By: Duncan (Ritter) S.B. No. 1026

A BILL TO BE ENTITLED

AN ACT

relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

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

ARTICLE 1. NONSUBSTANTIVE REVISION OF LOCAL LAWS

SECTION 1.01. Subtitle A, Title 3, Special District Local Laws Code, is amended by adding Chapters 1075, 1076, 1087, 1096, 1107, 1109, 1110, 1112, 1113, 1114, 1115, 1116, and 1117 to read as follows:

CHAPTER 1075. STAMFORD HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1075.001. DEFINITIONS

Sec. 1075.002. AUTHORITY FOR CREATION

Sec. 1075.003. ESSENTIAL PUBLIC FUNCTION

Sec. 1075.004. DISTRICT TERRITORY

Sec. 1075.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION

Sec. 1075.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE

[Sections 1075.007-1075.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1075.051. BOARD ELECTION; TERM

Sec. 1075.052. NOTICE OF ELECTION

Sec. 1075.053. BALLOT PETITION

Sec. 1075.054. QUALIFICATIONS FOR OFFICE

Sec. 1075.055. BOND; RECORD OF BOND AND OATH

Sec. 1075.056. BOARD VACANCY

Sec. 1075.057. OFFICERS

Sec. 1075.058. COMPENSATION; EXPENSES

Sec. 1075.059. DISTRICT ADMINISTRATOR; ASSISTANT ADMINISTRATOR

Sec. 1075.060. GENERAL DUTIES OF DISTRICT ADMINISTRATOR

Sec. 1075.061. EMPLOYEES

Sec. 1075.062. RETIREMENT PROGRAM

[Sections 1075.063-1075.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1075.101. DISTRICT RESPONSIBILITY

Sec. 1075.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT

Sec. 1075.103. MANAGEMENT, CONTROL, AND ADMINISTRATION

Sec. 1075.104. HOSPITAL SYSTEM

Sec. 1075.105. RULES

Sec. 1075.106. PURCHASING AND ACCOUNTING

Sec. 1075.107. RATES AND CHARGES

Sec. 1075.108. EMINENT DOMAIN

Sec. 1075.109. GIFTS AND ENDOWMENTS

Sec. 1075.110. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT

Sec. 1075.111. PAYMENT FOR TREATMENT; PROCEDURES

Sec. 1075.112. AUTHORITY TO SUE AND BE SUED

[Sections 1075.113-1075.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1075.151. BUDGET

Sec. 1075.152. FISCAL YEAR

Sec. 1075.153. AUDIT

Sec. 1075.154. FINANCIAL REPORT

Sec. 1075.155. DEPOSITORY

Sec. 1075.156. AUTHORITY TO BORROW MONEY; SECURITY

[Sections 1075.157-1075.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1075.201. GENERAL OBLIGATION BONDS

Sec. 1075.202. TAX TO PAY GENERAL OBLIGATION BONDS

Sec. 1075.203. GENERAL OBLIGATION BOND ELECTION

Sec. 1075.204. EXECUTION OF GENERAL OBLIGATION BONDS

Sec. 1075.205. REFUNDING BONDS

Sec. 1075.206. BONDS EXEMPT FROM TAXATION

[Sections 1075.207-1075.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1075.251. IMPOSITION OF AD VALOREM TAX

Sec. 1075.252. TAX RATE

CHAPTER 1075. STAMFORD HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1075.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Stamford Hospital District.

(New.)

Sec. 1075.002. AUTHORITY FOR CREATION. The Stamford Hospital District is created under the authority of Section 9, Article IX, Texas Constitution, and has the rights, powers, and duties prescribed by this chapter. (Acts 59th Leg., R.S., Ch. 108, Sec. 1 (part).)

Sec. 1075.003. ESSENTIAL PUBLIC FUNCTION. The district performs an essential public function in carrying out the purposes of this chapter. (Acts 59th Leg., R.S., Ch. 108, Sec. 8 (part).)

Sec. 1075.004. DISTRICT TERRITORY. The district is composed of the territory described by Section 1a, Chapter 108, Acts of the 59th Legislature, Regular Session, 1965, as amended by Section 1, Chapter 563, Acts of the 63rd Legislature, Regular Session, 1973. (New.)

Sec. 1075.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION. The support and maintenance of the district may not become a charge against or obligation of this state. (Acts 59th Leg., R.S., Ch. 108, Sec. 18 (part).)

Sec. 1075.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE. The legislature may not make a direct appropriation for the construction, maintenance, or improvement of a district facility. (Acts 59th Leg., R.S., Ch. 108, Sec. 18 (part).)

[Sections 1075.007-1075.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1075.051. BOARD ELECTION; TERM. (a) The board consists of seven elected directors.

(b) Directors serve staggered two-year terms unless

four-year terms are established under Section 285.081, Health and Safety Code.

(c) The election order must state the time, place, and purpose of the election. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

Sec. 1075.052. NOTICE OF ELECTION. At least five days before the date of a directors' election, notice of the election must be published one time in a newspaper of general circulation in the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

Sec. 1075.053. BALLOT PETITION. A person who wants to have the person's name printed on the ballot as a candidate for director must file with the board secretary a petition requesting that action. The petition must be:

(1) signed by at least 10 registered voters; and

(2) filed by the deadline imposed by Section 144.005, Election Code. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

Sec. 1075.054. QUALIFICATIONS FOR OFFICE. To be eligible to hold office as a director, a person must be a resident property-owning taxpaying voter of the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

Sec. 1075.055. BOND; RECORD OF BOND AND OATH. (a) Each director shall execute a good and sufficient bond for $1,000 that is:

(1) payable to the district; and

(2) conditioned on the faithful performance of the director's duties.

(b) Each director's bond and constitutional oath of office

shall be deposited with the district's depository bank for safekeeping. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

Sec. 1075.056. BOARD VACANCY. If a vacancy occurs in the office of director, the remaining directors by majority vote shall appoint a director for the unexpired term. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

Sec. 1075.057. OFFICERS. (a) The board shall elect from among its members a president, vice president, secretary, and other officers as in the judgment of the board are necessary.

(b) The president is the chief executive officer of the district and has the same right to vote as any other director.

(c) If the president is absent or fails and declines to act, the vice president shall perform the president's duties and exercise the president's powers under this chapter. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

Sec. 1075.058. COMPENSATION; EXPENSES. A director is not entitled to compensation but is entitled to receive actual expenses incurred in attending to district business on approval of the expenses by the remainder of the board. (Acts 59th Leg., R.S., Ch. 108, Sec. 4 (part).)

Sec. 1075.059. DISTRICT ADMINISTRATOR; ASSISTANT ADMINISTRATOR. (a) The board shall appoint a qualified person as district administrator.

(b) The board may appoint an assistant administrator.

(c) The district administrator and assistant administrator serve at the will of the board and shall receive the compensation determined by the board.

(d) On assuming the duties of district administrator, the administrator shall execute a bond payable to the district in an amount set by the board of not less than $10,000 that:

(1) is conditioned on the administrator performing the administrator's duties; and

(2) contains any other condition the board requires. (Acts 59th Leg., R.S., Ch. 108, Sec. 5 (part).)

Sec. 1075.060. GENERAL DUTIES OF DISTRICT ADMINISTRATOR. Subject to any limitations prescribed by the board, the district administrator shall:

(1) supervise the work and activities of the district; and

(2) direct the affairs of the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 5 (part).)

Sec. 1075.061. EMPLOYEES. The board may employ any doctors, technicians, nurses, and other employees as considered necessary for the efficient operation of the district or may provide that the district administrator has the authority to employ those persons. (Acts 59th Leg., R.S., Ch. 108, Sec. 5 (part).)

Sec. 1075.062. RETIREMENT PROGRAM. The board may enter into any contract or agreement with this state or the federal government as required to establish or continue a retirement program for the benefit of the district's employees. (Acts 59th Leg., R.S., Ch. 108, Sec. 5 (part).)

[Sections 1075.063-1075.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1075.101. DISTRICT RESPONSIBILITY. The district has

full responsibility for:

(1) operating all hospital facilities for providing medical and hospital care of indigent persons in the district; and

(2) providing medical and hospital care for the district's needy inhabitants. (Acts 59th Leg., R.S., Ch. 108, Secs. 2 (part), 17 (part).)

Sec. 1075.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT. A political subdivision located within the district may not impose a tax or issue bonds or other obligations for hospital purposes or for medical treatment of indigent persons in the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 17 (part).)

Sec. 1075.103. MANAGEMENT, CONTROL, AND ADMINISTRATION. The board shall manage, control, and administer the district's hospitals and hospital system. (Acts 59th Leg., R.S., Ch. 108, Sec. 5 (part).)

Sec. 1075.104. HOSPITAL SYSTEM. The district shall provide for:

(1) the establishment of a hospital or hospital system by:

(A) purchasing, constructing, acquiring, repairing, or renovating buildings and improvements; and

(B) equipping the buildings and improvements; and

(2) the administration of the hospital or hospital system for hospital purposes. (Acts 59th Leg., R.S., Ch. 108, Sec. 2 (part).)

Sec. 1075.105. RULES. The board may adopt rules for the

operation of the district and as required to administer this chapter. (Acts 59th Leg., R.S., Ch. 108, Secs. 5 (part), 9 (part).)

Sec. 1075.106. PURCHASING AND ACCOUNTING. The board may prescribe:

(1) the method and manner of making purchases and expenditures by and for the district; and

(2) all accounting and control procedures. (Acts 59th Leg., R.S., Ch. 108, Sec. 9 (part).)

Sec. 1075.107. RATES AND CHARGES. The board shall prescribe the rates and charges for:

(1) services;

(2) supplies; and

(3) the use of hospital facilities. (Acts 59th Leg., R.S., Ch. 108, Sec. 14 (part).)

Sec. 1075.108. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property located in district territory if the interest is necessary or convenient to a power, right, or privilege conferred by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code. (Acts 59th Leg., R.S., Ch. 108, Sec. 12.)

Sec. 1075.109. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, or other provisions prescribed in writing by the donor that are not inconsistent with the proper management

and objectives of the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 15.)

Sec. 1075.110. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT. The board may contract with:

(1) any county or municipality located outside the district for the care and treatment of a sick or injured person of that county or municipality; and

(2) this state or a federal agency for the treatment of a sick or injured person for whom this state or the federal government is responsible. (Acts 59th Leg., R.S., Ch. 108, Sec. 5 (part).)

Sec. 1075.111. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient who resides in the district is admitted to a district facility, the district administrator shall have an inquiry made into the circumstances of:

(1) the patient; and

(2) the patient's relatives legally liable for the patient's support.

(b) If the district administrator determines that the patient or those relatives cannot pay for all or part of the patient's care and treatment in the hospital, the amount that cannot be paid becomes a charge against the district.

(c) If the district administrator determines that the patient or those relatives can pay for all or part of the patient's care and treatment, the patient or those relatives shall be ordered to pay the district a specified amount each week for the patient's support. The amount ordered must be proportionate to their

financial ability and may not exceed the actual per capita cost of maintenance.

(d) The district administrator may collect the amount from the patient's estate, or from those relatives legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e) If there is a dispute as to the ability to pay, or doubt in the mind of the district administrator, the board shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute or doubt; and

(2) issue any appropriate orders. (Acts 59th Leg., R.S., Ch. 108, Sec. 14 (part).)

Sec. 1075.112. AUTHORITY TO SUE AND BE SUED. The district, through the board, may sue and be sued. (Acts 59th Leg., R.S., Ch. 108, Sec. 5 (part).)

[Sections 1075.113-1075.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1075.151. BUDGET. (a) The district administrator shall prepare for approval by the board an annual budget that corresponds to the district's fiscal year.

(b) Not later than August 31 of each year, the board shall publish notice of a public hearing on the proposed budget. The notice must be published in a newspaper of general circulation in the district one time at least 10 days before the date of the hearing. (Acts 59th Leg., R.S., Ch. 108, Secs. 6 (part), 16.)

Sec. 1075.152. FISCAL YEAR. The district shall operate on a fiscal year that begins on October 1 and ends on September 30.

(Acts 59th Leg., R.S., Ch. 108, Sec. 6 (part).)

Sec. 1075.153. AUDIT. (a) The district shall have an audit made of the district's financial condition.

(b) The audit shall be open to inspection at all times at the district's principal office. (Acts 59th Leg., R.S., Ch. 108, Sec. 6 (part).)

Sec. 1075.154. FINANCIAL REPORT. As soon as practicable after the close of each fiscal year, the district administrator shall prepare for the board:

(1) a complete sworn statement of all district money; and

(2) a complete account of the disbursements of that money. (Acts 59th Leg., R.S., Ch. 108, Sec. 6 (part).)

Sec. 1075.155. DEPOSITORY. (a) The board shall select one or more banks in the district to serve as a depository for district money.

(b) All district money shall be immediately deposited on receipt with a depository bank, except that sufficient money must be remitted to an appropriate bank to pay the principal of and interest on the district's outstanding bonds on or before the maturity date of the principal and interest.

(c) To the extent that money in a depository bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds.

(d) Membership on the district's board of an officer or director of a bank does not disqualify the bank from being

designated as depository. (Acts 59th Leg., R.S., Ch. 108, Sec. 10.)

Sec. 1075.156. AUTHORITY TO BORROW MONEY; SECURITY. (a) The board may borrow money from a federally insured lending institution or make other financial arrangements for district operating expenses or other authorized obligations.

(b) The board may borrow money in an amount and subject to a rate of interest and other terms the board finds appropriate.

(c) To secure a loan, the board may pledge:

(1) district revenue that is not pledged to pay the district's bonded indebtedness; or

(2) property acquired with borrowed money that is not pledged to pay the district's bonded indebtedness.

(d) A loan for which district revenue is pledged must mature not later than the fifth anniversary of the date the loan is made.

(e) The district must provide for the payment of all district debts and obligations before dissolution. (Acts 59th Leg., R.S., Ch. 108, Sec. 17a, as added Acts 74th Leg., R.S., Ch. 52, Sec. 1, and amended Acts 76th Leg., R.S., Ch. 1566, Sec. 1.)

[Sections 1075.157-1075.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1075.201. GENERAL OBLIGATION BONDS. (a) The board may issue and sell general obligation bonds in the name and on the faith and credit of the district for any purpose related to the purchase, construction, acquisition, repair, or renovation of buildings and improvements, and equipping buildings and improvements for a hospital and the hospital system, as determined by the board.

(b) The board shall issue the bonds in compliance with the

applicable provisions of Subtitles A and C, Title 9, Government Code. (Acts 59th Leg., R.S., Ch. 108, Sec. 7 (part).)

Sec. 1075.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At the time general obligation bonds are issued by the district, the board shall impose an ad valorem tax at a rate sufficient to create an interest and sinking fund and to pay the principal of and interest on the bonds as the bonds mature.

(b) The tax required by this section together with any other ad valorem tax the district imposes may not in any year exceed 75 cents on each $100 valuation of taxable property in the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 7 (part).)

Sec. 1075.203. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters voting at an election held for that purpose.

(b) The board shall call the election. The election must be held in accordance with Chapter 1251, Government Code.

(c) The bond election order must specify:

(1) the date of the election;

(2) the location of the polling places;

(3) the presiding election officers;

(4) the amount of the bonds to be authorized;

(5) the maximum maturity of the bonds; and

(6) the maximum interest rate of the bonds. (Acts 59th Leg., R.S., Ch. 108, Sec. 7 (part).)

Sec. 1075.204. EXECUTION OF GENERAL OBLIGATION BONDS. The board president shall execute the general obligation bonds in the

district's name, and the board secretary shall attest the bonds as provided by Chapter 618, Government Code. (Acts 59th Leg., R.S., Ch. 108, Sec. 7 (part).)

Sec. 1075.205. REFUNDING BONDS. (a) District refunding bonds may, without an election, be issued to refund any bonds or other refundable indebtedness issued by the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of the outstanding bonds or other refundable indebtedness; or

(2) exchanged wholly or partly for not less than a similar principal amount of the outstanding bonds or other refundable indebtedness. (Acts 59th Leg., R.S., Ch. 108, Sec. 7 (part).)

Sec. 1075.206. BONDS EXEMPT FROM TAXATION. The following are exempt from taxation by this state or a political subdivision of this state:

(1) bonds issued by the district;

(2) the transfer and issuance of the bonds; and

(3) any profits made in the sale of the bonds. (Acts 59th Leg., R.S., Ch. 108, Sec. 8 (part).)

[Sections 1075.207-1075.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1075.251. IMPOSITION OF AD VALOREM TAX. (a) The board may impose a tax on all taxable property in the district subject to district taxation.

(b) The tax may be used to meet the requirements of district

bonds and for the district's maintenance and operating expenses. (Acts 59th Leg., R.S., Ch. 108, Sec. 3a (part).)

Sec. 1075.252. TAX RATE. The district may impose the tax at a rate not to exceed 75 cents on each $100 valuation of taxable property in the district. (Acts 59th Leg., R.S., Ch. 108, Sec. 3a (part).)

CHAPTER 1076. STARR COUNTY HOSPITAL DISTRICT OF STARR COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1076.001. DEFINITIONS

Sec. 1076.002. AUTHORITY FOR CREATION

Sec. 1076.003. POLITICAL SUBDIVISION

Sec. 1076.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 1076.005. DISTRICT TERRITORY

[Sections 1076.006-1076.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1076.051. BOARD ELECTION; TERM

Sec. 1076.052. NOTICE OF ELECTION

Sec. 1076.053. QUALIFICATIONS FOR OFFICE

Sec. 1076.054. BOND

Sec. 1076.055. BOARD VACANCY

Sec. 1076.056. OFFICERS; DUTIES; ABSENCE OF PRESIDENT OR SECRETARY

Sec. 1076.057. COMPENSATION; EXPENSES

Sec. 1076.058. DISTRICT ADMINISTRATOR; ASSISTANT ADMINISTRATOR

Sec. 1076.059. GENERAL DUTIES OF DISTRICT ADMINISTRATOR

Sec. 1076.060. APPOINTMENT AND REMOVAL OF MEDICAL STAFF AND EMPLOYEES

Sec. 1076.061. RECRUITMENT OF MEDICAL STAFF AND EMPLOYEES

Sec. 1076.062. HEALTH CARE EDUCATIONAL PROGRAMS

Sec. 1076.063. RETIREMENT BENEFITS

[Sections 1076.064-1076.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1076.101. DISTRICT RESPONSIBILITY

Sec. 1076.102. MANAGEMENT, CONTROL, AND ADMINISTRATION

Sec. 1076.103. HOSPITAL SYSTEM

Sec. 1076.104. RULES

Sec. 1076.105. PURCHASING AND ACCOUNTING

Sec. 1076.106. DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT

Sec. 1076.107. EMINENT DOMAIN

Sec. 1076.108. GIFTS, GRANTS, AND ENDOWMENTS

Sec. 1076.109. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT

Sec. 1076.110. CONTRACTS FOR SERVICES

Sec. 1076.111. PROVISION OF CERTAIN HEALTH SERVICES

Sec. 1076.112. PAYMENT FOR TREATMENT; PROCEDURES

Sec. 1076.113. NONPROFIT CORPORATION

[Sections 1076.114-1076.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1076.151. BUDGET

Sec. 1076.152. PROPOSED BUDGET: NOTICE AND HEARING

Sec. 1076.153. FISCAL YEAR

Sec. 1076.154. ANNUAL AUDIT

Sec. 1076.155. FINANCIAL REPORT

Sec. 1076.156. PROJECTS AND PURCHASES EXEMPT FROM ASSESSMENT OR TAXATION

Sec. 1076.157. DEPOSITORY

Sec. 1076.158. AUTHORITY TO BORROW MONEY; SECURITY

Sec. 1076.159. INVESTMENT OF DISTRICT MONEY

[Sections 1076.160-1076.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1076.201. GENERAL OBLIGATION BONDS

Sec. 1076.202. TAX TO PAY GENERAL OBLIGATION BONDS

Sec. 1076.203. GENERAL OBLIGATION BOND ELECTION

Sec. 1076.204. EXECUTION OF GENERAL OBLIGATION BONDS

Sec. 1076.205. REVENUE BONDS

Sec. 1076.206. REFUNDING BONDS

Sec. 1076.207. MATURITY OF BONDS

Sec. 1076.208. ADDITIONAL MEANS OF SECURING REPAYMENT OF BONDS

Sec. 1076.209. USE OF BOND PROCEEDS

Sec. 1076.210. BONDS EXEMPT FROM TAXATION

[Sections 1076.211-1076.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1076.251. IMPOSITION OF AD VALOREM TAX

Sec. 1076.252. TAX RATE

Sec. 1076.253. TAX ASSESSOR-COLLECTOR

[Sections 1076.254-1076.300 reserved for expansion]

SUBCHAPTER G. DISSOLUTION

Sec. 1076.301. DISSOLUTION; ELECTION

Sec. 1076.302. NOTICE OF ELECTION

Sec. 1076.303. BALLOT

Sec. 1076.304. ELECTION RESULTS

Sec. 1076.305. TRANSFER OR ADMINISTRATION OF ASSETS

Sec. 1076.306. IMPOSITION OF TAX AND RETURN OF SURPLUS TAXES

Sec. 1076.307. REPORT; DISSOLUTION ORDER

CHAPTER 1076. STARR COUNTY HOSPITAL DISTRICT OF STARR COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1076.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of trustees of the district.

(2) "District" means the Starr County Hospital District of Starr County, Texas.

(3) "Trustee" means a member of the board. (Acts 63rd Leg., R.S., Ch. 118, Sec. 1 (part); New.)

Sec. 1076.002. AUTHORITY FOR CREATION. The Starr County Hospital District of Starr County, Texas, is created under the authority of Section 9, Article IX, Texas Constitution. (Acts 63rd Leg., R.S., Ch. 118, Sec. 1 (part).)

Sec. 1076.003. POLITICAL SUBDIVISION. The district is a

political subdivision of this state. (Acts 63rd Leg., R.S., Ch. 118, Sec. 12 (part).)

Sec. 1076.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries.

(b) The district is a governmental agency performing an essential public function under the constitution in carrying out the purposes of this chapter. (Acts 63rd Leg., R.S., Ch. 118, Secs. 12 (part), 13 (part).)

Sec. 1076.005. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Starr County, Texas, including all "cut over" or "banco" land on the north side of the Rio Grande River. (Acts 63rd Leg., R.S., Ch. 118, Sec. 1 (part).)

[Sections 1076.006-1076.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1076.051. BOARD ELECTION; TERM. (a) A board of five trustees shall exercise the powers of the district.

(b) One trustee is elected from each commissioners precinct and one trustee is elected from the district at large by a majority of district voters.

(c) Unless four-year terms are established under Section 285.081, Health and Safety Code:

(1) trustees serve two-year terms;

(2) trustees who represent odd-numbered precincts and the trustee elected at large are elected in odd-numbered years;

(3) trustees who represent even-numbered precincts are elected in even-numbered years; and

(4) a trustee's election shall be held each year on the May uniform election date prescribed by Section 41.001, Election Code, or another date authorized by law. (Acts 63rd Leg., R.S., Ch. 118, Secs. 4(a) (part), (c) (part).)

Sec. 1076.052. NOTICE OF ELECTION. Notice of a trustees' election shall be published in a newspaper of general circulation in the district in accordance with Section 4.003, Election Code. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(c) (part).)

Sec. 1076.053. QUALIFICATIONS FOR OFFICE. To qualify for election as a trustee, a person must:

(1) be at least 18 years of age;

(2) have been a resident of the district for at least two years;

(3) have been a resident of the commissioners precinct from which the person is to be elected for at least two years, unless the person is running at large; and

(4) be a qualified voter. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(a) (part).)

Sec. 1076.054. BOND. (a) Each trustee shall execute a good and sufficient commercial bond for $1,000 that is:

(1) payable to the district; and

(2) conditioned on the faithful performance of the trustee's duties.

(b) The district may pay for a trustee's bond with district money. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(a) (part).)

Sec. 1076.055. BOARD VACANCY. If a vacancy occurs on the board, the majority of remaining trustees shall appoint a trustee for the unexpired term. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(c) (part).)

Sec. 1076.056. OFFICERS; DUTIES; ABSENCE OF PRESIDENT OR SECRETARY. (a) The board shall elect from among its members a president, vice president, and secretary, and other officers as in the judgment of the board are necessary.

(b) The president shall preside over district meetings and has the same right to vote as any other trustee.

(c) If the president is absent or fails or declines to act, the vice president shall perform the president's duties and exercise the president's powers under this chapter.

(d) The secretary:

(1) shall keep and sign the minutes of the board meetings; and

(2) is the custodian of the district's minutes and records.

(e) If the secretary is absent from a board meeting, the board shall name a secretary pro tem for the meeting who may:

(1) exercise all the duties and powers of the secretary for the meeting; and

(2) sign the minutes of the meeting. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(d).)

Sec. 1076.057. COMPENSATION; EXPENSES. A trustee serves without compensation but may be reimbursed for actual expenses incurred in the performance of official duties on approval of the

expenses by the board. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(a) (part).)

Sec. 1076.058. DISTRICT ADMINISTRATOR; ASSISTANT ADMINISTRATOR. (a) The board may appoint a qualified person as district administrator.

(b) The board may appoint an assistant administrator.

(c) The district administrator and any assistant administrator serve at the will of the board and shall receive the compensation determined by the board.

(d) On assuming the duties of district administrator, the administrator shall execute a bond payable to the district in an amount set by the board that:

(1) is conditioned on the administrator performing the administrator's duties; and

(2) contains other conditions the board may require.

(e) On assuming the duties of assistant administrator, the assistant administrator shall execute a bond payable to the district in an amount set by the board that:

(1) is conditioned on the assistant administrator performing the assistant administrator's duties; and

(2) contains other conditions the board may require. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(b) (part).)

Sec. 1076.059. GENERAL DUTIES OF DISTRICT ADMINISTRATOR. Subject to the limitations prescribed by the board, the district administrator shall:

(1) supervise the work and activities of the district; and

(2) direct the affairs of the district. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(b) (part).)

Sec. 1076.060. APPOINTMENT AND REMOVAL OF MEDICAL STAFF AND EMPLOYEES. (a) The board may appoint any doctors to its medical staff and employ any technicians, nurses, and other employees as considered necessary for the efficient operation of the district or may provide that the district administrator has the authority to employ those persons.

(b) The board may make temporary appointments the board considers necessary.

(c) The board may, after due process, remove from the medical staff any doctor whose removal the board considers necessary for the efficient operation of the district. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(c).)

Sec. 1076.061. RECRUITMENT OF MEDICAL STAFF AND EMPLOYEES. The board may use district money, enter into agreements, and take other necessary action to recruit or otherwise obtain physicians and other personnel for the district's medical staff or for employment with the district, including:

(1) advertising and marketing;

(2) paying recruitment expenses;

(3) paying travel and relocation expenses;

(4) providing a guarantee, subsidy, loan, or scholarship;

(5) sharing personnel; and

(6) authorizing a physician to use space in a district facility or providing a rent subsidy to a physician. (Acts 63rd

Leg., R.S., Ch. 118, Sec. 4(e).)

Sec. 1076.062. HEALTH CARE EDUCATIONAL PROGRAMS. The board may use district money, enter into agreements, and take other necessary action to conduct, participate in, or assist health care educational programs for the public and for current or potential medical staff members or employees. (Acts 63rd Leg., R.S., Ch. 118, Sec. 4(f).)

Sec. 1076.063. RETIREMENT BENEFITS. The board may provide retirement benefits for district employees by:

(1) establishing or administering a retirement program; or

(2) participating in:

(A) the Texas County and District Retirement System; or

(B) another statewide retirement system in which the district is eligible to participate. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(e).)

[Sections 1076.064-1076.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1076.101. DISTRICT RESPONSIBILITY. The district shall provide medical and hospital care for the district's needy inhabitants. (Acts 63rd Leg., R.S., Ch. 118, Sec. 2 (part).)

Sec. 1076.102. MANAGEMENT, CONTROL, AND ADMINISTRATION. (a) The district has authority to operate hospital facilities.

(b) The board shall manage, control, and administer the district's hospital and hospital system and carry out the functions of the district. (Acts 63rd Leg., R.S., Ch. 118, Secs. 2 (part),

5(a) (part).)

Sec. 1076.103. HOSPITAL SYSTEM. The district shall provide for:

(1) the establishment of a hospital or hospital system in the district to provide medical and hospital care and treatment and related services to district residents by:

(A) purchasing, constructing, acquiring, repairing, or renovating buildings, facilities, and improvements; and

(B) equipping the buildings, facilities, and improvements for hospital purposes; and

(2) the operation, maintenance, and administration of the hospital or hospital system for hospital purposes. (Acts 63rd Leg., R.S., Ch. 118, Sec. 2 (part).)

Sec. 1076.104. RULES. The board may adopt rules for the operation of the district. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(a) (part).)

Sec. 1076.105. PURCHASING AND ACCOUNTING. The board may prescribe:

(1) the method and manner of making purchases and expenditures by and for the district; and

(2) all accounting and control procedures. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(f).)

Sec. 1076.106. DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. (a) The board shall determine:

(1) the type, number, and location of buildings required to maintain an adequate hospital system; and

(2) the type of equipment necessary for hospital care.

(b) The board may:

(1) acquire property, including facilities and equipment, for the district for use in the hospital system;

(2) mortgage or pledge the property as security for the payment of the purchase price;

(3) lease hospital facilities for the district; and

(4) sell or otherwise dispose of property, including facilities or equipment, for the district. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(j).)

Sec. 1076.107. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property, real, personal, or mixed, located in district territory, if the interest is necessary or convenient for the district to exercise a right, power, privilege, or function conferred on the district by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

(c) In a condemnation proceeding brought by the district, the district is not required to:

(1) pay in advance or provide a bond for the issuance of a temporary restraining order or a temporary injunction; or

(2) provide a bond for costs or a supersedeas bond on an appeal or petition for review. (Acts 63rd Leg., R.S., Ch. 118, Sec. 6.)

Sec. 1076.108. GIFTS, GRANTS, AND ENDOWMENTS. The board may accept for the district a gift, grant, or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, or other provisions prescribed in writing by the donor that are not inconsistent with the proper management and objectives of the district. (Acts 63rd Leg., R.S., Ch. 118, Sec. 11.)

Sec. 1076.109. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT. The board may contract with this state or a federal agency for the treatment of a sick or injured person for whom this state or the federal government is responsible. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(d).)

Sec. 1076.110. CONTRACTS FOR SERVICES. (a) The board may contract with any person to obtain or supply the facilities and services the board considers necessary for the efficient operation of the district.

(b) The board may contract with a public or private hospital, a political subdivision of this state, or a state or federal agency for the district to provide a mobile emergency medical service or to provide for the investigatory or welfare needs of district inhabitants. (Acts 63rd Leg., R.S., Ch. 118, Secs. 5(h), (i).)

