

BILL ANALYSIS

Senate Research Center
81R15138 SLB-D

H.B. 1178
By: Guillen (Zaffirini)
Natural Resources
4/28/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years the property owners in Starr County have experienced severe flooding. In 2007 and 2008, the flooding of the cities of Roma, Rio Grande, and Escobares forced hundreds of citizens to evacuate and caused in excess of one million dollars in damages.

H.B. 1178 provides that the Starr County Drainage District (district) is created within the boundaries of Starr County, has the powers and duties of a drainage district under Chapters 49 (Provisions Applicable to All Districts) and 56 (Drainage Districts), Water Code, and is subject to a confirmation election by the voters of the district.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 6, Special District Local Laws Code, by adding Chapter 6606, as follows:

CHAPTER 6606. STARR COUNTY DRAINAGE DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6606.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 6606.002. NATURE OF DISTRICT. Provides that the Starr County Drainage District (district) is a drainage district created in Starr County under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, subject to approval at a confirmation election under Section 6606.102.

Sec. 6606.003. FINDINGS OF BENEFIT AND PURPOSE. (a) Creates the district to serve a public use and benefit.

(b) Provides that all land and other property included in the district will benefit from the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution.

(c) Provides that the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 6606.004. DISTRICT TERRITORY. Provides that the district territory is coextensive with the boundaries of Starr County, Texas.

[Reserves Sections 6606.005-6606.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 6606.051. DIRECTORS. (a) Provides that the district is governed by a board of five directors (board) consisting of the Commissioners Court of Starr County.

(b) Provides that a service on the board is an additional duty of office for a member of the Commissioners Court of Starr County.

[Reserves Sections 6606.052-6606.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 6606.101. GENERAL POWERS AND DUTIES. Provides that the district has all rights, powers, privileges, functions, and duties provided by the general law of this state applicable to a drainage district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 (Provisions Applicable to All Districts) and 56 (Drainage Districts), Water Code.

Sec. 6606.102. CONFIRMATION ELECTION. (a) Requires the board to hold an election to confirm the creation of the district.

(b) Provides that Section 41.001(a) (relating to the requirement that general and special elections be held on certain dates), Election Code, does not apply to a confirmation election under this section.

(c) Requires that the confirmation election, except as provided by this section, be conducted as provided by Sections 49.102(a) (relating to confirmation or director election of the proposed district), (b) (relating to requirements of the notice of a confirmation or director election), (c) (relating to required language of the ballots for the confirmation election), (d) (relating to requirement of the presiding judge to take returns of the results to the temporary board), (e) (relating to actions taken following the outcome of the election), and (f) (relating to requirements of the order canvassing the results of the confirmation election), Water Code, and the Election Code.

(d) Provides that the district is not required to elect directors at the confirmation election.

Sec. 6606.103. UTILITY PROPERTY EXEMPTION FROM IMPACT FEES, STANDBY FEES, AND ASSESSMENTS. Prohibits the district from imposing an impact fee, standby fee, or assessment on the property, including the equipment, rights-of-way, easements, facilities, or improvements, of certain service providers.

SECTION 2. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 3. Provides that if the creation of the district is not confirmed at a confirmation election held under Section 1 of this Act before September 1, 2011, this Act and Chapter 6606, Special District Local Laws Code, as added by this Act, expire on that date.

SECTION 4. Effective date: September 1, 2009.