

By: Armbrister

S.B. No. 1276

A BILL TO BE ENTITLED

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AN ACT

relating to the Lavaca-Navidad River Authority, formerly known as the Jackson County Flood Control District.

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

SECTION 1. Subsections (a) and (b), Section 1, Chapter 186, Acts of the 50th Legislature, Regular Session, 1947, are amended to read as follows:

(a) There is hereby created and established within the State of Texas, in addition to the Districts into which the state has heretofore been divided, a Conservation and Reclamation District to be known as the Lavaca-Navidad River Authority [~~Jackson 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 Jackson County, Texas (the boundaries of the District being coextensive with the boundaries of Jackson County, Texas, and the District including all of the lands and other property, both real and personal, within the boundaries of said county). 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, Constitution of Texas, including the control, storing, preservation, and distribution of the storm and

1 flood waters, and the waters of the rivers and streams of Jackson
2 County and their tributaries, inside and outside the boundaries of
3 the District, for domestic, municipal, flood control, irrigation,
4 agricultural, mining and recovery of minerals, hydroelectric
5 power, navigation, recreation and pleasure, public parks, game
6 preserves, and other useful purposes, the development of parks on
7 lands owned or acquired by the District, the reclamation and
8 drainage of the overflow land of Jackson County, the conservation
9 and development of forests, development, generation, distribution,
10 and sale of electric power and energy inside or outside the
11 boundaries of the District, and to aid in the protection and
12 promotion of navigation on the navigable waters by regulating the
13 flood and storm waters that flow into said navigable streams. In
14 addition, the District may discover, develop, and produce
15 groundwater within the boundaries of the Lavaca River Basin for use
16 within that portion of a county located within the boundaries of the
17 Lavaca River Basin where groundwater is discovered, developed, and
18 produced and may coordinate and contract with groundwater
19 conservation districts to engage in conjunctive groundwater and
20 surface water management.

21 (b) The management and control of the District shall be
22 vested in a Board of Directors consisting of nine (9) members, who
23 must reside within the District and shall be freehold property
24 taxpayers and legal voters of the State of Texas. The [~~the~~]
25 members of the Board of Directors shall be appointed by the Governor
26 of Texas with the advice and consent of [~~and confirmed by~~] the
27 Senate. As soon as practicable after the passage of this Act (as

1 hereby amended), the members of the Board of Directors shall be
2 appointed (hereinafter referred to as "First Board"). In
3 appointing the members of the First Board, the Governor shall
4 appoint three (3) members to serve until May 1, 1961, and until
5 their successors are appointed and qualified, three (3) members to
6 serve until May 1, 1963, and until their successors are appointed
7 and qualified, and three (3) members to serve until May 1, 1965, and
8 until their successors are appointed and qualified. Except for the
9 First Board, the terms of office of the members of the Board of
10 Directors shall be for six (6) years ending on May 1st, and until
11 their successors are appointed and qualified, three (3) members to
12 be appointed during the month of April of each odd-numbered year by
13 the Governor to succeed the members whose terms of office shall
14 expire on the following May 1st. If a vacancy on the Board of
15 Directors occurs because of the resignation or death of a member, or
16 otherwise, the Governor shall fill the same for the unexpired term
17 by the appointment of a successor member. Each Director
18 [~~Directors~~] shall qualify by taking the official oath of office and
19 filing a good and sufficient bond with the Secretary of State in the
20 amount of One Thousand Dollars (\$1,000.), which shall be payable to
21 the District, conditioned upon the faithful performance of his (or
22 her) official duties as a Director.

23 SECTION 2. Section 2, Chapter 186, Acts of the 50th
24 Legislature, Regular Session, 1947, is amended to read as follows:

25 Sec. 2. Except as expressly limited by this Act, the
26 District shall have and is hereby authorized to exercise all
27 powers, rights, privileges and functions which are now, or

1 hereafter may be, conferred by General or Special Law upon any
2 [~~flood control~~] District or Districts created pursuant to, or
3 operating under, Section 59 of Article XVI, Constitution of Texas.
4 Without in any way limiting the generality of the foregoing, the
5 District shall have and is hereby authorized to exercise the
6 powers, rights, privileges, and functions described by Section 1 of
7 this Act. In addition, the District has the following powers,
8 rights, privileges, and functions:

9 (a) To acquire by lease, gift, devise, purchase,
10 condemnation, or in any other manner provided by law and to
11 construct, maintain, use, and operate any property or any interest
12 in property, including real or personal property, inside or outside
13 the boundaries of the District, necessary or convenient to the
14 District's powers, rights, privileges, and functions under this Act
15 [~~otherwise, lands and rights and interests therein and any other~~
16 ~~character of property necessary or useful for any of the purposes~~
17 ~~provided in Section 1(a) hereof~~].

