

By: Bettencourt

S.B. No. 2431

A BILL TO BE ENTITLED

AN ACT

relating to the Harris County Flood Control District; providing for the appointment of the governing body.

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

SECTION 1. Chapter 360, Acts of the 45th Legislature, Regular Session, 1937, is amended by amending Sections 1, 2, 2A, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12-a, and 12-b and adding Sections 1A, 1B, and 1C to read as follows:

Sec. 1. Gulf Coast Resiliency [~~Harris County Flood Control~~] District Created. There is hereby created and established within the State of Texas, in addition to the districts into which the State has heretofore been divided, in the form and manner hereinafter provided, a conservation and reclamation district to be known as the Gulf Coast Resiliency [~~Harris County Flood Control~~] District, hereinafter called the District[, and consisting of that part of the State of Texas which is known as and included within the boundaries of the County of Harris]. Such District shall be a governmental agency and body politic and corporate, with the powers of government and with the authority to exercise the rights, privileges, and functions hereinafter specified, the creation and establishment of such District being essential to the accomplishment of the purposes of Section 59 of Article XVI of the Constitution of the State of Texas, as amended, including the control, storing, preservation, and distribution of the storm and

1 flood waters, and the waters of the rivers and streams within the  
2 bounds of the District [~~in Harris County~~] and their tributaries,  
3 for domestic, municipal, flood control, irrigation, and other  
4 useful purposes, the reclamation and drainage of the overflow land  
5 within the bounds of the District [~~of Harris County~~], the  
6 conservation of forests, and to aid in the protection of navigation  
7 on the navigable waters by regulating the flood and storm waters  
8 that flow into said navigable streams.

9 ~~[The Commissioners Court of Harris County, Texas, is hereby~~  
10 ~~designated as the governing body of such District and the agency~~  
11 ~~through which the management and control of the District shall be~~  
12 ~~administered, and it is hereby empowered to do any and all things~~  
13 ~~necessary to carry out the aims and purposes of this Act.]~~

14 Sec. 1A. DEFINITIONS. In this Act:

- 15 (1) "Board" means the governing body of the district.  
16 (2) "District" means the Gulf Coast Resiliency  
17 District.  
18 (3) "Presiding officer" means the presiding officer of  
19 the board.  
20 (4) "Secretary" means the secretary of the board.  
21 (5) "Treasurer" means the treasurer of the board.

22 Sec. 1B. DISTRICT TERRITORY. The boundaries of the  
23 district are coextensive with the boundaries of Harris County.

24 Sec. 1C. BOARD; TERMS. (a) The board is composed of five  
25 members who are appointed by the governor with the advice and  
26 consent of the senate.

27 (b) The members of the board hold office for staggered terms

1 of four years, with the terms of two or three members expiring  
2 January 1 of each odd-numbered year. Each member holds office until  
3 a successor is appointed and has qualified.

4 (c) The governor shall designate one member as the presiding  
5 officer of the board to serve at the will of the governor. The board  
6 shall elect from among its members a secretary and a treasurer and  
7 other officers the presiding officer considers necessary.

8 (d) A member of the board may not receive compensation but  
9 is entitled to reimbursement of the travel expenses incurred by the  
10 member while conducting the business of the board.

11 Sec. 2. Added Powers. In addition to the powers given to the  
12 Board [~~Commissioners Court~~] by General Laws and in addition to the  
13 general powers herein given, it shall be authorized in connection  
14 with the [~~Harris County Flood Control~~] District to exercise the  
15 following added rights, powers, privileges, and functions:

16 a. To acquire land and rights and interest therein and any  
17 other character of property needed to carry on the work of flood  
18 control, by gift, devise, purchase, or condemnation;

19 b. To sell, trade, or otherwise dispose of land or other  
20 property or rights therein when the same are no longer needed for  
21 the project or flood control purposes;

22 c. To hire [~~appoint~~] a flood control manager and other  
23 [~~such~~] agents and employees [~~of the County~~] for flood control  
24 purposes as may be necessary, including an engineer and counsel,  
25 and to prescribe their duties and fix their bonds and compensation;

26 d. To authorize its officers, employees, or agents to go  
27 upon any lands lying within the District for the purpose of making

1 surveys and examining the same in connection with flood control  
2 plans and projects, and for any other lawful purpose within the  
3 scope of its authority;

4 e. To devise plans and construct works to lessen and control  
5 floods; to reclaim lands in the District; to prevent the deposit of  
6 silt in navigable streams; to remove obstructions, natural or  
7 artificial, from streams and water courses; to regulate the flow of  
8 surface and flood waters; and to provide drainage where essential  
9 to the flood control project;

10 f. To exercise all powers, rights, privileges, and  
11 functions conferred by general law upon flood control districts  
12 created pursuant to Section 59 of Article XVI of the Constitution of  
13 Texas [~~, as amended, so far as the same may be applicable to Harris~~  
14 ~~County and essential to the flood control project~~];

15 g. To cooperate with and contract with the United States of  
16 America or with any of its agencies now existing, or which may be  
17 created hereafter, for grants, loans, or advancements to carry out  
18 any of the powers or to further any of the purposes set forth in this  
19 Act and to receive and use said moneys for such purposes; or to  
20 contribute to the United States of America or any of its agencies in  
21 connection with any project undertaken by it affecting or relating  
22 to flood control in the District [~~Harris County~~];

23 h. To cooperate [~~with,~~] or [~~to~~] contract with a municipality  
24 or county within the District, [~~the City of Houston, or~~] any  
25 adjacent county, or any agency or political subdivision of the  
26 State [~~, or any city or town within Harris County~~] in relation to  
27 surveys, the acquisition of land or right of ways, the construction

1 or maintenance of projects or parts thereof or the financing of the  
2 same in connection with any matter within the scope of this Act;

3 i. To sue and be sued in any proper case under the laws of  
4 this State; and all courts shall take judicial notice of the  
5 establishment of the said District; and

6 j. To do any and all other acts or things necessary or proper  
7 to carry into effect the foregoing powers.

