

BILL ANALYSIS

Senate Research Center
76R12245 WP-F

S.B. 1877
By: Ogden
Natural Resources
4/28/1999
As Filed

DIGEST

The Brookshire-Katy Drainage District was created by the 57th Legislature, 1961, as a conservation reclamation district with the rights and powers authorized by Chapter 53 of the Texas Water Code. Since that time, both the dynamics of the area and state law in regards to special districts have changed. S.B. 1877 would establish conditions regarding the board of supervisors and the powers of the Brookshire-Katy Drainage District, and provides a civil penalty.

PURPOSE

As proposed, S.B. 1877 establishes conditions regarding the board of supervisors and the powers of the Brookshire-Katy Drainage District, and provides a civil penalty.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Brookshire-Katy Drainage District in SECTION 5 (Sections 6A(b) and (c), Chapter 203, Acts of the 57th Legislature, Regular Session, 1961) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, by adding Section 1A, as follows:

Sec. 1A. Sets forth the legislative findings regarding the boundaries of the Brookshire-Katy Drainage District (district) and the organization, existence, or validity of the district.

SECTION 2. Amends Section 2, Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, to provide that the district is vested with certain rights, powers, privileges, and duties conferred and imposed by the General Laws of the State of Texas, including Chapters 49 and 53, Water Code. Deletes text regarding the district's exercising of powers and the definition of "sole expense."

SECTION 3. Amends Section 4, Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, to authorize an assessor-collector of taxes to deduct from all taxes collected on the current year's tax rolls an amount of money to which the Board of Supervisors agrees, not to exceed a certain amount. Authorizes the assessor collector to receive a compensation for the collection of delinquent taxes. Prohibits the assessor-collector from duplicating a charge made for costs of suit related to enforcement of state and county taxes. Deletes text regarding taxation and the valuation of certain district property.

SECTION 4. Amends Section 5, Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, to delete text regarding the assessment and collection of taxes, and payment of delinquent taxes.

SECTION 5. Amends Chapter 203, Acts of the 57th Legislature, Regular Session, 1961, by adding Sections 6A, 6B, 6C, and 6D, as follows:

Sec. 6A. Prohibits a person, on or after September 1, 1999, from constructing drainage facilities or improvements on to serve a tract of land in the district, unless the district has approved the plans and specifications for the improvements. Authorizes the district to adopt reasonable rules and standards to provide for adequate drainage construction in accordance with standard engineering practices. Authorizes the rules and standards to require the drainage plan to be generally compatible with the district's master plan. Authorizes the district, by rule, to establish procedures for presenting plans and specifications by the district. Sets forth determinations of the cost for any

drainage facilities or improvements, and a recommended method of funding. Authorizes the district to refuse to approve plans and specifications until all applicable fees have been paid. Sets forth activities for which this section is not applicable. Provides that this section does not limit the authority or jurisdiction of a municipality or county to regulate plans and specifications for the construction of drainage facilities or improvements other than facilities owned or maintained by the district. Sets forth certain conditions regarding a construction of or improvements on a drainage facility inside the corporate limits of a municipality, providing exceptions regarding the submission of plans and specifications for drainage construction.

Sec. 6B. Requires rules adopted by the district to be consistent with Chapters 49 and 53, Water Code. Prohibits the district from exercising its power of eminent domain outside the district without certain express consent.

Sec. 6C. Provides a penalty of not less than \$10 and not more than \$200 for a person who violates this Act. Provides that a penalty under this section is in addition to any other penalty authorized by law. Authorizes the district to sue in a district court to enjoin a violation or a threatened violation of this Act. Authorizes the district to sue for injunctive relief and a civil penalty in the same proceeding. Authorizes the court to include in any final judgment in favor of the district an award for damages, the recovery of court costs, and reasonable attorney's fees, if the district sues to recover a civil penalty or for injunctive relief.

Sec. 6D. Provides that Chapter 311, Government Code (The Code Construction Act) applies to this Act.

SECTION 6. (a) Provides that the changes in law made by this Act do not invalidate, infringe upon, or change the rights, duties, powers, or privileges of any municipality, county, or other political subdivision of this state.

(b) Establishes that the maintenance tax authorized by the voters of the district at the August 12, 1961, election, is validated by this Act for the purposes and in the amount authorized at that election.

SECTION 7. (a) Provides that changes in law made by this Act take effect only upon a majority vote in an election called for that purpose.

(b) Requires the district to order an election on the question of approving the changes made by this Act, as soon as possible after the passage of this Act.

(c) Requires an election ordered under Subsection (b) to be held on the next uniform election date that is on or after the 45th day following the date the election is ordered.

(d) Effective date: 45 days after the date of the election, if a majority of the votes cast favor the changes made by this Act.

(e) Authorizes the board of supervisors to call and hold subsequent elections to confirm this Act, providing a majority of the votes cast at the election are against changes made by this Act. Prohibits a subsequent election from being held earlier than the first anniversary after the date on which the previous election was held. Provides that if the changes made by this bill are not approved by September 1, 2001, this Act expires.

(f) Requires an election to be conducted as provided by the Election Code, except as provided by this section.

SECTION 8. Emergency clause.
Effective date: upon passage.