

By: Guillen

H.B. No. 2213

Substitute the following for H.B. No. 2213:

By: Miller of Comal

C.S.H.B. No. 2213

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Willacy County Drainage District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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 6608 to read as follows:

CHAPTER 6608. WILLACY COUNTY DRAINAGE DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6608.001. 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 Willacy County Drainage District No. 3.

Sec. 6608.002. NATURE OF DISTRICT. The district is a drainage district created in Willacy County under Section 59, Article XVI, Texas Constitution, subject to approval at a confirmation election under Section 6608.102.

Sec. 6608.003. 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.

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

3       Sec. 6608.004. DISTRICT TERRITORY. The district territory  
4 is coextensive with the boundaries of Willacy County, Texas,  
5 excluding the territory contained within the boundaries of Willacy  
6 County Drainage District No. 1 and Willacy County Drainage District  
7 No. 2.

8                   SUBCHAPTER B. BOARD OF DIRECTORS

9       Sec. 6608.051. DIRECTORS. (a) The district is governed by  
10 a board of five directors appointed as follows:

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

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

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

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

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

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

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

24                   SUBCHAPTER C. POWERS AND DUTIES

25       Sec. 6608.101. GENERAL POWERS AND DUTIES. The district has  
26 all rights, powers, privileges, functions, and duties provided by  
27 the general law of this state applicable to a drainage district

1 created under Section 59, Article XVI, Texas Constitution,  
2 including Chapters 49 and 56, Water Code.

3 Sec. 6608.102. CONFIRMATION ELECTION. (a) The board shall  
4 hold an election to confirm the creation of the district.

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

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

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

12 Sec. 6608.103. NO EMINENT DOMAIN POWER. The district may  
13 not exercise the power of eminent domain.

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

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

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

1           (d) All requirements of the constitution and laws of this  
2 state and the rules and procedures of the legislature with respect  
3 to the notice, introduction, and passage of this Act are fulfilled  
4 and accomplished.

5           SECTION 3. If the creation of the district is not confirmed  
6 at a confirmation election held under Section 1 of this Act before  
7 September 1, 2015, this Act and Chapter 6608, Special District  
8 Local Laws Code, as added by this Act, expire on that date.

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