Sec. 1076.111. PROVISION OF CERTAIN HEALTH SERVICES. The district may operate or provide for:

(1) the operation of a mobile emergency medical or air ambulance service;

(2) home health services, long-term care, skilled

nursing care, intermediate nursing care, or hospice care; and

(3) any other reasonable or appropriate medical care or medical service. (Acts 63rd Leg., R.S., Ch. 118, Sec. 2 (part).)

Sec. 1076.112. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient who resides in the district is admitted to a district facility, the board or district administrator shall have an inquiry made into the circumstances of:

(1) the patient; and

(2) the patient's relatives legally liable for the patient's support.

(b) If the board or district administrator determines that the patient or those relatives cannot pay for all or part of the patient's care and treatment in the hospital, the amount that cannot be paid becomes a charge against the district.

(c) If the board or district administrator determines that the patient or those relatives are liable to pay for all or part of the patient's care and treatment, the patient or those relatives shall be ordered to pay the district a specified amount each week for the patient's care. The amount ordered must be proportionate to their financial ability and may not exceed the usual and customary charges for services.

(d) The board or district administrator may collect the amount from the patient's estate, or from any relative legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e) If there is a dispute as to the ability to pay between any party and the board or district administrator, the county court

shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute; and

(2) issue any appropriate orders.

(f) Either party to the dispute may appeal the order to the district court. (Acts 63rd Leg., R.S., Ch. 118, Sec. 9.)

Sec. 1076.113. NONPROFIT CORPORATION. (a) The district may create and sponsor a nonprofit corporation under the Business Organizations Code and may contribute money to or solicit money for the corporation.

(b) The corporation may use money contributed by the district only to provide health care or other services the district is authorized to provide under this chapter.

(c) The corporation may enter into a joint venture with any public or private entity or individual to provide health care or other services the district is authorized to provide under this chapter.

(d) The corporation may invest the corporation's money in any manner in which the district may invest the district's money, including investing money as authorized by Chapter 2256, Government Code.

(e) The board shall establish controls to ensure that the corporation uses its money as required by this section. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5A.)

[Sections 1076.114-1076.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1076.151. BUDGET. The board shall prepare a budget that includes:

(1) proposed expenditures and disbursements;

(2) estimated receipts and collections for the next fiscal year; and

(3) the amount of taxes required to be imposed to meet the proposed budget. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(g) (part).)

Sec. 1076.152. PROPOSED BUDGET: NOTICE AND HEARING. (a) The board shall hold a public hearing on the proposed budget.

(b) Notice of the hearing must be published at least once in a newspaper of general circulation in the district not later than the 10th day before the date of the hearing.

(c) Any district resident is entitled to:

(1) appear at the hearing; and

(2) be heard regarding any item in the proposed budget. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(g) (part).)

Sec. 1076.153. FISCAL YEAR. (a) The board shall establish the district fiscal year.

(b) The fiscal year may not be changed:

(1) during a period that revenue bonds of the district are outstanding; or

(2) more than once in a 24-month period. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(g) (part).)

Sec. 1076.154. ANNUAL AUDIT. As soon as practicable after the close of each fiscal year, the board shall have an annual audit made of the district's books and records by an independent public accountant. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(g) (part).)

Sec. 1076.155. FINANCIAL REPORT. (a) As soon as

practicable after the close of each fiscal year, the district administrator shall prepare a report that includes:

(1) a complete sworn statement of all district money;

(2) a complete account of the disbursements of that money during the previous fiscal year; and

(3) the details of district operation during the previous fiscal year.

(b) The district administrator shall make the report to the board. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5(g) (part).)

Sec. 1076.156. PROJECTS AND PURCHASES EXEMPT FROM ASSESSMENT OR TAXATION. The district is not required to pay a tax or assessment on:

(1) a district project or any part of the project; or

(2) a district purchase. (Acts 63rd Leg., R.S., Ch. 118, Sec. 13 (part).)

Sec. 1076.157. DEPOSITORY. (a) The board shall select one or more banks in this state to act as a depository of bond proceeds or of revenue derived from the operation of district facilities.

(b) The depository shall, as determined by the board:

(1) furnish indemnity bonds;

(2) pledge securities; or

(3) meet any other requirement.

(c) Membership on the district's board of an officer or director of a bank does not disqualify the bank from being selected as depository. (Acts 63rd Leg., R.S., Ch. 118, Sec. 8.)

Sec. 1076.158. AUTHORITY TO BORROW MONEY; SECURITY. (a) The board may borrow money at a rate not to exceed the maximum

annual percentage rate allowed by law for district obligations at the time the loan is made.

(b) To secure a loan, the board may pledge:

(1) district revenue that is not pledged to pay the district's bonded indebtedness;

(2) a district tax to be imposed by the district during the 12-month period following the date of the pledge that is not pledged to pay the principal of or interest on district bonds; or

(3) a district bond that has been authorized but not sold.

(c) A loan for which taxes or bonds are pledged must mature not later than the first anniversary of the date the loan is made. A loan for which district revenue is pledged must mature not later than the fifth anniversary of the date the loan is made. (Acts 63rd Leg., R.S., Ch. 118, Sec. 5B.)

Sec. 1076.159. INVESTMENT OF DISTRICT MONEY. (a) The law applicable to municipalities with respect to security for and investment of money governs, as applicable, the investment of district money. The bond order, resolution, or trust indenture may further restrict the investment.

(b) To the extent authorized in the bond order, resolution, or trust indenture and until the money is needed, the district may invest the proceeds of district bonds in direct obligations of or obligations unconditionally guaranteed by the United States. (Acts 63rd Leg., R.S., Ch. 118, Sec. 15.)

[Sections 1076.160-1076.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1076.201. GENERAL OBLIGATION BONDS. The board may issue and sell general obligation bonds in the name and on the faith and credit of the district for the purchase, construction, acquisition, repair, or renovation of buildings and improvements and equipping the buildings and improvements for district purposes or any combination of those purposes. (Acts 63rd Leg., R.S., Ch. 118, Sec. 7(a) (part).)

Sec. 1076.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At the time general obligation bonds are issued by the district, the board shall impose an ad valorem tax at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on the bonds as the bonds mature.

(b) The tax required by this section together with any other ad valorem tax the district imposes may not in any year exceed 75 cents on each $100 valuation of all taxable property in the district. (Acts 63rd Leg., R.S., Ch. 118, Secs. 7(a) (part), 12 (part).)

Sec. 1076.203. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds or other bonds secured wholly or partly by an ad valorem tax, other than refunding bonds, only if the bonds are authorized by a majority of the voters voting at an election held for that purpose.

(b) The order and publication of notice for the bond election must be provided in accordance with Chapter 1251, Government Code. (Acts 63rd Leg., R.S., Ch. 118, Secs. 7(a) (part), 7B(b).)

Sec. 1076.204. EXECUTION OF GENERAL OBLIGATION BONDS. The board president shall execute district general obligation bonds in the district's name, and the board secretary shall countersign the bonds in the manner provided by Chapter 618, Government Code. (Acts 63rd Leg., R.S., Ch. 118, Sec. 7(c) (part).)

Sec. 1076.205. REVENUE BONDS. (a) The board may issue revenue bonds to:

(1) purchase, construct, acquire, repair, equip, or renovate buildings and improvements for district purposes; or

(2) acquire sites for district purposes.

(b) The bonds must be payable from and secured by a pledge of all or part of district revenue derived from the operation of the district's hospital or health care facilities.

(c) The bonds may be additionally secured by a mortgage or deed of trust lien on all or part of district property.

(d) The bonds must be issued in the manner and in accordance with the procedures and requirements prescribed by Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health and Safety Code, for issuance of revenue bonds by a county hospital authority. (Acts 63rd Leg., R.S., Ch. 118, Secs. 7A(a) (part), (b), (c), (d).)

Sec. 1076.206. REFUNDING BONDS. (a) The board may issue refunding bonds to refund any outstanding indebtedness issued or assumed by the district.

(b) A refunding bond may be sold, with the proceeds of the refunding bond applied to the payment of outstanding indebtedness. (Acts 63rd Leg., R.S., Ch. 118, Secs. 7(b) (part), 7A(a) (part).)

Sec. 1076.207. MATURITY OF BONDS. District bonds must mature not later than 40 years after the date of issuance. (Acts 63rd Leg., R.S., Ch. 118, Sec. 7(c) (part).)

Sec. 1076.208. ADDITIONAL MEANS OF SECURING REPAYMENT OF BONDS. In addition to the authority to issue general obligation bonds and revenue bonds under this subchapter, the board may provide for the security and payment of district bonds from a pledge of a combination of ad valorem taxes as authorized by Section 1076.202 and revenue and other sources as authorized by Section 1076.205. (Acts 63rd Leg., R.S., Ch. 118, Sec. 7B(a).)

Sec. 1076.209. USE OF BOND PROCEEDS. The district may use the proceeds of bonds issued under this subchapter to pay:

(1) any expense the board determines is reasonable and necessary to issue, sell, and deliver the bonds;

(2) interest payments on the bonds during a period of acquisition or construction of a project or facility to be provided through the bonds, not to exceed five years;

(3) costs related to the operation and maintenance of a project or facility to be provided through the bonds:

(A) during an estimated period of acquisition or construction, not to exceed five years; and

(B) for one year after the project or facility is acquired or constructed;

(4) costs related to the financing of the bond funds, including debt service reserve and contingency funds;

(5) costs related to the bond issuance;

(6) costs related to the acquisition of land or

interests in land for a project or facility to be provided through the bonds; and

(7) construction costs of a project or facility to be provided through the bonds, including the payment of related professional services and expenses. (Acts 63rd Leg., R.S., Ch. 118, Sec. 7C.)

Sec. 1076.210. BONDS EXEMPT FROM TAXATION. The following are exempt from taxation by this state:

(1) bonds issued by the district;

(2) the transfer of the bonds; and

(3) the income from the bonds, including profits made on the sale of the bonds. (Acts 63rd Leg., R.S., Ch. 118, Sec. 13 (part).)

[Sections 1076.211-1076.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1076.251. IMPOSITION OF AD VALOREM TAX. The board may impose a tax on all property in the district subject to district taxation. (Acts 63rd Leg., R.S., Ch. 118, Secs. 3(a) (part), 10(a) (part).)

Sec. 1076.252. TAX RATE. The board may impose the tax at a rate not to exceed the limit approved by the voters at the election authorizing the imposition of taxes, which may not exceed 75 cents on each $100 valuation of all taxable property in the district. (Acts 63rd Leg., R.S., Ch. 118, Secs. 3(a) (part), 10(a) (part).)

Sec. 1076.253. TAX ASSESSOR-COLLECTOR. The board may provide for the appointment of a tax assessor-collector for the district or may contract for the assessment and collection of taxes

as provided by the Tax Code. (Acts 63rd Leg., R.S., Ch. 118, Sec. 10(b).)

[Sections 1076.254-1076.300 reserved for expansion]

SUBCHAPTER G. DISSOLUTION

Sec. 1076.301. DISSOLUTION; ELECTION. (a) The district may be dissolved only on approval of a majority of the district voters voting in an election held for that purpose.

(b) The board may order an election on the question of dissolving the district and disposing of the district's assets.

(c) The board shall order an election if the board receives a petition requesting an election that is signed by at least 15 percent of the registered district voters.

(d) The order calling the election must state:

(1) the nature of the election, including the proposition to appear on the ballot;

(2) the date of the election;

(3) the hours during which the polls will be open; and

(4) the location of the polling places.

(e) Section 41.001, Election Code, does not apply to an election ordered under this section. (Acts 63rd Leg., R.S., Ch. 118, Secs. 11A(a), (b), (c), (d).)

Sec. 1076.302. NOTICE OF ELECTION. (a) The board shall give notice of an election under this subchapter by publishing once a week for two consecutive weeks a substantial copy of the election order in a newspaper with general circulation in the district.

(b) The first publication of notice must appear not later than the 35th day before the date set for the election. (Acts 63rd

Leg., R.S., Ch. 118, Sec. 11A(e).)

Sec. 1076.303. BALLOT. The ballot for an election under this subchapter must be printed to permit voting for or against the proposition: "The dissolution of the Starr County Hospital District." (Acts 63rd Leg., R.S., Ch. 118, Sec. 11A(f).)

Sec. 1076.304. ELECTION RESULTS. (a) If a majority of the votes in an election under this subchapter favor dissolution, the board shall order that the district be dissolved.

(b) If a majority of the votes in the election do not favor dissolution, the board shall continue to administer the district and another election on the question of dissolution may not be held before the first anniversary of the date of the most recent election to dissolve the district. (Acts 63rd Leg., R.S., Ch. 118, Sec. 11A(g).)

Sec. 1076.305. TRANSFER OR ADMINISTRATION OF ASSETS. (a) If a majority of the votes in an election under this subchapter favor dissolution, the board shall:

(1) transfer the land, buildings, improvements, equipment, and other assets that belong to the district to Starr County or another governmental entity in Starr County; or

(2) administer the property, assets, and debts until all money has been disposed of and all district debts have been paid or settled.

(b) If the district makes the transfer under Subsection (a)(1), the county or entity assumes all debts and obligations of the district at the time of the transfer, and the district is dissolved.

(c) If the district does not make the transfer under Subsection (a)(1) and the board administers the property, assets, and debts of the district under Subsection (a)(2), the district is dissolved when all the money has been disposed of and all district debts have been paid or settled. (Acts 63rd Leg., R.S., Ch. 118, Secs. 11A(h), (i), (j).)

Sec. 1076.306. IMPOSITION OF TAX AND RETURN OF SURPLUS TAXES. (a) After the board finds that the district is dissolved, the board shall:

(1) determine any debt owed by the district; and

(2) impose on the property included on the district's tax roll a tax that is in proportion of any debt to the property value.

(b) On the payment of all outstanding debts and obligations of the district, the board shall order the board secretary to return to each district taxpayer the taxpayer's pro rata share of all unused tax money.

(c) A taxpayer may request that the taxpayer's share of surplus tax money be credited to the taxpayer's county taxes. If a taxpayer requests the credit, the board shall direct the board secretary to transmit the money to the county tax assessor-collector. (Acts 63rd Leg., R.S., Ch. 118, Secs. 11A(k), (l).)

Sec. 1076.307. REPORT; DISSOLUTION ORDER. (a) After the district has paid all district debts and has disposed of all district money and other assets as prescribed by this subchapter, the board shall file a written report with the Commissioners Court

of Starr County summarizing the board's actions in dissolving the district.

(b) Not later than the 10th day after the date the commissioners court receives the report and determines that the requirements of this subchapter have been fulfilled, the commissioners court shall enter an order:

(1) dissolving the district; and

(2) releasing the board from any further duty or obligation. (Acts 63rd Leg., R.S., Ch. 118, Sec. 11A(m).)

CHAPTER 1087. RANKIN COUNTY HOSPITAL DISTRICT

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CHAPTER 1087. RANKIN COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1087.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Rankin County Hospital District. (New.)

Sec. 1087.002. AUTHORITY FOR CREATION. The Rankin County Hospital District is created under the authority of Section 9, Article IX, Texas Constitution, and has the rights, powers, and duties prescribed by this chapter. (Acts 60th Leg., R.S., Ch. 182, Sec. 1 (part).)

Sec. 1087.003. POLITICAL SUBDIVISION. The district is a political subdivision of this state. (Acts 60th Leg., R.S., Ch. 182, Sec. 21 (part).)

Sec. 1087.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of the Rankin Independent School District, as those boundaries existed on January 1, 1967. (Acts 60th Leg., R.S., Ch. 182, Sec. 1 (part).)

Sec. 1087.005. CONSOLIDATION OF DISTRICT AND MCCAMEY COUNTY HOSPITAL DISTRICT. (a) The McCamey County Hospital District may be consolidated into the Rankin County Hospital District as provided by this section.

(b) On the request of 25 percent or more of the taxpaying voters of each hospital district, the Upton County Commissioners Court shall submit the consolidation proposal for vote.

(c) Consolidation of the district and the McCamey County Hospital District must be separately approved by a two-thirds majority of the voters voting in each hospital district at an election ordered and held for that purpose.

(d) At the consolidation election, five directors shall be elected to serve the consolidated district.

(e) Not more than one consolidation election may be held after each general election.

(f) Refunding bonds may be issued by the consolidated district to refund any outstanding bonds, including bonds issued by the district on consolidation, original bonds, and refunding bonds. Additional funding may be provided as authorized by this chapter. (Acts 60th Leg., R.S., Ch. 182, Sec. 18.)

[Sections 1087.006-1087.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1087.051. BOARD ELECTION; TERM. (a) The board consists of five directors elected from the district at large.

(b) Directors serve staggered two-year terms unless four-year terms are established under Section 285.081, Health and Safety Code.

(c) An election shall be held annually on the May uniform election date or another date authorized by law. (Acts 60th Leg., R.S., Ch. 182, Secs. 3(a), (i) (part).)

Sec. 1087.052. NOTICE OF ELECTION. Notice of a directors' election shall be published in a newspaper of general circulation in Upton County in accordance with Section 4.003, Election Code. (Acts 60th Leg., R.S., Ch. 182, Sec. 3(i) (part).)

Sec. 1087.053. QUALIFICATIONS FOR OFFICE. (a) A person may not be elected or appointed a director unless the person is:

(1) a resident of the district; and

(2) at least 18 years of age.

(b) A district employee may not serve as director. (Acts 60th Leg., R.S., Ch. 182, Secs. 3(b), (c).)

Sec. 1087.054. BOND; RECORD OF BOND. (a) Before assuming the duties of office, each director must execute a bond for $1,000 that is:

(1) payable to the district; and

(2) conditioned on the faithful performance of the director's duties.

(b) The district shall pay for a director's bond.

(c) Each director's bond shall be deposited with a depository bank of the district for safekeeping. (Acts 60th Leg., R.S., Ch. 182, Sec. 3(d).)

Sec. 1087.055. BOARD VACANCY. (a) If a vacancy occurs in the office of director, the remaining directors shall appoint a director.

(b) A director appointed under this section serves until the next election for directors. A director elected under this subsection serves only for the remainder of the unexpired term. (Acts 60th Leg., R.S., Ch. 182, Sec. 3(h).)

Sec. 1087.056. OFFICERS. (a) The board shall elect from among its members a president and a vice president.

(b) The board shall appoint a secretary, who need not be a director. (Acts 60th Leg., R.S., Ch. 182, Sec. 3(e).)

Sec. 1087.057. VOTING REQUIREMENT. A concurrence of three directors is sufficient in any matter relating to district business. (Acts 60th Leg., R.S., Ch. 182, Sec. 3(f).)

Sec. 1087.058. DISTRICT ADMINISTRATOR. (a) The board may appoint a qualified person as district administrator.

(b) The district administrator serves at the will of the board and receives the compensation determined by the board.

(c) The board may remove the district administrator at any time.

(d) Before assuming the duties of district administrator, the administrator must execute a bond payable to the district in an amount of not less than $10,000 that:

(1) is conditioned on the administrator performing well and faithfully the administrator's required duties; and

(2) contains any other condition the board may require.

(e) The board may pay for the bond with district money. (Acts 60th Leg., R.S., Ch. 182, Secs. 4(a), (b), (c).)

Sec. 1087.059. GENERAL DUTIES OF DISTRICT ADMINISTRATOR. Subject to any limitation prescribed by the board, the district administrator shall:

(1) perform the duties required by the board;

(2) supervise the work and activities of the district; and

(3) direct the affairs of the district. (Acts 60th Leg., R.S., Ch. 182, Sec. 4(d).)

Sec. 1087.060. ASSISTANT TO DISTRICT ADMINISTRATOR. (a)

The board may designate an assistant to the district administrator to discharge a duty or function of the administrator in the event of the administrator's incapacity, absence, or inability to discharge the duty or function.

(b) The assistant shall post the bond required by board order.

(c) The assistant is subject to any limitation prescribed by board order. (Acts 60th Leg., R.S., Ch. 182, Sec. 5.)

Sec. 1087.061. LEGAL COUNSEL. The board may employ legal counsel to represent the district in all legal matters. (Acts 60th Leg., R.S., Ch. 182, Sec. 20.)

Sec. 1087.062. RETIREMENT PROGRAM. (a) With the approval of the Upton County Commissioners Court, the board may contract with this state and the federal government as necessary to establish or continue a retirement program for the benefit of district employees.

(b) The board may establish other retirement programs for the benefit of district employees as the board considers necessary and advisable. (Acts 60th Leg., R.S., Ch. 182, Secs. 4(e) (part), (f).)

Sec. 1087.063. MAINTENANCE OF RECORDS; PUBLIC INSPECTION. Except as provided by Section 1087.054, all district records, including books, accounts, notices, minutes, and all other matters of the district and the operation of its facilities, shall be:

(1) maintained at the district office; and

(2) open to public inspection at the district office at all reasonable hours. (Acts 60th Leg., R.S., Ch. 182, Secs.

3(g), 9 (part).)

[Sections 1087.064-1087.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1087.101. DISTRICT RESPONSIBILITY. The district has full responsibility for providing medical and hospital care for the district's needy and indigent residents. (Acts 60th Leg., R.S., Ch. 182, Sec. 11 (part).)

Sec. 1087.102. RESTRICTION ON COUNTY OR MUNICIPALITY TAXATION. A county or a municipality in the district may not impose any tax for hospital purposes. (Acts 60th Leg., R.S., Ch. 182, Sec. 11 (part).)

Sec. 1087.103. PURCHASING AND ACCOUNTING. The board may prescribe:

(1) the method of making purchases and expenditures by and for the district; and

(2) accounting and control procedures for the district. (Acts 60th Leg., R.S., Ch. 182, Secs. 13(a), (b).)

Sec. 1087.104. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property, real, personal, or mixed, located in district territory if the interest is necessary or convenient for the district to exercise a right, power, privilege, or function conferred on the district by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

(c) In a condemnation proceeding brought by the district, the district is not required to:

(1) pay in advance or provide a bond for the issuance of a temporary restraining order or a temporary injunction; or

(2) provide a bond for costs or a supersedeas bond on an appeal or petition for review. (Acts 60th Leg., R.S., Ch. 182, Sec. 17.)

Sec. 1087.105. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions prescribed in writing by the donor that are not inconsistent with the proper management and objectives of the district. (Acts 60th Leg., R.S., Ch. 182, Sec. 16.)

Sec. 1087.106. CONSTRUCTION CONTRACTS. (a) The board may enter into purchase or construction contracts for the district.

(b) The board may enter into a construction contract that involves the expenditure of more than the amount provided by Section 271.024, Local Government Code, only after advertising as provided by Subchapter B, Chapter 271, Local Government Code. (Acts 60th Leg., R.S., Ch. 182, Sec. 13(c).)

Sec. 1087.107. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT. The board, with the approval of the Upton County Commissioners Court, may contract with:

(1) a county, other than Upton County, for the care and treatment of a person of that county; and

(2) this state or a federal agency for the care and

treatment of a sick or injured person for whom the state or agency is responsible. (Acts 60th Leg., R.S., Ch. 182, Sec. 4(e) (part).)

Sec. 1087.108. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient from the district is admitted to a district facility, the district administrator shall have an inquiry made into the circumstances of:

(1) the patient; and

(2) the patient's relatives legally liable for the patient's support.

(b) If the district administrator determines that the patient or those relatives cannot pay all or part of the patient's care and treatment in the hospital, the amount that cannot be paid becomes a charge against the district.

(c) If the district administrator determines that the patient or those relatives are liable to pay for all or part of the patient's care and treatment, the patient or those relatives shall be ordered to pay to the district's treasurer a specified amount each week for the patient's support. The amount ordered must be proportionate to the financial ability and may not exceed the actual per capita cost of maintenance.

(d) The district administrator may collect the amount from the patient's estate, or from those relatives legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e) If there is a dispute, or doubt in the district administrator's mind, as to the ability to pay, the board shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute or doubt; and

(2) issue any appropriate order.

(f) Either party to the dispute may appeal the order to the district court. The appeal is de novo as that term is used in an appeal from a justice court to a county court. (Acts 60th Leg., R.S., Ch. 182, Sec. 15.)

Sec. 1087.109. AUTHORITY TO SUE AND BE SUED. As a governmental agency, the district may sue and be sued in its own name in any court of this state. (Acts 60th Leg., R.S., Ch. 182, Sec. 21 (part).)

[Sections 1087.110-1087.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1087.151. BUDGET. The board annually shall have a budget prepared for the next fiscal year that includes:

(1) proposed expenditures and disbursements;

(2) estimated receipts and collections; and

(3) the amount of taxes required to be imposed for the year. (Acts 60th Leg., R.S., Ch. 182, Sec. 9 (part).)

Sec. 1087.152. PROPOSED BUDGET: NOTICE AND HEARING. (a) The board shall hold a public hearing on the proposed budget.

(b) Notice of the hearing must be published at least once in a newspaper of general circulation in Upton County not later than the 10th day before the date of the hearing.

(c) Any district taxpayer is entitled to:

(1) appear at the time and place designated in the notice; and

(2) be heard regarding any item included in the

proposed budget. (Acts 60th Leg., R.S., Ch. 182, Sec. 9 (part).)

Sec. 1087.153. FISCAL YEAR. The district's fiscal year begins on October 1 and ends on September 30. (Acts 60th Leg., R.S., Ch. 182, Sec. 9 (part).)

Sec. 1087.154. ANNUAL AUDIT. (a) The board annually shall have an independent audit made of the district's books and records for the preceding fiscal year.

(b) Not later than December 31 of each year, the audit shall be filed:

(1) with the county clerk of Upton County; and

(2) at the district's office. (Acts 60th Leg., R.S., Ch. 182, Sec. 9 (part).)

Sec. 1087.155. FINANCIAL REPORT. (a) The board and the district administrator shall annually prepare a report under oath that includes:

(1) a complete statement of:

(A) all money and choses in action; and

(B) how the money and choses in action were disbursed or otherwise disposed;

(2) the details of district operation during the preceding fiscal year; and

(3) a full and complete list of all delinquent accounts owing and due the district, including names and addresses of delinquent debtors.

(b) The report shall be filed in:

(1) the district office; and

(2) the office of the county clerk of Upton County.

(Acts 60th Leg., R.S., Ch. 182, Sec. 9 (part).)

Sec. 1087.156. DEPOSITORY. (a) The board shall select one or more banks to serve as a depository for district money.

(b) To the extent that money in a depository bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds.

(c) Membership on the district's board of an officer or director of a bank does not disqualify the bank from being designated as depository. (Acts 60th Leg., R.S., Ch. 182, Sec. 10(a).)

Sec. 1087.157. INVESTMENT RESTRICTIONS. The board may invest operating, depreciation, or building reserves only in funds or securities specified by Chapter 2256, Government Code. (Acts 60th Leg., R.S., Ch. 182, Sec. 10(b).)

Sec. 1087.158. AUTHORITY TO BORROW MONEY; SECURITY. (a) The board may borrow money at a rate not to exceed the maximum annual percentage rate allowed by law for district obligations at the time the loan is made.

(b) To secure a loan, the board may pledge:

(1) district revenue that is not pledged to pay the district's bonded indebtedness;

(2) tax revenue to be collected by the district during the 12-month period following the date of the pledge that is not pledged to pay the principal of or interest on district bonds; or

(3) district bonds that have been authorized but not sold.

(c) A loan for which taxes or bonds are pledged must mature not later than the first anniversary of the date the loan is made. A loan for which district revenue is pledged must mature not later than the fifth anniversary of the date the loan is made. (Acts 60th Leg., R.S., Ch. 182, Sec. 7A.)

[Sections 1087.159-1087.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1087.201. GENERAL OBLIGATION BONDS. The board may issue and sell general obligation bonds in the name and on the faith and credit of the district for any purpose relating to:

(1) the purchase, construction, acquisition, repair, or renovation of buildings and improvements; and

(2) equipping buildings and improvements for hospital purposes. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(a).)

Sec. 1087.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At the time general obligation bonds are issued by the district, the board shall impose an ad valorem tax at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on the bonds as the bonds mature.

(b) The tax required by this section together with any other ad valorem tax imposed for the district may not in any year exceed 75 cents on each $100 valuation of all taxable property in the district. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(b).)

Sec. 1087.203. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters voting at an election held for that purpose.

(b) The board may call the election on the board's own motion.

(c) The order calling the election must specify:

(1) the location of the polling places;

(2) the presiding election officers;

(3) the purpose of the bond issuance;

(4) the amount of the bonds to be authorized;

(5) the maximum interest rate of the bonds; and

(6) the maximum maturity of the bonds.

(d) Notice of a bond election shall be given by publishing a substantial copy of the order calling the election in a newspaper of general circulation in the district once each week for two consecutive weeks before the date of the election. The first publication must occur at least 20 days before the date of the election. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(d) (part).)

Sec. 1087.204. MATURITY OF GENERAL OBLIGATION BONDS. District general obligation bonds must mature not later than 40 years after the date of issuance. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(d) (part).)

Sec. 1087.205. EXECUTION OF GENERAL OBLIGATION BONDS. The board's presiding officer shall execute the general obligation bonds in the district's name, and the board secretary shall countersign the bonds. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(c).)

Sec. 1087.206. REVENUE BONDS. (a) The board may issue revenue bonds to:

(1) purchase, construct, acquire, repair, or renovate buildings or improvements;

(2) equip buildings or improvements for hospital purposes; or

(3) acquire real property for hospital purposes.

(b) The bonds must be payable from and secured by a pledge of all or part of the revenue derived from the operation of the district's hospital system.

(c) The bonds may be additionally secured by a mortgage or deed of trust lien on all or part of district property.

(d) The bonds must be issued in the manner provided by Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health and Safety Code, for issuance of revenue bonds by a county hospital authority. (Acts 60th Leg., R.S., Ch. 182, Secs. 7(f), (g).)

Sec. 1087.207. REFUNDING BONDS. (a) The board may, without an election, issue refunding bonds to refund outstanding bonds issued or assumed by the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of the bonds to be refunded; or

(2) exchanged wholly or partly for not less than a similar amount of outstanding bonds and the unpaid matured interest on the bonds. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(e).)

Sec. 1087.208. ADDITIONAL MEANS OF SECURING REPAYMENT OF BONDS. In addition to the authority to issue general obligation and revenue bonds under this subchapter, the board may provide for the security and payment of district bonds from a pledge of a combination of ad valorem taxes as authorized by Section 1087.202

and revenue and other sources as authorized by Section 1087.206. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(h).)