8 Sec. 2A. Right to Remove Property. [~~(a) In this section,~~  
9 ~~"district" means the Harris County Flood Control District.~~

10 [~~(b)~~] In order to carry out district purposes, the district  
11 may remove real or personal property placed on land owned by the  
12 district or land subject to an easement held by the district,  
13 regardless of when the real or personal property was put in place  
14 and without the consent of the owner of the property. The district  
15 must send notice by certified mail to the owner of property on which  
16 the district intends to act under this section. Not earlier than  
17 the 30th day after the date the notice is sent, the district must  
18 send a second notice by certified mail. The district may use  
19 existing civil lawsuit processes against the owner of the property  
20 to recover the cost of removing the property not earlier than the  
21 30th day after the date the second notice was received.

22 Sec. 3. Petition for Hearing. A petition may be filed with  
23 the Board [~~County Clerk of Harris County for submission to the~~  
24 ~~Commissioners Court~~], signed by not less than fifty (50) qualified  
25 property taxpaying voters resident of the District [~~said County~~]  
26 who own and assess property therein, accompanied by the certificate  
27 of the Assessor and Collector of Taxes showing that such persons

1 have correctly stated the facts with respect to their  
2 qualifications to sign the petition, which petition may request the  
3 submission to the qualified voters the question of the issuance of a  
4 named amount of bonds for flood control purposes under the  
5 provisions of Section 59 of Article XVI of the Constitution of the  
6 State of Texas, as amended. Said petition shall set out the general  
7 nature of the work to be done, the necessity therefor, the  
8 feasibility thereof, and a reasonable amount of detail with respect  
9 to the matters alleged, sufficient to inform the Board  
10 [~~Commissioners Court~~] fully of the purpose, utility, feasibility,  
11 and necessity therefor. The petition shall state the estimated  
12 cost of the project as then estimated and its operating costs and  
13 shall give such additional information as may be available for the  
14 purpose. The petition shall request that the Board [~~Commissioners~~  
15 ~~Court~~] hear evidence of the feasibility, practicability, and cost  
16 of the project and whether or not the same would be a public benefit  
17 and is needed, and that an election be called to determine whether  
18 or not said bonds shall be issued.

19       Sec. 4. Notice of Hearing. Notice of such hearing shall be  
20 given by publication once a week for two (2) consecutive weeks prior  
21 to the date fixed for such hearing and exclusive thereof in a daily  
22 newspaper published in the District [~~Harris County~~] which said  
23 notice shall consist of a certified copy of the petition and of the  
24 order of the Board [~~Court~~] setting the same for hearing and shall be  
25 signed by the presiding officer [~~County Judge~~]. In addition  
26 thereto, the Sheriff of each county in the District [~~Harris County~~]  
27 shall post at least fifteen (15) days prior to the date of hearing,

1 one copy of said notice at each of four (4) public places in each  
2 county in the District [~~Harris County~~] and one copy thereof at the  
3 Courthouse door of each county in the District, and said sheriff and  
4 the editor of the newspaper in which said notice is published shall  
5 make due return under oath showing the dates of posting and  
6 publication, respectively.

7       Sec. 5. Hearing. The Board [~~Commissioners Court~~] shall  
8 have jurisdiction to hear, consider, and determine the matters  
9 brought before it in said petition and by the evidence produced in  
10 favor of and against the proposition to issue bonds. The hearing  
11 may be continued from day to day. Should the Board [~~Court~~] refuse  
12 said petition it shall so find and its orders shall be recorded in  
13 its minutes refusing said petition and giving its reasons therefor.  
14 Should the Board [~~Commissioners Court~~] determine that the  
15 proposition to issue such bonds should be submitted at an election  
16 called for the purpose it shall thereupon enter its order making its  
17 findings with respect to the matters herein provided for and shall  
18 be authorized to submit in accordance with the provisions of the  
19 Constitution and with Subdivisions 1 and 2 of Title 22 of the  
20 Revised Civil Statutes of Texas of 1925, to an election of the  
21 qualified property taxpaying voters resident of the District [~~said~~  
22 ~~County~~] who own and assess property therein, the question of a bond  
23 issue for the purpose of providing said funds, and the District  
24 [~~said County~~] is given the right, after a majority vote of the  
25 electors qualified as herein required in favor of the proposition  
26 to issue bonds, to issue flood control bonds as authorized by  
27 Section 59 of Article XVI of the Constitution of the State of Texas,

1 as amended, upon a compliance with the provisions of Subdivisions 1  
2 and 2 of Title 22, Revised Civil Statutes of Texas of 1925, and with  
3 this Section, and within the limitations therein prescribed; and to  
4 levy and assess upon all the property subject to taxation in the  
5 District [~~said County~~], and thereafter to collect such taxes as may  
6 annually be required to pay the interest on the bonds voted at said  
7 election and to create a sinking fund sufficient to retire said  
8 bonds at maturity; provided that additional bonds may be issued  
9 from time to time in like manner and under the same procedure.

