

By: Guillen

H.B. No. 1178

Substitute the following for H.B. No. 1178:

By: Ritter

C.S.H.B. No. 1178

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Starr County Drainage District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

CHAPTER 6606. STARR COUNTY DRAINAGE DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6606.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Starr County Drainage District.

Sec. 6606.002. NATURE OF DISTRICT. The district is a drainage district created in Starr County under Section 59, Article XVI, Texas Constitution, subject to approval at a confirmation election under Section 6606.102.

Sec. 6606.003. FINDINGS OF BENEFIT AND PURPOSE. (a) The district is created to serve a public use and benefit.

(b) 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) The district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

1 Sec. 6606.004. DISTRICT TERRITORY. The district territory
2 is coextensive with the boundaries of Starr County, Texas.

3 [Sections 6606.005-6606.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 6606.051. DIRECTORS. (a) The district is governed by
6 a board of five directors consisting of the Commissioners Court of
7 Starr County.

8 (b) Service on the board is an additional duty of office for
9 a member of the Commissioners Court of Starr County.

10 [Sections 6606.052-6606.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 6606.101. GENERAL POWERS AND DUTIES. The district has
13 all rights, powers, privileges, functions, and duties provided by
14 the general law of this state applicable to a drainage district
15 created under Section 59, Article XVI, Texas Constitution,
16 including Chapters 49 and 56, Water Code.

17 Sec. 6606.102. CONFIRMATION ELECTION. (a) The board shall
18 hold an election to confirm the creation of the district.

19 (b) Section 41.001(a), Election Code, does not apply to a
20 confirmation election under this section.

21 (c) Except as provided by this section, the confirmation
22 election must be conducted as provided by Sections 49.102(a)-(f),
23 Water Code, and the Election Code.

24 (d) The district is not required to elect directors at the
25 confirmation election.

26 Sec. 6606.103. UTILITY PROPERTY EXEMPTION FROM IMPACT FEES,
27 STANDBY FEES, AND ASSESSMENTS. The district may not impose an

1 impact fee, standby fee, or assessment on the property, including
2 the equipment, rights-of-way, easements, facilities, or
3 improvements, of:

4 (1) an electric utility or a power generation company
5 as defined by Section 31.002, Utilities Code;

6 (2) a gas utility as defined by Section 101.003 or
7 121.001, Utilities Code;

8 (3) a telecommunications provider as defined by
9 Section 51.002, Utilities Code; or

10 (4) a person who provides to the public cable
11 television or advanced telecommunications services.

12 SECTION 2. (a) The legal notice of the intention to
13 introduce this Act, setting forth the general substance of this
14 Act, has been published as provided by law, and the notice and a
15 copy of this Act have been furnished to all persons, agencies,
16 officials, or entities to which they are required to be furnished
17 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
18 Government Code.

19 (b) The governor, one of the required recipients, has
20 submitted the notice and Act to the Texas Commission on
21 Environmental Quality.

22 (c) The Texas Commission on Environmental Quality has filed
23 its recommendations on this Act with the governor, the lieutenant
24 governor, and the speaker of the house of representatives within
25 the required time.

26 (d) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

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

7 SECTION 4. This Act takes effect September 1, 2009.