Sec. 1087.209. USE OF BOND PROCEEDS. The district may use the proceeds of bonds issued under this subchapter to pay:

(1) any expense the board determines is reasonable and necessary to issue, sell, and deliver the bonds;

(2) interest payments on the bonds during a period of acquisition or construction of a project or facility to be provided through the bonds, not to exceed five years;

(3) costs related to the operation and maintenance of a project or facility to be provided through the bonds:

(A) during an estimated period of acquisition or construction, not to exceed five years; and

(B) for one year after the project or facility is acquired or constructed;

(4) costs related to the financing of the bond funds, including debt service reserve and contingency funds;

(5) costs related to the bond issuance;

(6) costs related to the acquisition of land or interests in land for a project or facility to be provided through the bonds; and

(7) construction costs of a project or facility to be provided through the bonds, including the payment of related professional services and expenses. (Acts 60th Leg., R.S., Ch. 182, Sec. 7(i).)

[Sections 1087.210-1087.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1087.251. IMPOSITION OF AD VALOREM TAX. (a) On final approval of the annual budget, the board shall impose a tax on all property in the district subject to district taxation.

(b) The board shall impose the tax to:

(1) pay the interest on and create a sinking fund for bonds issued or assumed by the district for hospital purposes as provided by this chapter;

(2) provide for the operation and maintenance of the hospital or hospital system;

(3) make improvements and additions to the district's hospital system; and

(4) acquire necessary sites for improvements or additions by purchase, lease, or condemnation. (Acts 60th Leg., R.S., Ch. 182, Secs. 6 (part), 9 (part).)

Sec. 1087.252. TAX RATE. The board may impose the tax at a rate not to exceed 75 cents on each $100 valuation of all taxable property in the district. (Acts 60th Leg., R.S., Ch. 182, Sec. 6 (part).)

Sec. 1087.253. ASSESSMENT AND COLLECTION BY COUNTY TAX ASSESSOR-COLLECTOR. (a) This section applies unless an election is held under Section 1087.254.

(b) The tax assessor-collector of Upton County shall collect the taxes imposed on all property subject to district taxation. (Acts 60th Leg., R.S., Ch. 182, Secs. 6 (part), 9 (part).)

Sec. 1087.254. ELECTION FOR SEPARATE TAX ASSESSOR AND

SEPARATE TAX COLLECTOR. (a) On receipt of a petition signed by at least five percent of the taxpaying voters in the district, the court may order an election to determine whether the district shall have a separate tax assessor and separate tax collector for the assessment and collection of district taxes.

(b) Notice of the election shall be given as required by Section 1087.052. (Acts 60th Leg., R.S., Ch. 182, Sec. 19 (part).)

Sec. 1087.255. APPOINTMENT OF SEPARATE TAX ASSESSOR AND SEPARATE TAX COLLECTOR. If the appointment of a separate tax assessor and separate tax collector is approved by a two-thirds majority vote of the district voters voting at an election held under Section 1087.254, the board shall appoint:

(1) a suitable person as tax assessor; and

(2) a suitable person as tax collector. (Acts 60th Leg., R.S., Ch. 182, Sec. 19 (part).)

CHAPTER 1096. SOUTH LIMESTONE HOSPITAL DISTRICT

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Sec. 1096.003. DISTRICT TERRITORY

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Sec. 1096.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION

Sec. 1096.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE

[Sections 1096.007-1096.050 reserved for expansion]

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[Sections 1096.062-1096.100 reserved for expansion]

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[Sections 1096.159-1096.200 reserved for expansion]

SUBCHAPTER E. BONDS

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Sec. 1096.202. EXECUTION OF BONDS

Sec. 1096.203. MATURITY OF BONDS

Sec. 1096.204. REFUNDING BONDS

[Sections 1096.205-1096.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1096.251. IMPOSITION OF AD VALOREM TAX

Sec. 1096.252. TAX RATE

Sec. 1096.253. TAX ASSESSOR-COLLECTOR

CHAPTER 1096. SOUTH LIMESTONE HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1096.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the South Limestone Hospital District. (New.)

Sec. 1096.002. AUTHORITY FOR CREATION. The South Limestone Hospital District is created under the authority of Section 9, Article IX, Texas Constitution, and has the rights, powers, and duties provided by this chapter. (Acts 61st Leg., R.S., Ch. 638, Secs. 1, 2 (part).)

Sec. 1096.003. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of the Groesbeck Independent School District as those boundaries existed on January 1, 1969. (Acts 61st Leg., R.S., Ch. 638, Sec. 2 (part).)

Sec. 1096.004. CORRECTION OF INVALID PROCEDURES. If a court holds that any procedure under this chapter violates the constitution of this state or of the United States, the district by resolution may provide an alternative procedure that conforms with the constitution. (Acts 61st Leg., R.S., Ch. 638, Sec. 28 (part).)

Sec. 1096.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION. The support and maintenance of the district's hospital system and any indebtedness incurred by the district under this chapter may not become a charge against or obligation of this state. (Acts 61st Leg., R.S., Ch. 638, Sec. 26 (part).)

Sec. 1096.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE. The legislature may not make a direct appropriation for the construction, maintenance, or improvement of a district facility.

(Acts 61st Leg., R.S., Ch. 638, Sec. 26 (part).)

[Sections 1096.007-1096.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1096.051. BOARD ELECTION; TERM. (a) The district is governed by a board of seven directors elected from the district at large.

(b) Each even-numbered year, on the May uniform election date or another date authorized by law, the appropriate number of directors shall be elected.

(c) Directors serve staggered four-year terms. (Acts 61st Leg., R.S., Ch. 638, Secs. 5(a), (e).)

Sec. 1096.052. QUALIFICATIONS FOR OFFICE. (a) To qualify for election to the board, a person must:

(1) be at least 18 years of age;

(2) have been a resident of the district for at least two years; and

(3) be a qualified property tax paying voter of the district.

(b) A person may not serve as a director if the person:

(1) is a district employee;

(2) was a district employee at any time during the two years preceding the date of the election; or

(3) receives compensation under a contract with the district. (Acts 61st Leg., R.S., Ch. 638, Secs. 5(f), (j).)

Sec. 1096.053. BOND; RECORD OF BOND AND OATH. (a) Each director shall qualify by executing a good and sufficient bond for $1,000 that is:

(1) payable to the district; and

(2) conditioned on the faithful performance of the director's duties.

(b) The district shall pay for the directors' bonds.

(c) Each director's bond and constitutional oath of office shall be deposited with the district's depository bank for safekeeping. (Acts 61st Leg., R.S., Ch. 638, Sec. 5(b).)

Sec. 1096.054. BOARD VACANCY. If a vacancy occurs in the office of director, the remaining directors shall appoint a director for the unexpired term. (Acts 61st Leg., R.S., Ch. 638, Sec. 5(d).)

Sec. 1096.055. OFFICERS. (a) The board shall elect from among its members a president, vice president, secretary, and treasurer.

(b) The board may combine the offices of secretary and treasurer at the board's discretion. (Acts 61st Leg., R.S., Ch. 638, Sec. 5(c).)

Sec. 1096.056. COMPENSATION; EXPENSES. A director is not entitled to compensation but is entitled to reimbursement for any necessary expense incurred in the performance of official duties. (Acts 61st Leg., R.S., Ch. 638, Sec. 5(i).)

Sec. 1096.057. DISTRICT ADMINISTRATOR. (a) The board may employ a district administrator to manage the operations of the hospital system.

(b) The district administrator may hire necessary personnel to perform the services provided by the hospital system. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(e) (part).)

Sec. 1096.058. EMPLOYEES. The board may employ an attorney, a general manager, a bookkeeper, an architect, nurses, and other employees necessary for the efficient operation of the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(e) (part).)

Sec. 1096.059. MAINTENANCE OF RECORDS; PUBLIC INSPECTION. Except as provided by Section 1096.053, the board shall:

(1) maintain all district records, including books, accounts, notices, minutes, and other matters of the district and its operation, at the district office; and

(2) make those records available for public inspection at reasonable times. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(b).)

Sec. 1096.060. RECRUITMENT OF MEDICAL STAFF. The board may spend district money to recruit physicians, nurses, and other trained medical personnel. The board may pay the tuition or other education-related costs or expenses of a person who:

(1) graduates from a medical school, a nursing school, or an institution of higher education; and

(2) contractually agrees to become a district employee. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(h) (part).)

Sec. 1096.061. CONTINUING EDUCATION; RETRAINING. The board may spend district money for the continuing education and retraining of district employees. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(h) (part).)

[Sections 1096.062-1096.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1096.101. DISTRICT RESPONSIBILITY. The district shall provide all necessary hospital and medical care for the district's

needy inhabitants. (Acts 61st Leg., R.S., Ch. 638, Sec. 3 (part).)

Sec. 1096.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT. A political subdivision of this state, other than the district, may not impose a tax or issue bonds or other obligations to provide hospital service or medical care in the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 3 (part).)

Sec. 1096.103. MANAGEMENT AND CONTROL OF DISTRICT. The board has full power to manage and control the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(a) (part).)

Sec. 1096.104. HOSPITAL SYSTEM. The district has the responsibility to establish a hospital or hospital system within its boundaries to provide hospital and medical care to the district's residents. (Acts 61st Leg., R.S., Ch. 638, Sec. 3 (part).)

Sec. 1096.105. RULES. (a) The board shall adopt rules for the efficient operation of the district, including district facilities.

(b) The board shall:

(1) publish the rules in book form; and

(2) provide copies to interested persons on request at district expense. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(c).)

Sec. 1096.106. PURCHASING AND ACCOUNTING PROCEDURES. The board may prescribe the method of making purchases and expenditures and the manner of accounting and control used by the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(e) (part).)

Sec. 1096.107. EMINENT DOMAIN. (a) To carry out a power provided by this chapter, the district may exercise the power of

eminent domain to acquire the fee simple title to land and other property and easements.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

(c) In a condemnation proceeding, the district is not required to:

(1) pay in advance or provide a bond or other security for costs in the trial court;

(2) provide a bond for costs or a supersedeas bond on an appeal or petition for review; or

(3) deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

(d) The district is a municipal corporation for the purposes of Chapter 21, Property Code.

(e) The board shall determine the amount and the type of interest in land, other property, or easements to be acquired. (Acts 61st Leg., R.S., Ch. 638, Secs. 17, 23.)

Sec. 1096.108. GIFTS AND ENDOWMENTS. The board may accept a gift or endowment to be held and administered as required by the respective donor, to the extent that those requirements do not contravene law. (Acts 61st Leg., R.S., Ch. 638, Sec. 19.)

Sec. 1096.109. CONTRACTS WITH POLITICAL SUBDIVISION FOR HOSPITAL CARE. The board may contract with a political subdivision to provide hospital and medical care for needy persons who reside outside the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(f).)

Sec. 1096.110. PROVISION OF CERTAIN HEALTH SERVICES. The board may provide emergency services, home health care services,

long-term health care services, or any other health care services the board determines are necessary to meet the needs of the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(g).)

Sec. 1096.111. OPERATION OF HOSPITAL; RATES CHARGED; RESERVE FUNDS. (a) The district shall operate a hospital without the intervention of private profit for the use and benefit of the public.

(b) The board shall charge sufficient rates for services provided by the hospital and use other sources of district revenue that will produce an amount sufficient to:

(1) pay all expenses in connection with the ownership, operation, and upkeep of the hospital;

(2) pay the interest on the bonds as it becomes due;

(3) create a sinking fund to pay the bonds as they become due; and

(4) create and maintain a bond reserve fund and other funds as provided in the bond resolution or trust indenture.

(c) The bond resolution or trust indenture may prescribe systems, methods, routines, and procedures needed for the operation of the hospital. (Acts 61st Leg., R.S., Ch. 638, Sec. 15.)

Sec. 1096.112. PAYMENT FOR TREATMENT; PROCEDURES. (a) A person who resides in the district is entitled to receive necessary medical and hospital care regardless of whether the person has the ability to pay for the care and may apply to receive this care without cost.

(b) The board or the district administrator shall employ a person to investigate the ability of the patient and any relative

liable for the patient's support to pay for the medical and hospital care received by the patient.

(c) If the investigator finds that neither the patient nor those relatives can pay for all or part of the patient's care, the expense of that care becomes a charge against the district.

(d) If the patient or those relatives can pay for all or part of the costs of the patient's care, the board shall order the patient or those relatives to pay to the district treasurer each week an amount specified in the order. The amount must be proportionate to the person's ability to pay.

(e) The district may collect the amount from the patient's estate, or from any relative liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(f) If there is a dispute as to the ability to pay, or doubt in the mind of the investigator, the board shall hold a hearing and, after calling witnesses, shall:

(1) determine the question; and

(2) make the proper order based on the board's findings.

(g) A party to the hearing who is not satisfied with the result of the order may appeal to the district court. The appeal is de novo. (Acts 61st Leg., R.S., Ch. 638, Sec. 22.)

[Sections 1096.113-1096.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1096.151. BUDGET. The board shall prepare a budget that includes:

(1) proposed expenditures and disbursements;

(2) estimated receipts and collections for the next fiscal year; and

(3) the amount of taxes required to be imposed during the next fiscal year to meet the proposed budget. (Acts 61st Leg., R.S., Ch. 638, Sec. 21(b).)

Sec. 1096.152. PROPOSED BUDGET: NOTICE AND HEARING. (a) The board shall hold a public hearing on the proposed budget.

(b) Notice of the hearing must be published in a newspaper of general circulation in the district at least once before the 10th day before the date of the hearing.

(c) Any person who owns taxable property in the district and has duly rendered that property for taxation is entitled to:

(1) appear at the hearing; and

(2) be heard regarding any item in the proposed budget. (Acts 61st Leg., R.S., Ch. 638, Secs. 21(c), (d).)

Sec. 1096.153. FISCAL YEAR. The district's fiscal year is from October 1 to September 30. (Acts 61st Leg., R.S., Ch. 638, Sec. 21(a).)

Sec. 1096.154. ANNUAL AUDIT. (a) The board annually shall require an independent audit of the district's books and records.

(b) Not later than December 1 of each year, the board shall file a copy of the audit with:

(1) the comptroller; and

(2) the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 20(d).)

Sec. 1096.155. DEPOSITORY. (a) The board by resolution

shall designate a bank in the county in which the district is located as the district's depository. A designated bank serves for two years and until a successor is designated.

(b) All district money shall be deposited in the depository and secured in the manner provided for securing county funds. (Acts 61st Leg., R.S., Ch. 638, Sec. 24.)

Sec. 1096.156. AUTHORITY TO BORROW MONEY; SECURITY. (a) The board may borrow money at a rate not to exceed the maximum annual percentage rate allowed by law for district obligations at the time the loan is made if the board declares that:

(1) money is not available to meet authorized obligations of the district; and

(2) an emergency exists.

(b) To secure a loan, the board may pledge:

(1) district revenue that is not pledged to pay the district's bonded indebtedness;

(2) a district tax to be imposed by the district in the next 12-month period that is not pledged to pay the principal of or interest on district bonds; or

(3) district bonds that have been authorized but not sold.

(c) A loan for which taxes or bonds are pledged must mature not later than the first anniversary of the date the loan is made. A loan for which district revenue is pledged must mature not later than the fifth anniversary of the date the loan is made.

(d) The board may not spend money obtained from a loan under this section for any purpose other than:

(1) the purpose for which the board declared an emergency; and

(2) if district taxes or bonds are pledged to pay the loan, the purpose for which the pledged taxes were imposed or the pledged bonds were authorized. (Acts 61st Leg., R.S., Ch. 638, Sec. 20A.)

Sec. 1096.157. INVESTMENT OF DISTRICT MONEY. (a) The law applicable to municipalities with respect to security for and investment of money governs, as applicable, the investment of district money. The bond resolution or indenture may further restrict the investment.

(b) To the extent authorized in the bond resolution or indenture and until the money is needed, the district may invest the proceeds of district bonds in direct obligations of or obligations unconditionally guaranteed by the United States. (Acts 61st Leg., R.S., Ch. 638, Sec. 18.)

Sec. 1096.158. TAX EXEMPTION. Because property owned by the district is held for public purposes only and is devoted exclusively to the use and benefit of the public, the property is exempt from taxation of every character. (Acts 61st Leg., R.S., Ch. 638, Sec. 16.)

[Sections 1096.159-1096.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1096.201. REVENUE BONDS. (a) The district may issue revenue bonds to provide for any district purposes. The bonds must be authorized by a board resolution adopted by a majority vote of a quorum of the board.

(b) Revenue bonds must be payable from and secured by a pledge of all or part of the revenue derived from:

(1) the operation of the district's hospitals; and

(2) any other revenue resulting from the ownership of the hospital properties.

(c) Revenue bonds may be additionally secured by a mortgage or deed of trust lien on real property of the district or by a chattel mortgage on the district's personal property, or by both.

(d) The board may issue:

(1) bonds that are a junior lien on the district's net revenue or property, unless prohibited by the bond resolution or trust indenture; and

(2) parity bonds under conditions specified in the bond resolution or trust indenture.

(e) A bond issued under this subchapter must contain the provision: "The holder hereof shall never have the right to demand payment thereof out of money raised or to be raised by taxation." (Acts 61st Leg., R.S., Ch. 638, Secs. 8, 9 (part), 11, 14 (part).)

Sec. 1096.202. EXECUTION OF BONDS. District bonds must be signed by the president or vice president and countersigned by the secretary. (Acts 61st Leg., R.S., Ch. 638, Sec. 9 (part).)

Sec. 1096.203. MATURITY OF BONDS. District bonds must mature not later than 40 years after their date of issuance. (Acts 61st Leg., R.S., Ch. 638, Sec. 9 (part).)

Sec. 1096.204. REFUNDING BONDS. The board may issue bonds for the purpose of refunding outstanding bonds in the manner provided by this subchapter for other bonds. (Acts 61st Leg., R.S.,

Ch. 638, Sec. 13 (part).)

[Sections 1096.205-1096.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1096.251. IMPOSITION OF AD VALOREM TAX. (a) The board shall impose a tax on all property in the district subject to district taxation.

(b) The tax proceeds may be used only to:

(1) provide for the operation and maintenance of the district and hospital system;

(2) make improvements and additions to the hospital system; or

(3) acquire sites for additions to the hospital system. (Acts 61st Leg., R.S., Ch. 638, Secs. 7(a) (part), (b).)

Sec. 1096.252. TAX RATE. The board shall impose the tax at a rate not to exceed 38 cents on each $100 valuation. (Acts 61st Leg., R.S., Ch. 638, Sec. 7(a) (part).)

Sec. 1096.253. TAX ASSESSOR-COLLECTOR. The board may use any of the following to assess and collect district taxes:

(1) the tax assessor-collector for Limestone County;

(2) the tax assessor-collector for the Groesbeck Independent School District; or

(3) any tax assessor-collector established by the board for the district. (Acts 61st Leg., R.S., Ch. 638, Sec. 7(d).)

CHAPTER 1107. TITUS COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1107.001. DEFINITIONS

Sec. 1107.002. AUTHORITY FOR OPERATION

Sec. 1107.003. DISTRICT TERRITORY

[Sections 1107.004-1107.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1107.051. BOARD ELECTION; TERM

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Sec. 1107.055. BOARD VACANCY

Sec. 1107.056. NONATTENDANCE

Sec. 1107.057. OFFICERS

Sec. 1107.058. COMPENSATION

Sec. 1107.059. LIABILITY INSURANCE

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Sec. 1107.061. RECORDS OF PROCEEDINGS

Sec. 1107.062. PERSONNEL MATTERS; CLOSED MEETING

Sec. 1107.063. DISTRICT ADMINISTRATOR

Sec. 1107.064. GENERAL DUTIES OF DISTRICT ADMINISTRATOR

Sec. 1107.065. ASSISTANT TO DISTRICT ADMINISTRATOR

Sec. 1107.066. APPOINTMENT AND RECRUITMENT OF STAFF AND EMPLOYEES

Sec. 1107.067. HEALTH CARE EDUCATIONAL PROGRAMS

Sec. 1107.068. LEGAL COUNSEL

Sec. 1107.069. RETIREMENT PROGRAM

Sec. 1107.070. SEAL

[Sections 1107.071-1107.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1107.101. DISTRICT RESPONSIBILITY

Sec. 1107.102. RESTRICTION ON COUNTY OR MUNICIPALITY TAXATION

Sec. 1107.103. MANAGEMENT, CONTROL, AND ADMINISTRATION

Sec. 1107.104. RULES

Sec. 1107.105. PURCHASING AND ACCOUNTING

Sec. 1107.106. DISTRICT FACILITIES

Sec. 1107.107. PROMOTION OF DISTRICT SERVICES

Sec. 1107.108. EMINENT DOMAIN

Sec. 1107.109. GIFTS AND ENDOWMENTS

Sec. 1107.110. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT

Sec. 1107.111. PAYMENT FOR TREATMENT; PROCEDURES

Sec. 1107.112. AUTHORITY TO SUE AND BE SUED

[Sections 1107.113-1107.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1107.151. BUDGET

Sec. 1107.152. ANNUAL AUDIT

Sec. 1107.153. FINANCIAL REPORT

Sec. 1107.154. DEPOSITORY

Sec. 1107.155. WARRANTS

[Sections 1107.156-1107.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1107.201. BONDS

Sec. 1107.202. TAX TO PAY BONDS

Sec. 1107.203. BOND ELECTION

Sec. 1107.204. REFUNDING BONDS

Sec. 1107.205. EXECUTION OF BONDS

[Sections 1107.206-1107.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1107.251. IMPOSITION OF AD VALOREM TAX

Sec. 1107.252. TAX RATE

Sec. 1107.253. COLLECTION BY COUNTY TAX ASSESSOR-COLLECTOR

Sec. 1107.254. ASSESSMENT AND COLLECTION BY DISTRICT TAX ASSESSOR-COLLECTOR

CHAPTER 1107. TITUS COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1107.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of hospital managers of the district.

(2) "District" means the Titus County Hospital District.

(3) "Manager" means a member of the board. (New.)

Sec. 1107.002. AUTHORITY FOR OPERATION. The Titus County Hospital District operates in accordance with Section 9, Article IX, Texas Constitution, and has the powers and responsibilities provided by that section. (Acts 58th Leg., R.S., Ch. 298, Sec. 1 (part).)

Sec. 1107.003. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Titus County. (Acts 58th Leg., R.S., Ch. 298, Sec. 1 (part).)

[Sections 1107.004-1107.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1107.051. BOARD ELECTION; TERM. (a) The board consists of seven voting managers and one nonvoting manager as follows:

(1) one voting manager elected from each commissioners precinct of Titus County;

(2) three voting managers elected from the district at large; and

(3) the chief of the medical staff of the district's principal hospital serving as a nonvoting ex officio manager.

(b) The election order must provide for clerks as in county elections and must specify:

(1) the date of the election;

(2) the location of the polling places;

(3) the presiding and alternate election judges for each polling place; and

(4) the form of the ballot.

(c) The board shall declare the results of the election.

(d) Voting managers serve staggered four-year terms.

(e) An election shall be held on the uniform election date in May, or another date authorized by law, of each even-numbered year to elect the appropriate number of voting managers. (Acts 58th Leg., R.S., Ch. 298, Secs. 6b(a) (part), (b), (c) (part), 6c(b); Acts 71st Leg., R.S., Ch. 1116, Sec. 2.)

Sec. 1107.052. NOTICE OF ELECTION. (a) The board shall give notice of an election of managers by publishing once a week for two consecutive weeks a substantial copy of the election order in a

newspaper with general circulation in the district.

(b) The first publication of the notice must appear at least 30 days before the date set for the election. (Acts 58th Leg., R.S., Ch. 298, Secs. 6b(a) (part), (c) (part).)

Sec. 1107.053. BALLOT PETITION. A person seeking to have the person's name printed on the ballot as a candidate for manager must file with the board secretary a petition requesting that action. The petition must:

(1) be signed by at least 10 registered voters who reside in the district;

(2) be filed by the deadline imposed by Section 144.005, Election Code; and

(3) specify the commissioners precinct the candidate seeks to represent or specify that the candidate seeks to represent the district at large. (Acts 58th Leg., R.S., Ch. 298, Sec. 6b(c) (part).)

Sec. 1107.054. QUALIFICATIONS FOR CANDIDACY. (a) A candidate for manager must be a resident of the district.

(b) A candidate for a commissioners precinct must be a resident of that commissioners precinct. (Acts 58th Leg., R.S., Ch. 298, Sec. 6b(c) (part).)

Sec. 1107.055. BOARD VACANCY. If a vacancy occurs in the office of manager, other than the ex officio manager, the remaining managers shall appoint a manager for the unexpired term. (Acts 58th Leg., R.S., Ch. 298, Sec. 6c(f).)

Sec. 1107.056. NONATTENDANCE. The failure of a manager to attend three consecutive regular board meetings causes a vacancy in

the manager's office unless the absence is excused by formal action of the board. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

Sec. 1107.057. OFFICERS. (a) The board shall select from among the managers a presiding officer, who shall preside over the board.

(b) A presiding officer pro tem shall preside in the absence of the presiding officer.

(c) The district administrator or any manager may be appointed secretary. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

Sec. 1107.058. COMPENSATION. A manager serves without compensation, but the board may establish a system and set the amount of meeting fees for attending board or committee meetings. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

Sec. 1107.059. LIABILITY INSURANCE. The board may purchase and provide the managers with liability insurance the board considers necessary or advisable to protect the managers from risks that might result from serving on the board. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

Sec. 1107.060. QUORUM; VOTING REQUIREMENT. (a) Four managers, not including the ex officio manager, constitute a quorum.

(b) A concurrence of a majority of the voting managers present is required in any matter relating to district business. (Acts 58th Leg., R.S., Ch. 298, Sec. 6c(g).)

Sec. 1107.061. RECORDS OF PROCEEDINGS. (a) The board shall require the secretary to keep suitable records of all proceedings

of each board meeting.

(b) After each meeting:

(1) the manager presiding at the meeting shall read and sign the record; and

(2) the secretary shall attest the record. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

Sec. 1107.062. PERSONNEL MATTERS; CLOSED MEETING. A member or prospective member of the medical staff or a person who serves or is being considered for a position as a medical director of services or departments in the district is a public officer or employee for purposes of Section 551.074, Government Code. (Acts 58th Leg., R.S., Ch. 298, Sec. 6f.)

Sec. 1107.063. DISTRICT ADMINISTRATOR. (a) The board shall appoint under terms prescribed by the board a general manager qualified by training and experience as the district administrator.

(b) The district administrator shall receive the compensation determined by the board.

(c) The board may remove the district administrator at any time.

(d) Before assuming the duties of district administrator, the administrator must execute a bond payable to the district in an amount of not less than $10,000 that:

(1) is conditioned on the administrator performing well and faithfully the administrator's required duties; and

(2) contains any other condition the board requires. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

Sec. 1107.064. GENERAL DUTIES OF DISTRICT ADMINISTRATOR.

Subject to any limitations prescribed by the board, the district administrator shall:

(1) perform the duties required by the board;

(2) supervise the work and activities of the district; and

(3) direct the affairs of the district. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

Sec. 1107.065. ASSISTANT TO DISTRICT ADMINISTRATOR. (a) The board may designate an assistant to the district administrator to discharge a duty or function of the administrator in the event of the administrator's incapacity, absence, or inability to discharge the duty or function.

(b) The assistant shall post bond and is subject to the limitations prescribed by board order. (Acts 58th Leg., R.S., Ch. 298, Sec. 8.)

Sec. 1107.066. APPOINTMENT AND RECRUITMENT OF STAFF AND EMPLOYEES. (a) The board may employ under terms prescribed by the board any employees as considered advisable for the efficient operation of the hospital or hospital system.

(b) The board may spend district money, enter into agreements, and take other necessary action to recruit physicians and other persons to serve as the district's medical staff or employees, including:

(1) advertising and marketing;

(2) paying travel, recruitment, and relocation expenses; and

(3) allowing a physician to use space in a district

facility or paying the physician a rent subsidy until not later than the first anniversary of the date the physician is first admitted to the district's medical staff.

(c) The district may provide a loan or scholarship to a person who:

(1) is enrolled in health care education courses; and

(2) contractually agrees to practice in or become employed by the district. (Acts 58th Leg., R.S., Ch. 298, Secs. 6 (part), 6d(a), (c).)

Sec. 1107.067. HEALTH CARE EDUCATIONAL PROGRAMS. The board may spend district money, enter into agreements, and take other necessary action to conduct, participate in, or assist health care educational programs for staff members or employees or potential staff members or employees. (Acts 58th Leg., R.S., Ch. 298, Sec. 6d(b).)

Sec. 1107.068. LEGAL COUNSEL. (a) The appropriate county, district, or criminal district attorney charged with representing Titus County in civil matters shall represent the district in all legal matters.

(b) The district shall contribute sufficient money to the Titus County general fund for the account designated for the appropriate attorney described in Subsection (a) to pay all additional salaries and expenses incurred by the attorney in performing the duties required by the district.

(c) The board may employ additional legal counsel the board considers advisable. (Acts 58th Leg., R.S., Ch. 298, Secs. 1 (part), 13.)

Sec. 1107.069. RETIREMENT PROGRAM. The board may:

(1) contract with this state or the federal government as necessary to establish or continue a retirement program for the benefit of district employees; or

(2) establish other retirement programs for the benefit of district employees as the board considers necessary and advisable. (Acts 58th Leg., R.S., Ch. 298, Secs. 6 (part), 6c(c).)

Sec. 1107.070. SEAL. The board shall have a seal engraved with the district's name to authenticate the acts of the board. The board secretary shall keep the seal. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

[Sections 1107.071-1107.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1107.101. DISTRICT RESPONSIBILITY. The district has full responsibility for providing medical and hospital care for the district's needy and indigent residents. (Acts 58th Leg., R.S., Ch. 298, Secs. 2 (part), 14 (part).)

Sec. 1107.102. RESTRICTION ON COUNTY OR MUNICIPALITY TAXATION. Titus County or a municipality in the county may not impose a tax for hospital purposes. (Acts 58th Leg., R.S., Ch. 298, Sec. 14 (part).)

Sec. 1107.103. MANAGEMENT, CONTROL, AND ADMINISTRATION. The board shall manage, control, and administer the district's hospital or hospital system. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

Sec. 1107.104. RULES. The board may adopt rules for the operation of the hospital or hospital system. (Acts 58th Leg.,

R.S., Ch. 298, Sec. 6 (part).)

Sec. 1107.105. PURCHASING AND ACCOUNTING. (a) The board may prescribe:

(1) the method and manner of making purchases and expenditures by and for the district; and

(2) all accounting and control procedures.

(b) The district shall pay the salaries and expenses necessarily incurred by the board or by an officer or agent of the board in performing a duty prescribed or required by this chapter.

(c) An officer, employee, or agent of the board shall perform any function or service prescribed by the board under this section or Section 1107.152. (Acts 58th Leg., R.S., Ch. 298, Sec. 7 (part).)

