

BILL ANALYSIS

C.S.H.B. 2213
By: Guillen
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that drainage districts are important to facilitating the relocation of flood waters and can mitigate the effects of large storms if properly managed. Willacy County currently has two drainage districts. C.S.H.B. 2213 seeks to create a third drainage district in the county to act on water drainage issues for the benefit of the general public of the county.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.H.B. 2213 amends the Special District Local Laws Code to create the Willacy County Drainage District No. 3, subject to voter approval at a confirmation election. The bill prohibits the district from exercising the power of eminent domain. The bill sets its provisions to expire September 1, 2015, if the creation of the district is not confirmed at a confirmation election before such date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2213 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle A, Title 6, Special District Local Laws Code, is amended by adding Chapter 6608 to read as follows:

SECTION 1. Subtitle A, Title 6, Special District Local Laws Code, is amended by adding Chapter 6608 to read as follows:

CHAPTER 6608. WILLACY COUNTY DRAINAGE DISTRICT NO. 3

CHAPTER 6608. WILLACY COUNTY DRAINAGE DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

SUBCHAPTER A. GENERAL PROVISIONS

SUBCHAPTER B. BOARD OF DIRECTORS

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 6608.051. DIRECTORS. (a) The district is governed by a board of **three**

Sec. 6608.051. DIRECTORS. (a) The district is governed by a board of **five**

directors appointed by the Commissioners Court of Willacy County.

(b) The board has all powers conferred on a board of directors under Chapter 56, Water Code.

SUBCHAPTER C. POWERS AND DUTIES

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

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

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

(d) 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. If the creation of the district is not confirmed at a confirmation election held under Section 1 of this Act before September 1, 2015, this Act and Chapter 6608, Special District Local Laws Code, as added by this Act, expire on that date.

directors appointed as follows:

(1) the Commissioners Court of Willacy County shall appoint three directors; and

(2) the city council of the City of Raymondville shall appoint two directors.

(b) To be eligible to serve as a director a person must reside in Willacy County and:

(1) be a qualified voter in the district; or

(2) own land that is taxable in the district.

(c) The board has all powers conferred on a board of directors under Chapter 56, Water Code.

(d) Directors serve staggered terms of four years except for initial directors, two of whom serve two-year terms as agreed on by the initial directors.

SUBCHAPTER C. POWERS AND DUTIES

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.