

BILL ANALYSIS

S.B. 321
By: Williams
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

As proposed, 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

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

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.

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. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if this Act receives a vote of two-thirds of all the members of both houses; otherwise, this Act takes effect September 1, 2013.