

1-1 By: Lucio S.B. No. 1840
1-2 (In the Senate - Filed April 5, 2005; April 6, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 May 10, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; May 10, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1840 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the Willacy County Drainage District No. 1; providing
1-11 the authority to impose a tax.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 3, Chapter 10, Acts of the 61st
1-14 Legislature, Regular Session, 1969, is amended to read as follows:

1-15 Sec. 3. Said district shall be considered to be organized
1-16 and existing for the sole purpose of the reclamation and drainage of
1-17 its overflowed lands and other lands needing drainage, and to
1-18 accomplish such purpose the district shall have, and is hereby
1-19 vested with, all of the rights, powers, privileges, and duties
1-20 conferred and imposed by the general laws of the State of Texas, now
1-21 in force or hereafter enacted, applicable to drainage [~~fresh water
1-22 supply~~] districts created under authority of Article XVI, Section
1-23 59, of the Texas Constitution, but to the extent that the provisions
1-24 of such general laws may be in conflict with the provisions of this
1-25 Act, the provisions of this Act shall prevail. All such general
1-26 laws are hereby incorporated by reference with the same effect as if
1-27 incorporated in full in this Act. Without limiting the
1-28 generalization of the foregoing, it is expressly provided that all
1-29 said powers now or hereafter conferred by such general laws upon
1-30 drainage [~~fresh water supply~~] districts [~~for the purpose of
1-31 conserving, transporting, and distributing fresh water~~] are hereby
1-32 specifically conferred upon this district for the purpose of
1-33 reclaiming and draining its overflowed lands and other lands
1-34 needing drainage; and, in addition, said district shall be
1-35 authorized to build, construct, purchase, acquire, improve,
1-36 enlarge, extend, repair, maintain, or replace all walls, dams,
1-37 dikes, levees, embankments, canals, drains, tanks, laterals, and
1-38 pumps which its board of directors [~~supervisors~~] deems necessary to
1-39 carry out the purpose of such district's creation. Provided,
1-40 however, that before issuing any construction bonds said district
1-41 shall submit plans and specifications therefor [~~to the Texas Water
1-42 Rights Commission~~] for approval in the manner required by
1-43 Subchapter F, Chapter 49, Water Code [~~Chapter 336, Acts of the 57th
1-44 Legislature, Regular Session, 1961 (Article 7880-139, Vernon's
1-45 Texas Civil Statutes)~~], and said district's project and
1-46 improvements during the course of construction shall be subject to
1-47 inspection in the manner provided by Subchapter F, Chapter 49,
1-48 Water Code [~~said Act~~]. Said district shall have authority to act
1-49 jointly with individuals, with firms, with corporations, with
1-50 partnerships, with other districts, with any department or agency
1-51 of the State of Texas and with any political subdivisions thereof,
1-52 with other states, with cities and towns, and with the federal
1-53 government in the performance and accomplishment of any of the
1-54 things permitted hereunder upon such terms and conditions as may be
1-55 deemed advisable by said district's board of directors
1-56 [~~supervisors~~]. Said district shall also have the power to make,
1-57 construct, or otherwise acquire improvements either within or
1-58 without the boundaries thereof necessary to carry out the powers
1-59 and authority granted by this Act and said general laws. In the
1-60 event that the district, in the exercise of the power of eminent
1-61 domain or power of relocation, or any other power granted
1-62 hereunder, makes necessary the relocation, raising, rerouting, or
1-63 changing the grade of or altering the construction of any highway,

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

2-10 SECTION 2. Section 5, Chapter 10, Acts of the 61st
 2-11 Legislature, Regular Session, 1969, is amended to read as follows:

2-12 Sec. 5. [~~a~~] The management and control of the district
 2-13 is hereby vested in a board of seven directors [~~supervisors~~] which
 2-14 shall have all of the powers and authority and duties conferred and
 2-15 imposed upon boards of directors [~~supervisors~~] of drainage [~~fresh~~
 2-16 ~~water supply~~] districts organized under the provisions of Chapter
 2-17 56, Water Code [~~Chapter 4, Title 128, Revised Civil Statutes of~~
 2-18 ~~Texas, 1925, together with all amendments thereof and additions~~
 2-19 ~~thereto~~].