10         Provided further, however, that the initial issuance of bonds  
11 shall not be for a sum which will require a tax rate in excess of  
12 Fifteen (15) Cents on the one hundred dollars valuation on the  
13 property within said District, nor shall any subsequent issue of  
14 said bonds be authorized the effect of which will be to increase the  
15 tax rate for all outstanding bonds of said District including such  
16 issue to an amount in excess of Fifteen (15) Cents on the one  
17 hundred dollars valuation to pay the interest on said bonds and to  
18 create a sinking fund to retire the same at maturity.

19         Sec. 6. BOND RECORD. Before any [~~Harris County Flood~~  
20 ~~Control~~] District bonds authorized by this Act shall be sold, a  
21 certified copy of the proceedings for the issuance thereof  
22 including certificates showing the bonded indebtedness of the  
23 District, certificates showing the assessed values of the property  
24 in [~~of~~] the District [~~County~~], and certificates reflecting any  
25 other information which the Attorney General of the State of Texas  
26 may require, shall be submitted to the Attorney General; and if he  
27 shall approve such bonds, he shall execute a certificate to that



1 effect, which shall be filed in the office of the Comptroller of  
2 Public Accounts of the State of Texas.

3 No bonds shall be sold until the same shall have been  
4 registered by the Comptroller who shall so register the same if the  
5 Attorney General shall have filed with the Comptroller of Public  
6 Accounts of the State of Texas his certificate approving the bonds  
7 and the proceedings for the issuance thereof, as hereinabove  
8 provided.

9 The [~~County~~] Treasurer shall keep a record in a well-bound  
10 book of all bonds issued and shall register therein the amount of  
11 bonds issued, the numbers, the denomination, rate of interest, date  
12 due, date of issue, the paying agent, the amount received, and the  
13 purchaser. The said book shall be at all times open to the  
14 inspection of all proper parties, either taxpayers or bondholders  
15 or officials of the State or County.

16 When such bonds have been registered with the [~~County~~]  
17 Treasurer, the Board [~~Commissioners Court of said County~~] shall set  
18 a date for the sale of such amount of bonds as may be needed to  
19 procure funds to construct the improvements then contemplated and  
20 pay the expenses incident thereto, and after advertising said bonds  
21 for sale by notice published once a week for two (2) consecutive  
22 weeks, shall sell such bonds upon the best terms and for the best  
23 price obtainable, but none of said bonds shall be sold for less than  
24 the face value thereof and accrued interest thereon to date of  
25 delivery, and the purchase price of such bonds shall be paid to the  
26 [~~County~~] Treasurer and shall be by him placed to the credit of the  
27 [~~Harris County Flood Control~~] District and said funds shall be

1 available for the construction of the project and its operation as  
2 voted; provided that the accrued interest and premium received  
3 shall be credited to the interest and sinking fund of the District  
4 [~~County~~] for such issue of bonds. No commission shall be paid for  
5 the sale of any bonds.

6 All bonds approved by the Attorney General, registered by the  
7 Comptroller, and issued and sold in accordance with the proceedings  
8 so approved, shall be valid and binding obligations of the [~~Harris~~  
9 ~~County Flood Control~~] District [~~of Harris County, Texas,~~] and shall  
10 be incontestable for any cause from and after the time of such  
11 registration, except for forgery or fraud.

12 The Board [~~Commissioners Court~~] shall have the right to pay  
13 all the necessary expenses incident to the printing, registering,  
14 issuance, sale, and approval of such bonds.

15 Sec. 7. Form, Issuance, and Eligibility of Bonds. All bonds  
16 issued under the provisions of this Act shall be issued in the name  
17 of the [~~Harris County Flood Control~~] District [~~of Harris County,~~  
18 ~~Texas~~], and shall be signed by the presiding officer [~~County~~  
19 ~~Judge~~], attested by the secretary [~~County Clerk~~], and the seal of  
20 the District [~~Commissioners Court of Harris County~~] shall be  
21 affixed to each of them. Said bonds shall be registered with the  
22 Harris County Treasurer and his Certificate of Registration shall  
23 be endorsed on said bonds. The Board [~~governing body~~] of the  
24 [~~Harris County Flood Control~~] District, in the issuance of bonds  
25 voted by the qualified taxpaying voters of said District, or in the  
26 issuance of refunding bonds of said District, may issue such bonds  
27 in any denomination it deems beneficial to the said District, as

1 determined in the order authorizing their issuance. The said bonds  
2 shall bear interest at a rate not to exceed five (5) percentum per  
3 annum, which interest shall be evidenced by attached coupons which  
4 shall bear the facsimile signatures of the presiding officer  
5 [~~County Judge~~] and of the secretary [~~County Clerk~~]. Said interest  
6 shall be payable annually or semi-annually as determined by the  
7 Board [~~governing body~~] of the [~~Harris County Flood Control~~]  
8 District. The bonds shall mature serially or otherwise in such  
9 number of years as may be determined by the Board [~~Commissioners~~  
10 ~~Court~~] not to exceed thirty (30) years.

