

1-1 By: Bailes (Senate Sponsor - Nichols) H.B. No. 1820  
 1-2 (In the Senate - Received from the House April 11, 2019;  
 1-3 April 15, 2019, read first time and referred to Committee on  
 1-4 Intergovernmental Relations; May 9, 2019, reported favorably by  
 1-5 the following vote: Yeas 7, Nays 0; May 9, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the creation of the Liberty County Drainage District;  
 1-18 providing authority to issue bonds; providing authority to impose  
 1-19 assessments, fees, or taxes; granting a limited power of eminent  
 1-20 domain.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-22 SECTION 1. Subtitle A, Title 6, Special District Local Laws  
 1-23 Code, is amended by adding Chapter 6616 to read as follows:

1-24 CHAPTER 6616. LIBERTY COUNTY DRAINAGE DISTRICT  
 1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 6616.0101. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Director" means a member of the board.

1-29 (3) "District" means the Liberty County Drainage

1-30 District.

1-31 Sec. 6616.0102. NATURE OF DISTRICT. The district is a  
 1-32 drainage district created in Liberty County under Section 59,  
 1-33 Article XVI, Texas Constitution, subject to approval at a  
 1-34 confirmation election under Section 6616.0152.

1-35 Sec. 6616.0103. FINDINGS OF BENEFIT AND PURPOSE. (a) The  
 1-36 district is created to serve a public use and benefit.

1-37 (b) All land and other property included in the district  
 1-38 will benefit from the works and projects that are to be accomplished  
 1-39 by the district under powers conferred by Section 59, Article XVI,  
 1-40 Texas Constitution.

1-41 (c) The district is essential to accomplish the purposes of  
 1-42 Section 59, Article XVI, Texas Constitution.

1-43 Sec. 6616.0104. DISTRICT TERRITORY. The district territory  
 1-44 is coextensive with the boundaries of Liberty County, Texas.

1-45 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-46 Sec. 6616.0151. DEFINITION. In this subchapter, "existing  
 1-47 district" means Liberty County Drainage District No. 4, Old River  
 1-48 Drainage District 1-Liberty County, or Raywood Drainage District 2.

1-49 Sec. 6616.0152. CONFIRMATION ELECTION. (a) Before  
 1-50 September 1, 2022, the temporary directors shall hold an election  
 1-51 to confirm the creation of the district in accordance with Chapters  
 1-52 49 and 56, Water Code.

1-53 (b) The temporary board of directors shall determine the  
 1-54 method for determining the initial term of each person on the  
 1-55 initial board of directors. A confirmation election must be held as  
 1-56 provided by Section 41.001(a), Election Code.

1-57 Sec. 6616.0153. TRANSFER OF ASSETS; DISSOLUTION. (a) If the  
 1-58 creation of the district is confirmed under Section 6616.0152, each  
 1-59 existing district shall transfer the assets, debts, and contractual  
 1-60 rights and obligations of that existing district to the district.

1-61 (b) Not later than the 30th day after the date of the  
 1-62 transfer under Subsection (a), the board of directors of each

2-1 existing district shall commence dissolution proceedings of the  
2-2 existing district that board of directors represents.

2-3 (c) The board of directors of the district shall notify the  
2-4 Texas Commission on Environmental Quality of the dissolution of  
2-5 each existing district.

2-6 Sec. 6616.0154. EXPIRATION OF SUBCHAPTER. This subchapter  
2-7 expires September 1, 2023.

2-8 SUBCHAPTER B. BOARD OF DIRECTORS

2-9 Sec. 6616.0201. DIRECTORS. (a) The district is governed by  
2-10 a board of five directors appointed by the Commissioners Court of  
2-11 Liberty County as follows:

2-12 (1) one director from each of the four county  
2-13 commissioners precincts; and

2-14 (2) one director at large.

2-15 (b) To be eligible to serve as a director a person must  
2-16 reside in Liberty County and:

2-17 (1) be a qualified voter in the district; or

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

2-19 (c) The board has all powers conferred on a board of  
2-20 directors under Chapter 56, Water Code.

2-21 (d) Directors serve staggered terms of four years except for  
2-22 initial directors, two of whom serve two-year terms as agreed on by  
2-23 the initial directors.

2-24 SUBCHAPTER C. POWERS AND DUTIES

2-25 Sec. 6616.0301. GENERAL POWERS AND DUTIES. The district  
2-26 has all rights, powers, privileges, functions, and duties provided  
2-27 by the general law of this state applicable to a drainage district  
2-28 created under Section 59, Article XVI, Texas Constitution,  
2-29 including Chapters 49 and 56, Water Code.

2-30 SECTION 2. Chapter 52, Acts of the 57th Legislature, 1st  
2-31 Called Session, 1961, is repealed.

2-32 SECTION 3. (a) The legal notice of the intention to  
2-33 introduce this Act, setting forth the general substance of this  
2-34 Act, has been published as provided by law, and the notice and a  
2-35 copy of this Act have been furnished to all persons, agencies,  
2-36 officials, or entities to which they are required to be furnished  
2-37 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2-38 Government Code.

2-39 (b) The governor, one of the required recipients, has  
2-40 submitted the notice and Act to the Texas Commission on  
2-41 Environmental Quality.

2-42 (c) The Texas Commission on Environmental Quality has filed  
2-43 its recommendations relating to this Act with the governor, the  
2-44 lieutenant governor, and the speaker of the house of  
2-45 representatives within the required time.

2-46 (d) All requirements of the constitution and laws of this  
2-47 state and the rules and procedures of the legislature with respect  
2-48 to the notice, introduction, and passage of this Act are fulfilled  
2-49 and accomplished.

2-50 SECTION 4. (a) If this Act does not receive a two-thirds  
2-51 vote of all the members elected to each house, Subchapter C, Chapter  
2-52 6616, Special District Local Laws Code, as added by Section 1 of  
2-53 this Act, is amended by adding Section 6616.0302 to read as follows:

2-54 Sec. 6616.0302. NO EMINENT DOMAIN POWER. The district may  
2-55 not exercise the power of eminent domain.

2-56 (b) This section is not intended to be an expression of a  
2-57 legislative interpretation of the requirements of Section 17(c),  
2-58 Article I, Texas Constitution.

2-59 SECTION 5. If the creation of the district is not confirmed  
2-60 at a confirmation election held under Section 1 of this Act before  
2-61 September 1, 2022, this Act and Chapter 6616, Special District  
2-62 Local Laws Code, as added by this Act, expire on that date.

2-63 SECTION 6. This Act takes effect immediately if it receives  
2-64 a vote of two-thirds of all the members elected to each house, as  
2-65 provided by Section 39, Article III, Texas Constitution. If this  
2-66 Act does not receive the vote necessary for immediate effect, this  
2-67 Act takes effect September 1, 2019.

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