By:  Bailes (Senate Sponsor - Nichols) H.B. No. 1820

(In the Senate - Received from the House April 11, 2019; April 15, 2019, read first time and referred to Committee on Intergovernmental Relations; May 9, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 9, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Lucio                X

Schwertner           X

Alvarado             X

Campbell             X

Fallon               X

Menéndez             X

Nichols              X

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Liberty County Drainage District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes; granting a limited power of eminent domain.

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 6616 to read as follows:

CHAPTER 6616. LIBERTY COUNTY DRAINAGE DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6616.0101.  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 Liberty County Drainage District.

Sec. 6616.0102.  NATURE OF DISTRICT. The district is a drainage district created in Liberty County under Section 59, Article XVI, Texas Constitution, subject to approval at a confirmation election under Section 6616.0152.

Sec. 6616.0103.  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.

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

Sec. 6616.0104.  DISTRICT TERRITORY. The district territory is coextensive with the boundaries of Liberty County, Texas.

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 6616.0151.  DEFINITION. In this subchapter, "existing district" means Liberty County Drainage District No. 4, Old River Drainage District 1-Liberty County, or Raywood Drainage District 2.

Sec. 6616.0152.  CONFIRMATION ELECTION. (a) Before September 1, 2022, the temporary directors shall hold an election to confirm the creation of the district in accordance with Chapters 49 and 56, Water Code.

(b)  The temporary board of directors shall determine the method for determining the initial term of each person on the initial board of directors. A confirmation election must be held as provided by Section 41.001(a), Election Code.

Sec. 6616.0153.  TRANSFER OF ASSETS; DISSOLUTION. (a) If the creation of the district is confirmed under Section 6616.0152, each existing district shall transfer the assets, debts, and contractual rights and obligations of that existing district to the district.

(b)  Not later than the 30th day after the date of the transfer under Subsection (a), the board of directors of each existing district shall commence dissolution proceedings of the existing district that board of directors represents.

(c)  The board of directors of the district shall notify the Texas Commission on Environmental Quality of the dissolution of each existing district.

Sec. 6616.0154.  EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2023.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 6616.0201.  DIRECTORS. (a) The district is governed by a board of five directors appointed by the Commissioners Court of Liberty County as follows:

(1)  one director from each of the four county commissioners precincts; and

(2)  one director at large.

(b)  To be eligible to serve as a director a person must reside in Liberty 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

Sec. 6616.0301.  GENERAL POWERS AND DUTIES. The district has all rights, powers, privileges, functions, and duties provided by the general law of this state applicable to a drainage district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 56, Water Code.

SECTION 2.  Chapter 52, Acts of the 57th Legislature, 1st Called Session, 1961, is repealed.

SECTION 3.  (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 relating to 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 4.  (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 6616, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 6616.0302 to read as follows:

Sec. 6616.0302.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b)  This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5.  If the creation of the district is not confirmed at a confirmation election held under Section 1 of this Act before September 1, 2022, this Act and Chapter 6616, Special District Local Laws Code, as added by this Act, expire on that date.

SECTION 6.  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, 2019.

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