18 (b) To lease, sell, trade, or otherwise dispose of any
19 property or any interest in property, including real or personal
20 property, [~~land or other property or rights therein~~] when the same
21 are no longer needed for carrying on the business of the District
22 [~~such purposes~~].

23 (c) To appoint a manager and such other officers, agents,
24 and employees, and to prescribe their duties and fix their
25 compensation (including an engineer or engineers and legal
26 counsel).

27 (d) To authorize its officers, employees, or agents to go

1 upon any lands lying within the District for the purpose of making
2 surveys and examining such lands in connection with any District
3 plans or projects and for any other lawful purpose within the scope
4 of its authority.

5 (e) To devise plans and construct works to lessen and
6 control floods or to reclaim lands in the District; to prevent the
7 deposit of silt in navigable streams; to remove obstructions,
8 natural or artificial, from streams and water courses; to regulate
9 the flow of surface and flood waters; to provide drainage; and to
10 accomplish any other purpose within the scope of its authority.

11 (f) To borrow money for any of the purposes, consistent with
12 the Constitution, provided by this Act or by the General Laws (and
13 without limitation of the generality of the foregoing, to borrow
14 money and accept grants from the United States of America, the State
15 of Texas, or [~~from~~] any corporation or agency created or designated
16 by the United States of America or the State of Texas, and in
17 connection with any such loan or grant to enter into such agreements
18 as the United States of America, the State of Texas, or such
19 corporations or agencies may require), and to make and issue its
20 notes and [~~negotiable~~] bonds (tax bonds or notes, revenue bonds or
21 notes, and/or combination tax-revenue bonds or notes) for such
22 borrowed money in the manner and to the extent provided herein.

23 (g) To cooperate with, or to contract with, any agency or
24 political subdivision of the state, or any city or town within the
25 boundaries of the District in relation to surveys, the acquisition
26 of land or right-of-ways, the construction or maintenance of
27 projects or parts thereof or the financing of the same in connection

1 with any matter within the scope of this Act.

2 (h) To sue and be sued in its corporate name.

3 (i) To adopt, use, and alter a corporate seal.

4 (j) To make bylaws, rules, and regulations for the
5 management and regulation of its affairs.

6 (k) To make contracts and execute instruments necessary or
7 convenient to the exercise of the powers, rights, privileges, and
8 functions conferred upon it by this Act or by general law.

9 (l) To do any and all other acts or things necessary or
10 convenient [~~proper~~] to the exercise of all of the powers, rights,
11 privileges, authority, or functions provided by the Constitution of
12 Texas, this Act, or other applicable law [~~carry into effect any of~~
13 ~~the foregoing powers~~].

14 (m) In the event that the District, in the exercise of the
15 power of eminent domain or power of relocation, or any other power
16 granted hereunder, makes necessary the relocation, raising,
17 rerouting or changing the grade of, or altering the construction of
18 any highway, railroad, electric transmission line, telephone or
19 telegraph properties and facilities, or pipeline, all such
20 necessary relocation, raising, rerouting, changing of grade or
21 alteration of construction shall be accomplished at the sole
22 expense of the District.

23 (n) In no event shall the power of eminent domain be
24 exercised by said District beyond the limits of Jackson County.

25 (o) To own, construct, operate, and maintain facilities
26 relating to:

27 (1) water supply and treatment;

1 (2) wastewater treatment and distribution;

2 (3) solid waste;

3 (4) electric power generation;

4 (5) flood monitoring, warning, and control;

5 (6) water quality protection, including non-point
6 source pollution control measures;

7 (7) emergency communication support to other
8 political subdivisions;

9 (8) aquatic weed control and development;

10 (9) parks and recreation; and

11 (10) monitoring and collecting data to support the
12 facilities listed in Subdivisions (1)-(9) of this subsection.

13 (p) To effectively and efficiently meet current and future
14 water supply demands inside or outside the boundaries of the
15 District, the District may acquire, construct, develop, operate,
16 and maintain desalination projects inside or outside the boundaries
17 of the District. In relation to the development and operation of
18 desalination projects, the District may:

19 (1) own and operate a facility that is ancillary to a
20 desalination project, including an electric power generation
21 facility;

22 (2) incur debt and receive funding through grants; and

23 (3) form development corporations that may be funded
24 by the Texas Water Development Board.

