

By: Guillen

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, and 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 three directors appointed by the Commissioners Court of  
11 Willacy County.

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

14                   SUBCHAPTER C. POWERS AND DUTIES

15       Sec. 6608.101. GENERAL POWERS AND DUTIES. The district has  
16 all rights, powers, privileges, functions, and duties provided by  
17 the general law of this state applicable to a drainage district  
18 created under Section 59, Article XVI, Texas Constitution,  
19 including Chapters 49 and 56, Water Code.

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

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

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

27       (d) The district is not required to elect directors at the

1 confirmation election.

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

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

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

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

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

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

26 SECTION 4. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2013.