11 Payment of principal and interest may be made at such places  
12 as may be determined by the Board [~~governing body~~] of such District  
13 in the Order authorizing the issuance of such bonds.

14 All bonds of the [~~Harris County Flood Control~~] District shall  
15 be and are hereby declared to be legal and authorized investments  
16 for banks, savings banks, trust companies, building and loan  
17 associations, savings and loan associations, insurance companies,  
18 fiduciaries, trustees and sinking funds of cities, towns and  
19 villages, counties, school districts, or other political  
20 subdivisions of the State of Texas, and for all public funds of the  
21 State of Texas or its agencies, including the State Permanent  
22 School Fund. Such bonds shall be eligible to secure deposit of any  
23 and all public funds of the State of Texas, and any and all public  
24 funds of cities, towns, villages, counties, school districts or  
25 other political subdivisions or corporations of the State of Texas;  
26 and such bonds shall be lawful and sufficient security for said  
27 deposits to the extent of their value, when accompanied by all

1 unmatured coupons appurtenant thereto.

2           Sec. 8. State Laws Applicable. All existing State Laws,  
3 General or Special, applicable to contracts and to the receipt and  
4 disbursement of, and accounting for, public funds in the District  
5 [~~Harris County~~] are hereby made applicable to the contracts and to  
6 the receipt and disbursement of, and accounting for, any funds  
7 collected and disbursed under the terms of this Act. The provisions  
8 of this Act shall be cumulative of any other laws upon the subject  
9 matter.

10           Sec. 9. Use of Public Property. In the prosecution of the  
11 flood control plans of the [~~Harris County Flood Control~~] District,  
12 the District shall be recognized to have the right to make use of  
13 the bed and banks of the bayous, rivers, and streams lying within  
14 the District, subject to the prior right and authority of the Port  
15 of [~~Harris County~~] Houston Authority [~~Ship Channel Navigation~~  
16 ~~District~~] over the navigable streams in the Authority [~~Navigation~~  
17 ~~District~~] and the submerged lands heretofore given by the State of  
18 Texas to that Authority [~~Navigation District~~].

19           The [~~Harris County Flood Control~~] District shall have a right  
20 of way and easement over and across the roads and highways of the  
21 State and its subdivisions for the construction and maintenance of  
22 the flood control projects of the District, subject, however, to  
23 the concurrence of the Texas Transportation [~~State Highway~~]  
24 Commission whenever such projects require the relocation or  
25 bridging of State highways.

26           The District shall have the power and authority to overflow  
27 or inundate any public lands and public property, and to require the

1 relocation of roads and highways, in the manner and to the extent  
2 permitted to any district organized under General Laws, pursuant to  
3 Section 59 of Article XVI of the Constitution of this State, as  
4 amended.

5       Sec. 10. Eminent Domain. The [~~Harris County Flood Control~~]  
6 District shall have the right and power of eminent domain for the  
7 purpose of acquiring by condemnation any and all property of any  
8 kind, real, personal, or mixed, or any interest therein, within the  
9 boundaries of the District, necessary or convenient to the exercise  
10 of the rights, powers, privileges, and functions conferred upon it  
11 by this Act, in the manner provided by General Law with respect to  
12 condemnation, or, at the option of the Board [~~Commissioners Court~~],  
13 in the manner provided by Statutes relative to condemnation by  
14 districts organized under General Law pursuant to Section 59 of  
15 Article XVI of the Constitution of the State of Texas, as amended.

16       In condemnation proceedings being prosecuted by said  
17 District, the District shall not be required to give bond for appeal  
18 or bond for costs.

19       Sec. 11. Taxes. All laws of the State of Texas relating to  
20 the assessing and collecting of State and County Taxes are by this  
21 Act made available for, and shall be applied to, the collection of  
22 both current and delinquent taxes of the [~~Harris County Flood~~  
23 ~~Control~~] District in so far as such laws are applicable.

24       Sec. 12. Officers. The presiding officer, secretary,  
25 treasurer, and Board of the District [~~County Judge, County~~  
26 ~~Commissioners~~], the Assessor and Collector of Taxes of each county  
27 in the District, [~~the County Treasurer,~~] and the District's

1 depository are authorized to, and shall be required to, perform all  
2 duties in connection with the [~~Flood Control~~] District required of  
3 them by law in connection with official matters for [~~Harris County,~~  
4 ~~and the County Auditor shall be the Auditor for~~] the [~~Harris County~~  
5 ~~Flood Control~~] District [~~and all of the provisions of Articles 1667~~  
6 ~~through 1673, as amended, Acts of the Forty-third Legislature,~~  
7 ~~Regular Session, 1933, shall apply to the Harris County Flood~~  
8 ~~Control District~~].

