

1-1 By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 1178  
1-2 (In the Senate - Received from the House April 14, 2009;  
1-3 April 27, 2009, read first time and referred to Committee on  
1-4 Natural Resources; May 7, 2009, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 7, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the Starr County Drainage District.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subtitle A, Title 6, Special District Local Laws  
1-11 Code, is amended by adding Chapter 6606 to read as follows:

1-12 CHAPTER 6606. STARR COUNTY DRAINAGE DISTRICT

1-13 SUBCHAPTER A. GENERAL PROVISIONS

1-14 Sec. 6606.001. DEFINITIONS. In this chapter:

1-15 (1) "Board" means the district's board of directors.

1-16 (2) "Director" means a member of the board.

1-17 (3) "District" means the Starr County Drainage  
1-18 District.

1-19 Sec. 6606.002. NATURE OF DISTRICT. The district is a  
1-20 drainage district created in Starr County under Section 59, Article  
1-21 XVI, Texas Constitution, subject to approval at a confirmation  
1-22 election under Section 6606.102.

1-23 Sec. 6606.003. FINDINGS OF BENEFIT AND PURPOSE. (a) The  
1-24 district is created to serve a public use and benefit.

1-25 (b) All land and other property included in the district  
1-26 will benefit from the works and projects that are to be accomplished  
1-27 by the district under powers conferred by Section 59, Article XVI,  
1-28 Texas Constitution.

1-29 (c) The district is essential to accomplish the purposes of  
1-30 Section 59, Article XVI, Texas Constitution.

1-31 Sec. 6606.004. DISTRICT TERRITORY. The district territory  
1-32 is coextensive with the boundaries of Starr County, Texas.

1-33 [Sections 6606.005-6606.050 reserved for expansion]

1-34 SUBCHAPTER B. BOARD OF DIRECTORS

1-35 Sec. 6606.051. DIRECTORS. (a) The district is governed by  
1-36 a board of five directors consisting of the Commissioners Court of  
1-37 Starr County.

1-38 (b) Service on the board is an additional duty of office for  
1-39 a member of the Commissioners Court of Starr County.

1-40 [Sections 6606.052-6606.100 reserved for expansion]

1-41 SUBCHAPTER C. POWERS AND DUTIES

1-42 Sec. 6606.101. GENERAL POWERS AND DUTIES. The district has  
1-43 all rights, powers, privileges, functions, and duties provided by  
1-44 the general law of this state applicable to a drainage district  
1-45 created under Section 59, Article XVI, Texas Constitution,  
1-46 including Chapters 49 and 56, Water Code.

1-47 Sec. 6606.102. CONFIRMATION ELECTION. (a) The board shall  
1-48 hold an election to confirm the creation of the district.

1-49 (b) Section 41.001(a), Election Code, does not apply to a  
1-50 confirmation election under this section.

1-51 (c) Except as provided by this section, the confirmation  
1-52 election must be conducted as provided by Sections 49.102(a)-(f),  
1-53 Water Code, and the Election Code.

1-54 (d) The district is not required to elect directors at the  
1-55 confirmation election.

1-56 Sec. 6606.103. UTILITY PROPERTY EXEMPTION FROM IMPACT FEES,  
1-57 STANDBY FEES, AND ASSESSMENTS. The district may not impose an  
1-58 impact fee, standby fee, or assessment on the property, including  
1-59 the equipment, rights-of-way, easements, facilities, or  
1-60 improvements, of:

1-61 (1) an electric utility or a power generation company  
1-62 as defined by Section 31.002, Utilities Code;

1-63 (2) a gas utility as defined by Section 101.003 or  
1-64 121.001, Utilities Code;

2-1 (3) a telecommunications provider as defined by  
2-2 Section 51.002, Utilities Code; or

2-3 (4) a person who provides to the public cable  
2-4 television or advanced telecommunications services.

2-5 SECTION 2. (a) The legal notice of the intention to  
2-6 introduce this Act, setting forth the general substance of this  
2-7 Act, has been published as provided by law, and the notice and a  
2-8 copy of this Act have been furnished to all persons, agencies,  
2-9 officials, or entities to which they are required to be furnished  
2-10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2-11 Government Code.

2-12 (b) The governor, one of the required recipients, has  
2-13 submitted the notice and Act to the Texas Commission on  
2-14 Environmental Quality.

2-15 (c) The Texas Commission on Environmental Quality has filed  
2-16 its recommendations on this Act with the governor, the lieutenant  
2-17 governor, and the speaker of the house of representatives within  
2-18 the required time.

2-19 (d) All requirements of the constitution and laws of this  
2-20 state and the rules and procedures of the legislature with respect  
2-21 to the notice, introduction, and passage of this Act are fulfilled  
2-22 and accomplished.

2-23 SECTION 3. If the creation of the district is not confirmed  
2-24 at a confirmation election held under Section 1 of this Act before  
2-25 September 1, 2011, this Act and Chapter 6606, Special District  
2-26 Local Laws Code, as added by this Act, expire on that date.

2-27 SECTION 4. This Act takes effect September 1, 2009.

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