2-20 [~~b~~] ~~The next election for supervisors shall be held on the~~
 2-21 ~~third Saturday in January, 1984. At that election the two persons~~
 2-22 ~~receiving the largest number of votes shall serve for terms of three~~
 2-23 ~~years and the two persons receiving the next largest number of votes~~
 2-24 ~~shall serve for terms of two years. Thereafter, on the third~~
 2-25 ~~Saturday in January in each year an election shall be held to elect~~
 2-26 ~~the appropriate number of supervisors to the board, and these~~
 2-27 ~~supervisors shall serve for three-year terms. Except as provided~~
 2-28 ~~in this subsection, elections for supervisors shall be held in the~~
 2-29 ~~manner provided for election of supervisors of fresh water supply~~
 2-30 ~~districts.]~~

2-31 SECTION 3. Section 7, Chapter 10, Acts of the 61st
 2-32 Legislature, Regular Session, 1969, is amended to read as follows:

2-33 Sec. 7. The assessor and collector of taxes, the county
 2-34 treasurer, and the county depository of Willacy County are
 2-35 authorized to, and shall be required to, perform all duties in
 2-36 connection with the district required of them by law in connection
 2-37 with official matters for Willacy County. Said board of directors
 2-38 [~~supervisors~~] may employ a general manager for said district and
 2-39 such other agents, attorneys, engineers, and employees as may be
 2-40 considered necessary in connection with the purposes of this Act,
 2-41 and all compensation for such persons may be payable from funds
 2-42 herein created for the maintenance and operation of the district.

2-43 SECTION 4. Subsections (a), (b), and (c), Section 8,
 2-44 Chapter 10, Acts of the 61st Legislature, Regular Session, 1969,
 2-45 are amended to read as follows:

2-46 (a) The board of directors [~~supervisors~~] shall be
 2-47 authorized, from time to time, in behalf of said drainage district,
 2-48 to issue the bonds of said district, within the limitations
 2-49 hereinafter stated, for the purpose of acquiring funds with which
 2-50 to accomplish and carry out any one or more of the powers and
 2-51 purposes herein granted to the district, and to provide for the
 2-52 payment of the interest on such bonds as it accrues and to create a
 2-53 sinking fund for the redemption of said bonds as they mature, by
 2-54 levying and causing to be collected a tax on all taxable property
 2-55 within the district, as shown by the then current approved county
 2-56 assessment rolls, sufficient for such purposes. It is expressly
 2-57 provided, however, that the total principal amount of bonds issued
 2-58 by the district at any one time, together with all previously issued
 2-59 bonds then outstanding, shall never exceed a sum equal to 15 percent
 2-60 of the assessed valuation of all taxable property within the
 2-61 district, as shown by the then current county assessment rolls.

2-62 (b) No such bonds shall be issued until first authorized by
 2-63 a majority of the qualified property taxpaying electors voting at
 2-64 an election called for the purpose of determining whether or not
 2-65 such bonds shall be issued and whether or not taxes shall be levied
 2-66 to pay principal and interest thereon when due. In the event a
 2-67 majority of the qualified electors voting at such election shall
 2-68 vote in favor of the issuance of bonds and the levy of taxes, the
 2-69 board of directors [~~supervisors~~] shall be authorized to issue,

3-1 sell, and deliver said drainage district bonds and to receive, use
 3-2 and apply the proceeds for the aforesaid purposes of said district,
 3-3 and to levy and assess taxes upon all property subject to taxation
 3-4 in said district and to arrange for the collection of such taxes.
 3-5 Subject to the limitations contained in this Act, additional bonds
 3-6 may be issued, from time to time, in like manner, and under the same
 3-7 procedure.

3-8 (c) The proposition of the issuance of bonds may be
 3-9 submitted at the election called for confirmation of the creation
 3-10 of said district under Section 6 of this Act or at such later times
 3-11 as the board of directors [~~supervisors~~] shall deem proper. If the
 3-12 proposition of issuing bonds is submitted at the confirmation
 3-13 election, the form of ballot at such first election shall be
 3-14 substantially as follows: "For the confirmation of the district,
 3-15 the issuance of bonds and the levy of taxes in payment thereof," and
 3-16 the contrary of such proposition. The levy of maintenance taxes may
 3-17 be submitted as a further proposition at such election. The
 3-18 provisions of Subchapter D, Chapter 49, and Subchapter F, Chapter
 3-19 56, Water Code, [Chapter 1, Title 22, Revised Civil Statutes of
 3-20 Texas, 1925, as amended, shall] apply to all bond elections in said
 3-21 district except where in conflict with this Act.