Sec. 1107.106. DISTRICT FACILITIES. The board may:

(1) purchase or build facilities for medical purposes; and

(2) rent the facilities or space in the facilities at a rate sufficient to cover the district's cost. (Acts 58th Leg., R.S., Ch. 298, Sec. 6e(a).)

Sec. 1107.107. PROMOTION OF DISTRICT SERVICES. The board may market or advertise to promote district services, the orderly operation of the district, and the appropriate delivery of health care in the district. (Acts 58th Leg., R.S., Ch. 298, Sec. 6e(b).)

Sec. 1107.108. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property, real, personal, or mixed, located in district territory, if the interest is necessary or

convenient to exercise a right, power, privilege, or function conferred on the district by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

(c) In a condemnation proceeding brought by the district, the district is not required to:

(1) pay in advance or provide a bond for the issuance of a temporary restraining order or a temporary injunction; or

(2) provide a bond for costs or a supersedeas bond on an appeal or petition for review. (Acts 58th Leg., R.S., Ch. 298, Sec. 10.)

Sec. 1107.109. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, or provisions prescribed in writing by the donor that are not inconsistent with the proper management and objectives of the district. (Acts 58th Leg., R.S., Ch. 298, Sec. 16.)

Sec. 1107.110. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT. The board may contract with:

(1) any county for the care and treatment of a sick or injured person of that county; and

(2) this state or a federal agency for the care and treatment of a sick or injured person for whom the state or agency is responsible. (Acts 58th Leg., R.S., Ch. 298, Secs. 6 (part),

6c(c).)

Sec. 1107.111. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient from Titus County is admitted to a district facility, the district administrator shall have an inquiry made into the circumstances of:

(1) the patient; and

(2) the patient's relatives legally liable for the patient's support.

(b) If the district administrator determines that the patient or those relatives cannot pay for all or part of the patient's care and treatment in the hospital, the amount that cannot be paid becomes a charge against the district.

(c) If the district administrator determines that the patient or those relatives can pay for all or part of the patient's care and treatment, the patient or those relatives shall be ordered to pay the district a specified amount each week for the patient's support. The amount ordered must be proportionate to their financial ability and may not exceed the actual per capita cost of maintenance.

(d) The district administrator may collect the amount from the patient's estate, or from those relatives legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e) If there is a dispute as to the ability to pay, or doubt in the mind of the district administrator, the county court shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute or doubt; and

(2) issue any appropriate orders.

(f) Either party to the dispute may appeal the order to the district court. (Acts 58th Leg., R.S., Ch. 298, Sec. 15.)

Sec. 1107.112. AUTHORITY TO SUE AND BE SUED. The board may sue and be sued. (Acts 58th Leg., R.S., Ch. 298, Sec. 6 (part).)

[Sections 1107.113-1107.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1107.151. BUDGET. (a) The district administrator, under the direction of the board, shall prepare an annual budget.

(b) The budget must be approved by the board. (Acts 58th Leg., R.S., Ch. 298, Sec. 9 (part).)

Sec. 1107.152. ANNUAL AUDIT. As soon as practicable after the close of each fiscal year, the board shall have an audit made of the district's books and records for the fiscal year by an independent public accountant. (Acts 58th Leg., R.S., Ch. 298, Sec. 7 (part).)

Sec. 1107.153. FINANCIAL REPORT. (a) As soon as practicable after the close of each fiscal year, the district administrator shall prepare a report that includes:

(1) a complete sworn statement of:

(A) all money and choses in action received by the administrator; and

(B) how the money and choses in action were disbursed or otherwise disposed; and

(2) the details of district operation during the preceding fiscal year.

(b) The district administrator shall make the report to:

(1) the board; and

(2) the Titus County Commissioners Court. (Acts 58th Leg., R.S., Ch. 298, Sec. 9 (part).)

Sec. 1107.154. DEPOSITORY. (a) After advertising in the manner provided by Chapter 252 and Subchapter C, Chapter 262, Local Government Code, the board shall choose by competitive bidding at least one bank to serve as depository for district money.

(b) All income received by the district shall be deposited in the district depository. (Acts 58th Leg., R.S., Ch. 298, Secs. 3(b) (part), 11 (part).)

Sec. 1107.155. WARRANTS. A warrant against district money does not require the signature of the county clerk of Titus County. (Acts 58th Leg., R.S., Ch. 298, Sec. 3(b) (part).)

[Sections 1107.156-1107.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1107.201. BONDS. The board may issue and sell bonds as district obligations for any purpose relating to:

(1) the purchase, construction, acquisition, repair, or renovation of buildings and improvements; and

(2) equipping buildings and improvements for hospital purposes. (Acts 58th Leg., R.S., Ch. 298, Secs. 4 (part), 6c(e) (part).)

Sec. 1107.202. TAX TO PAY BONDS. (a) An ad valorem tax shall be imposed at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on bonds issued under Section 1107.201 as the bonds mature.

(b) The tax required by this section together with any other

ad valorem tax imposed for the district may not in any year exceed 75 cents on each $100 valuation of taxable property in the district. (Acts 58th Leg., R.S., Ch. 298, Sec. 4 (part).)

Sec. 1107.203. BOND ELECTION. The district may issue bonds only if the bonds are authorized by a majority of the district voters voting at an election called by the board and held in accordance with the provisions of Chapter 1251, Government Code, relating to county bonds. (Acts 58th Leg., R.S., Ch. 298, Secs. 4 (part), 6c(e) (part).)

Sec. 1107.204. REFUNDING BONDS. (a) District refunding bonds may be issued without an election and in the manner provided by this subchapter to refund outstanding indebtedness issued or assumed by the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of outstanding bonds; or

(2) exchanged wholly or partly for not less than a similar amount of outstanding bonds and the unpaid matured interest on the bonds. (Acts 58th Leg., R.S., Ch. 298, Sec. 4 (part).)

Sec. 1107.205. EXECUTION OF BONDS. The board's presiding officer shall execute the district's bonds in the district's name and the board secretary shall countersign the bonds in the manner provided by Chapter 618, Government Code. (Acts 58th Leg., R.S., Ch. 298, Secs. 4 (part), 6c(e) (part).)

[Sections 1107.206-1107.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1107.251. IMPOSITION OF AD VALOREM TAX. (a) The board

shall impose a tax on all property in the district subject to district taxation.

(b) The board shall impose the tax to:

(1) pay the interest on and create a sinking fund for bonds assumed or issued by the district for hospital purposes as provided by this chapter;

(2) provide for the operation and maintenance of the hospital or hospital system; and

(3) make improvements and additions to the hospital system and acquire necessary sites for improvements and additions by purchase, lease, or condemnation. (Acts 58th Leg., R.S., Ch. 298, Secs. 3(a) (part), 6c(d).)

Sec. 1107.252. TAX RATE. The board shall impose the tax at a rate not to exceed 75 cents on each $100 valuation of all property in the district subject to district taxation. (Acts 58th Leg., R.S., Ch. 298, Sec. 3(a) (part).)

Sec. 1107.253. COLLECTION BY COUNTY TAX ASSESSOR-COLLECTOR. Unless the board elects to have district taxes assessed and collected by its own tax assessor-collector under Section 1107.254, the tax assessor-collector of Titus County shall assess and collect taxes imposed by the district. (Acts 58th Leg., R.S., Ch. 298, Sec. 3(b) (part).)

Sec. 1107.254. ASSESSMENT AND COLLECTION BY DISTRICT TAX ASSESSOR-COLLECTOR. (a) The board may elect to employ a tax assessor-collector to assess and collect district taxes by adopting an appropriate resolution before December 1 of any year. The election remains in effect until revoked by a resolution adopted by

the board.

(b) The district tax assessor-collector must reside in the district.

(c) The board shall set the term of employment and compensation for the district tax assessor-collector. (Acts 58th Leg., R.S., Ch. 298, Sec. 3(c) (part).)

CHAPTER 1109. TYLER COUNTY HOSPITAL DISTRICT

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SUBCHAPTER E. BONDS

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Sec. 1109.209. BONDS EXEMPT FROM TAXATION

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SUBCHAPTER F. TAXES

Sec. 1109.251. IMPOSITION OF AD VALOREM TAX

Sec. 1109.252. TAX RATE

Sec. 1109.253. TAX ASSESSOR-COLLECTOR

[Sections 1109.254-1109.300 reserved for expansion]

SUBCHAPTER G. DISSOLUTION

Sec. 1109.301. DISSOLUTION; ELECTION

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Sec. 1109.308. REPORT; DISSOLUTION ORDER

CHAPTER 1109. TYLER COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1109.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of hospital managers of the district.

(2) "Commissioners court" means the Commissioners Court of Tyler County.

(3) "District" means the Tyler County Hospital District.

(4) "Manager" means a member of the board. (New.)

Sec. 1109.002. AUTHORITY FOR OPERATION. The Tyler County Hospital District operates in accordance with Section 9, Article IX, Texas Constitution, and has the powers and responsibilities provided by that section. (Acts 58th Leg., R.S., Ch. 110, Sec. 1 (part).)

Sec. 1109.003. ESSENTIAL PUBLIC FUNCTION. The district is a public entity performing an essential public function. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(e) (part).)

Sec. 1109.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Tyler County.

(Acts 58th Leg., R.S., Ch. 110, Sec. 1 (part).)

[Sections 1109.005-1109.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1109.051. BOARD APPOINTMENT; TERM. (a) The board consists of:

(1) six managers appointed by the commissioners court; and

(2) the county judge of Tyler County as an ex officio manager.

(b) Appointed managers serve two-year terms. The terms may overlap. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

Sec. 1109.052. QUALIFICATIONS FOR OFFICE. (a) To serve as a manager, a person must be a resident and qualified voter of the district.

(b) A district employee may not serve as a manager. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

Sec. 1109.053. BOARD VACANCY. The commissioners court shall fill a vacancy on the board by appointment. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

Sec. 1109.054. NONATTENDANCE. The failure of a manager to attend three consecutive regular board meetings causes a vacancy in the manager's office unless the absence is excused by formal action of the board. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

Sec. 1109.055. OFFICERS. (a) The board shall elect from among its members a president, who shall preside, and a vice president, who shall preside in the president's absence.

(b) The board shall appoint a secretary, who need not be a

manager.

(c) Each officer serves a one-year term.

(d) The board shall fill a vacancy in a board office for the unexpired term. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(h) (part).)

Sec. 1109.056. COMPENSATION; EXPENSES. A manager serves without compensation but may be reimbursed for actual and necessary travel and other expenses incurred in the performance of the manager's duties as determined by the board. The reimbursed expenses must be reported in the district's records. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

Sec. 1109.057. DISTRICT ADMINISTRATOR. (a) The board may appoint a person qualified by training and experience as district administrator.

(b) The district administrator serves at the will of the board and receives compensation as may be determined by the board.

(c) The board may require the district administrator, before assuming the administrator's duties, to execute a bond payable to the district in an amount set by the board of not less than $5,000 that:

(1) is conditioned on the faithful performance of the administrator's duties; and

(2) contains other conditions the board may require. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(b) (part).)

Sec. 1109.058. GENERAL DUTIES OF DISTRICT ADMINISTRATOR. Subject to any limitations prescribed by the board, the district administrator shall:

(1) perform the duties required by the board;

(2) supervise the work and activities of the district; and

(3) direct the affairs of the district. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(b) (part).)

Sec. 1109.059. ASSISTANT DISTRICT ADMINISTRATOR; ATTORNEY. (a) The board may appoint an assistant district administrator and an attorney.

(b) The assistant district administrator and the attorney serve at the will of the board and receive compensation as may be determined by the board. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(b) (part).)

Sec. 1109.060. APPOINTMENT AND REMOVAL OF STAFF AND EMPLOYEES. (a) The board may appoint to and remove from the staff any doctors and employ any other employees considered advisable for the efficient operation of the district's hospital or hospital system.

(b) The board may delegate to the district administrator the authority to hire employees.

(c) The board may spend district money to recruit physicians, nurses, and other trained medical personnel. The board may pay the tuition or other expenses of a full-time medical student or other student in a health occupation who:

(1) is enrolled in and is in good standing at an accredited medical school, college, or university; and

(2) contractually agrees to become a district employee or independent contractor in return for that assistance. (Acts 58th Leg., R.S., Ch. 110, Secs. 6(c), (d) (part).)

Sec. 1109.061. RETIREMENT BENEFITS. The board may provide retirement benefits for district employees by:

(1) establishing or administering a retirement program; or

(2) participating in:

(A) the Texas County and District Retirement System; or

(B) another statewide retirement system in which the district is eligible to participate. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(d) (part).)

Sec. 1109.062. SEAL. The board shall have a seal engraved with the district's name to authenticate the acts of the board. The board secretary shall keep the seal. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(h) (part).)

[Sections 1109.063-1109.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1109.101. DISTRICT RESPONSIBILITY. The district has full responsibility for providing medical and hospital care for the district's needy and indigent residents. (Acts 58th Leg., R.S., Ch. 110, Secs. 2 (part), 14 (part).)

Sec. 1109.102. RESTRICTION ON COUNTY OR MUNICIPALITY TAXATION. Tyler County or a municipality in the county may not impose a tax for hospital purposes. (Acts 58th Leg., R.S., Ch. 110, Secs. 1 (part), 14 (part).)

Sec. 1109.103. MANAGEMENT, CONTROL, AND ADMINISTRATION. The board shall manage, control, and administer:

(1) the district's hospital or hospital system; and

(2) the district's business, funds, and resources. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

Sec. 1109.104. HOSPITAL OR HOSPITAL SYSTEM. (a) The district shall provide for the establishment, administration, maintenance, operation, and financing of a hospital or hospital system in the district.

(b) The district may provide any services or facilities necessary for hospital or medical care, including:

(1) rural health clinics;

(2) outpatient clinics;

(3) nursing homes;

(4) home health care agencies;

(5) extended care facilities;

(6) assisted living or personal care facilities; and

(7) retirement, housing, and medical office buildings. (Acts 58th Leg., R.S., Ch. 110, Sec. 2 (part).)

Sec. 1109.105. RULES. The board may adopt rules for the operation of the hospital or hospital system. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

Sec. 1109.106. PURCHASING AND ACCOUNTING. (a) The board may prescribe:

(1) the method and manner of making purchases and expenditures by and for the district; and

(2) all accounting and control procedures.

(b) The district shall pay the salaries and expenses necessarily incurred by the board or by an officer or agent of the board in performing a duty prescribed or required by this section or

Section 1109.155.

(c) An officer, employee, or agent of the board shall perform any function or service prescribed by the board under this section or Section 1109.155. (Acts 58th Leg., R.S., Ch. 110, Sec. 7 (part).)

Sec. 1109.107. DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. (a) The board shall determine:

(1) the type, number, and location of buildings required to maintain an adequate hospital system; and

(2) the type of equipment necessary for hospital care.

(b) The board may:

(1) acquire by purchase or lease property, including facilities and equipment, for the district to use in the hospital system; and

(2) mortgage or pledge the property as security for the payment of the purchase price.

(c) The board may lease district hospital facilities to or from individuals, companies, corporations, or other legal entities.

(d) The board may sell or otherwise dispose of property, including facilities and equipment. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(e) (part).)

Sec. 1109.108. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property, real, personal, or mixed, located in district territory, if the interest is necessary or convenient to exercise a right, power, privilege, or function

conferred on the district by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except the district is not required to deposit in the trial court money or a bond as required by Section 21.021(a), Property Code.

(c) In a condemnation proceeding brought by the district, the district is not required to:

(1) pay in advance or provide a bond for the issuance of a temporary restraining order or a temporary injunction; or

(2) provide a bond for costs or a supersedeas bond on an appeal or petition for review. (Acts 58th Leg., R.S., Ch. 110, Sec. 10.)

Sec. 1109.109. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, or provisions prescribed in writing by the donor that are not inconsistent with the proper management and objectives of the district. (Acts 58th Leg., R.S., Ch. 110, Sec. 16.)

Sec. 1109.110. CONSTRUCTION CONTRACTS. The board may enter into construction contracts for the district. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(e) (part).)

Sec. 1109.111. OPERATING AND MANAGEMENT CONTRACTS. The board may enter into an operating or management contract relating to a hospital facility. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(e) (part).)

Sec. 1109.112. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR

CARE AND TREATMENT. The board, with the approval of the commissioners court, may contract with:

(1) any county for the care and treatment of a sick or injured person of that county; and

(2) this state or a federal agency for the care and treatment of a sick or injured person for whom the state or agency is responsible. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(g) (part).)

Sec. 1109.113. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient who resides in the district is admitted to a district facility, the district administrator shall have an inquiry made into the financial circumstances of:

(1) the patient; and

(2) the patient's relatives legally responsible for the patient's support.

(b) The district without charge shall provide to a patient who resides in the district the care and treatment for which the patient or those relatives cannot pay.

(c) If the district administrator determines that the patient or those relatives cannot pay for all or part of the patient's care and treatment in the hospital, the amount of the costs that cannot be paid becomes a charge against the district.

(d) If the district administrator determines that the patient or those relatives can pay for all or part of the care and treatment provided by the district, the district administrator shall report that determination to the board, and the board shall issue an order directing the patient or those relatives to pay the district a specified amount each week for the patient's support.

The amount ordered must be proportionate to the person's financial ability and may not exceed the actual per capita cost of maintenance.

(e) The district administrator may collect the amount from the patient's estate, or from any relative legally responsible for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(f) If there is a dispute as to the ability to pay, or doubt in the mind of the district administrator concerning the ability to pay, the county court shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute or doubt; and

(2) issue any appropriate order.

(g) Either party to the dispute may appeal the order to the district court. (Acts 58th Leg., R.S., Ch. 110, Secs. 15(a) (part), (b).)

Sec. 1109.114. REIMBURSEMENT FOR SERVICES. (a) The board shall require a county, municipality, or public hospital located outside the district to reimburse the district for the district's care or treatment of a sick or injured person for whom that county, municipality, or public hospital has an obligation to provide care, as provided by Chapter 61, Health and Safety Code.

(b) The board shall seek reimbursement under Article 104.002, Code of Criminal Procedure, for the district's care or treatment of a person who is confined in a Tyler County jail facility and is not a district resident. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(g) (part).)

Sec. 1109.115. AUTHORITY TO SUE AND BE SUED. The board may sue and be sued. (Acts 58th Leg., R.S., Ch. 110, Sec. 6(a) (part).)

[Sections 1109.116-1109.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1109.151. BUDGET. (a) The district administrator, under the direction of the board, shall prepare a proposed annual budget.

(b) The budget must be approved by the board. (Acts 58th Leg., R.S., Ch. 110, Sec. 9(b) (part).)

Sec. 1109.152. NOTICE; HEARING; ADOPTION OF BUDGET. (a) The board shall publish notice of a public hearing on the proposed annual budget. The notice must be published in a newspaper of general circulation in the district one time before the 10th day before the date of the hearing.

(b) The board shall adopt a budget by acting on the budget proposed by the district administrator.

(c) The budget is effective only after adoption by the board. (Acts 58th Leg., R.S., Ch. 110, Sec. 9(b) (part).)

Sec. 1109.153. AMENDMENTS TO BUDGET. The budget may be amended on the board's approval. (Acts 58th Leg., R.S., Ch. 110, Sec. 9(b) (part).)

Sec. 1109.154. FISCAL YEAR. (a) The district operates according to a fiscal year established by the board.

(b) The fiscal year may not be changed:

(1) when revenue bonds are outstanding; or

(2) more than once in a 24-month period. (Acts 58th Leg., R.S., Ch. 110, Sec. 8.)

Sec. 1109.155. ANNUAL AUDIT. As soon as practicable after the close of each fiscal year, the board shall have an audit made of the district's financial condition for the fiscal year by an independent public accountant. (Acts 58th Leg., R.S., Ch. 110, Sec. 7 (part).)

Sec. 1109.156. FINANCIAL REPORT. (a) As soon as practicable after the close of each fiscal year, the district administrator shall prepare a report that includes:

(1) a complete sworn statement of:

(A) all money and choses in action received by the administrator; and

(B) how the money and choses in action were disbursed or otherwise disposed; and

(2) the details of district operation during the preceding fiscal year.

(b) The district administrator shall make the report to:

(1) the board; and

(2) the commissioners court. (Acts 58th Leg., R.S., Ch. 110, Sec. 9(a).)

Sec. 1109.157. DEPOSITORY. Every two years, the board shall select a depository for the district to secure all district money in the manner provided for securing county funds. (Acts 58th Leg., R.S., Ch. 110, Sec. 11 (part).)

Sec. 1109.158. INVESTMENTS. The board may purchase, sell, and invest district funds in investments authorized by Chapter 2256, Government Code. (Acts 58th Leg., R.S., Ch. 110, Sec. 11 (part).)

Sec. 1109.159. AUTHORITY TO BORROW MONEY; SECURITY. (a) The board may borrow money at a rate not to exceed the maximum annual percentage rate allowed by law for district obligations at the time the loan is made if the board declares that:

(1) money is not available to meet authorized obligations of the district; and

(2) an emergency exists.

(b) To secure a loan, the board may pledge:

(1) district revenue that is not pledged to pay the district's bonded indebtedness;

(2) a district tax to be imposed by the district in the next 12-month period that is not pledged to pay the principal of or interest on district bonds; or

(3) a district bond that has been authorized but not sold.

(c) A loan for which taxes or bonds are pledged must mature not later than the first anniversary of the date the loan is made. A loan for which district revenue is pledged must mature not later than the fifth anniversary of the date the loan is made.

(d) The board may not spend money obtained from a loan under this section for any purpose other than:

(1) the purpose for which the board declared an emergency; and

(2) if district taxes or bonds are pledged to pay the loan, the purposes for which the taxes were imposed or the bonds were authorized. (Acts 58th Leg., R.S., Ch. 110, Sec. 21.)

[Sections 1109.160-1109.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1109.201. GENERAL OBLIGATION BONDS. The commissioners court may issue and sell general obligation bonds of the district for any purpose relating to:

(1) purchasing, constructing, acquiring, repairing, or renovating buildings and improvements;

(2) equipping buildings and improvements;

(3) acquiring or operating a mobile emergency medical service; and

(4) hospital purposes. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(a) (part).)

Sec. 1109.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) An ad valorem tax shall be imposed at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on bonds issued under Section 1109.201 as the bonds mature.

(b) The tax required by this section together with any other ad valorem tax imposed for the district may not in any year exceed 75 cents on each $100 valuation of all taxable property in the district. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(a) (part).)

Sec. 1109.203. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters voting at an election held in accordance with the provisions of Chapter 1251, Government Code, relating to county bonds.

(b) The commissioners court:

(1) may call the election on its own motion; or

(2) shall call the election at the request of the

board.

(c) The cost of the bond election is a charge on the district, and the district must provide for the payment of the bond election costs before the commissioners court is required to order an election. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(a) (part).)

Sec. 1109.204. EXECUTION OF GENERAL OBLIGATION BONDS. (a) The county judge of Tyler County shall execute the general obligation bonds in the district's name.

(b) The county clerk of Tyler County shall countersign the bonds. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(a) (part).)

Sec. 1109.205. REVENUE BONDS. (a) The district may issue revenue bonds to:

(1) purchase, construct, acquire, repair, or renovate buildings and improvements;

(2) equip buildings and improvements for the hospital or hospital system;

(3) acquire sites to be used for hospital purposes; or

(4) acquire and operate a mobile emergency medical service to assist the district in carrying out its purposes.

(b) The bonds must be payable from and secured by a pledge of all or part of the revenue derived from the operation of the district's hospital system.

(c) The bonds may be additionally secured by a mortgage or deed of trust lien on all or part of the district property.

(d) The district shall issue revenue bonds in the manner provided by Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health and Safety Code. (Acts 58th Leg., R.S., Ch.

110, Sec. 4(c).)

Sec. 1109.206. REFUNDING BONDS. (a) The district may, without an election, issue refunding bonds to refund any bonds issued or assumed by the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of the outstanding bonds; or

(2) exchanged wholly or partly for not less than a similar principal amount of the outstanding bonds. (Acts 58th Leg., R.S., Ch. 110, Secs. 4(a) (part), (b) (part).)

Sec. 1109.207. MATURITY OF BONDS. District bonds must mature not later than 40 years after the date of issuance. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(g) (part).)

Sec. 1109.208. EXECUTION OF BONDS. The board president shall execute district bonds in the district's name, and the board secretary shall countersign the bonds in the manner provided by Chapter 618, Government Code. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(d).)

Sec. 1109.209. BONDS EXEMPT FROM TAXATION. The following are exempt from taxation by this state or a political subdivision of this state:

(1) bonds issued by the district;

(2) any transaction relating to the bonds; and

(3) profits made in the sale of the bonds. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(e) (part).)

[Sections 1109.210-1109.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1109.251. IMPOSITION OF AD VALOREM TAX. (a) The commissioners court shall impose a tax for the benefit of the district on all property in the district subject to district taxation.

(b) The commissioners court shall impose the tax to:

(1) pay the interest on and create a sinking fund for general obligation bonds assumed or issued by the district for hospital purposes as provided by this chapter;

(2) provide for the operation and maintenance of the hospital or hospital system; and

(3) when requested by the board and approved by the commissioners court, make improvements and additions to the hospital system, and acquire necessary sites for the hospital system by purchase, lease, or condemnation.

(c) The district may not impose a tax to pay the principal of or interest on revenue bonds. (Acts 58th Leg., R.S., Ch. 110, Secs. 3 (part), 4(f) (part).)

Sec. 1109.252. TAX RATE. The commissioners court shall impose the tax at a rate not to exceed 75 cents on each $100 valuation of all taxable property in the district. (Acts 58th Leg., R.S., Ch. 110, Sec. 3 (part).)

Sec. 1109.253. TAX ASSESSOR-COLLECTOR. The board may provide for the appointment of a tax assessor-collector for the district or may contract for the assessment and collection of taxes as provided by the Tax Code. (Acts 58th Leg., R.S., Ch. 110, Sec. 4(f) (part).)

[Sections 1109.254-1109.300 reserved for expansion]

SUBCHAPTER G. DISSOLUTION

Sec. 1109.301. DISSOLUTION; ELECTION. (a) The district may be dissolved only on approval of a majority of the district voters voting in an election held for that purpose.

(b) The board may order an election on the question of dissolving the district and disposing of the district's assets and obligations.

(c) The board shall order an election if the board receives a petition requesting an election that is signed by at least 15 percent of the registered district voters.

(d) The order calling the election must state:

(1) the nature of the election, including the proposition to appear on the ballot;

(2) the date of the election;

(3) the hours during which the polls will be open; and

(4) the location of the polling places.

(e) Section 41.001(a), Election Code, does not apply to an election ordered under this section. (Acts 58th Leg., R.S., Ch. 110, Secs. 22(a), (b) (part).)

Sec. 1109.302. NOTICE OF ELECTION. (a) The board shall give notice of an election under this subchapter by publishing once a week for two consecutive weeks a copy of the election order in a newspaper with general circulation in the district.

(b) The first publication of notice must appear before the 35th day before the date set for the election. (Acts 58th Leg., R.S., Ch. 110, Sec. 22(c) (part).)

Sec. 1109.303. BALLOT. The ballot for an election under this subchapter must be printed to permit voting for or against the proposition: "The dissolution of the Tyler County Hospital District." (Acts 58th Leg., R.S., Ch. 110, Sec. 22(c) (part).)

Sec. 1109.304. ELECTION RESULTS. (a) If a majority of the district voters favor dissolution, the board shall find that the district is dissolved.

(b) If the board finds that the election results do not favor the proposition to dissolve the district, another dissolution election may not be held before the first anniversary of the date of the most recent election to dissolve the district. (Acts 58th Leg., R.S., Ch. 110, Secs. 22(d) (part), (g).)

Sec. 1109.305. TRANSFER OR ADMINISTRATION OF ASSETS. (a) If a majority of the district voters favor dissolution, the board shall:

(1) transfer the land, buildings, improvements, equipment, and other assets that belong to the district to Tyler County or another governmental entity in Tyler County; or

(2) administer the property, assets, and debts until all money has been disposed of and all district debts have been paid or settled.

(b) If the board makes the transfer under Subsection (a)(1), the county or entity assumes all debts and obligations of the district at the time of the transfer, and the district is dissolved. (Acts 58th Leg., R.S., Ch. 110, Secs. 22(d) (part), (f).)

Sec. 1109.306. SALE OR TRANSFER OF ASSETS AND LIABILITIES. (a) Notwithstanding any other provision of this subchapter, the

district may not be dissolved unless the board provides for the sale or transfer of the district's assets and liabilities to another person.

(b) The dissolution of the district and the sale or transfer of the district's assets or liabilities may not:

(1) contravene a trust indenture or bond resolution relating to the district's outstanding bonds; or

(2) diminish or impair the rights of a holder of an outstanding bond, warrant, or other obligation of the district.

(c) The sale or transfer of the district's assets and liabilities must satisfy the debt and bond obligations of the district in a manner that protects the interests of district residents, including the residents' collective property rights in the district's assets.

(d) The district may transfer or dispose of the district's assets only for due compensation, unless the transfer is made to another governmental agency embracing the district and using the transferred assets for the benefit of residents formerly in the district.

(e) A grant from federal funds is an obligation to be repaid in satisfaction. (Acts 58th Leg., R.S., Ch. 110, Secs. 22(k), (l).)

Sec. 1109.307. IMPOSITION OF TAX AND RETURN OF SURPLUS TAXES. (a) After the board finds that the district is dissolved, the board shall:

(1) determine the debt owed by the district; and

(2) impose on the property included in the district's tax roll a tax that is in proportion of the debt to the property

value.

(b) On the payment of all outstanding debts and obligations of the district, the board shall order the board secretary to return to each district taxpayer the taxpayer's pro rata share of all unused tax money.

(c) A taxpayer may request that the taxpayer's share of surplus tax money be credited to the taxpayer's county taxes. If a taxpayer requests the credit, the board shall direct the board secretary to transmit the money to the Tyler County tax assessor-collector. (Acts 58th Leg., R.S., Ch. 110, Secs. 22(e), (h).)

Sec. 1109.308. REPORT; DISSOLUTION ORDER. (a) After the district has paid all district debts and has disposed of all district money and other assets as prescribed by this subchapter, the board shall file a written report with the commissioners court summarizing the board's actions in dissolving the district.

(b) Not later than the 10th day after the date the commissioners court receives the report and determines that the requirements of this subchapter have been fulfilled, the commissioners court shall enter an order:

(1) dissolving the district; and

(2) disbanding and releasing the board from any further duty or obligation. (Acts 58th Leg., R.S., Ch. 110, Secs. 22(i), (j).)

CHAPTER 1110. VAL VERDE COUNTY HOSPITAL DISTRICT

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CHAPTER 1110. VAL VERDE COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1110.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Val Verde County Hospital District. (New.)

