

By: Bailes

H.B. No. 1820

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of the Liberty County Drainage District;  
3 providing authority to issue bonds; providing authority to impose  
4 assessments, fees, or taxes; granting a limited power of eminent  
5 domain.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle A, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 6616 to read as follows:

9 CHAPTER 6616. LIBERTY COUNTY DRAINAGE DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 6616.0101. DEFINITIONS. In this chapter:

12 (1) "Board" means the district's board of directors.

13 (2) "Director" means a member of the board.

14 (3) "District" means the Liberty County Drainage  
15 District.

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

20 Sec. 6616.0103. FINDINGS OF BENEFIT AND PURPOSE. (a) The  
21 district is created to serve a public use and benefit.

22 (b) All land and other property included in the district  
23 will benefit from the works and projects that are to be accomplished  
24 by the district under powers conferred by Section 59, Article XVI,

1 Texas Constitution.

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

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

6 SUBCHAPTER A-1. TEMPORARY PROVISIONS

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

10 Sec. 6616.0152. CONFIRMATION ELECTION. (a) Before  
11 September 1, 2022, the temporary directors shall hold an election  
12 to confirm the creation of the district in accordance with Chapters  
13 49 and 56, Water Code.

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

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

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

26 (c) The board of directors of the district shall notify the  
27 Texas Commission on Environmental Quality of the dissolution of

1 each existing district.

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

4 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

10 (2) one director at large.

11 (b) To be eligible to serve as a director a person must  
12 reside in Liberty County and:

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

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

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

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

20 SUBCHAPTER C. POWERS AND DUTIES

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

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

1 SECTION 3. (a) The legal notice of the intention to  
2 introduce this Act, setting forth the general substance of this  
3 Act, has been published as provided by law, and the notice and a  
4 copy of this Act have been furnished to all persons, agencies,  
5 officials, or entities to which they are required to be furnished  
6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
7 Government Code.

8 (b) The governor, one of the required recipients, has  
9 submitted the notice and Act to the Texas Commission on  
10 Environmental Quality.

11 (c) The Texas Commission on Environmental Quality has filed  
12 its recommendations relating to this Act with the governor, the  
13 lieutenant governor, and the speaker of the house of  
14 representatives within the required time.

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

19 SECTION 4. (a) If this Act does not receive a two-thirds  
20 vote of all the members elected to each house, Subchapter C, Chapter  
21 6616, Special District Local Laws Code, as added by Section 1 of  
22 this Act, is amended by adding Section 6616.0302 to read as follows:

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

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

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

5           SECTION 6. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2019.