9       Sec. 12-a. Tax Collector's Reports. If at any time after  
10 the enactment of this law, the Legislature of the State of Texas  
11 shall make any donation or grant or diversion or remission of taxes  
12 to or affecting a county in the District [~~Harris County, Texas,~~] or  
13 the District [~~flood control district herein created, in H.B. 24 or~~  
14 ~~in H.B. 158, Acts Regular Session, Forty-fifth Legislature~~], at the  
15 end of each month [~~after the effective date of such Act,~~] the  
16 Assessor and Collector of Taxes of each county in the District  
17 [~~Harris County~~] shall make an itemized report under oath to the  
18 Comptroller of Public Accounts of the State of Texas on forms to be  
19 furnished by the Comptroller showing each and every item of the  
20 State taxes collected by him upon property and from persons within  
21 the District; and he shall accompany the same with an itemized  
22 statement listing all taxes received and showing full disposal of  
23 all such taxes collected. The said Assessor and Collector of Taxes  
24 shall forward his report to the Comptroller, and shall make a like  
25 report to the Treasurer [~~County Auditor,~~] and [~~he shall~~] pay over to  
26 the [~~County~~] Treasurer all moneys collected by him as State taxes so  
27 donated or granted under Legislative authority, less such amounts

1 as are allowed by law for assessing and collecting same, and shall  
2 remit the balance to the proper authority as required by then  
3 existing laws.

4 The Board [~~Commissioners Court~~], in its discretion, may  
5 utilize the tax funds donated and granted by the State of Texas for  
6 the construction of flood control improvements and other  
7 improvements and purposes authorized by such enactments and the  
8 maintenance or operation thereof; or may deposit the same in a  
9 sinking fund to pay interest on and to redeem bonds of said District  
10 or other obligations issued for such purposes, in the manner  
11 hereinafter provided.

12 Sec. 12-b. Issuance of Bonds. The District may [~~County of~~  
13 ~~Harris, Texas, acting by and through its Commissioners Court, shall~~  
14 ~~have authority and it is hereby authorized to~~] issue [~~its~~  
15 negotiable bonds secured by a pledge of [~~any such~~] taxes hereafter  
16 donated, granted, diverted or remitted by the State of Texas to [~~it~~  
17 ~~or~~] the [~~Flood Control~~] District [~~created herein by the terms of~~  
18 ~~H.B. 24 or H.B. 158 of the Regular Session, Forty-fifth~~  
19 ~~Legislature~~], and the proceeds of the sale of such bonds may be used  
20 for purchasing lands, easements, right of ways, structures, and for  
21 the construction of improvements, including dams, reservoirs, and  
22 all other works suitable for use in connection with the flood  
23 control program and projects in the District [~~said County~~] and the  
24 maintenance and operation thereof, and doing all things necessary  
25 to the execution of the purposes for which the grant and donation is  
26 made; provided, however, that the aggregate amount of bonds to be  
27 issued shall not exceed such sum as the donation and grant of the

1 State taxes will service so as to pay interest and to create a  
2 sinking fund sufficient to pay said bonds at maturity.

3 In the event the Board [~~Commissioners Court of Harris County,~~  
4 ~~Texas,~~] shall determine by a majority vote on a Resolution entered  
5 of record, giving the reasons therefor and showing that a necessity  
6 exists for utilizing any tax funds hereafter donated and granted by  
7 the State of Texas for the issuance of bonds in order to facilitate  
8 the construction of improvements and make funds immediately  
9 available, said bonds may be issued in the form and manner  
10 hereinafter prescribed. The bonds so authorized and issued in  
11 accordance with the provisions of this Act need not be issued at one  
12 time. The amount of money necessary to provide a sinking fund to  
13 mature said bonds and to pay the interest thereon shall be set aside  
14 annually from the first of such hereafter donated and granted funds  
15 received from an [~~the~~] Assessor and Collector of Taxes and said  
16 funds may not be diverted to any other purpose. The Board [~~Officers~~  
17 ~~of the County~~] and the District's Depository are forbidden to  
18 authorize the payment of any amount from said State taxes hereafter  
19 so donated and granted until there has first been set aside  
20 therefrom an amount sufficient to cover all servicing charges for  
21 the bonds for the year. Thereupon and after the treasurer [~~Auditor~~]  
22 has filed a certificate showing the deposit to the interest and  
23 sinking fund of a sufficient amount to cover such servicing charges  
24 for the year, any taxes hereafter donated, granted, diverted or  
25 remitted to [~~Harris County or~~] the [~~Flood Control~~] District  
26 [~~created herein by the State of Texas under the terms of H.B. 24 or~~  
27 ~~H.B. 158, Acts Regular Session, Forty-fifth Legislature,~~]



1 collected during the remainder of the year may be utilized for  
2 purposes consistent with this Act. Should the necessity arise, the  
3 Board [~~Commissioners Court~~] may supplement from its general funds  
4 any State taxes hereafter donated and granted, but no tax shall ever  
5 be levied or any debt be created against a the County in the  
6 District for such purpose without a vote of the people. Any bonds  
7 issued under this Section shall be in accordance with the  
8 provisions of Subdivisions 1 and 2 of Title 22, Revised Civil  
9 Statutes, 1925, and any amendments thereto applicable to bonds  
10 issued by a county.