3-22 SECTION 5. Section 10, Chapter 10, Acts of the 61st
 3-23 Legislature, Regular Session, 1969, is amended to read as follows:

3-24 Sec. 10. In addition to the levy and collection of taxes to
 3-25 pay bonds, as heretofore provided, said board of directors
 3-26 [~~supervisors~~] may levy and cause to be collected a tax not exceeding
 3-27 25 cents on each \$100 valuation of taxable property within the
 3-28 district for the purpose of paying the cost of operating the
 3-29 district and maintaining its properties; provided, however, that no
 3-30 such tax shall be levied or assessed, until authorized at an
 3-31 election called for such purpose by said board of directors
 3-32 [~~supervisors~~] in the manner provided by Section 8 hereof, at which a
 3-33 majority of the qualified property taxpaying electors voting at
 3-34 such election, vote in favor of the levy and collection of such tax.
 3-35 The board of directors may impose a tax for operation and
 3-36 maintenance purposes at a rate that exceeds 25 cents on each \$100
 3-37 valuation of taxable property within the district if the tax is
 3-38 approved by a vote of a majority of the voters of the district
 3-39 voting at an election called for that purpose in accordance with
 3-40 Section 49.107, Water Code. The proposition in a tax election may
 3-41 be for a specific maximum rate or for an unlimited rate. The
 3-42 assessed valuation of taxable property for district purposes shall
 3-43 be the same as that for state and county purposes; and the county
 3-44 tax assessor-collector is hereby named and appointed tax
 3-45 assessor-collector for said district; and the board of equalization
 3-46 of the county is hereby named, constituted, and appointed the board
 3-47 of equalization for said district. All laws of the State of Texas
 3-48 relating to the assessing and collecting of state and county taxes
 3-49 are by this Act made available for, and shall be applied to, the
 3-50 assessing of current taxes and to the collection of both current and
 3-51 delinquent taxes of said district, except where same are in
 3-52 conflict with the provision of this Act. The tax
 3-53 assessor-collector is entitled to a fee as compensation for his
 3-54 services of not more than three-fifths of one percent of the taxes
 3-55 collected for assessing, and not to exceed one-half of one percent
 3-56 for collecting, said compensation for collecting and assessing
 3-57 taxes not to exceed \$5,000 in any one fiscal year. The tax
 3-58 assessor-collector shall be paid not to exceed five percent for
 3-59 collecting delinquent taxes. The board of directors [~~supervisors~~]
 3-60 shall fix the exact amount of compensation by contract or agreement
 3-61 with the tax assessor-collector. The assessor-collector shall
 3-62 deduct this fee from the payments made to the district of the taxes
 3-63 collected, and deposit that amount in the general fund of the county
 3-64 as a fee of office of the tax assessor-collector.

3-65 SECTION 6. Section 12, Chapter 10, Acts of the 61st
 3-66 Legislature, Regular Session, 1969, is amended to read as follows:

3-67 Sec. 12. Land, contiguous to said district or otherwise,
 3-68 may be added to said district in the manner provided by Chapters 49
 3-69 and 56, Water Code [~~not only in the manner now provided by Chapter~~

4-1 ~~4, Title 128, Revised Civil Statutes of Texas, 1925, as amended, but~~
4-2 ~~also land may be added to such district and become a part thereof~~
4-3 ~~upon petition of the owner or owners thereof in the following~~
4-4 ~~manner: the owner or owners of the land shall file with the board of~~
4-5 ~~supervisors a petition praying that the lands described be added to~~
4-6 ~~and become a part of said district, and said petition may describe~~
4-7 ~~said land by metes and bounds or by lot and block number and shall be~~
4-8 ~~signed and executed in the same manner provided by law for the~~
4-9 ~~conveyance of real estate. Such petition shall be heard and~~
4-10 ~~considered by the board of supervisors and may be granted and said~~
4-11 ~~land added to the district if same is considered to be to the~~
4-12 ~~advantage of the district. Any such petition which may be granted~~
4-13 ~~so adding lands to the district shall be filed for record and be~~
4-14 ~~recorded in the Willacy County deed records].~~

4-15 SECTION 7. This Act takes effect immediately if it receives
4-16 a vote of two-thirds of all the members elected to each house, as
4-17 provided by Section 39, Article III, Texas Constitution. If this
4-18 Act does not receive the vote necessary for immediate effect, this
4-19 Act takes effect September 1, 2005.

4-20 * * * * *