

## **BILL ANALYSIS**

Senate Research Center

S.B. 321  
By: Williams  
Intergovernmental Relations  
7/3/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Montgomery County Water Control and Improvement District No. 2 (district) was created by Chapter 871, Acts of the 81st Legislature, Regular Session, 2009. Current law allows levee improvement districts under Chapter 57 (Levee Improvement Districts), Water Code, to finance and construct fill projects for the purposes of reclamation, flood protection, and drainage of property.

S.B. 321 amends Section 9041.105 (Powers and Duties Related to Fill Projects), Special District Local Laws Code, to provide the district power to finance and contract for the construction of a fill project or for the acquisition of land for a fill project, including drainage and reclamation, to protect the area within its boundaries from flood waters.

S.B. 321 amends current law relating to the powers and duties of the Montgomery County Water Control and Improvement District No. 2.

### **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 Subchapter C, Chapter 9041, Special District Local Laws Code, by adding Section 9041.105, as follows:

Sec. 9041.105. **POWERS AND DUTIES RELATED TO FILL PROJECTS.** (a) Provides that the Montgomery County Water Control and Improvement District No. 2 (district) has the powers and duties provided by the general law of this state, including Chapters 49 (Provisions Applicable to All Districts) and 57 (Levee Improvement Districts), Water Code, applicable to levee improvement districts created under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

(b) Authorizes the district to reclaim land in the district and construct works, facilities, and improvements necessary to accomplish that purpose.

(c) Authorizes the district to finance and contract for the construction of a fill project or for the acquisition of land for a fill project in the district, including drainage and reclamation.

(d) Requires the Texas Commission on Environmental Quality (TCEQ), for the district's exercise of a power of or performance of a duty of a levee improvement district as provided by Subsection (c), to consider the district to be a levee improvement district.

(e) Requires the district, for any fill or levee project located in the district and in the watershed of the San Jacinto River Basin, to obtain approval for the plan from any state or federal agency with jurisdiction to permit a project of the same type

and from any municipality with a right to divert state water from a point located between the district and Lake Houston.

SECTION 2. Provides that all requirements of the constitution and the 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. Effective date: upon passage or September 1, 2013.