Sec. 1110.002. AUTHORITY FOR OPERATION. The Val Verde County Hospital District operates in accordance with Section 9, Article IX, Texas Constitution, and has the rights, powers, and duties provided by that section and this chapter. (Acts 64th Leg., R.S., Ch. 658, Sec. 1 (part).)

Sec. 1110.003. ESSENTIAL PUBLIC FUNCTION. The district performs an essential public function in carrying out the purposes of this chapter. (Acts 64th Leg., R.S., Ch. 658, Sec. 21 (part).)

Sec. 1110.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Val Verde County, Texas. (Acts 64th Leg., R.S., Ch. 658, Sec. 1 (part).)

Sec. 1110.005. CORRECTION OF INVALID PROCEDURES. If a court holds that any procedure under this chapter violates the constitution of this state or of the United States, the district by resolution may provide an alternative procedure that conforms with the constitution. (Acts 64th Leg., R.S., Ch. 658, Sec. 23 (part).)

Sec. 1110.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION. The support and maintenance of the district may not become a charge against or obligation of this state. (Acts 64th

Leg., R.S., Ch. 658, Sec. 20 (part).)

Sec. 1110.007. RESTRICTION ON STATE FINANCIAL ASSISTANCE. The legislature may not make a direct appropriation for the construction, maintenance, or improvement of a district facility. (Acts 64th Leg., R.S., Ch. 658, Sec. 20 (part).)

[Sections 1110.008-1110.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1110.051. BOARD ELECTION; TERM. (a) The board consists of seven directors elected as follows:

(1) one director elected from each county commissioners precinct; and

(2) three directors elected from the district at large.

(b) A district voter may vote on the directors to be elected at large and on the director to be elected from the precinct in which the voter resides.

(c) On the May uniform election date of each even-numbered year or another date authorized by law, the appropriate number of directors shall be elected.

(d) Directors serve staggered four-year terms. (Acts 64th Leg., R.S., Ch. 658, Secs. 4(a) (part), (c) (part).)

Sec. 1110.052. QUALIFICATIONS FOR OFFICE. (a) A person may not be elected or appointed as a director unless the person is:

(1) at least 18 years of age at the time of the appointment or election;

(2) a resident of the district; and

(3) a qualified voter.

(b) A director who represents a county commissioners precinct must be a resident of that precinct. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(a) (part).)

Sec. 1110.053. EX OFFICIO DIRECTOR. The chief of staff may serve as an ex officio director without the right to vote as a director. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(a) (part).)

Sec. 1110.054. BALLOT PETITION. A person who wants to have the person's name printed on the ballot as a candidate for director must file with the board secretary a petition requesting that action. The petition must be:

(1) signed by at least 10 registered voters; and

(2) filed by the deadline imposed by Section 144.005, Election Code. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(c) (part).)

Sec. 1110.055. NOTICE OF ELECTION. At least 10 days before the date of a directors' election, notice of the election shall be published one time in a newspaper of general circulation in Val Verde County. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(c) (part).)

Sec. 1110.056. BOARD VACANCY. (a) If a vacancy occurs in the office of director, the remaining directors shall appoint a director for the unexpired term.

(b) If the number of directors is reduced to fewer than four for any reason, the remaining directors shall immediately call a special election to fill the vacancies. If the remaining directors do not call the election, a district court, on application of a district voter or taxpayer, may order the directors to hold the election. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(b) (part).)

Sec. 1110.057. OFFICERS. The board shall elect from among

its members a president and secretary. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(b) (part).)

Sec. 1110.058. COMPENSATION. A director serves without compensation. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(a) (part).)

Sec. 1110.059. BOND; RECORD OF BOND AND OATH. (a) Each director shall execute a good and sufficient bond for $1,000 that is:

(1) payable to the district; and

(2) conditioned on the faithful performance of the director's duties.

(b) Each director's bond and constitutional oath of office must be deposited with the district's depository bank for safekeeping. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(a) (part).)

Sec. 1110.060. VOTING REQUIREMENT. A concurrence of four directors is sufficient in any matter relating to district business. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(b) (part).)

Sec. 1110.061. BOARD MEETINGS. (a) A board meeting may be called by the president or any four directors.

(b) Notice of the time and place of a board meeting must be given to each director at least 72 hours before the time of the meeting. (Acts 64th Leg., R.S., Ch. 658, Sec. 4(b) (part).)

Sec. 1110.062. DISTRICT ADMINISTRATOR; ASSISTANT ADMINISTRATOR. (a) The board may appoint a qualified person as district administrator.

(b) The board may appoint an assistant administrator.

(c) The administrator and assistant administrator, if any, serve at the will of the board and shall receive the compensation

determined by the board.

(d) On assuming the duties of district administrator, the administrator shall execute a bond payable to the district in an amount set by the board of not less than $5,000 that:

(1) is conditioned on the administrator performing the administrator's duties; and

(2) contains any other condition the board requires. (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

Sec. 1110.063. GENERAL DUTIES OF DISTRICT ADMINISTRATOR. Subject to any limitations prescribed by the board, the district administrator shall:

(1) supervise the work and activities of the district; and

(2) direct the affairs of the district. (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

Sec. 1110.064. APPOINTMENT OF STAFF AND EMPLOYEES. (a) The board may appoint to the staff any doctors the board considers necessary for the efficient operation of the district and may make temporary appointments as warranted.

(b) The district may employ fiscal agents, accountants, architects, and attorneys as the board considers proper.

(c) The board may delegate to the district administrator the authority to employ technicians, nurses, and district employees. (Acts 64th Leg., R.S., Ch. 658, Secs. 6 (part), 15.)

Sec. 1110.065. SENIORITY; RETIREMENT BENEFITS. The board may:

(1) adopt rules relating to the seniority of district

employees, including rules for a retirement plan based on seniority; and

(2) give effect to previous years of service for those employees continuously employed in the operation or management of hospital facilities:

(A) constructed by the district; or

(B) acquired by the district, including facilities acquired when the district was created because of former Section 2, Chapter 658, Acts of the 64th Legislature, Regular Session, 1975. (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

[Sections 1110.066-1110.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1110.101. DISTRICT RESPONSIBILITY. The district has full responsibility for providing hospital care for the district's indigent residents. (Acts 64th Leg., R.S., Ch. 658, Sec. 19 (part).)

Sec. 1110.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT. A political subdivision located within the district may not impose a tax or issue bonds or other obligations for hospital purposes or to provide medical care. (Acts 64th Leg., R.S., Ch. 658, Sec. 19 (part).)

Sec. 1110.103. MANAGEMENT, CONTROL, AND ADMINISTRATION. The board shall manage, control, and administer the hospital system and all the district's money and resources. (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

Sec. 1110.104. HOSPITAL SYSTEM. The district shall provide for:

(1) the establishment of a hospital system by:

(A) purchasing, constructing, acquiring, repairing, or renovating buildings and equipment; and

(B) equipping the buildings; and

(2) the administration of the hospital system for hospital purposes. (Acts 64th Leg., R.S., Ch. 658, Sec. 2 (part).)

Sec. 1110.105. RULES. The board may adopt rules governing the operation of the hospital, the hospital system, and the district's staff and employees. (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

Sec. 1110.106. PURCHASING AND ACCOUNTING. The board may prescribe:

(1) the method and manner of making purchases and expenditures by and for the district; and

(2) all accounting and control procedures. (Acts 64th Leg., R.S., Ch. 658, Sec. 11(a).)

Sec. 1110.107. OPERATING, MANAGEMENT, OR CONSULTING CONTRACTS. (a) The board may enter into an operating, management, or consulting contract with respect to all or part of the district's facilities. The contract must provide that the board retains responsibility for and control of the district's operation.

(b) A company providing services to the district under the contract, and the officers, directors, and employees of the company, while performing services under the contract for benefit of the district:

(1) are employees of the district solely for purposes of the immunity or liability of the company and the company's

officers, directors, and employees; and

(2) have immunity or limited liability under laws applicable to district employees, whether statutory or common law, to the extent a district employee would be entitled to immunity or limited liability under the same circumstances. (Acts 64th Leg., R.S., Ch. 658, Sec. 10(a).)

Sec. 1110.108. DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. (a) The board may lease all or part of the district's property, including facilities or equipment, on terms the board considers to be in the best interest of the district's residents. The term of the lease may not exceed 25 years from the date entered.

(b) The board may:

(1) lease or acquire property, including facilities or equipment, for the use of the district; and

(2) mortgage or pledge the property as security for the payment of the purchase price.

(c) The board may sell or otherwise dispose of property, including facilities or equipment, for the district. Sale or other disposal under this subsection must be at a public sale and at a price and on terms the board determines are most advantageous to the district.

(d) The board may donate to another governmental entity or to a charitable organization any surplus personal property or equipment if the donation serves a public purpose and is accompanied by adequate consideration. (Acts 64th Leg., R.S., Ch. 658, Secs. 10(b), (c), (d), 11(c) (part).)

Sec. 1110.109. GIFTS AND ENDOWMENTS. The board may accept

for the district a gift or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, and other provisions prescribed in writing by the donor that are not inconsistent with the proper management and objectives of the district. (Acts 64th Leg., R.S., Ch. 658, Sec. 18 (part).)

Sec. 1110.110. CONSTRUCTION AND PURCHASE CONTRACTS. (a) A construction contract that involves the expenditure of more than $50,000 shall be procured in the manner provided by Subchapter B, Chapter 271, Local Government Code.

(b) A contract for a purchase that involves the expenditure of more than $50,000, other than a contract subject to Subchapter B, Chapter 271, Local Government Code, or Chapter 2253, Government Code, shall be procured in the manner provided by Subchapter C, Chapter 262, Local Government Code.

(c) The provisions of Chapter 2253, Government Code, relating to performance and payment bonds, apply to construction contracts let by the district. (Acts 64th Leg., R.S., Ch. 658, Sec. 11(b).)

Sec. 1110.111. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT. The board may contract with:

(1) any county or municipality located outside the district's boundaries for the care and treatment of a sick or injured person of that county or municipality; and

(2) this state or a federal agency for the treatment of a sick or injured person. (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

Sec. 1110.112. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR INVESTIGATORY OR OTHER SERVICES. The board may contract with a political subdivision or governmental agency for the district to provide investigatory or other services as to the hospital or welfare needs of district inhabitants. (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

Sec. 1110.113. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient who resides in the district is admitted to a district facility, the district administrator may have an inquiry made into the circumstances of:

(1) the patient; and

(2) the patient's relatives legally liable for the patient's support.

(b) If the district administrator determines that the patient or those relatives cannot pay for all or part of the patient's care and treatment in the hospital, the amount that cannot be paid becomes a charge against the district.

(c) If the district administrator determines that the patient or those relatives can pay for all or part of the patient's care and treatment, the patient or those relatives shall be ordered to pay the district a specified amount each week for the patient's care and support. The amount ordered must be proportionate to their financial ability.

(d) The district administrator may collect the amount from the patient's estate, or from those relatives legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e) If there is a dispute as to the ability to pay, or doubt in the mind of the district administrator, the board shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute or doubt; and

(2) issue any appropriate orders.

(f) A final order of the board may be appealed to the district court. The substantial evidence rule applies to the appeal. (Acts 64th Leg., R.S., Ch. 658, Sec. 16.)

Sec. 1110.114. FEE SCHEDULE FOR OUT-OF-DISTRICT RESIDENTS. The board may adopt a fee schedule for services rendered to out-of-district residents which may be different from the fee schedule for services rendered to district residents. (Acts 64th Leg., R.S., Ch. 658, Sec. 17.)

Sec. 1110.115. AUTHORITY TO SUE AND BE SUED. (a) The district, through the board, may sue and be sued.

(b) The district is entitled to all causes of action and defenses to which similar authorities performing only governmental functions are entitled. (Acts 64th Leg., R.S., Ch. 658, Sec. 6 (part).)

[Sections 1110.116-1110.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1110.151. BUDGET. (a) The district administrator shall prepare an annual budget for approval by the board.

(b) The proposed budget must contain a complete financial statement of:

(1) the outstanding obligations of the district;

(2) the cash on hand to the credit of each district

fund;

(3) the money received by the district from all sources during the previous year;

(4) the money available to the district from all sources during the ensuing year;

(5) the balances expected at the end of the year in which the budget is being prepared;

(6) the estimated revenue and balances available to cover the proposed budget;

(7) the estimated tax rate required; and

(8) the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

Sec. 1110.152. PROPOSED BUDGET: NOTICE AND HEARING; APPROVAL OF BUDGET. (a) The board shall hold a public hearing on the proposed annual budget.

(b) At least 10 days before the date of the hearing, notice of the hearing shall be published one time in a newspaper or newspapers that individually or collectively provide general circulation in the district.

(c) Any property tax payer of the district is entitled to be present and participate at the hearing in accordance with the rules of decorum and procedures prescribed by the board.

(d) At the conclusion of the hearing, the board shall act on the budget proposed by the district administrator. The board may make any changes in the proposed budget that the board judges the law warrants and the interests of the taxpayers demand. The board

must approve the annual budget. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

Sec. 1110.153. AMENDMENTS TO BUDGET. The annual budget may be amended as required by circumstances. The board must approve all amendments. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

Sec. 1110.154. RESTRICTION ON EXPENDITURES. Money may be spent only for an expense included in the budget or an amendment to the budget. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

Sec. 1110.155. FISCAL YEAR. (a) The district operates according to a fiscal year established by the board.

(b) The fiscal year may not be changed more than once in any 24-month period. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

Sec. 1110.156. ANNUAL AUDIT. (a) The board annually shall have an independent audit made of the district's financial condition for the fiscal year.

(b) As soon as the audit is completed, the audit shall be filed at the district's office. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

Sec. 1110.157. INSPECTION OF AUDIT AND DISTRICT RECORDS. The audit and other district records shall be open to inspection at the district's principal office. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

Sec. 1110.158. FINANCIAL REPORT. As soon as practicable after the close of each fiscal year, the district administrator shall prepare for the board:

(1) a complete sworn statement of all district money; and

(2) a complete account of the disbursement of that money. (Acts 64th Leg., R.S., Ch. 658, Sec. 7 (part).)

Sec. 1110.159. DEPOSITORY. (a) The board shall select one or more banks inside or outside the district to serve as a depository for district money.

(b) District money, other than money invested as provided by Section 1110.160(b) and money transmitted to a bank for payment of bonds or obligations issued or assumed by the district, shall be deposited as received with the depository bank and shall remain on deposit.

(c) This chapter, including Subsection (b), does not limit the power of the board to:

(1) place a part of district money on time deposit; or

(2) purchase certificates of deposit. (Acts 64th Leg., R.S., Ch. 658, Sec. 12.)

Sec. 1110.160. SPENDING AND INVESTMENT RESTRICTIONS. (a) Except as otherwise provided by Section 1110.108(b) and Sections 1110.201-1110.207, the district may not incur an obligation payable from district revenue other than the revenue on hand or to be on hand in the current and following district fiscal years.

(b) The board may invest operating, depreciation, or building fund reserves only in funds or securities specified by Chapter 2256, Government Code. (Acts 64th Leg., R.S., Ch. 658, Secs. 6 (part), 11(c) (part).)

[Sections 1110.161-1110.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1110.201. GENERAL OBLIGATION BONDS. The board may

issue and sell general obligation bonds in the name and on the faith and credit of the district for any purpose relating to:

(1) constructing, acquiring, repairing, or renovating buildings and improvements; and

(2) equipping buildings and improvements for hospital purposes. (Acts 64th Leg., R.S., Ch. 658, Sec. 8 (part).)

Sec. 1110.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At the time general obligation bonds are issued by the district under Section 1110.201, the board shall impose an ad valorem tax at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on the bonds as the bonds mature.

(b) The tax required by this section together with any other ad valorem tax the district imposes may not in any year exceed the tax rate approved by the voters at the election authorizing the imposition of the tax. (Acts 64th Leg., R.S., Ch. 658, Sec. 8 (part).)

Sec. 1110.203. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters voting at an election held for that purpose.

(b) The order calling the bond election must provide for clerks as in county elections and must specify:

(1) the date of the election;

(2) the location of the polling places;

(3) the presiding and alternate election judges for each polling place;

(4) the amount of the bonds to be authorized;

(5) the maximum interest rate of the bonds; and

(6) the maximum maturity of the bonds.

(c) Notice of a bond election shall be given as provided by Section 1251.003, Government Code. (Acts 64th Leg., R.S., Ch. 658, Sec. 8 (part).)

Sec. 1110.204. REVENUE BONDS. (a) The board may issue revenue bonds to purchase, construct, acquire, repair, renovate, or equip buildings and improvements for hospital purposes.

(b) The bonds must be payable from and secured by a pledge of all or part of the district revenue derived from the operation of the district's hospitals.

(c) The bonds may be additionally secured by a mortgage or deed of trust lien on all or part of district property.

(d) The bonds must be issued in the manner and in accordance with the procedures and requirements prescribed by Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health and Safety Code, for issuance of revenue bonds by a county hospital authority. (Acts 64th Leg., R.S., Ch. 658, Sec. 9(b) (part).)

Sec. 1110.205. REFUNDING BONDS. (a) The board may issue refunding bonds to refund outstanding indebtedness issued or assumed by the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of outstanding indebtedness; or

(2) exchanged wholly or partly for not less than a similar principal amount of outstanding indebtedness. (Acts 64th Leg., R.S., Ch. 658, Secs. 9(a) (part), (b) (part).)

Sec. 1110.206. MATURITY OF BONDS. District bonds must mature not later than 40 years after their date of issuance. (Acts 64th Leg., R.S., Ch. 658, Sec. 9(c) (part).)

Sec. 1110.207. EXECUTION OF BONDS. The board president shall execute the district's bonds in the district's name and the board secretary shall countersign the bonds in the manner provided by Chapter 618, Government Code. (Acts 64th Leg., R.S., Ch. 658, Sec. 9(c) (part).)

Sec. 1110.208. BONDS EXEMPT FROM TAXATION. The following are exempt from taxation by this state or a political subdivision of this state:

(1) any bonds issued by the district;

(2) the transfer and issuance of the bonds; and

(3) any profits made in the sale of the bonds. (Acts 64th Leg., R.S., Ch. 658, Sec. 21 (part).)

[Sections 1110.209-1110.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1110.251. IMPOSITION OF AD VALOREM TAX. (a) The board shall impose a tax on all property in the district subject to district taxation.

(b) The board shall impose the tax for the benefit of the district to:

(1) pay the interest on and create a sinking fund for bonds and other obligations issued or assumed by the district for hospital purposes as provided by this chapter;

(2) pay indebtedness incurred or assumed by the district;

(3) provide for the operation and maintenance of the district and hospital system; and

(4) make improvements and additions to the hospital system. (Acts 64th Leg., R.S., Ch. 658, Secs. 5 (part), 13 (part).)

Sec. 1110.252. TAX RATE. (a) The board may impose the tax at a rate not to exceed 30 cents on each $100 valuation of all taxable property in the district.

(b) In setting the tax rate, the board shall consider the income of the district from sources other than taxation. (Acts 64th Leg., R.S., Ch. 658, Secs. 5 (part), 13 (part).)

CHAPTER 1112. WEST COKE COUNTY HOSPITAL DISTRICT

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[Sections 1112.112-1112.150 reserved for expansion]

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Sec. 1112.152. FISCAL YEAR

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Sec. 1112.155. DEPOSITORY

[Sections 1112.156-1112.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1112.201. GENERAL OBLIGATION BONDS

Sec. 1112.202. TAX TO PAY GENERAL OBLIGATION BONDS

Sec. 1112.203. GENERAL OBLIGATION BOND ELECTION

Sec. 1112.204. EXECUTION OF GENERAL OBLIGATION BONDS

Sec. 1112.205. REFUNDING BONDS

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[Sections 1112.207-1112.250 reserved for expansion]

SUBCHAPTER F. TAXES

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Sec. 1112.252. TAX RATE

Sec. 1112.253. ELECTION TO INCREASE MAXIMUM TAX RATE

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CHAPTER 1112. WEST COKE COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1112.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the West Coke County Hospital District. (New.)

Sec. 1112.002. AUTHORITY FOR CREATION. The West Coke County Hospital District is created under the authority of Section 9, Article IX, Texas Constitution, and has the rights, powers, and duties prescribed by this chapter. (Acts 58th Leg., R.S., Ch. 315, Sec. 1 (part).)

Sec. 1112.003. ESSENTIAL PUBLIC FUNCTION. The district performs an essential public function in carrying out the purposes of this chapter. (Acts 58th Leg., R.S., Ch. 315, Sec. 10 (part).)

Sec. 1112.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of County Commissioners Precincts 1 and 3 of Coke County, Texas, as those boundaries existed on January 1, 1963. (Acts 58th Leg., R.S., Ch. 315, Sec. 1 (part).)

Sec. 1112.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION. The support and maintenance of the district may not become a charge against or obligation of this state. (Acts 58th Leg., R.S., Ch. 315, Sec. 20 (part).)

Sec. 1112.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE. The legislature may not make a direct appropriation for the construction, maintenance, or improvement of a district facility. (Acts 58th Leg., R.S., Ch. 315, Sec. 20 (part).)

[Sections 1112.007-1112.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1112.051. BOARD ELECTION; TERM. (a) The district is governed by a board of five directors elected from the district at

large.

(b) Unless four-year terms are established under Section 285.081, Health and Safety Code, directors serve staggered two-year terms, with the terms of two or three directors expiring each year, as appropriate. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

Sec. 1112.052. NOTICE OF ELECTION. At least 10 days before the date of a directors' election, notice of the election must be published one time in a newspaper of general circulation in Coke County. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

Sec. 1112.053. BALLOT PETITION. A person who wants to have the person's name printed on the ballot as a candidate for director must file a petition requesting that action. The petition must be:

(1) signed by at least 25 registered voters; and

(2) filed by the deadline imposed by Section 144.005, Election Code. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

Sec. 1112.054. QUALIFICATIONS FOR OFFICE. A person must at the time of election or appointment as director:

(1) be a resident of the district;

(2) own land subject to taxation in the district; and

(3) be at least 18 years of age. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

Sec. 1112.055. FILING OF OATH. The constitutional oath of office executed by a director must be filed in the district's office. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

Sec. 1112.056. BOARD VACANCY. (a) If a vacancy occurs in the office of director, the remaining directors shall appoint a director for the unexpired term.

(b) If the number of directors is reduced to fewer than three for any reason, the remaining directors shall immediately call a special election to fill the vacancies. If the remaining directors do not call the election, the county judge of Coke County may fill the vacancies by appointment. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

Sec. 1112.057. OFFICERS. The board shall elect from among its members a president, a vice president, and a secretary. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

Sec. 1112.058. COMPENSATION. A director serves without compensation. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

Sec. 1112.059. VOTING REQUIREMENT. A concurrence of three directors is sufficient in any matter relating to district business. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

Sec. 1112.060. DISTRICT ADMINISTRATOR; ASSISTANT ADMINISTRATOR. (a) The board shall appoint a qualified person as district administrator.

(b) The board may appoint an assistant administrator.

(c) The district administrator and any assistant administrator serve at the will of the board and shall receive the compensation determined by the board.

(d) On assuming the duties of district administrator, the administrator shall execute a bond payable to the district in an amount set by the board of not less than $10,000 that:

(1) is conditioned on the administrator performing the administrator's duties; and

(2) contains other conditions the board may require.

(Acts 58th Leg., R.S., Ch. 315, Sec. 5 (part).)

Sec. 1112.061. GENERAL DUTIES OF DISTRICT ADMINISTRATOR. Subject to any limitations prescribed by the board, the district administrator shall:

(1) supervise the work and activities of the district; and

(2) direct the affairs of the district. (Acts 58th Leg., R.S., Ch. 315, Sec. 5 (part).)

Sec. 1112.062. EMPLOYEES. The board may employ any doctors, technicians, nurses, and other employees as considered necessary for the efficient operation of the district or may provide that the district administrator has the authority to employ those persons. (Acts 58th Leg., R.S., Ch. 315, Sec. 5 (part).)

Sec. 1112.063. RETIREMENT PROGRAM. The board may enter into any contract or agreement with this state or the federal government as required to establish or continue a retirement program for the benefit of the district's employees. (Acts 58th Leg., R.S., Ch. 315, Sec. 5 (part).)

Sec. 1112.064. MAINTENANCE OF RECORDS; PUBLIC INSPECTION. (a) The board shall:

(1) keep an accurate account of board meetings and proceedings; and

(2) maintain at the district's principal office all district records and accounts, including contracts, notices, duplicate vouchers, and duplicate receipts.

(b) The information described by Subsection (a) shall be open to public inspection at the district's principal office at all

reasonable times. (Acts 58th Leg., R.S., Ch. 315, Sec. 4 (part).)

[Sections 1112.065-1112.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1112.101. DISTRICT RESPONSIBILITY. The district has full responsibility for:

(1) operating all hospital facilities for providing medical and hospital care of indigent persons; and

(2) providing medical and hospital care for the district's needy inhabitants. (Acts 58th Leg., R.S., Ch. 315, Secs. 2 (part), 19 (part).)

Sec. 1112.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT. Coke County or another political subdivision, other than the district, may not impose a tax or issue bonds or other obligations for hospital purposes for medical treatment of indigent persons in the district. (Acts 58th Leg., R.S., Ch. 315, Sec. 19 (part).)

Sec. 1112.103. MANAGEMENT, CONTROL, AND ADMINISTRATION. The board shall manage, control, and administer the district's hospitals and hospital system. (Acts 58th Leg., R.S., Ch. 315, Sec. 5 (part).)

Sec. 1112.104. HOSPITAL SYSTEM. (a) The district shall provide for:

(1) the establishment of a hospital system by:

(A) purchasing, constructing, acquiring, repairing, or renovating buildings and equipment; and

(B) equipping the buildings; and

(2) the administration of the hospital system for

hospital purposes.

(b) The board shall determine the type, number, and location of buildings required to maintain an adequate hospital system.

(c) The hospital system may include:

(1) outpatient clinics; and

(2) any other facilities the board considers necessary for hospital care. (Acts 58th Leg., R.S., Ch. 315, Secs. 2 (part), 7A.)

Sec. 1112.105. RULES. The board may adopt rules for the operation of the district and as required to administer this chapter. (Acts 58th Leg., R.S., Ch. 315, Secs. 5 (part), 11 (part).)

Sec. 1112.106. PURCHASING AND ACCOUNTING. The board may prescribe:

(1) the method and manner of making purchases and expenditures by and for the district; and

(2) all accounting and control procedures. (Acts 58th Leg., R.S., Ch. 315, Sec. 11 (part).)

Sec. 1112.107. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property located in district territory if the interest is necessary or convenient to a power, right, or privilege conferred by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code. (Acts 58th Leg., R.S., Ch. 315, Sec. 14.)

Sec. 1112.108. GIFTS AND ENDOWMENTS. The board may accept

for the district a gift or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, or other provisions prescribed in writing by the donor that are not inconsistent with the proper management and objectives of the district. (Acts 58th Leg., R.S., Ch. 315, Sec. 17.)

Sec. 1112.109. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT. The board may contract with:

(1) any county or municipality located outside the district for the care and treatment of a sick or injured person of that county or municipality; and

(2) this state or a federal agency for the treatment of a sick or injured person for whom this state or the federal government is responsible. (Acts 58th Leg., R.S., Ch. 315, Sec. 5 (part).)

Sec. 1112.110. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient who resides in the district is admitted to a district facility, the district administrator shall have an inquiry made into the circumstances of:

(1) the patient; and

(2) the patient's relatives legally liable for the patient's support.

(b) If the district administrator determines that the patient or those relatives cannot pay all or part of the patient's care and treatment in the hospital, the amount that cannot be paid becomes a charge against the district.

(c) If the district administrator determines that the

patient or those relatives can pay for all or part of the patient's care and treatment, the patient or those relatives shall be ordered to pay the district a specified amount each week for the patient's support. The amount ordered must be proportionate to the person's financial ability and may not exceed the actual per capita cost of maintenance.

(d) The district administrator may collect the amount from the patient's estate, or from those relatives legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e) If there is a dispute as to the ability to pay, or doubt in the mind of the district administrator, the board shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute or doubt; and

(2) issue any appropriate orders. (Acts 58th Leg., R.S., Ch. 315, Sec. 16.)

Sec. 1112.111. AUTHORITY TO SUE AND BE SUED. The district, through the board, may sue and be sued. (Acts 58th Leg., R.S., Ch. 315, Sec. 5 (part).)

[Sections 1112.112-1112.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1112.151. BUDGET. (a) The district administrator shall prepare for approval by the board an annual budget that corresponds to the district's fiscal year.

(b) Not later than August 31 of each year, the board shall publish notice of a public hearing on the proposed budget. The notice must be published in a newspaper of general circulation in

Coke County at least 10 days before the date of the hearing. (Acts 58th Leg., R.S., Ch. 315, Secs. 6 (part), 18.)

Sec. 1112.152. FISCAL YEAR. The district operates on a fiscal year that begins on October 1 and ends on September 30. (Acts 58th Leg., R.S., Ch. 315, Sec. 6 (part).)

Sec. 1112.153. AUDIT. (a) The district shall have an audit made of the district's financial condition.

(b) The audit shall be open to inspection at all times at the district's principal office. (Acts 58th Leg., R.S., Ch. 315, Sec. 6 (part).)

Sec. 1112.154. FINANCIAL REPORT. As soon as practicable after the close of each fiscal year, the district administrator shall prepare for the board:

(1) a complete sworn statement of all district money; and

(2) a complete account of the disbursements of that money. (Acts 58th Leg., R.S., Ch. 315, Sec. 6 (part).)

Sec. 1112.155. DEPOSITORY. (a) The board shall select one or more banks in the district to serve as a depository for district money.

(b) All district money shall be immediately deposited on receipt with a depository bank, except that sufficient money must be remitted to an appropriate bank to pay the principal of and interest on the district's outstanding bonds or other obligations assumed by the district on or before the maturity date of the principal and interest.

(c) To the extent that money in a depository bank is not

insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds.

(d) Membership on the district's board of an officer or director of a bank does not disqualify the bank from being selected as a depository. (Acts 58th Leg., R.S., Ch. 315, Sec. 12.)

[Sections 1112.156-1112.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1112.201. GENERAL OBLIGATION BONDS. (a) The board may issue and sell general obligation bonds in the name and on the faith and credit of the district for any purpose related to the purchase, construction, acquisition, repair, or renovation of buildings and improvements, and equipping buildings and improvements for a hospital and the hospital system, as determined by the board.

(b) The board shall issue the bonds in compliance with the applicable provisions of Subtitles A and C, Title 9, Government Code. (Acts 58th Leg., R.S., Ch. 315, Sec. 9 (part).)

Sec. 1112.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At the time general obligation bonds are issued by the district, the board shall impose an ad valorem tax at a rate sufficient to create an interest and sinking fund and to pay the principal of and interest on the bonds as the bonds mature.