25 SECTION 3. Section 3, Chapter 186, Acts of the 50th
26 Legislature, Regular Session, 1947, is amended to read as follows:

27 Sec. 3. The Board of Directors shall cause to be kept

1 complete and accurate records and accounts conforming to approved
2 methods of bookkeeping, and shall preserve their minutes,
3 contracts, records, notices, accounts, receipts, and records of all
4 kinds in a fireproof vault or safe. A regular office shall be
5 established and maintained for the conduct of District business
6 within the District.

7 Each Director shall receive fees of office not to exceed \$100
8 a day for each day the Director performs the duties of a Director,
9 or as state law otherwise authorizes, [~~for his services Ten Dollars~~
10 ~~(\$10.) per day for each day served~~] plus actual traveling expenses,
11 provided that such compensation and expenses are approved by a vote
12 of the Board, and provided further, that no Director shall receive
13 more than \$6,000 [~~Six Hundred Dollars (\$600.)~~] per year or as state
14 law otherwise authorizes for such fees of office [~~per diem~~
15 ~~services~~]. Each Director shall file with the General Manager
16 [~~Secretary~~] a statement showing the amount due him each month or as
17 soon thereafter as practicable, before a check shall be issued
18 therefor.

19 No Director, engineer, officer, or employee of the District,
20 either for himself or as agent for anyone else, shall benefit
21 directly or indirectly by reason of any sale, purchase, or contract
22 entered into by the District [~~Board~~]. If any such person shall
23 directly or indirectly become interested in any such sale,
24 purchase, or contract, he shall be guilty of a misdemeanor and upon
25 conviction thereof shall be punished by a fine in any sum of not to
26 exceed One Thousand Dollars (\$1,000.) or by confinement in the
27 county jail for not less than six (6) months nor more than one (1)

1 year, or by both such fine and imprisonment.

2 All bonds required to be given by officers and employees of
3 the District shall be executed by a surety company authorized to do
4 business in the State of Texas as surety thereon, and the District
5 shall be authorized to pay the premium on such bonds.

6 SECTION 4. Subsection (a), Section 6, Chapter 186, Acts of
7 the 50th Legislature, Regular Session, 1947, is amended to read as
8 follows:

9 Sec. 6. (a) For the purpose of providing funds for any of
10 the purposes provided by this Act or any other laws relating to
11 [~~flood control~~] districts created or operating under Section 59 of
12 Article XVI of the Constitution of Texas, the Board of Directors
13 shall have the power from time to time to issue negotiable bonds for
14 and on behalf of the District, which bonds may be secured by any one
15 of the following methods:

16 (1) Solely by a pledge of and payable from the net
17 revenues derived from the operation of all or a designated part of
18 the improvements and facilities of the District then in existence
19 or to be constructed or acquired, with the duty on the Board of
20 Directors to charge and collect fees, tolls, and charges, so long as
21 the bonds are outstanding, sufficient to pay all maintenance and
22 operation expenses of the improvements and facilities (the income
23 of which is pledged), the interest on such bonds as it accrues, the
24 principal of such bonds as it matures, and to make any and all other
25 payments as may be prescribed in the bond order or resolution; or

26 (2) By a pledge of and payable from an ad valorem tax
27 upon all taxable property within the District under Section 59 of

1 Article XVI of the Constitution of Texas, with the duty on the Board
2 of Directors each year while the bonds, or any part of them, are
3 outstanding to levy, and cause to be assessed and collected, a tax
4 sufficient to pay the interest on such bonds as it accrues and the
5 principal of such bonds as it matures; or

6 (3) By a combination of the methods prescribed under
7 (1) and (2) above, wherein the bonds are supported and secured by an
8 ad valorem tax, with the duty on the Board of Directors to charge
9 and collect fees, tolls, and charges, so long as the bonds are
10 outstanding, so the (in the manner prescribed in the bond order or
11 resolution) amount of tax to be collected from time to time may be
12 reduced or abated to the extent that the revenues from the operation
13 of said improvements and facilities (the income of which is
14 pledged) are sufficient to meet the requirements for maintenance
15 and operation of said improvements and facilities and to provide
16 funds for the bonds as prescribed in said bond order or resolution.

17 "Net revenues" as used herein shall mean the gross revenues
18 derived from the operation of those improvements and facilities of
19 the District the income of which is pledged to the payment of the
20 bonds less the reasonable expense of maintaining and operating said
21 improvements and facilities, and said maintenance and operation
22 expenses shall include, among other things, necessary repair,
23 upkeep, and insurance of said improvements and facilities.