11 SECTION 2. Section 1, Chapter 406, Acts of the 50th  
12 Legislature, Regular Session, 1947, is amended to read as follows:

13 Sec. 1. In eminent domain proceedings brought by the Gulf  
14 Coast Resiliency [~~Harris County Flood Control~~] District, the  
15 District shall not be required to give any security for costs at any  
16 stage of the proceedings. In the event that the District should  
17 desire to take possession of the property sought to be condemned, it  
18 may do so at any time after the award of the Special Commissioners  
19 in eminent domain proceedings shall have been filed with the Judge  
20 of the County Court in which the proceedings took place, or County  
21 Court at Law in which the proceedings took place as the case may be,  
22 upon deposit with the County Clerk of the county in which the  
23 proceedings took place of the amount of the award. The District  
24 shall not be required to deposit any further sums, nor to give any  
25 bond for costs. No appeal from the finding and assessment of  
26 damages by the Special Commissioners appointed for that purpose  
27 shall have the effect of causing the suspension of work by the

1 District in connection with the land condemned or the right of way,  
2 easement or other interest sought to be acquired. The findings of  
3 the District's governing board [~~Commissioners Court~~] as to the plan  
4 of the work, the necessity, the location and the type of improvement  
5 shall be final and not subject to review except upon proof of actual  
6 fraud or malfeasance in office.

7 SECTION 3. Sections 1, 2, and 3, Chapter 407, Acts of the  
8 50th Legislature, Regular Session, 1947, are amended to read as  
9 follows:

10 Sec. 1. The governing body of the Gulf Coast Resiliency  
11 [~~Harris County Flood Control~~] District, (hereinafter called  
12 "Board") may upon the petition of fifty (50) or more resident  
13 qualified voters who own taxable property in the District and who  
14 have rendered it for taxation, order an election for the purpose of  
15 submitting to the resident qualified voters therein who own taxable  
16 property therein and who have duly rendered it for taxation the  
17 question of whether or not the Board shall be authorized to issue  
18 the bonds of said District and to levy a tax for maintenance and  
19 operation purposes; provided that the amount of the tax for bonds  
20 and maintenance together in any one (1) year shall not exceed thirty  
21 cents (30¢) on the One Hundred Dollars (\$100) valuation of taxable  
22 property in said District. The petition shall conform as near as  
23 may be to the requirements of law now governing petitions for  
24 election for bonds in such District, and the election shall not be  
25 ordered until notice of hearing be published, and public hearing  
26 had, as now provided by law for the holding of elections for the  
27 issuance of bonds in said District.

1           Sec. 2. The time, place, manner and method of ordering,  
2 giving notice of and holding the election, the questions and  
3 propositions to be submitted, the form of the ballot, the time and  
4 method of declaring the result and the issuance of the bonds shall  
5 be governed as near as may be by the Statutes governing the holding  
6 of elections and the issuance of [~~county~~] bonds as provided in  
7 Chapters 1 and 2 of Title 22, Revised Civil Statutes, 1925[~~, as~~  
8 ~~modified by the Statutes creating the Harris County Flood Control~~  
9 ~~District~~]. The District may issue its bonds to mature serially or  
10 otherwise not to exceed thirty (30) years after their date. The  
11 governing body may also determine whether or not bonds shall  
12 contain an option of redemption, and if so, the form and date of  
13 such option. If the election be for a maintenance tax, then the  
14 ballot shall have written or printed thereon the words "For the  
15 Flood Control Maintenance Tax" and, "Against the Flood Control  
16 Maintenance Tax," and the voter shall strike out one of said  
17 expressions, leaving the other standing as his vote. When  
18 authorized, the Board may thereafter levy annually a tax sufficient  
19 to operate and maintain works and improvements owned or constructed  
20 by the District, provided the amount of such tax does not exceed the  
21 limit authorized.

22           Sec. 3. The Board shall have authority to issue refunding  
23 bonds bearing the same or a lower rate of interest to refund any  
24 bonds of the District theretofore issued and outstanding.  
25 Refunding bonds may be issued serially or otherwise for any term of  
26 years not exceeding thirty (30). Statutes governing refunding of  
27 county bonds shall apply to refunding bonds of the [~~Harris County~~

1 ~~Flood Control~~] District so far as applicable, except where  
2 otherwise expressly provided by the laws relating to said District.

3 SECTION 4. Section 1, Chapter 258, Acts of the 55th  
4 Legislature, Regular Session, 1957, is amended to read as follows:

5 Sec. 1. The governing body of the Gulf Coast Resiliency  
6 ~~[Harris County Flood Control]~~ District shall have the right to  
7 provide for and administer a retirement, disability and death  
8 compensation fund for the appointive officers and employees of the  
9 District as the governing body of the District may from time to time  
10 determine; and the governing body of said District shall have power  
11 and authority to adopt such plan or plans to effectuate the purpose  
12 of this Act, including such forms of insurance or annuities,  
13 (either or both), all as may be determined advisable by the  
14 governing body of the District; providing that said governing body  
15 of the District shall have the power and authority from time to  
16 time, after notice to their employees and the hearing thereon, to  
17 change any such plan, rule or regulation.

18 SECTION 5. Sections 1 and 4, Chapter 118, Acts of the 58th  
19 Legislature, Regular Session, 1963, are amended to read as follows:

20 Sec. 1. Where the following defined words appear in this  
21 Bill they are used in the manner set out below:

22 (1) "District" means the Gulf Coast Resiliency ~~[Harris~~  
23 ~~County Flood Control]~~ District.

24 (2) "Waterway" shall include any river, creek, bayou,  
25 stream or other waterway, or any part thereof.