(b) The tax required by this section, together with any other ad valorem tax the district imposes, may not in any year exceed 25 cents on each $100 valuation of taxable property in the district. (Acts 58th Leg., R.S., Ch. 315, Sec. 9 (part).)

Sec. 1112.203. GENERAL OBLIGATION BOND ELECTION. (a) The

district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters voting at an election held for that purpose.

(b) The board shall call the election. The election must be held in accordance with Chapter 1251, Government Code.

(c) The bond election order must specify:

(1) the date of the election;

(2) the location of the polling places;

(3) the presiding election officers;

(4) the amount of the bonds to be authorized;

(5) the maximum maturity of the bonds; and

(6) the maximum interest rate of the bonds. (Acts 58th Leg., R.S., Ch. 315, Sec. 9 (part).)

Sec. 1112.204. EXECUTION OF GENERAL OBLIGATION BONDS. The board president shall execute the general obligation bonds in the district's name and the board secretary shall attest the bonds. (Acts 58th Leg., R.S., Ch. 315, Sec. 9 (part).)

Sec. 1112.205. REFUNDING BONDS. (a) District refunding bonds may, without an election, be issued to refund any bonds or other refundable indebtedness issued or assumed by the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of the outstanding bonds or other refundable indebtedness; or

(2) exchanged wholly or partly for not less than a similar principal amount of the outstanding bonds or other refundable indebtedness. (Acts 58th Leg., R.S., Ch. 315, Sec. 9

(part).)

Sec. 1112.206. BONDS EXEMPT FROM TAXATION. The following are exempt from taxation by this state or a political subdivision of this state:

(1) bonds issued by the district;

(2) the transfer and issuance of the bonds; and

(3) any profits made in the sale of the bonds. (Acts 58th Leg., R.S., Ch. 315, Sec. 10 (part).)

[Sections 1112.207-1112.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1112.251. IMPOSITION OF AD VALOREM TAX. (a) The district may impose a tax on all property in the district subject to district taxation.

(b) The tax may be used to meet the requirements of:

(1) district bonds;

(2) indebtedness assumed by the district; and

(3) district maintenance and operating expenses. (Acts 58th Leg., R.S., Ch. 315, Sec. 3 (part).)

Sec. 1112.252. TAX RATE. Unless the rate is increased as provided by Section 1112.253, the district may impose the tax at a rate not to exceed 25 cents on each $100 valuation of all taxable property in the district. (Acts 58th Leg., R.S., Ch. 315, Secs. 3 (part), 9A (part).)

Sec. 1112.253. ELECTION TO INCREASE MAXIMUM TAX RATE. (a) The board may order an election to increase the district's maximum tax rate to a rate not to exceed 75 cents on each $100 valuation of all taxable property in the district.

(b) Notice of election shall be given by publishing a substantial copy of the election order in a newspaper of general circulation in the district once a week for two consecutive weeks before the date of the election. The first notice must be published at least 14 days before the date of the election.

(c) The ballot for the election shall be printed to permit voting for or against the proposition: "The imposition of annual taxes by the district for hospital purposes at a rate not to exceed 75 cents on the $100 valuation of all taxable property in the district."

(d) If a majority of district voters approve the proposition, the board may impose taxes as authorized by the proposition.

(e) A copy of the election results are a public record. (Acts 58th Leg., R.S., Ch. 315, Secs. 3 (part), 9A (part).)

Sec. 1112.254. TAX ASSESSOR-COLLECTOR. The tax assessor-collector of Coke County shall assess and collect taxes imposed by the district. (Acts 58th Leg., R.S., Ch. 315, Sec. 15 (part).)

CHAPTER 1113. WILBARGER COUNTY HOSPITAL DISTRICT

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Sec. 1113.004. DISTRICT TERRITORY

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Sec. 1113.201. GENERAL OBLIGATION BONDS

Sec. 1113.202. TAX TO PAY GENERAL OBLIGATION BONDS

Sec. 1113.203. GENERAL OBLIGATION BOND ELECTION

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Sec. 1113.205. EXECUTION OF GENERAL OBLIGATION BONDS

Sec. 1113.206. REFUNDING BONDS

[Sections 1113.207-1113.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1113.251. IMPOSITION OF AD VALOREM TAX

Sec. 1113.252. TAX RATE

Sec. 1113.253. ELECTION TO INCREASE MAXIMUM TAX RATE

Sec. 1113.254. TAX ASSESSOR-COLLECTOR

CHAPTER 1113. WILBARGER COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1113.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Wilbarger County Hospital District. (New.)

Sec. 1113.002. AUTHORITY FOR OPERATION. The Wilbarger County Hospital District operates in accordance with Section 9, Article IX, Texas Constitution, and has the powers and responsibilities provided by that section. (Acts 59th Leg., R.S., Ch. 6, Sec. 1 (part).)

Sec. 1113.003. POLITICAL SUBDIVISION. The district is a political subdivision of this state. (Acts 59th Leg., R.S., Ch. 6, Sec. 17 (part).)

Sec. 1113.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Wilbarger County. (Acts 59th Leg., R.S., Ch. 6, Sec. 1 (part).)

Sec. 1113.005. CORRECTION OF INVALID PROCEDURES. If a court holds that any procedure under this chapter violates the constitution of this state or of the United States, the district by resolution may provide an alternative procedure that conforms with the constitution. (Acts 59th Leg., R.S., Ch. 6, Sec. 18 (part).)

[Sections 1113.006-1113.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1113.051. BOARD ELECTION; TERM. (a) The board consists of seven directors elected from the district at large by position. To be elected, a candidate must receive a majority of the votes cast in the election for that position.

(b) Directors serve staggered three-year terms. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

Sec. 1113.052. NOTICE OF ELECTION AND RUNOFF ELECTION. (a) At least 10 days before the date of a directors' election, notice of the election must be published one time in a newspaper of general circulation in Wilbarger County.

(b) At least seven days before the date of a runoff election of directors, notice of the runoff election must be published one time in a newspaper of general circulation in Wilbarger County. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

Sec. 1113.053. BALLOT PETITION. A person who wants to have the person's name printed on the ballot as a candidate for director must file with the board secretary a petition requesting that action. The petition must be:

(1) signed by at least 100 registered voters; and

(2) filed by the deadline imposed by Section 144.005, Election Code. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

Sec. 1113.054. QUALIFICATIONS FOR OFFICE. A person may not be appointed or elected as a director unless the person is:

(1) a resident of the district; and

(2) at least 18 years of age at the time of the appointment or election. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

Sec. 1113.055. BOND; RECORD OF BOND AND OATH. (a) Each director shall execute a good and sufficient bond for $1,000 that is:

(1) payable to the district; and

(2) conditioned on the faithful performance of the director's duties.

(b) Each director's bond and constitutional oath of office shall be deposited with the district's depository bank for safekeeping. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

Sec. 1113.056. BOARD VACANCY. (a) If a vacancy occurs in the office of director, the remaining directors shall appoint a director for the unexpired term.

(b) If the number of directors is reduced to fewer than four for any reason, the remaining directors shall immediately call a special election to fill the vacancies. If the remaining directors do not call the election, a district court, on application of a district voter or taxpayer, may order the directors to hold the election. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

Sec. 1113.057. OFFICERS. The board shall elect from among its members a presiding officer, assistant presiding officer, and a secretary. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

Sec. 1113.058. COMPENSATION; EXPENSES. A director serves without compensation but may be reimbursed for actual expenses incurred in the performance of official duties on approval of the expenses by the board. (Acts 59th Leg., R.S., Ch. 6, Sec. 4 (part).)

Sec. 1113.059. VOTING REQUIREMENT. A concurrence of four directors is sufficient in any matter relating to district business. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

Sec. 1113.060. MEETINGS. (a) A board meeting may be called by the presiding officer or any four directors.

(b) Notice of the time and place of a board meeting must be given to each director not later than the seventh day before the

time of the meeting.

(c) This section does not prevent the board from establishing by resolution a regular time and place for meetings for which special notice is not required. (Acts 59th Leg., R.S., Ch. 6, Sec. 3 (part).)

Sec. 1113.061. EMPLOYEES. (a) The board may employ a general manager and other necessary professional and clerical personnel.

(b) The title of the general manager hired by the board may be president. (Acts 59th Leg., R.S., Ch. 6, Secs. 3 (part), 8 (part).)

Sec. 1113.062. MAINTENANCE OF RECORDS; PUBLIC INSPECTION. Except as provided by Section 1113.055, all district records, including books, accounts, notices, and minutes, and all other matters of the district and the operation of its facilities, shall be:

(1) maintained at the district office; and

(2) open to public inspection at the district office at all reasonable hours. (Acts 59th Leg., R.S., Ch. 6, Sec. 8 (part).)

Sec. 1113.063. SEAL. The board may adopt a seal for the district. (Acts 59th Leg., R.S., Ch. 6, Sec. 8 (part).)

[Sections 1113.064-1113.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1113.101. DISTRICT RESPONSIBILITY. The district has full responsibility for providing medical and hospital care for the district's needy and indigent residents. (Acts 59th Leg., R.S.,

Ch. 6, Secs. 2 (part), 13 (part).)

Sec. 1113.102. RESTRICTION ON COUNTY OR MUNICIPAL TAXATION. Wilbarger County or a municipality in Wilbarger County may not impose a tax for hospital purposes. (Acts 59th Leg., R.S., Ch. 6, Sec. 13 (part).)

Sec. 1113.103. MANAGEMENT AND CONTROL OF DISTRICT. The management and control of the district is vested in the board. (Acts 59th Leg., R.S., Ch. 6, Sec. 4 (part).)

Sec. 1113.104. RULES. (a) The board may adopt rules governing the operation of the district and district facilities.

(b) The rules, on approval by the board, may be published in booklet form at district expense and may be made available to any taxpayer on request. (Acts 59th Leg., R.S., Ch. 6, Sec. 8 (part).)

Sec. 1113.105. PURCHASING AND ACCOUNTING. (a) The board may prescribe the method and manner of making purchases and expenditures by and for the district.

(b) The board shall prescribe:

(1) all accounting and control procedures; and

(2) the method of purchasing necessary supplies, materials, and equipment. (Acts 59th Leg., R.S., Ch. 6, Sec. 8 (part).)

Sec. 1113.106. DISTRICT PROPERTY. (a) The board may sell or lease property owned by the district at public auction or at private sale, on terms the board may determine.

(b) The sale or lease of property and the terms of the sale or lease must be approved by a vote of at least three-fourths of the total number of directors. The vote must be recorded by resolution

in the district's minutes.

(c) After the adoption of a resolution authorizing a sale or lease, the board shall hold a public hearing on the proposed sale or lease. Notice of the public hearing and the subject of the hearing must be published in the English language in a newspaper of general circulation in the district once a week for three consecutive weeks preceding the hearing. The last of the notices must be published not less than five days before the date set for the hearing.

(d) Not more than 10 days after the date of the public hearing, the board shall again vote on the proposed sale or lease as stated in the initial resolution. The sale or lease must be approved by a vote of at least three-fourths of the total number of directors. The vote must be recorded in the district's minutes.

(e) Any transfer, lease, or sale of district property must be by an instrument signed by the board presiding officer and attested by the board secretary. (Acts 59th Leg., R.S., Ch. 6, Sec. 4a.)

Sec. 1113.107. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property located in district territory, if the interest is necessary or convenient to exercise a right, power, privilege, or function conferred on the district by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except the district is not required to deposit in the trial court money or a bond as otherwise required by Section 21.021(a), Property Code.

(c) In a condemnation proceeding brought by the district, the district is not required to:

(1) pay in advance or provide a bond or other security for costs in the trial court;

(2) provide a bond for the issuance of a temporary restraining order or a temporary injunction; or

(3) provide a bond for costs or a supersedeas bond on an appeal or petition for review. (Acts 59th Leg., R.S., Ch. 6, Sec. 10.)

Sec. 1113.108. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, or other provisions prescribed in writing by the donor that are not inconsistent with the proper management and objectives of the district. (Acts 59th Leg., R.S., Ch. 6, Sec. 15.)

Sec. 1113.109. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient who claims to be indigent is admitted to a district facility, the board shall have an inquiry made into the circumstances of:

(1) the patient; and

(2) the patient's relatives legally liable for the patient's support.

(b) If an agent designated by the district to handle the inquiry determines that the patient or those relatives cannot pay for all or part of the patient's care and treatment in the hospital, the amount that cannot be paid becomes a charge against the

district.

(c) If it is determined that the patient or those relatives are liable to pay for all or part of the patient's care and treatment, the patient or those relatives shall be ordered to pay to the district's treasurer a specified amount each week for the patient's support. The amount ordered must be proportionate to their financial ability and may not exceed the actual per capita cost of maintenance.

(d) The district may collect the amount from the patient's estate, or from those relatives legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e) If there is a dispute as to the ability to pay or doubt in the mind of the district's designated agent, the board shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute or doubt; and

(2) issue any appropriate order.

(f) The order may be appealed to the district court. (Acts 59th Leg., R.S., Ch. 6, Sec. 14.)

Sec. 1113.110. AUTHORITY TO SUE AND BE SUED. As a governmental agency, the district may sue and be sued in its own name in any court in this state. (Acts 59th Leg., R.S., Ch. 6, Sec. 17 (part).)

[Sections 1113.111-1113.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1113.151. BUDGET. The board annually shall have a budget prepared for the next fiscal year that includes:

(1) proposed expenditures and disbursements;

(2) estimated receipts and collections; and

(3) the amount of taxes required to be imposed for the year. (Acts 59th Leg., R.S., Ch. 6, Sec. 9 (part).)

Sec. 1113.152. PROPOSED BUDGET: NOTICE AND HEARING. (a) The board shall hold a public hearing on the proposed budget.

(b) Notice of the hearing must be published at least once in a newspaper of general circulation in Wilbarger County not later than the 10th day before the date of the hearing.

(c) Any district taxpayer is entitled to:

(1) appear at the time and place designated in the notice; and

(2) be heard regarding any item included in the proposed budget. (Acts 59th Leg., R.S., Ch. 6, Sec. 9 (part).)

Sec. 1113.153. FISCAL YEAR. The district's fiscal year begins on October 1 and ends on September 30. (Acts 59th Leg., R.S., Ch. 6, Sec. 9 (part).)

Sec. 1113.154. ANNUAL AUDIT. (a) The board annually shall have an independent audit made of the district's books and records for the preceding fiscal year.

(b) Not later than December 31 each year, the audit shall be filed:

(1) with the comptroller; and

(2) at the district's office. (Acts 59th Leg., R.S., Ch. 6, Sec. 9 (part).)

Sec. 1113.155. DEPOSITORY OR TREASURER. (a) The board by resolution shall designate a bank or banks in Wilbarger County as

the district's depository or treasurer. A designated bank serves for two years and until a successor is designated.

(b) All income received by the district shall be deposited with the district depository.

(c) All district money shall be secured in the manner provided for securing county funds. (Acts 59th Leg., R.S., Ch. 6, Secs. 5 (part), 11.)

[Sections 1113.156-1113.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1113.201. GENERAL OBLIGATION BONDS. The board may issue and sell general obligation bonds in the name and on the faith and credit of the district for any purpose relating to the purchase, construction, acquisition, repair, or renovation of buildings and improvements and equipping buildings and improvements for hospital purposes. (Acts 59th Leg., R.S., Ch. 6, Sec. 6 (part).)

Sec. 1113.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) The board shall impose an ad valorem tax at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on general obligation bonds issued by the district under Section 1113.201 as the bonds mature.

(b) The tax required by this section together with any maintenance and operation tax the district imposes may not in any year exceed:

(1) 50 cents on each $100 valuation of all taxable property in the district; or

(2) the maximum amount approved by the voters under Section 1113.253. (Acts 59th Leg., R.S., Ch. 6, Sec. 6 (part).)

Sec. 1113.203. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters voting at an election held for that purpose.

(b) The board may order a bond election on its own motion.

(c) The order must specify:

(1) the location of the polling places;

(2) the presiding election officers;

(3) the purpose for which the bonds are to be issued;

(4) the amount of the bonds to be authorized;

(5) the maximum interest rate of the bonds; and

(6) the maximum maturity date of the bonds.

(d) Notice of a bond election shall be given by publishing a substantial copy of the order in a newspaper of general circulation in Wilbarger County once each week for two consecutive weeks before the date of the election. The first publication must occur at least 14 days before the date of the election. (Acts 59th Leg., R.S., Ch. 6, Sec. 6 (part).)

Sec. 1113.204. MATURITY OF GENERAL OBLIGATION BONDS. District general obligation bonds must mature not later than 40 years after the date of issuance. (Acts 59th Leg., R.S., Ch. 6, Sec. 6 (part).)

Sec. 1113.205. EXECUTION OF GENERAL OBLIGATION BONDS. The board presiding officer shall execute the general obligation bonds in the district's name, and the board secretary shall countersign the bonds. (Acts 59th Leg., R.S., Ch. 6, Sec. 6 (part).)

Sec. 1113.206. REFUNDING BONDS. (a) District refunding

bonds may be issued without an election and in the manner provided by this subchapter to refund outstanding bonds issued by the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of the outstanding bonds; or

(2) exchanged wholly or partly for not less than a similar amount of the outstanding bonds and the unpaid matured interest on those bonds. (Acts 59th Leg., R.S., Ch. 6, Sec. 6 (part).)

[Sections 1113.207-1113.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1113.251. IMPOSITION OF AD VALOREM TAX. (a) On final approval of the budget, the board shall impose a tax on all taxable property in the district subject to district taxation.

(b) The board shall impose the tax to:

(1) pay the interest on and create a sinking fund for bonds issued by the district for hospital purposes as provided by this chapter;

(2) provide for the maintenance and operations of the hospital or hospital system;

(3) make improvements and additions to the hospital system; and

(4) acquire necessary sites for the hospital system by purchase, lease, or condemnation. (Acts 59th Leg., R.S., Ch. 6, Secs. 5 (part), 9 (part).)

Sec. 1113.252. TAX RATE. Unless the rate is increased as

provided by Section 1113.253, the board may impose the tax at a rate not to exceed 50 cents on each $100 valuation of all taxable property in the district. (Acts 59th Leg., R.S., Ch. 6, Sec. 5 (part).)

Sec. 1113.253. ELECTION TO INCREASE MAXIMUM TAX RATE. The board may call an election to increase the district's maximum tax rate to a rate not to exceed 75 cents on each $100 valuation of all taxable property in the district if the board determines that an increase is necessary to carry out the purposes for which the initial tax rate was authorized. (Acts 59th Leg., R.S., Ch. 6, Sec. 7 (part).)

Sec. 1113.254. TAX ASSESSOR-COLLECTOR. The tax assessor-collector of Wilbarger County shall assess and collect taxes imposed by the district. (Acts 59th Leg., R.S., Ch. 6, Secs. 5 (part), 9 (part).)

CHAPTER 1114. WILLACY COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1114.001. DEFINITIONS

Sec. 1114.002. AUTHORITY FOR OPERATION

Sec. 1114.003. ESSENTIAL PUBLIC FUNCTION

Sec. 1114.004. DISTRICT TERRITORY

Sec. 1114.005. LOCATION OF HOSPITAL FACILITIES

Sec. 1114.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION

Sec. 1114.007. RESTRICTION ON STATE FINANCIAL ASSISTANCE

[Sections 1114.008-1114.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1114.051. BOARD ELECTION; TERM

Sec. 1114.052. NOTICE OF ELECTION

Sec. 1114.053. BALLOT PETITION

Sec. 1114.054. QUALIFICATIONS FOR OFFICE

Sec. 1114.055. OATH; BOND; RECORD OF BOND

Sec. 1114.056. BOARD VACANCY

Sec. 1114.057. OFFICERS

Sec. 1114.058. COMPENSATION; EXPENSES

Sec. 1114.059. MEETINGS

Sec. 1114.060. VOTING REQUIREMENT

Sec. 1114.061. ADMINISTRATOR; ASSISTANT ADMINISTRATOR

Sec. 1114.062. GENERAL DUTIES OF DISTRICT ADMINISTRATOR

Sec. 1114.063. APPOINTMENT OF STAFF; EMPLOYEES

Sec. 1114.064. RETIREMENT BENEFITS

[Sections 1114.065-1114.100 reserved for expansion]

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Sec. 1114.101. DISTRICT RESPONSIBILITY

Sec. 1114.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT

Sec. 1114.103. MANAGEMENT, CONTROL, AND ADMINISTRATION

Sec. 1114.104. RULES

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Sec. 1114.106. DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT

Sec. 1114.107. GIFTS AND ENDOWMENTS

Sec. 1114.108. CONSTRUCTION CONTRACTS

Sec. 1114.109. OPERATING AND MANAGEMENT CONTRACTS

Sec. 1114.110. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT

Sec. 1114.111. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR INVESTIGATORY OR OTHER SERVICES

Sec. 1114.112. HEALTH CARE SERVICES

Sec. 1114.113. HEALTH CARE SERVICES ELIGIBILITY

Sec. 1114.114. MANDATED PROVIDER

Sec. 1114.115. NOTIFICATION OF PROVISION OF NONEMERGENCY SERVICES

Sec. 1114.116. NOTIFICATION OF PROVISION OF EMERGENCY SERVICES

Sec. 1114.117. PAYMENT FOR SERVICES

Sec. 1114.118. AUTHORITY TO SUE AND BE SUED

[Sections 1114.119-1114.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1114.151. BUDGET

Sec. 1114.152. NOTICE; HEARING; ACTION ON BUDGET

Sec. 1114.153. FISCAL YEAR

Sec. 1114.154. ANNUAL AUDIT

Sec. 1114.155. INSPECTION OF ANNUAL AUDIT AND DISTRICT RECORDS

Sec. 1114.156. DEPOSITORY

Sec. 1114.157. SPENDING AND INVESTMENT RESTRICTIONS

[Sections 1114.158-1114.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1114.201. GENERAL OBLIGATION BONDS

Sec. 1114.202. TAX TO PAY GENERAL OBLIGATION BONDS

Sec. 1114.203. GENERAL OBLIGATION BOND ELECTION

Sec. 1114.204. REVENUE BONDS

Sec. 1114.205. PROMISSORY NOTES

Sec. 1114.206. REFUNDING BONDS

Sec. 1114.207. MATURITY OF BONDS

Sec. 1114.208. EXECUTION OF BONDS

Sec. 1114.209. BONDS EXEMPT FROM TAXATION

[Sections 1114.210-1114.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1114.251. IMPOSITION OF AD VALOREM TAX

Sec. 1114.252. TAX RATE

Sec. 1114.253. TAX ASSESSOR-COLLECTOR

[Sections 1114.254-1114.300 reserved for expansion]

SUBCHAPTER G. DISSOLUTION

Sec. 1114.301. DISSOLUTION; ELECTION

Sec. 1114.302. NOTICE OF ELECTION

Sec. 1114.303. BALLOT

Sec. 1114.304. ELECTION RESULTS

Sec. 1114.305. DETERMINATION OF DEBT

CHAPTER 1114. WILLACY COUNTY HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1114.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Commissioners court" means the Commissioners Court of Willacy County.

(3) "Director" means a member of the board.

(4) "District" means the Willacy County Hospital District. (Acts 62nd Leg., R.S., Ch. 323, Sec. 1 (part); New.)

Sec. 1114.002. AUTHORITY FOR OPERATION. The Willacy County Hospital District operates in accordance with Section 9, Article IX, Texas Constitution, and has the rights, powers, and duties provided by this chapter. (Acts 62nd Leg., R.S., Ch. 323, Sec. 1 (part).)

Sec. 1114.003. ESSENTIAL PUBLIC FUNCTION. The district performs an essential public function in carrying out the purposes of this chapter. (Acts 62nd Leg., R.S., Ch. 323, Sec. 20 (part).)

Sec. 1114.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Willacy County, Texas. (Acts 62nd Leg., R.S., Ch. 323, Sec. 1 (part).)

Sec. 1114.005. LOCATION OF HOSPITAL FACILITIES. The district hospital facilities shall be constructed and located on the property described by Section 10(a), Chapter 323, Acts of the 62nd Legislature, Regular Session, 1971. (Acts 62nd Leg., R.S., Ch. 323, Sec. 10(a) (part); New.)

Sec. 1114.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION. The support and maintenance of the district and any indebtedness incurred by the district under this chapter may not become a charge against or obligation of this state. (Acts 62nd Leg., R.S., Ch. 323, Sec. 19 (part).)

Sec. 1114.007. RESTRICTION ON STATE FINANCIAL ASSISTANCE.

The legislature may not make a direct appropriation for the construction, maintenance, or improvement of a district facility. (Acts 62nd Leg., R.S., Ch. 323, Sec. 19 (part).)

[Sections 1114.008-1114.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1114.051. BOARD ELECTION; TERM. (a) The district is governed by a board of nine directors elected as follows:

(1) two directors elected from each commissioners precinct; and

(2) one director elected from the district at large.

(b) The two candidates receiving the most votes from a commissioners precinct are the directors for that precinct. The candidate receiving the most votes from the district at large is the director for the district at large.

(c) Unless four-year terms are established under Section 285.081, Health and Safety Code:

(1) directors serve staggered two-year terms with:

(A) the terms of the directors elected from odd-numbered precincts and the term of the director from the district at large expiring each even-numbered year; and

(B) the terms of the directors elected from even-numbered precincts expiring each odd-numbered year; and

(2) an election shall be held on an authorized uniform election date each year to elect the appropriate number of directors. (Acts 62nd Leg., R.S., Ch. 323, Secs. 4(a), (c).)

Sec. 1114.052. NOTICE OF ELECTION. At least 90 days before the date of a directors' election, notice of the election must be

published one time in a newspaper or newspapers that individually or collectively provide general circulation in the district. (Acts 62nd Leg., R.S., Ch. 323, Sec. 4(e) (part).)

Sec. 1114.053. BALLOT PETITION. A person who wants to have the person's name printed on the ballot as a candidate for director must file with the board secretary a petition requesting that action. The petition must:

(1) be signed by at least 10 registered voters;

(2) be filed by the deadline imposed by Section 144.005, Election Code; and

(3) specify the commissioner precinct the person seeks to represent or specify that the person seeks to represent the district at large. (Acts 62nd Leg., R.S., Ch. 323, Sec. 4(e) (part).)

Sec. 1114.054. QUALIFICATIONS FOR OFFICE. (a) To qualify for election to the board, a person must be:

(1) a resident of the district; and

(2) a qualified voter.

(b) In addition to the qualifications required by Subsection (a), a person who is elected from a commissioners precinct or who is appointed to fill a vacancy for a commissioners precinct must be a resident of that commissioners precinct.

(c) A person is not eligible to serve as a director if the person is:

(1) the district administrator;

(2) a district employee;

(3) a member of the hospital staff; or

(4) an employee of a member of the hospital staff. (Acts 62nd Leg., R.S., Ch. 323, Secs. 4(b), (f).)

Sec. 1114.055. OATH; BOND; RECORD OF BOND. (a) A person elected to the board shall qualify for office by executing:

(1) a written oath; and

(2) a good and sufficient surety bond for $5,000 that is:

(A) in the form prescribed by the board;

(B) payable to the district; and

(C) conditioned on the faithful performance of the director's duties.

(b) Each director's bond shall be kept in the district's permanent records.

(c) The board may pay for directors' bonds with district funds. (Acts 62nd Leg., R.S., Ch. 323, Sec. 5(a) (part).)

Sec. 1114.056. BOARD VACANCY. If a vacancy occurs in the office of director, the remaining directors by a majority vote shall appoint a director for the unexpired term. (Acts 62nd Leg., R.S., Ch. 323, Sec. 4(d).)

Sec. 1114.057. OFFICERS. (a) The board shall elect from among its members a president, a vice president, a secretary, and a treasurer.

(b) The offices of secretary and treasurer may be held by one person.

(c) Each officer of the board serves a one-year term.

(d) The board shall fill a vacancy in a board office for the unexpired term. (Acts 62nd Leg., R.S., Ch. 323, Secs. 5(b), (c).)

Sec. 1114.058. COMPENSATION; EXPENSES. A director serves without compensation but may be reimbursed for actual expenses incurred in the performance of official duties. The expenses must be:

(1) reported in the district's records; and

(2) approved by the board. (Acts 62nd Leg., R.S., Ch. 323, Sec. 5(e).)

Sec. 1114.059. MEETINGS. The board shall meet at least once a month on a regular meeting date prescribed by the board. (Acts 62nd Leg., R.S., Ch. 323, Sec. 5(f).)

Sec. 1114.060. VOTING REQUIREMENT. A concurrence of five directors is required in any matter relating to district business. (Acts 62nd Leg., R.S., Ch. 323, Sec. 5(d) (part).)

Sec. 1114.061. ADMINISTRATOR; ASSISTANT ADMINISTRATOR. (a) The board shall appoint a qualified person as district administrator.

(b) The board may appoint an assistant administrator.

(c) The administrator and any assistant administrator serve at the will of the board and shall receive the compensation determined by the board.

(d) On assuming the duties of district administrator, the administrator shall execute a surety bond payable to the district in an amount and form set by the board of not less than $5,000 that:

(1) is conditioned on the administrator faithfully performing the administrator's duties; and

(2) contains any other conditions the board requires. (Acts 62nd Leg., R.S., Ch. 323, Sec. 6(a) (part).)

Sec. 1114.062. GENERAL DUTIES OF DISTRICT ADMINISTRATOR. Subject to any limitations prescribed by the board, the district administrator shall:

(1) supervise the work and activities of the district; and

(2) direct the affairs of the district. (Acts 62nd Leg., R.S., Ch. 323, Sec. 6(a) (part).)

Sec. 1114.063. APPOINTMENT OF STAFF; EMPLOYEES. (a) The board may appoint to or dismiss from the staff any doctor the board considers necessary for the efficient operation of the district and may make temporary appointments to the staff if warranted.

(b) The district may employ fiscal agents, accountants, architects, and attorneys as the board considers proper.

(c) The board may delegate to the district administrator the authority to employ district employees, including technicians and nurses. (Acts 62nd Leg., R.S., Ch. 323, Secs. 6(a) (part), 15.)

Sec. 1114.064. RETIREMENT BENEFITS. The board may provide retirement benefits for district employees by:

(1) establishing or administering a retirement program; or

(2) participating in:

(A) the Texas County and District Retirement System; or

(B) another statewide retirement system in which the district is eligible to participate. (Acts 62nd Leg., R.S., Ch. 323, Sec. 6(a) (part).)

[Sections 1114.065-1114.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1114.101. DISTRICT RESPONSIBILITY. (a) The district shall provide for the medical and hospital care of the district's needy inhabitants, as required by Section 9, Article IX, Texas Constitution, and this chapter.