24 In the resolution or order adopted by the Board of Directors
25 authorizing the issuance of bonds payable in whole or in part from
26 net revenues, the Board may provide for the flow of funds, the
27 establishment and maintenance of the interest and sinking fund,

1 reserve fund, and other funds, and may make such additional
2 covenants with respect to the bonds and the pledged revenues and the
3 operation, maintenance, and upkeep of those improvements and
4 facilities (the income of which is pledged), including provision
5 for the leasing of all or a part of said improvements and facilities
6 and the use or pledge of moneys derived from leases thereof, as it
7 may deem appropriate. Said resolution or order may also prohibit
8 the further issuance of bonds or other obligations payable from the
9 pledged net revenues, or may reserve the right to issue additional
10 bonds to be secured by a pledge of and payable from said net
11 revenues on a parity with, or subordinate to, the lien and pledge in
12 support of the bonds being issued, subject to such conditions as are
13 set forth in said resolution or order. Such resolution or order may
14 contain such other provisions and covenants, as the Board of
15 Directors shall determine, not prohibited by the Constitution of
16 Texas or by this Act, and the Board may adopt and cause to be
17 executed any other proceedings or instruments necessary and/or
18 convenient in the issuance of said bonds.

19 SECTION 5. Chapter 186, Acts of the 50th Legislature,
20 Regular Session, 1947, is amended by adding Section 8A to read as
21 follows:

22 Sec. 8A. The Board of Directors, without an election, may
23 borrow money on negotiable or nonnegotiable notes of the District
24 to be paid solely from the revenues of the District derived from the
25 ownership of all or a designated part of the District's works,
26 plant, improvements, facilities, equipment, or water rights, after
27 deduction of the reasonable cost of maintaining and operating the

1 facilities. The District may not pay any part of an obligation from
2 taxes levied or collected by the District. The Board of Directors
3 may designate the notes as first lien or subordinate lien notes. An
4 obligation shall be a charge on the revenues pledged for the payment
5 of the obligation, not a charge on the property of the District or
6 on the taxes levied or collected by the District.

7 SECTION 6. Section 9, Chapter 186, Acts of the 50th
8 Legislature, Regular Session, 1947, is amended to read as follows:

9 Sec. 9. All maintenance tax elections shall be called and
10 held as is provided in Section 6(b) of this Act relating to
11 elections for bonds payable in whole or in part from taxes, and the
12 following shall appear on the ballot in such maintenance tax
13 elections:

14 "For maintenance tax"; and the contrary thereof.

15 This being a county-wide District, the regular voting or
16 election precincts established by the Commissioners Court of
17 Jackson County for county-wide elections shall be the voting or
18 election precincts for all elections called and held under the
19 provisions of this Act. Except as modified herein, the General
20 Election Laws of the State of Texas shall apply to and govern all
21 elections called and held under the provisions hereof.

22 SECTION 7. Section 10a, Chapter 186, Acts of the 50th
23 Legislature, Regular Session, 1947, is amended to read as follows:

24 Sec. 10a. The Board of Directors may contract as provided by
25 Chapter 791, Government Code, [the Interlocal Cooperation Act
26 (Article 4413(32c), Vernon's Texas Civil Statutes)] with the Board
27 of Directors of the Jackson County Appraisal District for the

1 performance of duties relating to assessment or collection of taxes
2 on behalf of the Lavaca-Navidad River Authority. The Board of
3 Directors may contract with any other political subdivision of this
4 state having authority to assess or collect taxes in Jackson
5 County, either now existing or created in the future, for the
6 assessment or collection of taxes on behalf of the Lavaca-Navidad
7 River Authority.

8 SECTION 8. Section 12, Chapter 186, Acts of the 50th
9 Legislature, Regular Session, 1947, is amended to read as follows:

10 Sec. 12. Lavaca-Navidad River Authority [~~Jackson County~~
11 ~~Flood Control District~~] heretofore created is in all things
12 validated, and any and all acts relating to the District heretofore
13 performed or done by said District or its governing body or any
14 other officials of the State or of Jackson County are in all things
15 validated.

16 SECTION 9. The following sections are repealed:

17 (1) Section 1(a), Chapter 186, Acts of the 50th
18 Legislature, Regular Session, 1947, as added by Chapter 417, Acts
19 of the 61st Legislature, Regular Session, 1969; and

20 (2) Sections 11 and 11a, Chapter 186, Acts of the 50th
21 Legislature, Regular Session, 1947.

22 SECTION 10. This Act takes effect September 1, 2003.