections 1-6 take effect only under certain conditions.

(b) Requires an election to be ordered by certain persons regarding changes in law made by Sections 1-6 of this Act.

(c) Requires an election to be held on a certain date under Section 41.001 (Uniform Election Dates), Election Code.

(d) Provides that Sections 1-6 take effect at a certain date if voters approve the changes in law.

(e) Sets forth provisions regarding a subsequent election held under certain conditions and at a certain time. Provides that if changes in law made by Sections 1-6 of this Act are not approved by the voters before September 1, 2003, this Act expires.

(f) Requires an election to be conducted as provided by the Election Code.

SECTION 9. Effective date: upon passage or September 1, 2001.

(b). Makes application of Sections 1-6 contingent on an election held as required by Section 8 of this Act.