(b) The district has full responsibility for providing health care services for the district's indigent residents, subject to the provisions of this chapter. (Acts 62nd Leg., R.S., Ch. 323, Secs. 2, 18 (part).)

Sec. 1114.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT. A political subdivision located within the district may not impose a tax or issue bonds or other obligations for hospital purposes or to provide medical care. (Acts 62nd Leg., R.S., Ch. 323, Sec. 18 (part).)

Sec. 1114.103. MANAGEMENT, CONTROL, AND ADMINISTRATION. The board shall manage, control, and administer the district's services, money, and resources. (Acts 62nd Leg., R.S., Ch. 323, Sec. 6(a) (part).)

Sec. 1114.104. RULES. The board may adopt rules governing the operation of the hospital, the hospital system, and the district's staff and employees. (Acts 62nd Leg., R.S., Ch. 323, Sec. 6(a) (part).)

Sec. 1114.105. PURCHASING AND ACCOUNTING. The board may prescribe:

(1) the method and manner of making purchases and expenditures by and for the district; and

(2) all accounting and control procedures. (Acts 62nd

Leg., R.S., Ch. 323, Sec. 11 (part).)

Sec. 1114.106. DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. (a) The board may lease all or part of the district's buildings and facilities on terms considered to be in the best interest of the district's inhabitants. The term of the lease may not exceed 25 years.

(b) The district may acquire equipment for use in the district's hospital system and mortgage or pledge the property as security for the payment of the purchase price, subject to the provisions of this chapter. A contract entered into under this subsection must provide that the entire obligation be retired not later than the fifth anniversary of the date of the contract. (Acts 62nd Leg., R.S., Ch. 323, Secs. 10(c) (part), 11 (part).)

Sec. 1114.107. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, or provisions prescribed in writing by the donor that are not inconsistent with the proper management and object of the district. (Acts 62nd Leg., R.S., Ch. 323, Sec. 17 (part).)

Sec. 1114.108. CONSTRUCTION CONTRACTS. A construction contract that involves the expenditure of more than the amount provided by Section 271.024, Local Government Code, may be made only after competitive bidding as provided by Subchapter B, Chapter 271, Local Government Code. (Acts 62nd Leg., R.S., Ch. 323, Sec. 11 (part).)

Sec. 1114.109. OPERATING AND MANAGEMENT CONTRACTS. The

board may enter into an operating or management contract relating to a district facility. (Acts 62nd Leg., R.S., Ch. 323, Sec. 10(c) (part).)

Sec. 1114.110. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT. The board may contract with:

(1) any county or municipality located outside the district for the care and treatment of a sick or injured person of that county or municipality; and

(2) this state or a federal agency for the treatment of a sick or injured person. (Acts 62nd Leg., R.S., Ch. 323, Sec. 6(a) (part).)

Sec. 1114.111. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR INVESTIGATORY OR OTHER SERVICES. The board may contract with another political subdivision or a governmental agency for the district to provide investigatory or other services for the medical, hospital, or welfare needs of district inhabitants. (Acts 62nd Leg., R.S., Ch. 323, Sec. 6(a) (part).)

Sec. 1114.112. HEALTH CARE SERVICES. (a) The district shall provide the inpatient and outpatient hospital services and physician services a county is required to provide under Section 61.028(a), Health and Safety Code.

(b) The district shall provide maternal labor and delivery services in the district. (Acts 62nd Leg., R.S., Ch. 323, Sec. 16A(a).)

Sec. 1114.113. HEALTH CARE SERVICES ELIGIBILITY. (a) The district shall provide health care assistance as required by this chapter to each eligible resident of the district.

(b) A person is eligible for health care assistance from the district if the person:

(1) resides within the district; and

(2) meets the basic income and resources eligibility requirements established by the district. (Acts 62nd Leg., R.S., Ch. 323, Secs. 16(a), (b).)

Sec. 1114.114. MANDATED PROVIDER. The district may select one or more providers of health care services and may require an eligible resident to obtain care from a provider except:

(1) in an emergency;

(2) when medically inappropriate; or

(3) when care is not available. (Acts 62nd Leg., R.S., Ch. 323, Sec. 16A(b) (part).)

Sec. 1114.115. NOTIFICATION OF PROVISION OF NONEMERGENCY SERVICES. (a) The district may require a mandated provider selected by the district under Section 1114.114 to obtain approval from the district before providing nonemergency health care services to an eligible resident of the district.

(b) If the district has not selected a mandated provider, a provider of nonemergency health care assistance must inform the district of any nonemergency health care services provided to a patient as required by this section.

(c) A provider that delivers or will deliver nonemergency health care services to a patient who the provider suspects might be eligible for assistance under this chapter shall notify the district that nonemergency health care services have been or will be provided to the patient. The provider must notify the district:

(1) by telephone, as soon as possible after the provider determines that the patient resides in the district; and

(2) by mail postmarked not later than the third working day after the date on which the provider determines that the patient resides in the district.

(d) If the provider knows that the district has selected a mandated provider or if, after contacting the district, the district requests that the patient be transferred to a mandated provider, the provider shall transfer the patient to the mandated provider unless it is medically inappropriate to transfer the patient.

(e) The provider, the patient, and the patient's family shall cooperate with the district in determining if the patient is an eligible resident of the district.

(f) Not later than the 14th day after the date on which the district receives sufficient information to determine eligibility, the district shall determine if the patient is eligible for assistance. If the district does not determine the patient's eligibility within that period, the patient is considered to be eligible. The district shall notify the provider of the district's decision.

(g) A provider that delivers nonemergency services to a patient who is eligible for assistance under this chapter and fails to comply with this section is not eligible for payment for the services from the district. (Acts 62nd Leg., R.S., Ch. 323, Secs. 16A(c), (e), (f), (g) (part).)

Sec. 1114.116. NOTIFICATION OF PROVISION OF EMERGENCY

SERVICES. (a) If a patient who is eligible for assistance under this chapter requires emergency services from a nonmandated provider, the provider must notify the district as provided by this section.

(b) A provider delivering emergency services to a patient who the provider suspects might be eligible for assistance under this chapter shall notify the district that emergency services have been or will be provided to the patient. The provider must notify the district:

(1) by telephone, as soon as possible after the provider determines that the patient resides in the district; and

(2) by mail postmarked not later than the third working day after the date on which the provider determines that the patient resides in the district.

(c) A provider shall attempt to determine if a patient resides in the district at the time the patient first receives services.

(d) The provider, the patient, and the patient's family shall cooperate with the district in determining if the patient is an eligible resident of the district.

(e) Not later than the 14th day after the date on which the district receives sufficient information to determine eligibility, the district shall determine if the patient is eligible for assistance. If the district does not determine the patient's eligibility within that period, the patient is considered to be eligible. The district shall notify the provider of the district's decision.

(f) A provider that delivers emergency services to a patient who is eligible for assistance under this chapter and fails to comply with this section is not eligible for payment for the services from the district. (Acts 62nd Leg., R.S., Ch. 323, Secs. 16A(d), (e), (f), (g) (part).)

Sec. 1114.117. PAYMENT FOR SERVICES. (a) To the extent prescribed by this chapter, the district is liable for health care services provided under this chapter by any provider, including another hospital district or public hospital, to an eligible resident of the district.

(b) The payment rates and limits prescribed by Sections 61.034 and 61.035, Health and Safety Code, that relate to county services apply to inpatient and outpatient hospital services and physician services that the district is required to provide if:

(1) the district is not able to provide the required services or emergency services; and

(2) the services are provided elsewhere. (Acts 62nd Leg., R.S., Ch. 323, Sec. 16B.)

Sec. 1114.118. AUTHORITY TO SUE AND BE SUED. (a) The district, through the board, may sue and be sued.

(b) The district is entitled to all causes of action and defenses to which similar authorities are entitled. (Acts 62nd Leg., R.S., Ch. 323, Sec. 6 (part).)

[Sections 1114.119-1114.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1114.151. BUDGET. (a) The district administrator shall prepare an annual budget for approval by the board.

(b) The proposed budget must contain a complete financial statement of:

(1) the outstanding obligations of the district;

(2) the money received by the district from all sources during the previous year;

(3) the money available to the district from all sources during the ensuing year;

(4) the balances expected at the end of the year in which the budget is being prepared;

(5) the estimated revenue and balances available to cover the proposed budget;

(6) the estimated tax rate required; and

(7) the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year. (Acts 62nd Leg., R.S., Ch. 323, Sec. 7(a) (part).)

Sec. 1114.152. NOTICE; HEARING; ACTION ON BUDGET. (a) The board shall hold a public hearing each year on the proposed annual budget.

(b) At least 10 days before the date of the hearing, notice of the hearing shall be published one time in a newspaper or newspapers that individually or collectively provide general circulation in the district.

(c) Any district resident is entitled to be present and participate at the hearing.

(d) At the conclusion of the hearing, the board shall act on the budget proposed by the district administrator. The board may make any changes in the proposed budget that the board judges to be

in the interests of the district's residents and that the law warrants. (Acts 62nd Leg., R.S., Ch. 323, Sec. 7(a) (part).)

Sec. 1114.153. FISCAL YEAR. The district operates according to a fiscal year that begins on July 1 and ends on June 30. (Acts 62nd Leg., R.S., Ch. 323, Sec. 7(a) (part).)

Sec. 1114.154. ANNUAL AUDIT. (a) The district shall have an independent annual audit made of the district's financial condition for each fiscal year.

(b) After approval by the board, the audit shall be filed at the district's office. (Acts 62nd Leg., R.S., Ch. 323, Sec. 7(a) (part).)

Sec. 1114.155. INSPECTION OF ANNUAL AUDIT AND DISTRICT RECORDS. The annual audit and other district records shall be open to inspection at the district's principal office. (Acts 62nd Leg., R.S., Ch. 323, Sec. 7(a) (part).)

Sec. 1114.156. DEPOSITORY. (a) Every two years, the board shall select one or more banks in the district to serve as a depository for district money.

(b) All district money, other than money invested as provided by Section 1114.157(b), and money transmitted to a bank for payment of bonds or obligations issued or assumed by the district, shall be deposited as received with the depository and shall remain on deposit.

(c) This chapter, including Subsection (b), does not limit the power of the board to:

(1) place a part of district money on time deposit; or

(2) purchase certificates of deposit, obligations of

the United States, or obligations guaranteed by the United States. (Acts 62nd Leg., R.S., Ch. 323, Sec. 12(a).)

Sec. 1114.157. SPENDING AND INVESTMENT RESTRICTIONS. (a) Except as otherwise provided by Section 1114.106(b) and by Subchapter E, the district may not incur an obligation payable from district revenue other than the revenue on hand or to be on hand in the current and following district fiscal years.

(b) The board may invest operating, depreciation, or building reserves only in funds or securities specified by Chapter 2256, Government Code. (Acts 62nd Leg., R.S., Ch. 323, Secs. 6(a) (part), 11 (part).)

[Sections 1114.158-1114.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1114.201. GENERAL OBLIGATION BONDS. The board may issue and sell general obligation bonds in the name and on the faith and credit of the district for:

(1) purchasing, constructing, acquiring, repairing, or renovating buildings and improvements;

(2) equipping buildings and improvements for hospital purposes;

(3) acquiring and operating a mobile emergency medical service; and

(4) providing medical services. (Acts 62nd Leg., R.S., Ch. 323, Sec. 8 (part).)

Sec. 1114.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At the time general obligation bonds are issued by the district, the board shall impose an ad valorem tax at a rate sufficient to create

an interest and sinking fund to pay the principal of and interest on the bonds as the bonds mature.

(b) The tax required by this section, together with any other ad valorem tax the district imposes, may not in any year exceed the tax rate approved by the voters. (Acts 62nd Leg., R.S., Ch. 323, Sec. 8 (part).)

Sec. 1114.203. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters voting at an election held for that purpose.

(b) The order calling the election must specify:

(1) the date of the election;

(2) the location of the polling places;

(3) the amount of the bonds to be authorized;

(4) the maximum interest rate of the bonds; and

(5) the maximum maturity of the bonds.

(c) Notice of a bond election shall be given as provided by Section 1251.003, Government Code. (Acts 62nd Leg., R.S., Ch. 323, Sec. 8 (part).)

Sec. 1114.204. REVENUE BONDS. (a) The board may issue revenue bonds to:

(1) purchase, construct, acquire, repair, equip, or renovate buildings or improvements for hospital purposes;

(2) acquire sites to be used for hospital purposes; or

(3) acquire and operate a mobile emergency medical service.

(b) The bonds must be payable from and secured by a pledge of

all or part of the revenue derived from the operation of the district's hospital system.

(c) The bonds may be additionally secured by a mortgage or deed of trust lien on all or part of district property.

(d) The bonds must be issued in the manner prescribed by Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health and Safety Code, for issuance of revenue bonds by a county hospital authority. (Acts 62nd Leg., R.S., Ch. 323, Sec. 8A.)

Sec. 1114.205. PROMISSORY NOTES. (a) The board may execute and deliver promissory notes to purchase, construct, acquire, repair, equip, or renovate buildings and improvements for hospital purposes.

(b) The notes may be secured by:

(1) a mortgage or deed of trust lien on all or part of the district property; or

(2) a pledge of revenues derived from the operation of the district's hospital.

(c) The notes may be paid from:

(1) taxes imposed by the district, not to exceed the tax rate approved by the voters; and

(2) the revenues derived from the operation of the district's hospital.

(d) The total amount of revenues pledged under Subsection (b)(2) may not exceed 50 percent of the estimated revenues for the period the pledge is effective. (Acts 62nd Leg., R.S., Ch. 323, Sec. 9.)

Sec. 1114.206. REFUNDING BONDS. (a) District refunding

bonds may be issued to refund outstanding bonded indebtedness of the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of outstanding bonded indebtedness; or

(2) exchanged wholly or partly for not less than a similar principal amount of outstanding indebtedness. (Acts 62nd Leg., R.S., Ch. 323, Sec. 8B (part).)

Sec. 1114.207. MATURITY OF BONDS. District bonds must mature not later than 50 years after the date of issuance. (Acts 62nd Leg., R.S., Ch. 323, Sec. 8C (part).)

Sec. 1114.208. EXECUTION OF BONDS. The board president shall execute the district's bonds in the district's name, and the board secretary shall countersign the bonds in the manner provided by Chapter 618, Government Code. (Acts 62nd Leg., R.S., Ch. 323, Sec. 8C (part).)

Sec. 1114.209. BONDS EXEMPT FROM TAXATION. The following are exempt from taxation by this state or a political subdivision of this state:

(1) bonds issued or assumed by the district;

(2) the transfer and issuance of the bonds; and

(3) profits made in the sale of the bonds. (Acts 62nd Leg., R.S., Ch. 323, Sec. 20 (part).)

[Sections 1114.210-1114.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1114.251. IMPOSITION OF AD VALOREM TAX. (a) The board may impose a tax on all property in the district subject to district

taxation.

(b) The board may impose the tax to:

(1) pay the indebtedness issued or assumed by the district; and

(2) maintain and operate the district. (Acts 62nd Leg., R.S., Ch. 323, Secs. 13(a) (part), (c) (part).)

Sec. 1114.252. TAX RATE. (a) The board may impose the tax at a rate not to exceed 15 cents on each $100 valuation of all taxable property in the district.

(b) In setting the tax rate, the board shall consider the income of the district from sources other than taxation. (Acts 62nd Leg., R.S., Ch. 323, Secs. 3(b) (part), 13(a) (part), (b) (part).)

Sec. 1114.253. TAX ASSESSOR-COLLECTOR. The board may provide for the appointment of a tax assessor-collector for the district or may contract for the assessment and collection of taxes as provided by the Tax Code. (Acts 62nd Leg., R.S., Ch. 323, Sec. 14 (part).)

[Sections 1114.254-1114.300 reserved for expansion]

SUBCHAPTER G. DISSOLUTION

Sec. 1114.301. DISSOLUTION; ELECTION. (a) The commissioners court shall order an election on the question of dissolution of the district if the board receives a petition of 20 percent of the voters in the district.

(b) The commissioners court on its own motion may order an election on the question of dissolution of the district.

(c) An order calling an election under this section must contain:

(1) the time of the election;

(2) the location of the polling places;

(3) the issue to be printed on the ballot; and

(4) the presiding judge for each polling place. (Acts 62nd Leg., R.S., Ch. 323, Secs. 23(a), (b).)

Sec. 1114.302. NOTICE OF ELECTION. The commissioners court shall publish a substantial copy of the election order in a newspaper with general circulation in the district once a week for two consecutive weeks before the date of the election. (Acts 62nd Leg., R.S., Ch. 323, Sec. 23(c).)

Sec. 1114.303. BALLOT. The ballot for an election under this subchapter must provide for voting for or against the following proposition: "Dissolution of the Willacy County Hospital District." (Acts 62nd Leg., R.S., Ch. 323, Sec. 23(f).)

Sec. 1114.304. ELECTION RESULTS. (a) If a majority of the voters in an election favor dissolution, the commissioners court shall declare the results and order the district dissolved. A copy of the order must be placed in the minutes of the commissioners court.

(b) If the election results do not favor dissolution, the commissioners court may not order another election under this subchapter before the first anniversary of the date the election results were officially announced.

(c) A copy of the election results must be filed with the county clerk and become a public record. (Acts 62nd Leg., R.S., Ch. 323, Secs. 23(d) (part), (e).)

Sec. 1114.305. DETERMINATION OF DEBT. After issuing the

dissolution order, the commissioners court shall:

(1) determine the full debt owed by the district; and

(2) correct the last approved assessment rolls of the district by adding any property accidentally omitted before the dissolution order was issued. (Acts 62nd Leg., R.S., Ch. 323, Sec. 23(g).)

CHAPTER 1115. WILSON COUNTY MEMORIAL HOSPITAL DISTRICT

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Sec. 1115.208. BONDS EXEMPT FROM TAXATION

[Sections 1115.209-1115.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1115.251. IMPOSITION OF AD VALOREM TAX

Sec. 1115.252. TAX RATE

Sec. 1115.253. ASSESSMENT AND COLLECTION BY COUNTY TAX ASSESSOR-COLLECTOR

Sec. 1115.254. ASSESSMENT AND COLLECTION BY DISTRICT TAX ASSESSOR-COLLECTOR

CHAPTER 1115. WILSON COUNTY MEMORIAL HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1115.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Wilson County Memorial Hospital District. (New.)

Sec. 1115.002. AUTHORITY FOR OPERATION. The Wilson County Memorial Hospital District operates and is administered and financed in accordance with Section 9, Article IX, Texas Constitution, and has the rights, powers, and duties provided by this chapter. (Acts 65th Leg., R.S., Ch. 511, Sec. 1 (part).)

Sec. 1115.003. ESSENTIAL PUBLIC FUNCTION. The district performs an essential public function in carrying out the purposes of this chapter. (Acts 65th Leg., R.S., Ch. 511, Sec. 21 (part).)

Sec. 1115.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Wilson County, Texas. (Acts 65th Leg., R.S., Ch. 511, Sec. 1 (part).)

Sec. 1115.005. DISTRICT SUPPORT AND MAINTENANCE NOT STATE

OBLIGATION. The support and maintenance of the district may not become a charge against or obligation of this state. (Acts 65th Leg., R.S., Ch. 511, Sec. 20 (part).)

Sec. 1115.006. RESTRICTION ON STATE FINANCIAL ASSISTANCE. The legislature may not make a direct appropriation for the construction, maintenance, or improvement of a district facility. (Acts 65th Leg., R.S., Ch. 511, Sec. 20 (part).)

[Sections 1115.007-1115.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1115.051. BOARD ELECTION; TERM. (a) The board consists of nine directors elected as follows:

(1) two directors elected from each county commissioners precinct of Wilson County; and

(2) one director elected from the district at large.

(b) The candidate from each commissioners precinct receiving the highest number of votes from that precinct is elected as director from that precinct. The candidate from the district at large receiving the highest number of votes from the district at large is elected as the director from the district at large.

(c) Unless four-year terms are established under Section 285.081, Health and Safety Code:

(1) directors serve staggered two-year terms;

(2) each year one director is elected from each precinct; and

(3) in odd-numbered years, a director is elected from the district at large.

(d) A directors' election shall be held on the uniform

election date in May of each year or another date authorized by law. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(c) (part).)

Sec. 1115.052. NOTICE OF ELECTION. At least 30 days before the date of a directors' election, notice of the election must be published one time in a newspaper or newspapers that individually or collectively have general circulation in the district. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(c) (part).)

Sec. 1115.053. BALLOT PETITION. A person who wants to have the person's name printed on the ballot as a candidate for director must file with the board secretary a petition requesting that action. The petition must:

(1) be signed by at least 15 registered voters in the district; and

(2) be filed by the deadline imposed by Section 144.005, Election Code. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(c) (part).)

Sec. 1115.054. QUALIFICATIONS FOR OFFICE. (a) A person may not be elected or appointed as a director unless the person is:

(1) a resident of the district; and

(2) a qualified voter.

(b) A person is not eligible for election as a director from a commissioners precinct unless the person is a resident of that precinct.

(c) A person is not eligible to serve as a director if the person is:

(1) the district administrator;

(2) the district attorney; or

(3) a district employee. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(d).)

Sec. 1115.055. BOARD VACANCY. (a) If a vacancy occurs in the office of director, the remaining directors shall fill the vacancy for the unexpired term.

(b) A person appointed under Subsection (a) to fill a vacancy from a precinct must be a resident of the precinct the person is to represent. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(c) (part).)

Sec. 1115.056. OFFICERS. (a) The board shall elect:

(1) a president and a vice president from among its members; and

(2) a secretary, who need not be a director.

(b) Each officer of the board serves a one-year term.

(c) The board shall fill a vacancy in a board office for the unexpired term. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(e) (part).)

Sec. 1115.057. COMPENSATION; EXPENSES. A director or officer serves without compensation but may be reimbursed for actual expenses incurred in the performance of official duties on approval by the board. The expenses must be reported in the district's records. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(e) (part).)

Sec. 1115.058. VOTING REQUIREMENT. A concurrence of five directors is sufficient in any matter relating to district business. (Acts 65th Leg., R.S., Ch. 511, Sec. 4(e) (part).)

Sec. 1115.059. DISTRICT ADMINISTRATOR; ASSISTANT DISTRICT ADMINISTRATOR. (a) The board shall appoint a qualified person as

district administrator.

(b) The district administrator serves at the will of the board and shall receive the compensation determined by the board.

(c) On assuming the duties of district administrator, the administrator shall execute a bond payable to the district in the amount set by the board of not less than $5,000 that:

(1) is conditioned on the administrator performing the administrator's required duties; and

(2) contains any other condition the board requires.

(d) The board may appoint an assistant district administrator. The assistant district administrator serves at the will of the board and receives the compensation determined by the board. (Acts 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

Sec. 1115.060. GENERAL DUTIES OF DISTRICT ADMINISTRATOR. Subject to the limitations prescribed by the board, the district administrator shall:

(1) supervise the work and activities of the district; and

(2) direct the affairs of the district. (Acts 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

Sec. 1115.061. ATTORNEY. (a) The board shall appoint a qualified person as the attorney for the district.

(b) The attorney serves at the will of the board and receives the compensation determined by the board. (Acts 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

Sec. 1115.062. APPOINTMENT OF STAFF AND EMPLOYEES. (a) The board may appoint to the staff any doctors the board considers

necessary for the efficient operation of the district and may make temporary appointments as warranted.

(b) The district may employ fiscal agents, accountants, architects, and additional attorneys as the board considers proper.

(c) The board may delegate to the district administrator the authority to employ technicians, nurses, and district employees. (Acts 65th Leg., R.S., Ch. 511, Secs. 5 (part), 16.)

[Sections 1115.063-1115.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1115.101. DISTRICT RESPONSIBILITY. The district has full responsibility for operating all hospital facilities for providing medical and hospital care for the district's needy inhabitants. (Acts 65th Leg., R.S., Ch. 511, Sec. 19 (part).)

Sec. 1115.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT. A political subdivision located wholly or partly within the district may not impose a tax or issue bonds or other obligations for hospital purposes or to provide medical care for district residents. (Acts 65th Leg., R.S., Ch. 511, Sec. 19 (part).)

Sec. 1115.103. MANAGEMENT, CONTROL, AND ADMINISTRATION. The board shall manage, control, and administer the hospital system and the district's money and resources. (Acts 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

Sec. 1115.104. HOSPITAL SYSTEM. (a) The district shall provide for:

(1) the establishment of a hospital system by:

(A) purchasing, constructing, acquiring,

repairing, and renovating buildings and equipment; and

(B) equipping the buildings; and

(2) the administration of the hospital system for hospital purposes.

(b) The hospital system may include any facilities the board considers necessary for hospital care. (Acts 65th Leg., R.S., Ch. 511, Secs. 2 (part), 10(a) (part).)

Sec. 1115.105. RULES. The board may adopt rules governing the operation of the hospital, the hospital system, and the district's staff and employees. (Acts 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

Sec. 1115.106. PURCHASING AND ACCOUNTING PROCEDURES. The board may prescribe:

(1) the method and manner of making purchases and expenditures by and for the district; and

(2) all accounting and control procedures. (Acts 65th Leg., R.S., Ch. 511, Sec. 10(b) (part).)

Sec. 1115.107. DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. (a) The board shall determine the type, number, and location of buildings required to maintain an adequate hospital system.

(b) The board may lease all or part of the district's buildings and facilities on terms considered to be in the best interest of the district's inhabitants.

(c) The district may acquire equipment for use in the district's hospital system and mortgage or pledge the property as security for the payment of the purchase price.

(d) The district may sell or otherwise dispose of any property, including equipment, on terms the board finds are in the best interest of the district's inhabitants. (Acts 65th Leg., R.S., Ch. 511, Secs. 10(a) (part), (b) (part).)

Sec. 1115.108. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property located in district territory if the interest is necessary or convenient to a power, right, or privilege conferred by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

(c) In a condemnation proceeding brought by the district, the district is not required to:

(1) pay in advance or provide a bond or other security for costs in the trial court;

(2) provide a bond for the issuance of a temporary restraining order or a temporary injunction; or

(3) provide a bond for costs or a supersedeas bond on an appeal or petition for review. (Acts 65th Leg., R.S., Ch. 511, Sec. 14.)

Sec. 1115.109. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust and administered by the board for the purposes and under the directions, limitations, or other provisions prescribed in writing by the donor that are not inconsistent with the proper management

and objectives of the district. (Acts 65th Leg., R.S., Ch. 511, Sec. 18.)

Sec. 1115.110. CONSTRUCTION CONTRACTS. A construction contract that involves the expenditure of more than $10,000 may be made only after advertising in the manner provided by Chapter 252 and Subchapter C, Chapter 262, Local Government Code. (Acts 65th Leg., R.S., Ch. 511, Sec. 10(b) (part).)

Sec. 1115.111. OPERATING AND MANAGEMENT CONTRACTS. The board may enter into an operating or management contract relating to a district facility. (Acts 65th Leg., R.S., Ch. 511, Sec. 10(a) (part).)

Sec. 1115.112. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT. The board may contract with:

(1) any county or municipality located outside the district for the care and treatment of a sick or injured person of that county or municipality; and

(2) this state or a federal agency for the treatment of a sick or injured person. (Acts 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

Sec. 1115.113. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR INVESTIGATORY OR OTHER SERVICES. The board may contract with another political subdivision or a governmental agency for the district to provide investigatory or other services for the medical, hospital, or welfare needs of district inhabitants. (Acts 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

Sec. 1115.114. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient who resides in the district is admitted to a district

facility, the district administrator may have an inquiry made into the circumstances of:

(1) the patient; and

(2) the patient's relatives legally liable for the patient's support.

(b) If the district administrator determines that the patient or those relatives cannot pay for all or part of the patient's care and treatment in the hospital, the amount that cannot be paid becomes a charge against the district.

(c) If the district administrator determines that the patient or those relatives can pay for all or part of the costs of the patient's care and treatment, the patient or those relatives shall be ordered to pay the district a specified amount each week for the patient's care and support. The amount ordered must be proportionate to their financial ability.

(d) The district administrator may collect the amount from the patient's estate, or from those relatives legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e) If there is a dispute as to the ability to pay, or doubt in the mind of the district administrator, the board shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute or doubt; and

(2) issue any appropriate orders.

(f) A final order of the board may be appealed to the district court. The substantial evidence rule applies to the appeal. (Acts 65th Leg., R.S., Ch. 511, Sec. 17.)

Sec. 1115.115. AUTHORITY TO SUE AND BE SUED. The district, through the board, may sue and be sued. (Acts 65th Leg., R.S., Ch. 511, Sec. 5 (part).)

Sec. 1115.116. ELECTION DATE. Notwithstanding Section 41.001(a), Election Code, the board may choose the date for an election held under this chapter other than a directors' election under Section 1115.051. (Acts 65th Leg., R.S., Ch. 511, Sec. 3(e).)

[Sections 1115.117-1115.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1115.151. BUDGET. (a) The district administrator shall prepare an annual budget for approval by the board.

(b) The proposed budget must contain a complete financial statement of:

(1) the outstanding obligations of the district;

(2) the cash on hand to the credit of each district fund;

(3) the money received by the district from all sources during the previous year;

(4) the money available to the district from all sources during the ensuing year;

(5) the balances expected at the end of the year in which the budget is being prepared;

(6) the estimated revenue and balances available to cover the budget; and

(7) the estimated tax rate required. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

Sec. 1115.152. PROPOSED BUDGET: NOTICE AND HEARING;

APPROVAL OF BUDGET. (a) The board shall hold a public hearing on the proposed annual budget.

(b) At least 10 days before the date of the hearing, notice of the hearing must be published one time.

(c) Any district resident is entitled to be present and participate at the hearing.

(d) At the conclusion of the hearing, the board shall act on the budget as proposed by the district administrator. The board may make any changes in the proposed budget that the board judges the law warrants and the interests of the taxpayers demand. The budget must be approved by the board. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

Sec. 1115.153. AMENDMENTS TO BUDGET. The annual budget may be amended as required by circumstances. The board must approve all amendments. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

Sec. 1115.154. RESTRICTION ON EXPENDITURES. Money may be spent only for an expense included in the budget or an amendment to the budget. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

Sec. 1115.155. FISCAL YEAR. (a) The district operates according to a fiscal year established by the board.

(b) The fiscal year may not be changed:

(1) during a period that district revenue bonds are outstanding; or

(2) more than once in any 24-month period. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

Sec. 1115.156. ANNUAL AUDIT. The board annually shall have an audit made of the district's financial condition. (Acts 65th

Leg., R.S., Ch. 511, Sec. 6 (part).)

