

By: Lucio

S.B. No. 1840

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the Willacy County Drainage District No. 1; providing
3 the authority to impose a tax.

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

5 SECTION 1. Section 3, Chapter 10, Acts of the 61st
6 Legislature, Regular Session, 1969, is amended to read as follows:

7 Sec. 3. Said district shall be considered to be organized
8 and existing for the sole purpose of the reclamation and drainage of
9 its overflowed lands and other lands needing drainage, and to
10 accomplish such purpose the district shall have, and is hereby
11 vested with, all of the rights, powers, privileges, and duties
12 conferred and imposed by the general laws of the State of Texas, now
13 in force or hereafter enacted, applicable to drainage [~~fresh water~~
14 ~~supply~~] districts created under authority of Article XVI, Section
15 59, of the Texas Constitution, but to the extent that the provisions
16 of such general laws may be in conflict with the provisions of this
17 Act, the provisions of this Act shall prevail. All such general
18 laws are hereby incorporated by reference with the same effect as if
19 incorporated in full in this Act. Without limiting the
20 generalization of the foregoing, it is expressly provided that all
21 said powers now or hereafter conferred by such general laws upon
22 drainage [~~fresh water supply~~] districts [~~for the purpose of~~
23 ~~conserving, transporting, and distributing fresh water~~] are hereby
24 specifically conferred upon this district for the purpose of

1 reclaiming and draining its overflowed lands and other lands
2 needing drainage; and, in addition, said district shall be
3 authorized to build, construct, purchase, acquire, improve,
4 enlarge, extend, repair, maintain, or replace all walls, dams,
5 dikes, levees, embankments, canals, drains, tanks, laterals, and
6 pumps which its board of directors [~~supervisors~~] deems necessary to
7 carry out the purpose of such district's creation. Provided,
8 however, that before issuing any construction bonds said district
9 shall submit plans and specifications therefor [~~to the Texas Water~~
10 ~~Rights Commission~~] for approval in the manner required by
11 Subchapter F, Chapter 49, Water Code [~~Chapter 336, Acts of the 57th~~
12 ~~Legislature, Regular Session, 1961 (Article 7880-139, Vernon's~~
13 ~~Texas Civil Statutes)~~], and said district's project and
14 improvements during the course of construction shall be subject to
15 inspection in the manner provided by Subchapter F, Chapter 49,
16 Water Code [~~said Act~~]. Said district shall have authority to act
17 jointly with individuals, with firms, with corporations, with
18 partnerships, with other districts, with any department or agency
19 of the State of Texas and with any political subdivisions thereof,
20 with other states, with cities and towns, and with the federal
21 government in the performance and accomplishment of any of the
22 things permitted hereunder upon such terms and conditions as may be
23 deemed advisable by said district's board of directors
24 [~~supervisors~~]. Said district shall also have the power to make,
25 construct, or otherwise acquire improvements either within or
26 without the boundaries thereof necessary to carry out the powers
27 and authority granted by this Act and said general laws. In the

1 event that the district, in the exercise of the power of eminent
2 domain or power of relocation, or any other power granted
3 hereunder, makes necessary the relocation, raising, rerouting, or
4 changing the grade of or altering the construction of any highway,
5 railroad, electric transmission line, telephone or telegraph
6 properties and facilities, or pipeline, all such necessary
7 relocation, raising, rerouting, or changing of grade or alteration
8 of construction shall be accomplished at the sole expense of the
9 district. The term "sole expense" shall mean the actual cost of
10 such relocation, raising, lowering, rerouting, or change in grade
11 or alteration of construction in providing comparable replacement
12 without enhancement of such facilities, after deducting therefrom
13 the net salvage value derived from the old facility.

14 SECTION 2. Section 5, Chapter 10, Acts of the 61st
15 Legislature, Regular Session, 1969, is amended to read as follows:

16 Sec. 5. [~~(a)~~] The management and control of the district
17 is hereby vested in a board of seven directors [~~supervisors~~] which
18 shall have all of the powers and authority and duties conferred and
19 imposed upon boards of directors [~~supervisors~~] of drainage [~~fresh~~
20 ~~water supply~~] districts organized under the provisions of Chapter
21 56, Water Code [~~Chapter 4, Title 128, Revised Civil Statutes of~~
22 ~~Texas, 1925, together with all amendments thereof and additions~~
23 ~~thereto~~].