26 (3) "Landowner" means the person owning land affected by a  
27 building setback line.

1           (4) "Notice by certified mail" means notice addressed to the  
2 landowner at the last known address appearing in the records of the  
3 Assessor and Collector of Taxes in connection with the land in  
4 question, and deposited in the United States mail as certified  
5 mail.

6           (5) The term "to erect any structure" includes erecting,  
7 reconstructing, or substantially repairing any building or  
8 structure, but "structure" shall not be deemed to include those  
9 necessary or practical for the purpose of preventing erosion of  
10 banks.

11           Sec. 4. a. After the governing body of the District has  
12 completed such hearings and shall have found that the establishing  
13 of such building setback lines is for the public health, safety and  
14 general welfare of the people within the District, and for the  
15 accomplishment of the purposes of Section 59 of Article XVI of the  
16 Constitution of the State of Texas, as amended, said governing body  
17 shall pass its resolution adopting such building setback lines.  
18 Such resolution shall contain a description of the area included  
19 within such building setback lines by either field notes or by map  
20 or plat or by both, and a certified copy thereof shall be filed for  
21 record immediately with the County Clerk of the affected county [~~of~~  
22 ~~Harris County~~].

23           b. Thereafter the governing body of the District may, upon  
24 public hearing with like notice thereof, amend, supplement, grant  
25 exceptions thereto, or alter the building setback lines so  
26 established as may be determined necessary under the same standards  
27 as provided in "a" above.

1 SECTION 6. Sections 1, 2, 3, and 4, Chapter 394, Acts of the  
2 59th Legislature, Regular Session, 1965, are amended to read as  
3 follows:

4 Sec. 1. For the purpose of promoting the public health,  
5 safety and general welfare, and accomplishing the purposes of  
6 Section 59 of Article XVI of the Constitution of the State of Texas,  
7 as amended, the governing body of the Gulf Coast Resiliency [~~Harris~~  
8 ~~County Flood Control~~] District is hereby authorized to designate  
9 areas within the boundaries of the [~~Harris County Flood Control~~]  
10 District as flood hazard areas.

11 Sec. 2. Whenever the governing body of the [~~Harris County~~  
12 ~~Flood Control~~] District deems that the public health, safety and  
13 general welfare, and the purposes of Section 59 of Article XVI of  
14 the Constitution of the State of Texas, as amended, will be promoted  
15 thereby, it shall, by resolution, designate flood hazard areas.  
16 Such resolution or resolutions shall contain a description of the  
17 area included within such flood hazard areas by either field notes  
18 or by map or by both. The governing body of the [~~Harris County Flood~~  
19 ~~Control~~] District is further authorized to change and amend by  
20 resolution the designation of such flood hazard areas thereafter as  
21 in its discretion it may determine necessary.

22 Sec. 3. Before passing any resolution designating flood  
23 hazard areas within the boundaries of the [~~Harris County Flood~~  
24 ~~Control~~] District, the governing body of the [~~Harris County Flood~~  
25 ~~Control~~] District shall hold at least one public hearing related  
26 thereto after having given at least fifteen (15) days' notice of the  
27 time and place of such hearing by the publication thereof in the

1 English language in a daily newspaper published within and having  
2 general circulation within the [~~Harris County Flood Control~~]  
3 District, such publication being at least fifteen (15) days prior  
4 to the date of the hearing. Any hearing so set by the governing body  
5 of the [~~Harris County Flood Control~~] District may be continued from  
6 time to time until within the discretion of said governing body all  
7 interested persons shall have had an opportunity to be heard. After  
8 the governing body of the [~~Harris County Flood Control~~] District  
9 has heard all interested persons and shall have found that the  
10 designation of such flood hazard areas is for the public health,  
11 safety and general welfare of the [~~Harris County Flood Control~~]  
12 District, and for the accomplishment of the purposes of Section 59  
13 of Article XVI of the Constitution of the State of Texas, as  
14 amended, said governing body shall pass its resolution designating  
15 such flood hazard areas. Thereafter the governing body of the  
16 [~~Harris County Flood Control~~] District may, upon public hearing  
17 with like notice thereof, change and amend the designated flood  
18 hazard areas so established as in its discretion it may determine  
19 necessary.

20       Sec. 4. Upon written request by any person, the [~~Harris~~  
21 ~~County Flood Control~~] District will prepare and furnish to said  
22 person a report as to whether or not a particular lot or tract of  
23 land, or any part thereof, lies within a designated flood hazard  
24 area. The governing body of the [~~Harris County Flood Control~~]  
25 District may charge a reasonable fee for such reports. The amount of  
26 such fee, if any, shall be fixed by a resolution of the governing  
27 body of the [~~Harris County Flood Control~~] District. The governing

1 body of the [~~Harris County Flood Control~~] District is further  
2 authorized to change, by resolution, the amount of such fee  
3 thereafter as in its discretion it may determine proper.

4 SECTION 7. Section 1, Chapter 409, Acts of the 73rd  
5 Legislature, Regular Session, 1993, is amended to read as follows:

6 Sec. 1. RECREATIONAL AND ENVIRONMENTAL IMPROVEMENTS. (a)  
7 The Gulf Coast Resiliency [~~Harris County Flood Control~~] District,  
8 in connection with flood control facilities and projects, may  
9 provide for or participate in the development, operation, or  
10 maintenance of:

11 (1) linear parks along drainage courses maintained and  
12 operated by the district;

13 (2) hike and bike trails;

14 (3) nonenclosed recreational facilities, including  
15 game fields and playgrounds; and

16 (4) other environmental improvements, including  
17 public or private nature reserves or wildlife habitat restoration  
18 and improvement projects.

