

By: Guillen

H.B. No. 5320

Substitute the following for H.B. No. 5320:

By: Martinez

C.S.H.B. No. 5320

A BILL TO BE ENTITLED

AN ACT

relating to the powers, duties, and governance of the Starr County Drainage District, the change of the name of the Starr County Drainage District to the Starr County Drainage and Groundwater Conservation District, the dissolution of the Starr County Groundwater Conservation District, and the transfer of the assets and liabilities of the Starr County Groundwater Conservation District to the Starr County Drainage and Groundwater Conservation District; authorizing the imposition of a tax.

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

SECTION 1. Chapter ~~6606~~, Special District Local Laws Code, is transferred to Subtitle X, Title 6, Special District Local Laws Code, redesignated as Chapter 11022, Special District Local Laws Code, and amended to read as follows:

CHAPTER 11022 [~~6606~~]. STARR COUNTY DRAINAGE AND GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11022.0101 [~~6606.001~~]. 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 Starr County Drainage and Groundwater Conservation District.

Sec. 11022.0102 [~~6606.002~~]. NATURE OF DISTRICT. The

1 district is a drainage and groundwater conservation district
2 created in Starr County under Section 59, Article XVI, Texas
3 Constitution~~[, subject to approval at a confirmation election under~~
4 ~~Section 6606.102]~~.

5 Sec. 11022.0103 ~~[6606.003]~~. FINDINGS OF BENEFIT AND
6 PURPOSE. (a) The district is created to serve a public use and
7 benefit.

8 (b) All land and other property included in the district
9 will benefit from the works and projects that are to be accomplished
10 by the district under powers conferred by Section 59, Article XVI,
11 Texas Constitution.

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

14 Sec. 11022.0104 ~~[6606.004]~~. DISTRICT TERRITORY. The
15 district territory is coextensive with the boundaries of Starr
16 County, Texas.

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 11022.0201 ~~[6606.051]~~. DIRECTORS. ~~[(a)]~~ The district
19 is governed by a board of five directors appointed by the
20 ~~[consisting of the]~~ Commissioners Court of Starr County as follows:

21 (1) one director who is a bona fide agricultural
22 producer for whom a substantial portion of the person's income is
23 derived from conducting agricultural business in the district;

24 (2) one director who is an employee of a rural water
25 supply entity in the district;

26 (3) one director who represents municipal interests in
27 the district;

1 (4) one director who represents active industrial
2 interests in the district; and

3 (5) one director who represents Starr County at large.

4 ~~[(b) Service on the board is an additional duty of office~~
5 ~~for a member of the Commissioners Court of Starr County.]~~

6 SUBCHAPTER C. POWERS, ~~[AND]~~ DUTIES, AND FINANCIAL PROVISIONS

7 Sec. 11022.0301 ~~[6606.101]~~. GENERAL POWERS AND DUTIES.

8 (a) The district has all rights, powers, privileges, functions,
9 and duties provided by the general law of this state applicable to a
10 drainage district created under Section 59, Article XVI, Texas
11 Constitution, including Chapters 36, 49, and 56, Water Code.

12 (b) The district may impose an ad valorem tax as provided by
13 Chapter 49, Water Code.

14 ~~[Sec. 6606.102. CONFIRMATION ELECTION. (a) The board~~
15 ~~shall hold an election to confirm the creation of the district.~~

16 ~~[(b) Section 41.001(a), Election Code, does not apply to a~~
17 ~~confirmation election under this section.~~

18 ~~[(c) Except as provided by this section, the confirmation~~
19 ~~election must be conducted as provided by Sections 49.102(a)-(f),~~
20 ~~Water Code, and the Election Code.~~

21 ~~[(d) The district is not required to elect directors at the~~
22 ~~confirmation election.]~~

23 Sec. 11022.0302 ~~[6606.103]~~. UTILITY PROPERTY EXEMPTION
24 FROM IMPACT FEES, STANDBY FEES, AND ASSESSMENTS. The district may
25 not impose an impact fee, standby fee, or assessment on the
26 property, including the equipment, rights-of-way, easements,
27 facilities, or improvements, of:

(1) an electric utility or a power generation company as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code;

(3) a telecommunications provider as defined by Section 51.002, Utilities Code; or

(4) a person who provides to the public cable television or advanced telecommunications services.

SECTION 2. Sections 8803.103 and 8803.104, Special District Local Laws Code, are transferred to Subchapter C, Chapter 11022, Special District Local Laws Code, as added by this Act, redesignated as Sections 11022.0303 and 11022.0304, Special District Local Laws Code, and amended to read as follows:

Sec. 11022.0303 [~~8803.103~~]. POWER TO CONTRACT WITH MUNICIPALITIES. The district may enter into a contract with a municipality to assume the functions of the municipality's municipally owned utility. A contract under this section may include provisions for the district's:

(1) assumption of the debts, liabilities, and obligations of the municipally owned utility;

(2) ownership or use of the assets and facilities of the municipally owned utility; and

(3) performance of the functions and services previously provided by the municipally owned utility.

Sec. 11022.0304 [~~8803.104~~]. RELATION TO OTHER WATER-RELATED ENTITIES. (a) To the extent that a rule of the district conflicts with a rule of the regional water authority, the

rule of the authority controls.

(b) To the extent that a rule of the district conflicts with an action of a municipally owned utility or water supply or sewer service corporation whose certificated area is located wholly or partly in the district's territory, the action of the utility or corporation controls.

(c) Notwithstanding Subsections (a) and (b), to the extent that a rule of the district concerning groundwater conflicts with a rule of the regional water authority or with an action of a municipally owned utility or water supply or sewer service corporation whose certificated area is located wholly or partly in the district's territory, the rule of the district controls.

SECTION 3. The following provisions of the Special District Local Laws Code are repealed:

- (1) Subchapters A, B, and D, Chapter 8803;
- (2) Sections 8803.101 and 8803.102;
- (3) the heading to Subchapter C, Chapter 8803; and
- (4) the heading to Chapter 8803.

SECTION 4. (a) On the effective date of this Act:

- (1) the Starr County Groundwater Conservation District is dissolved;
- (2) the terms of the directors of the Starr County Groundwater Conservation District expire;
- (3) any assets and liabilities of the Starr County Groundwater Conservation District are transferred to the Starr County Drainage and Groundwater Conservation District;
- (4) a contract with any party and the Starr County

1 Groundwater Conservation District is a contract between that party
2 and the Starr County Drainage and Groundwater Conservation
3 District;

4 (5) an employee of the Starr County Groundwater
5 Conservation District is an employee of the Starr County Drainage
6 and Groundwater Conservation District;

7 (6) records of the Starr County Groundwater
8 Conservation District are records of the Starr County Drainage and
9 Groundwater Conservation District; and

10 (7) the Starr County Drainage and Groundwater
11 Conservation District may, in all respects, conduct the affairs of
12 the Starr County Groundwater Conservation District as provided by
13 Subsection (b) of this section.

14 (b) The Starr County Drainage and Groundwater Conservation
15 District shall take any action necessary to close the affairs of the
16 Starr County Groundwater Conservation District, including the
17 filing of any dissolution documents with the Texas Commission on
18 Environmental Quality.

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

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed
3 its recommendations relating to this Act with the governor, the
4 lieutenant governor, and the speaker of the house of
5 representatives within the required time.

6 (d) All requirements of the constitution and laws of this
7 state and the rules and procedures of the legislature with respect
8 to the notice, introduction, and passage of this Act are fulfilled
9 and accomplished.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2025.