24 [~~(b)~~ ~~The next election for supervisors shall be held on the~~
25 ~~third Saturday in January, 1984. At that election the two persons~~
26 ~~receiving the largest number of votes shall serve for terms of three~~
27 ~~years and the two persons receiving the next largest number of votes~~

1 ~~shall serve for terms of two years. Thereafter, on the third~~
2 ~~Saturday in January in each year an election shall be held to elect~~
3 ~~the appropriate number of supervisors to the board, and these~~
4 ~~supervisors shall serve for three-year terms. Except as provided~~
5 ~~in this subsection, elections for supervisors shall be held in the~~
6 ~~manner provided for election of supervisors of fresh water supply~~
7 ~~districts.]~~

8 SECTION 3. Section 7, Chapter 10, Acts of the 61st
9 Legislature, Regular Session, 1969, is amended to read as follows:

10 Sec. 7. The assessor and collector of taxes, the county
11 treasurer, and the county depository of Willacy County are
12 authorized to, and shall be required to, perform all duties in
13 connection with the district required of them by law in connection
14 with official matters for Willacy County. Said board of directors
15 [~~supervisors~~] may employ a general manager for said district and
16 such other agents, attorneys, engineers, and employees as may be
17 considered necessary in connection with the purposes of this Act,
18 and all compensation for such persons may be payable from funds
19 herein created for the maintenance and operation of the district.

20 SECTION 4. Subsections (a), (b), and (c), Section 8,
21 Chapter 10, Acts of the 61st Legislature, Regular Session, 1969,
22 are amended to read as follows:

23 (a) The board of directors [~~supervisors~~] shall be
24 authorized, from time to time, in behalf of said drainage district,
25 to issue the bonds of said district, within the limitations
26 hereinafter stated, for the purpose of acquiring funds with which
27 to accomplish and carry out any one or more of the powers and

1 purposes herein granted to the district, and to provide for the
2 payment of the interest on such bonds as it accrues and to create a
3 sinking fund for the redemption of said bonds as they mature, by
4 levying and causing to be collected a tax on all taxable property
5 within the district, as shown by the then current approved county
6 assessment rolls, sufficient for such purposes. It is expressly
7 provided, however, that the total principal amount of bonds issued
8 by the district at any one time, together with all previously issued
9 bonds then outstanding, shall never exceed a sum equal to 15 percent
10 of the assessed valuation of all taxable property within the
11 district, as shown by the then current county assessment rolls.

12 (b) No such bonds shall be issued until first authorized by
13 a majority of the qualified property taxpaying electors voting at
14 an election called for the purpose of determining whether or not
15 such bonds shall be issued and whether or not taxes shall be levied
16 to pay principal and interest thereon when due. In the event a
17 majority of the qualified electors voting at such election shall
18 vote in favor of the issuance of bonds and the levy of taxes, the
19 board of directors [~~supervisors~~] shall be authorized to issue,
20 sell, and deliver said drainage district bonds and to receive, use
21 and apply the proceeds for the aforesaid purposes of said district,
22 and to levy and assess taxes upon all property subject to taxation
23 in said district and to arrange for the collection of such taxes.
24 Subject to the limitations contained in this Act, additional bonds
25 may be issued, from time to time, in like manner, and under the same
26 procedure.

27 (c) The proposition of the issuance of bonds may be

1 submitted at the election called for confirmation of the creation
 2 of said district under Section 6 of this Act or at such later times
 3 as the board of directors [~~supervisors~~] shall deem proper. If the
 4 proposition of issuing bonds is submitted at the confirmation
 5 election, the form of ballot at such first election shall be
 6 substantially as follows: "For the confirmation of the district,
 7 the issuance of bonds and the levy of taxes in payment thereof," and
 8 the contrary of such proposition. The levy of maintenance taxes may
 9 be submitted as a further proposition at such election. The
 10 provisions of Subchapter D, Chapter 49, and Subchapter F, Chapter
 11 56, Water Code, [Chapter 1, Title 22, Revised Civil Statutes of
 12 Texas, 1925, as amended, shall] apply to all bond elections in said
 13 district except where in conflict with this Act.