19 (b) In order to carry out the purposes of Subsection (a) of  
20 this section, the district may execute contracts or enter into  
21 cooperative agreements with:

22 (1) the federal government, a federal agency, or a  
23 federally sponsored organization;

24 (2) the state, a state agency, a political subdivision  
25 of the state, or any unit of local government;

26 (3) a nonprofit corporation or foundation;

27 (4) a private individual or corporation; or



1           (5) a public service organization or neighborhood  
2 association.

3           (c) The district may use property, rights-of-way,  
4 easements, or other land owned or managed by or otherwise available  
5 to the district for the purposes of Subsection (a) of this section.

6           (d) The use by the district of any property owned or managed  
7 by or otherwise available to the district for the purposes of  
8 Subsection (a) of this section is determined to be consistent with  
9 the use of that property for flood control purposes if the  
10 improvements do not significantly impede the flow of floodwaters or  
11 reduce the carrying capacity of the drainage facilities of the  
12 district.

13           (e) The district shall exercise its powers and use its  
14 property under this section:

15                 (1) in an environmentally sensitive and aesthetically  
16 pleasing manner that promotes public health, safety, and welfare;

17                 (2) in compliance with all state and federal  
18 requirements, including requirements imposed by law, by rule or  
19 regulation, by grant conditions, or by program standards; and

20                 (3) in a manner that qualifies for any reasonably  
21 available source of funding for the improvements to be made.

22           (f) The district may spend its own funds for the purposes of  
23 this section. The capital cost to the district of parks, trails,  
24 facilities, and improvements under this section may not exceed five  
25 percent of the total cost of the flood control facilities and  
26 projects with which the improvements are associated. This section  
27 does not limit the expenditure of funds from sources other than

1 taxes collected by the district.

2 (g) The exercise of powers, expenditure of funds, and use of  
3 property by the district under this section are subject to the  
4 control and discretion of the governing body of the district  
5 [~~commissioners court~~].

6 SECTION 8. Section 1, Chapter 410, Acts of the 73rd  
7 Legislature, Regular Session, 1993, is amended to read as follows:

8 Sec. 1. (a) The Gulf Coast Resiliency [~~Harris County Flood~~  
9 ~~Control~~] District may engage in wetlands mitigation projects and  
10 programs as provided by Article 6, Chapter 3, Acts of the 72nd  
11 Legislature, 1st Called Session, 1991 (Article 5421u, Vernon's  
12 Texas Civil Statutes), and its subsequent amendments.

13 (b) The [~~Harris County Flood Control~~] District may provide  
14 for or participate in the development, operation, or maintenance of  
15 local, state, or federal storm water quality control and  
16 improvement programs.

17 SECTION 9. The following provisions are repealed:

18 (1) Section 3A, Chapter 360, Acts of the 45th  
19 Legislature, Regular Session, 1937; and

20 (2) Chapter 196, Acts of the 51st Legislature, Regular  
21 Session, 1949.

22 SECTION 10. (a) As soon as practicable after the effective  
23 date of this Act, the governor shall appoint members to the  
24 governing body the Gulf Coast Resiliency District as required under  
25 Section 1C, Chapter 360, Acts of the 45th Legislature, Regular  
26 Session, 1937, as added by this Act.

27 (b) At the first meeting of the governing body of the Gulf

1 Coast Resiliency District that follows the effective date of this  
2 Act, the five directors appointed by the governor shall draw lots to  
3 determine which two directors will serve terms that expire on  
4 January 1, 2025, and which three directors will serve terms that  
5 expire on January 1, 2027.

6 (c) A member of the governing body of the Gulf Coast  
7 Resiliency District serving on the effective date of this Act shall  
8 continue in office until the member's successor is appointed and  
9 qualifies for office.

10 SECTION 11. The Gulf Coast Resiliency District retains all  
11 rights, powers, privileges, authority, duties, and functions that  
12 it had before the effective date of this Act.

13 SECTION 12. (a) The legal notice of the intention to  
14 introduce this Act, setting forth the general substance of this  
15 Act, has been published as provided by law, and the notice and a  
16 copy of this Act have been furnished to all persons, agencies,  
17 officials, or entities to which they are required to be furnished  
18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
19 Government Code.

20 (b) The governor, one of the required recipients, has  
21 submitted the notice and Act to the Texas Commission on  
22 Environmental Quality.

23 (c) The Texas Commission on Environmental Quality has filed  
24 its recommendations relating to this Act with the governor, the  
25 lieutenant governor, and the speaker of the house of  
26 representatives within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect  
2 to the notice, introduction, and passage of this Act are fulfilled  
3 and accomplished.

4 SECTION 13. This Act takes effect immediately if it  
5 receives a vote of two-thirds of all the members elected to each  
6 house, as provided by Section 39, Article III, Texas Constitution.  
7 If this Act does not receive the vote necessary for immediate  
8 effect, this Act takes effect September 1, 2023.