

BILL ANALYSIS

C.S.H.B. 1178
By: Guillen
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In recent years, property owners in Starr County have experienced severe flooding. Flooding in the cities of Roma, Rio Grande City, and Escobares in 2007 and 2008 forced hundreds of citizens to evacuate and caused damages estimated to exceed \$1 million.

C.S.H.B. 1178 allows for the creation of the Starr County Drainage District to mitigate the destruction caused by such flooding in the future.

RULEMAKING AUTHORITY

It is the Committee's opinion that the bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

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 District is a drainage district created under Section 59, Article XVI, Texas Constitution, subject to approval under Section 6606.102.

Sec. 6606.003. FINDINGS OF PUBLIC BENEFIT AND PURPOSE. Provides that the District is created to serve a public purpose and benefit and that the district is created to accomplish the purposes of a municipal utility district under Section 59, Article XVI, Texas Constitution.

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

[Sections 6606.005-6606.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 6606.051. DIRECTORS. Sets forth the number of directors of the Board and that service on the board is an additional duty of office for a member of the Commissioners Court of Starr County.

[Sections 6606.052-6606.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 6606.101. GENERAL POWERS AND DUTIES. Provides that the District has the powers and duties of a municipal utility district, as provided by general law, applicable to a drainage

district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 56, Water Code.

Sec. 6606.102. CONFIRMATION ELECTION. Provides that the board must hold an election to confirm the creation of the District in accordance with Sections 49.102(a)-(f), Water Code, and the Election Code. Specifies that Section 41.001(a), Election Code, does not apply to the confirmation election under this section and 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. Provides that the District may not impose an impact fee, standby fee, or assessment on the property, including the equipment, rights of way, easements, facilities, or improvements of an electric utility or power generation company, defined by Section 31.002, Utilities Code; a gas utility, defined by Section 101.003 or 121.001, Utilities Code; a telecommunications provider, defined by Section 51.002, Utilities Code; or a person who provides cable television or advanced telecommunications services to the public.

SECTION 2. Sets forth legislative findings regarding the fulfillment of procedural requirements with respect to the notice, introduction, and passage of this Act.

SECTION 3. Provides for the expiration of these provisions on September 1, 2011, if the creation of the District is not confirmed at a confirmation election as provided by that date.

SECTION 4. Provides the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1178 differs from the original by adding Section 6606.103 to SECTION 1 of this Act as follows:

Sec. 6606.103. UTILITY PROPERTY EXEMPTION FROM IMPACT FEES, STANDBY FEES, AND ASSESSMENTS. Provides that the District may not impose an impact fee, standby fee, or assessment on the property, including the equipment, rights of way, easements, facilities, or improvements of an electric utility or power generation company, defined by Section 31.002, Utilities Code; a gas utility, defined by Section 101.003 or 121.001, Utilities Code; a telecommunications provider, defined by Section 51.002, Utilities Code; or a person who provides cable television or advanced telecommunications services to the public.