

By: Lucio

S.B. No. 1840

A BILL TO BE ENTITLED

AN ACT

relating to the Willacy County Drainage District No. 1.

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

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

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

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

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

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

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

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

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

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

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

19 SECTION 4. Sections 8(a)-(c), Chapter 10, Acts of the 61st  
20 Legislature, Regular Session, 1969, are amended to read as follows:

21 Sec. 8. (a) The board of directors [~~supervisors~~] shall be  
22 authorized, from time to time, in behalf of said drainage district,  
23 to issue the bonds of said district, within the limitations  
24 hereinafter stated, for the purpose of acquiring funds with which  
25 to accomplish and carry out any one or more of the powers and  
26 purposes herein granted to the district, and to provide for the  
27 payment of the interest on such bonds as it accrues and to create a

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

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

25 (c) The proposition of the issuance of bonds may be  
26 submitted at the election called for confirmation of the creation  
27 of said district under Section 6 of this Act or at such later times

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

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

14 Sec. 10. In addition to the levy and collection of taxes to  
15 pay bonds, as heretofore provided, said board of directors  
16 [~~supervisors~~] may levy and cause to be collected a tax, as provided  
17 by Section 56.242, Water Code, [~~not exceeding 25 cents on each \$100~~  
18 ~~valuation of taxable property within the district~~] for the purpose  
19 of paying the cost of operating the district and maintaining its  
20 properties [~~, provided, however, that no such tax shall be levied or~~  
21 ~~assessed, until authorized at an election called for such purpose~~  
22 ~~by said board of supervisors in the manner provided by Section 8~~  
23 ~~hereof, at which a majority of the qualified property taxpaying~~  
24 ~~electors voting at such election, vote in favor of the levy and~~  
25 ~~collection of such tax~~]. The assessed valuation of taxable  
26 property for district purposes shall be the same as that for state  
27 and county purposes; and the county tax assessor-collector is

1 hereby named and appointed tax assessor-collector for said  
2 district; and the board of equalization of the county is hereby  
3 named, constituted, and appointed the board of equalization for  
4 said district. All laws of the State of Texas relating to the  
5 assessing and collecting of state and county taxes are by this Act  
6 made available for, and shall be applied to, the assessing of  
7 current taxes and to the collection of both current and delinquent  
8 taxes of said district, except where same are in conflict with the  
9 provision of this Act. The tax assessor-collector is entitled to a  
10 fee as compensation for his services of not more than three-fifths  
11 of one percent of the taxes collected for assessing, and not to  
12 exceed one-half of one percent for collecting, said compensation  
13 for collecting and assessing taxes not to exceed \$5,000 in any one  
14 fiscal year. The tax assessor-collector shall be paid not to exceed  
15 five percent for collecting delinquent taxes. The board of  
16 directors [~~supervisors~~] shall fix the exact amount of compensation  
17 by contract or agreement with the tax assessor-collector. The  
18 assessor-collector shall deduct this fee from the payments made to  
19 the district of the taxes collected, and deposit that amount in the  
20 general fund of the county as a fee of office of the tax  
21 assessor-collector.

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

24 Sec. 12. Land, contiguous to said district or otherwise,  
25 may be added to said district in the manner provided by Chapters 49  
26 and 56, Water Code [~~not only in the manner now provided by Chapter~~  
27 ~~4, Title 128, Revised Civil Statutes of Texas, 1925, as amended, but~~

1 ~~also land may be added to such district and become a part thereof~~  
2 ~~upon petition of the owner or owners thereof in the following~~  
3 ~~manner: the owner or owners of the land shall file with the board of~~  
4 ~~supervisors a petition praying that the lands described be added to~~  
5 ~~and become a part of said district, and said petition may describe~~  
6 ~~said land by metes and bounds or by lot and block number and shall be~~  
7 ~~signed and executed in the same manner provided by law for the~~  
8 ~~conveyance of real estate. Such petition shall be heard and~~  
9 ~~considered by the board of supervisors and may be granted and said~~  
10 ~~land added to the district if same is considered to be to the~~  
11 ~~advantage of the district. Any such petition which may be granted~~  
12 ~~so adding lands to the district shall be filed for record and be~~  
13 ~~recorded in the Willacy County deed records].~~

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