14 SECTION 5. Section 10, Chapter 10, Acts of the 61st
 15 Legislature, Regular Session, 1969, is amended to read as follows:

16 Sec. 10. In addition to the levy and collection of taxes to
 17 pay bonds, as heretofore provided, said board of directors
 18 [~~supervisors~~] may levy and cause to be collected a tax not exceeding
 19 25 cents on each \$100 valuation of taxable property within the
 20 district for the purpose of paying the cost of operating the
 21 district and maintaining its properties; provided, however, that no
 22 such tax shall be levied or assessed, until authorized at an
 23 election called for such purpose by said board of directors
 24 [~~supervisors~~] in the manner provided by Section 8 hereof, at which a
 25 majority of the qualified property taxpaying electors voting at
 26 such election, vote in favor of the levy and collection of such tax.
 27 The board of directors may impose a tax for operation and

1 maintenance purposes at a rate that exceeds 25 cents on each \$100
2 valuation of taxable property within the district if the tax is
3 approved by a vote of a majority of the voters of the district
4 voting at an election called for that purpose in accordance with
5 Section 49.107, Water Code. The proposition in a tax election may
6 be for a specific maximum rate or for an unlimited rate. The
7 assessed valuation of taxable property for district purposes shall
8 be the same as that for state and county purposes; and the county
9 tax assessor-collector is hereby named and appointed tax
10 assessor-collector for said district; and the board of equalization
11 of the county is hereby named, constituted, and appointed the board
12 of equalization for said district. All laws of the State of Texas
13 relating to the assessing and collecting of state and county taxes
14 are by this Act made available for, and shall be applied to, the
15 assessing of current taxes and to the collection of both current and
16 delinquent taxes of said district, except where same are in
17 conflict with the provision of this Act. The tax
18 assessor-collector is entitled to a fee as compensation for his
19 services of not more than three-fifths of one percent of the taxes
20 collected for assessing, and not to exceed one-half of one percent
21 for collecting, said compensation for collecting and assessing
22 taxes not to exceed \$5,000 in any one fiscal year. The tax
23 assessor-collector shall be paid not to exceed five percent for
24 collecting delinquent taxes. The board of directors [~~supervisors~~]
25 shall fix the exact amount of compensation by contract or agreement
26 with the tax assessor-collector. The assessor-collector shall
27 deduct this fee from the payments made to the district of the taxes

1 collected, and deposit that amount in the general fund of the county
2 as a fee of office of the tax assessor-collector.

3 SECTION 6. Section 12, Chapter 10, Acts of the 61st
4 Legislature, Regular Session, 1969, is amended to read as follows:

5 Sec. 12. Land, contiguous to said district or otherwise,
6 may be added to said district in the manner provided by Chapters 49
7 and 56, Water Code [~~not only in the manner now provided by Chapter~~
8 ~~4, Title 128, Revised Civil Statutes of Texas, 1925, as amended, but~~
9 ~~also land may be added to such district and become a part thereof~~
10 ~~upon petition of the owner or owners thereof in the following~~
11 ~~manner: the owner or owners of the land shall file with the board of~~
12 ~~supervisors a petition praying that the lands described be added to~~
13 ~~and become a part of said district, and said petition may describe~~
14 ~~said land by metes and bounds or by lot and block number and shall be~~
15 ~~signed and executed in the same manner provided by law for the~~
16 ~~conveyance of real estate. Such petition shall be heard and~~
17 ~~considered by the board of supervisors and may be granted and said~~
18 ~~land added to the district if same is considered to be to the~~
19 ~~advantage of the district. Any such petition which may be granted~~
20 ~~so adding lands to the district shall be filed for record and be~~
21 ~~recorded in the Willacy County deed records].~~

22 SECTION 7. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2005.