Sec. 1115.157. INSPECTION OF ANNUAL AUDIT AND DISTRICT RECORDS. The annual audit and other district records shall be open to inspection at the district's principal office. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

Sec. 1115.158. FINANCIAL REPORT. As soon as practicable after the close of each fiscal year, the district administrator shall prepare for the board:

(1) a complete sworn statement of all district money; and

(2) a complete account of the disbursements of that money. (Acts 65th Leg., R.S., Ch. 511, Sec. 6 (part).)

Sec. 1115.159. DEPOSITORY. (a) The board shall select one or more banks inside or outside the district to serve as a depository for district money.

(b) All district money, other than money invested as provided by Section 1115.160(b) and money transmitted to a bank for payment of bonds or obligations issued or assumed by the district, shall be deposited as received with the depository bank and shall remain on deposit.

(c) This chapter, including Subsection (b), does not limit the power of the board to:

(1) place a part of district money on time deposit; or

(2) purchase certificates of deposit. (Acts 65th Leg., R.S., Ch. 511, Sec. 11(a).)

Sec. 1115.160. SPENDING AND INVESTMENT RESTRICTIONS. (a) Except as provided by Section 1115.107(c) and by Subchapter E, the

district may not incur an obligation payable from district revenue other than the revenue on hand or to be on hand in the current and following district fiscal years.

(b) The board may invest operating, depreciation, or building reserves only in funds or securities specified by Chapter 2256, Government Code. (Acts 65th Leg., R.S., Ch. 511, Secs. 5 (part), 10(b) (part).)

[Sections 1115.161-1115.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1115.201. GENERAL OBLIGATION BONDS. The board may issue and sell general obligation bonds in the name and on the faith and credit of the district for any purpose relating to:

(1) the purchase, construction, acquisition, repair, or renovation of buildings and improvements; and

(2) equipping buildings and improvements for hospital purposes. (Acts 65th Leg., R.S., Ch. 511, Sec. 7(a) (part).)

Sec. 1115.202. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At the time general obligation bonds are issued by the district, the board shall impose an ad valorem tax at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on the bonds as the bonds mature.

(b) The tax required by this section together with any other ad valorem tax the district imposes may not in any year exceed 75 cents on each $100 valuation of all taxable property in the district subject to hospital district taxation. (Acts 65th Leg., R.S., Ch. 511, Sec. 7(a) (part).)

Sec. 1115.203. GENERAL OBLIGATION BOND ELECTION. (a) The

district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters.

(b) The order calling the bond election must provide for clerks as in county elections and must specify:

(1) the date of the election;

(2) the location of the polling places;

(3) the presiding and alternate election judges for each polling place;

(4) the amount of the bonds to be authorized; and

(5) the maximum maturity of the bonds.

(c) Notice of a bond election shall be given as provided by Section 1251.003, Government Code. (Acts 65th Leg., R.S., Ch. 511, Sec. 7(a) (part).)

Sec. 1115.204. MATURITY OF GENERAL OBLIGATION BONDS. District general obligation bonds must mature not later than 40 years after their date of issuance. (Acts 65th Leg., R.S., Ch. 511, Sec. 7(c) (part).)

Sec. 1115.205. EXECUTION OF GENERAL OBLIGATION BONDS. The board president shall execute the general obligation bonds in the district's name and the board secretary shall countersign the bonds in the manner provided by Chapter 618, Government Code. (Acts 65th Leg., R.S., Ch. 511, Sec. 7(c) (part).)

Sec. 1115.206. REVENUE BONDS. (a) The board may issue revenue bonds to:

(1) purchase, construct, acquire, repair, renovate, or equip buildings and improvements for hospital purposes; or

(2) acquire sites to be used for hospital purposes.

(b) The bonds must be payable from and secured by a pledge of all or part of district revenue derived from the operation of the district's hospitals.

(c) The bonds may be additionally secured by a mortgage or deed of trust lien on all or part of district property.

(d) The bonds must be issued in the manner and in accordance with the procedures and requirements prescribed by Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health and Safety Code, for issuance of revenue bonds by a county hospital authority. (Acts 65th Leg., R.S., Ch. 511, Sec. 9 (part).)

Sec. 1115.207. REFUNDING BONDS. (a) The board may, without an election, issue refunding bonds to refund outstanding indebtedness issued or assumed by the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of the outstanding indebtedness; or

(2) exchanged wholly or partly for not less than a similar principal amount of outstanding indebtedness. (Acts 65th Leg., R.S., Ch. 511, Secs. 7(a) (part), (b) (part), 9 (part).)

Sec. 1115.208. BONDS EXEMPT FROM TAXATION. The following are exempt from taxation by this state or a political subdivision of this state:

(1) any bonds issued by the district;

(2) the transfer and issuance of the bonds; and

(3) any profits made in the sale of the bonds. (Acts 65th Leg., R.S., Ch. 511, Sec. 21 (part).)

[Sections 1115.209-1115.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1115.251. IMPOSITION OF AD VALOREM TAX. (a) The board shall impose a tax on all property in the district subject to district taxation.

(b) The board shall impose the tax to pay:

(1) indebtedness assumed or issued by the district; and

(2) district maintenance and operating expenses.

(c) The board may not impose a tax to pay the principal of or interest on revenue bonds issued under Section 1115.206. (Acts 65th Leg., R.S., Ch. 511, Secs. 12(a) (part), 15(a) (part).)

Sec. 1115.252. TAX RATE. (a) The board may impose the tax at a rate not to exceed 75 cents on each $100 valuation of taxable property in the district subject to district taxation.

(b) In setting the tax rate, the board shall consider the income of the district from sources other than taxation. (Acts 65th Leg., R.S., Ch. 511, Secs. 3(b) (part), 12(a) (part), (b) (part).)

Sec. 1115.253. ASSESSMENT AND COLLECTION BY COUNTY TAX ASSESSOR-COLLECTOR. Unless the board elects to have taxes assessed and collected by its own tax assessor-collector under Section 1115.254, the tax assessor-collector of Wilson County shall assess and collect taxes imposed by and for the district. (Acts 65th Leg., R.S., Ch. 511, Secs. 15(a) (part), (b) (part).)

Sec. 1115.254. ASSESSMENT AND COLLECTION BY DISTRICT TAX ASSESSOR-COLLECTOR. (a) The board by majority vote may elect to have district taxes assessed and collected by a tax assessor-collector appointed by the board. An election under this

subsection must be made before December 1 and governs the manner in which taxes are assessed and collected, until changed by a similar resolution.

(b) The district tax assessor-collector must reside in the district.

(c) The board shall set the term of employment and compensation for the district tax assessor-collector. (Acts 65th Leg., R.S., Ch. 511, Secs. 15(a) (part), (c) (part).)

CHAPTER 1116. WOOD COUNTY CENTRAL HOSPITAL DISTRICT OF WOOD COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1116.001. DEFINITIONS

Sec. 1116.002. AUTHORITY FOR CREATION

Sec. 1116.003. DISTRICT TERRITORY

Sec. 1116.004. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION

Sec. 1116.005. RESTRICTION ON STATE FINANCIAL ASSISTANCE

[Sections 1116.006-1116.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1116.051. BOARD ELECTION; TERM

Sec. 1116.052. QUALIFICATIONS FOR OFFICE

Sec. 1116.053. BOND; RECORD OF BOND AND OATH OF OFFICE

Sec. 1116.054. BOARD VACANCY

Sec. 1116.055. OFFICERS

Sec. 1116.056. COMPENSATION; EXPENSES

Sec. 1116.057. DISTRICT ADMINISTRATOR

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[Sections 1116.060-1116.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1116.101. DISTRICT RESPONSIBILITY

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Sec. 1116.103. MANAGEMENT AND CONTROL OF DISTRICT

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[Sections 1116.111-1116.150 reserved for expansion]

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Sec. 1116.152. PROPOSED BUDGET: NOTICE AND HEARING

Sec. 1116.153. FISCAL YEAR

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Sec. 1116.155. DEPOSITORY

[Sections 1116.156-1116.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1116.201. BONDS

Sec. 1116.202. TAX TO PAY BONDS

Sec. 1116.203. BOND ELECTION

Sec. 1116.204. MATURITY OF BONDS

Sec. 1116.205. EXECUTION OF BONDS

[Sections 1116.206-1116.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1116.251. IMPOSITION OF AD VALOREM TAX

Sec. 1116.252. TAX RATE

Sec. 1116.253. ELECTION TO INCREASE MAXIMUM TAX RATE; ORDER; NOTICE; BALLOT

Sec. 1116.254. TAX ASSESSOR AND COLLECTOR

[Sections 1116.255-1116.300 reserved for expansion]

SUBCHAPTER G. EXPANSION OF DISTRICT TERRITORY TO INCLUDE MINEOLA INDEPENDENT SCHOOL DISTRICT

Sec. 1116.301. PETITION TO EXPAND DISTRICT TERRITORY

Sec. 1116.302. NOTICE OF HEARING

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Sec. 1116.304. RATIFICATION ELECTION

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Sec. 1116.306. BALLOT

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SUBCHAPTER H. EXPANSION OF DISTRICT TERRITORY TO INCLUDE ALBA-GOLDEN, YANTIS, AND HAWKINS INDEPENDENT SCHOOL DISTRICTS

Sec. 1116.351. ELECTION ON EXPANSION OF DISTRICT; ORDER; NOTICE

Sec. 1116.352. BALLOT

Sec. 1116.353. COMPOSITION OF BOARD AFTER ANNEXATION OF ONE SCHOOL DISTRICT; TERMS; VOTING REQUIREMENT

Sec. 1116.354. COMPOSITION OF BOARD AFTER ANNEXATION OF MORE THAN ONE SCHOOL DISTRICT; TERMS; VOTING REQUIREMENT

CHAPTER 1116. WOOD COUNTY CENTRAL HOSPITAL DISTRICT OF WOOD COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1116.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Wood County Central Hospital District of Wood County, Texas. (New.)

Sec. 1116.002. AUTHORITY FOR CREATION. The Wood County Central Hospital District of Wood County, Texas, is created under the authority of Section 9, Article IX, Texas Constitution. (Acts 60th Leg., R.S., Ch. 293, Sec. 1.)

Sec. 1116.003. DISTRICT TERRITORY. Unless the district's boundaries are expanded under Subchapter G or H or other law, the district is composed of the territory in the boundaries of the Quitman Independent School District located in Wood County as those boundaries existed on May 25, 1967. (Acts 60th Leg., R.S., Ch. 293, Sec. 2.)

Sec. 1116.004. DISTRICT SUPPORT AND MAINTENANCE NOT STATE

OBLIGATION. The support and maintenance of the district's hospital system and any indebtedness incurred by the district under this chapter may not become a charge against or obligation of this state. (Acts 60th Leg., R.S., Ch. 293, Sec. 18 (part).)

Sec. 1116.005. RESTRICTION ON STATE FINANCIAL ASSISTANCE. The legislature may not make a direct appropriation for the construction, maintenance, or improvement of a district facility. (Acts 60th Leg., R.S., Ch. 293, Sec. 18 (part).)

[Sections 1116.006-1116.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1116.051. BOARD ELECTION; TERM. (a) The board consists of six directors elected from the district at large unless the boundaries of the district are expanded under Subchapter G or H.

(b) Directors serve staggered two-year terms unless:

(1) the alternate terms provided by Section 1116.307, 1116.353, or 1116.354 apply; or

(2) four-year terms are established under Section 285.081, Health and Safety Code. (Acts 60th Leg., R.S., Ch. 293, Secs. 5(a) (part), (d), (e), (g).)

Sec. 1116.052. QUALIFICATIONS FOR OFFICE. To qualify for election to the board, a person must:

(1) be at least 18 years of age;

(2) have been a resident of the district for at least two years; and

(3) be a qualified voter of the district. (Acts 60th Leg., R.S., Ch. 293, Sec. 5(b).)

Sec. 1116.053. BOND; RECORD OF BOND AND OATH OF OFFICE. (a)

Each director shall qualify for office by executing a good and sufficient commercial bond for $1,000 that is:

(1) payable to the district; and

(2) conditioned on the faithful performance of the director's duties.

(b) The district shall pay for a director's bond.

(c) Each director's bond and constitutional oath of office shall be deposited with the district's depository for safekeeping. (Acts 60th Leg., R.S., Ch. 293, Sec. 6(a) (part).)

Sec. 1116.054. BOARD VACANCY. If a vacancy occurs on the board, the board shall appoint a director for the unexpired term. (Acts 60th Leg., R.S., Ch. 293, Sec. 5(h).)

Sec. 1116.055. OFFICERS. The board shall elect from among its members a president, a secretary, and a treasurer at the first meeting after each directors' election. (Acts 60th Leg., R.S., Ch. 293, Sec. 6(b).)

Sec. 1116.056. COMPENSATION; EXPENSES. A director is not entitled to compensation but is entitled to reimbursement for any necessary expense incurred in the performance of official duties. (Acts 60th Leg., R.S., Ch. 293, Sec. 6(c).)

Sec. 1116.057. DISTRICT ADMINISTRATOR. (a) The board may employ a district administrator to manage the operations of the hospital system.

(b) The district administrator may employ necessary personnel to perform the services provided by the hospital system. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(e) (part).)

Sec. 1116.058. EMPLOYEES. The board may employ an

attorney, a general manager, a bookkeeper, an architect, and other employees necessary for the efficient operation of the district. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(e) (part).)

Sec. 1116.059. MAINTENANCE OF RECORDS; PUBLIC INSPECTION. Except as provided by Section 1116.053, the board shall:

(1) maintain all district records, including books, accounts, notices, minutes, and other matters of the district and the district's operation, at the district office; and

(2) make those records available for public inspection at reasonable times. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(b).)

[Sections 1116.060-1116.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1116.101. DISTRICT RESPONSIBILITY. The district shall provide all necessary medical and hospital care for the district's needy inhabitants. (Acts 60th Leg., R.S., Ch. 293, Sec. 3 (part).)

Sec. 1116.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT. A political subdivision of this state, other than the district, may not impose a tax or issue bonds or other obligations to provide hospital service or medical care in the district. (Acts 60th Leg., R.S., Ch. 293, Sec. 3 (part).)

Sec. 1116.103. MANAGEMENT AND CONTROL OF DISTRICT. The board has full power to manage and control the district. (Acts 60th Leg., R.S., Ch. 293, Secs. 5(a) (part), 11(a) (part).)

Sec. 1116.104. HOSPITAL SYSTEM. The district has the responsibility to establish a hospital or hospital system within its boundaries to provide hospital and medical care to the district's residents. (Acts 60th Leg., R.S., Ch. 293, Sec. 3

(part).)

Sec. 1116.105. RULES. (a) The board shall adopt rules for the efficient operation of the district and district facilities.

(b) The board shall:

(1) publish the rules in book form; and

(2) provide copies to interested persons on request at district expense. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(c).)

Sec. 1116.106. PURCHASING AND ACCOUNTING. The board may prescribe the method of making purchases and expenditures and the manner of accounting and control used by the district. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(e) (part).)

Sec. 1116.107. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in real, personal, or mixed property located in district territory if the interest is necessary or convenient to exercise a power or duty conferred on the district by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except that the district is not required to deposit in the trial court money or a bond as otherwise required by Section 21.021(a), Property Code.

(c) In a condemnation proceeding, the district is not required to:

(1) pay in advance or provide a bond or other security for costs in the trial court; or

(2) provide a bond for costs or a supersedeas bond on an appeal or petition for review. (Acts 60th Leg., R.S., Ch. 293, Sec. 14.)

Sec. 1116.108. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust and administered by the board under the directions, limitations, or other provisions prescribed in writing by the donor that are not inconsistent with the proper management of the district. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(f).)

Sec. 1116.109. CONTRACTS WITH POLITICAL SUBDIVISIONS FOR HOSPITAL CARE. The board may contract with a political subdivision to provide hospital and medical care for needy persons who reside outside the district. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(g).)

Sec. 1116.110. PAYMENT FOR TREATMENT; PROCEDURES. (a) A person who resides in the district is entitled to receive necessary medical and hospital care regardless of whether the person has the ability to pay for the care. The person may apply to receive this care without cost.

(b) The board or the district administrator shall employ a person to investigate the ability of the patient and any relative liable for the patient's support to pay for the medical and hospital care received by the patient.

(c) If the investigator finds that neither the patient nor those relatives can pay all or part of the patient's care, the expense of this care becomes a charge against the district.

(d) If the patient or those relatives can pay for all or part of the costs of the patient's care, the board shall order the patient or relative to pay to the district treasurer each week an amount specified in the order. The amount must be proportionate to the person's ability to pay.

(e) The district may collect the amount from the patient's estate, or from any relative liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(f) If there is a dispute as to the ability to pay, or doubt in the mind of the investigator, the board shall hold a hearing and, after calling witnesses, shall:

(1) determine the question; and

(2) make the proper order based on the board's findings.

(g) A party to the hearing who is not satisfied with the result of the order may appeal to the district court. The appeal is de novo, as that term is used in an appeal from a justice court to a county court. (Acts 60th Leg., R.S., Ch. 293, Sec. 13.)

[Sections 1116.111-1116.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1116.151. BUDGET. The board shall prepare a budget that includes:

(1) proposed expenditures and disbursements;

(2) estimated receipts and collections for the next fiscal year; and

(3) the amount of taxes required to be imposed during the next fiscal year to meet the proposed budget. (Acts 60th Leg., R.S., Ch. 293, Sec. 12(b).)

Sec. 1116.152. PROPOSED BUDGET: NOTICE AND HEARING. (a) The board shall hold a public hearing on the proposed budget.

(b) Notice of the hearing must be published at least once in

a newspaper of general circulation in the district not later than the 10th day before the date of the hearing.

(c) Any qualified property tax paying voter is entitled to:

(1) appear at the hearing; and

(2) be heard regarding any item in the proposed budget. (Acts 60th Leg., R.S., Ch. 293, Secs. 12(c), (d).)

Sec. 1116.153. FISCAL YEAR. The district's fiscal year is from October 1 to September 30. (Acts 60th Leg., R.S., Ch. 293, Sec. 12(a).)

Sec. 1116.154. ANNUAL AUDIT. (a) The board annually shall require an independent audit of the district's books and records.

(b) Not later than December 1 of each year, the board shall file a copy of the audit with:

(1) the comptroller; and

(2) the district. (Acts 60th Leg., R.S., Ch. 293, Sec. 11(d).)

Sec. 1116.155. DEPOSITORY. (a) The board by resolution shall designate a bank in Wood County as the district's depository. A designated bank serves for two years and until a successor is designated.

(b) All district money shall be deposited in the depository and secured in the manner provided for securing county funds. (Acts 60th Leg., R.S., Ch. 293, Sec. 15.)

[Sections 1116.156-1116.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 1116.201. BONDS. (a) The district may issue bonds to:

(1) purchase, construct, acquire, repair, or renovate buildings and improvements; and

(2) equip buildings for hospital purposes.

(b) The total face value of the bonds may not exceed the amount specified in the election order. (Acts 60th Leg., R.S., Ch. 293, Secs. 9(a) (part), 10(a).)

Sec. 1116.202. TAX TO PAY BONDS. The board may issue bonds under Section 1116.201 only if the board imposes an ad valorem tax at a rate sufficient to create an interest and sinking fund to pay the principal of and interest on the bonds as the bonds mature. (Acts 60th Leg., R.S., Ch. 293, Sec. 10(c).)

Sec. 1116.203. BOND ELECTION. (a) The board may issue bonds under Section 1116.201 only if the bonds are authorized by a majority of the district voters voting in an election held for that purpose.

(b) The board may order a bond election at any time.

(c) The order calling an election must include:

(1) the time of the election;

(2) the location of the polling places;

(3) the form of the ballots;

(4) the presiding judge for each polling place;

(5) the purpose of the bond issuance;

(6) the amount of the bonds to be issued;

(7) the maximum interest rate of the bonds; and

(8) the maximum maturity date of the bonds.

(d) A substantial copy of the election order shall be published in a newspaper of general circulation in the district

once a week for two consecutive weeks before the date of the election. The first notice must be published at least 14 days before the date of the election.

(e) A copy of the election results must be filed with the county clerk and become a public record. (Acts 60th Leg., R.S., Ch. 293, Secs. 4(b), (c), (d) (part), 9(a) (part), (b), (d).)

Sec. 1116.204. MATURITY OF BONDS. District bonds must mature not later than 40 years after the date of issuance. (Acts 60th Leg., R.S., Ch. 293, Sec. 9(c) (part).)

Sec. 1116.205. EXECUTION OF BONDS. The board president shall execute the district's bonds in the district's name, and the board secretary shall countersign the bonds. (Acts 60th Leg., R.S., Ch. 293, Sec. 10(b) (part).)

[Sections 1116.206-1116.250 reserved for expansion]

SUBCHAPTER F. TAXES

Sec. 1116.251. IMPOSITION OF AD VALOREM TAX. (a) The board shall impose a tax on all property in the district subject to district taxation.

(b) The tax may be used only to:

(1) pay the interest on and create a sinking fund for bonds issued under this chapter;

(2) provide for the operation and maintenance of the district and the hospital system;

(3) make improvements and additions to the hospital system; and

(4) acquire sites for additions to the hospital system. (Acts 60th Leg., R.S., Ch. 293, Secs. 8(a) (part), (c).)

Sec. 1116.252. TAX RATE. Unless the tax rate is increased as provided by Section 1116.253, the board may impose the tax at a rate not to exceed 35 cents on each $100 valuation of all property in the district subject to taxation. (Acts 60th Leg., R.S., Ch. 293, Sec. 8(a) (part).)

Sec. 1116.253. ELECTION TO INCREASE MAXIMUM TAX RATE; ORDER; NOTICE; BALLOT. (a) The board may order an election to increase the district's maximum tax rate to a rate not to exceed 75 cents on each $100 valuation of all property in the district subject to district taxation.

(b) The maximum tax rate may not be increased unless the increase is approved by a majority of the district voters voting in an election held for that purpose.

(c) The board shall give notice of the election in the manner provided for a bond election under Section 1116.203.

(d) The election order must provide for clerks as in county elections and must state:

(1) the date of the election;

(2) the location of the polling places;

(3) the form of the ballot; and

(4) the presiding judge and alternate judge for each polling place.

(e) The ballot for an election shall be printed to permit voting for or against the proposition: "The imposition of a tax not to exceed 75 cents on the $100 valuation on all property in the district subject to hospital district taxation."

(f) The board shall declare the results of the election.

(g) An election to increase the maximum tax rate may not be held under this section before the first anniversary of the date of any preceding election on the same proposition.

(h) Section 41.001(a), Election Code, does not apply to an election ordered under this section. (Acts 60th Leg., R.S., Ch. 293, Sec. 7A (part).)

Sec. 1116.254. TAX ASSESSOR AND COLLECTOR. The Wood County tax assessor-collector shall collect taxes for the district. (Acts 60th Leg., R.S., Ch. 293, Sec. 8(d) (part).)

[Sections 1116.255-1116.300 reserved for expansion]

SUBCHAPTER G. EXPANSION OF DISTRICT TERRITORY TO INCLUDE MINEOLA INDEPENDENT SCHOOL DISTRICT

Sec. 1116.301. PETITION TO EXPAND DISTRICT TERRITORY. (a) Registered voters of a defined territory composed of all territory within the boundaries of the Mineola Independent School District may file a petition with the board secretary requesting inclusion of the territory in the district.

(b) The petition must be signed by the lesser of 50 registered voters of the territory or a majority of those voters. (Acts 60th Leg., R.S., Ch. 293, Sec. 7C(a).)

Sec. 1116.302. NOTICE OF HEARING. (a) The board shall set a time and place to hold a hearing on the petition.

(b) The hearing shall be held not earlier than the 31st day after the date the board issues the order. (Acts 60th Leg., R.S., Ch. 293, Sec. 7C(b).)

Sec. 1116.303. ORDER OF ANNEXATION. If, after the hearing, the board determines that annexation of the territory into the

district would be feasible and would benefit the district, the board may approve the annexation by a resolution entered in its minutes. (Acts 60th Leg., R.S., Ch. 293, Sec. 7C(c).)

Sec. 1116.304. RATIFICATION ELECTION. (a) Annexation of territory is final when approved by a majority of the voters at:

(1) an election held in the district; and

(2) a separate election held on the same date in the territory to be annexed.

(b) Section 41.001(a), Election Code, does not apply to an election held under this section. (Acts 60th Leg., R.S., Ch. 293, Secs. 7C(d) (part), (f) (part).)

Sec. 1116.305. ASSUMPTION OF DEBT AND TAXES. If the district has outstanding debts or taxes, the voters in the elections to approve annexation must determine whether the annexed territory will assume its portion of the debts or taxes on annexation. (Acts 60th Leg., R.S., Ch. 293, Sec. 7C(d) (part).)

Sec. 1116.306. BALLOT. The ballot for the elections shall be printed to permit voting for or against the following, as applicable:

(1) "Adding the territory within the boundaries of the Mineola Independent School District to the Wood County Central Hospital District of Wood County."

(2) "The territory within the boundaries of the Mineola Independent School District assuming its proportionate share of the outstanding debts and taxes of the Wood County Central Hospital District of Wood County, if it is added to the district." (Acts 60th Leg., R.S., Ch. 293, Sec. 7C(e).)

Sec. 1116.307. COMPOSITION AND ELECTION OF BOARD FOLLOWING ANNEXATION; TERMS. (a) If annexation is approved, the board shall appoint a resident of the Mineola Independent School District to serve as a temporary director until the date of the next regular election of directors.

(b) Notwithstanding any other provision of this chapter, beginning on the date the temporary director is appointed as required by Subsection (a) and ending on the date a majority of the directors elected in the next regular election have qualified for office:

(1) the board is composed of seven directors; and

(2) a concurrence of four directors is sufficient in any matter relating to district business.

(c) Notwithstanding any other provision of this chapter, on the date of the next regular election following the approval of annexation:

(1) five directors shall be elected from the area of the district that is composed of the jurisdiction of the Quitman Independent School District as those boundaries existed on May 25, 1967;

(2) five directors shall be elected from the area of the district that is composed of the jurisdiction of the Mineola Independent School District as those boundaries existed on the date annexation was approved; and

(3) three directors shall be elected from the district at large.

(d) Notwithstanding any other provision of this chapter, on

the date a majority of the directors elected to the board under Subsection (c) have qualified for office:

(1) the term of office of any director elected or appointed to the board before that election expires; and

(2) the directors elected to the board under Subsection (c) shall draw lots to determine:

(A) which director elected from the area of the district that is composed of the jurisdiction of the Quitman Independent School District, as those boundaries existed on May 25, 1967, serves a one-year term, which two directors elected from that area serve two-year terms, and which two directors elected from that area serve three-year terms;

(B) which director elected from the area of the district that is composed of the jurisdiction of the Mineola Independent School District, as those boundaries existed on the date annexation was approved, serves a one-year term, which two directors elected from that area serve two-year terms, and which two directors elected from that area serve three-year terms; and

(C) which director elected from the district at large serves a one-year term, which director elected from the district at large serves a two-year term, and which director elected from the district at large serves a three-year term.

(e) Notwithstanding any other provision of this chapter, beginning on the date a majority of the directors elected under Subsection (c) qualify for office:

(1) the board is composed of 13 directors; and

(2) a concurrence of seven directors is sufficient in

any matter relating to district business.

(f) Successor directors shall be elected as provided by Subsections (c) and (d) so that:

(1) five directors are elected from the area of the district that is composed of the jurisdiction of the Quitman Independent School District as those boundaries existed on May 25, 1967;

(2) five directors are elected from the area of the district that is composed of the jurisdiction of the Mineola Independent School District as those boundaries existed on the date annexation was approved; and

(3) three directors are elected from the district at large.

(g) Following each decennial federal census, the board shall evaluate the electoral areas described by Subsection (f) to ensure that the areas comply with the requirements of federal election laws and shall adjust the jurisdiction of the areas in accordance with federal requirements. (Acts 60th Leg., R.S., Ch. 293, Secs. 7C(g), (h) (part), (i), (j), (k) (part), (l), (m).)

[Sections 1116.308-1116.350 reserved for expansion]

SUBCHAPTER H. EXPANSION OF DISTRICT TERRITORY TO INCLUDE ALBA-GOLDEN, YANTIS, AND HAWKINS INDEPENDENT SCHOOL DISTRICTS

Sec. 1116.351. ELECTION ON EXPANSION OF DISTRICT; ORDER; NOTICE. (a) The board may order one or more elections in the area of one or more of the following independent school districts, as they were constituted on May 15, 1979, on the question of whether that area shall be included in the district:

(1) Alba-Golden;

(2) Yantis; and

(3) Hawkins.

(b) The area of a school district in which an election is held is included in the district if a majority of registered voters in that school district voting at the election approve annexation.

(c) The board shall give notice of the election in the district and in the area of each school district sought to be included in the district in the manner provided for a bond election under Section 1116.203.

(d) The election order must provide for clerks as in county elections and must state:

(1) the date of the election;

(2) the location of the polling places;

(3) the form of the ballot; and

(4) the presiding judge and alternate judge for each polling place.

(e) The board shall declare the results of the election.

(f) An election to expand district territory to include the area of a school district may not be held under this section before the first anniversary of the date of an election on the same proposition.

(g) Section 41.001(a), Election Code, does not apply to an election ordered under this section. (Acts 60th Leg., R.S., Ch. 293, Secs. 7B(a), (b) (part), (c) (part).)

Sec. 1116.352. BALLOT. The ballot for an election shall be printed to permit voting for or against the proposition: "The

inclusion of the area of the (name of district) Independent School District in the Wood County Central Hospital District; providing for the imposition of annual taxes for hospital purposes and to pay that area's share of the hospital district's debt at a rate not to exceed (maximum tax rate in the district) cents on the $100 valuation of all taxable property within the district." (Acts 60th Leg., R.S., Ch. 293, Sec. 7B(b) (part).)

Sec. 1116.353. COMPOSITION OF BOARD AFTER ANNEXATION OF ONE SCHOOL DISTRICT; TERMS; VOTING REQUIREMENT. (a) If a majority of the voters in the area of only one of the school districts approve annexation, the board shall appoint a resident of that area to serve as a director until the next regular election of directors.

(b) Successors to a director appointed under Subsection (a) are elected from the district at large and serve two-year terms.

(c) During any time the board is composed of seven directors, a concurrence of four is sufficient in any matter relating to district business. (Acts 60th Leg., R.S., Ch. 293, Sec. 7B(d) (part).)

Sec. 1116.354. COMPOSITION OF BOARD AFTER ANNEXATION OF MORE THAN ONE SCHOOL DISTRICT; TERMS; VOTING REQUIREMENT. (a) If a majority of the voters in the area of more than one school district approve annexation, the board may appoint two directors who are residents of the annexed area to serve in addition to the six sitting directors, for a total of eight directors.

(b) If the board appoints two directors under Subsection (a), the board shall appoint:

(1) one director to serve until the next regular

election of directors following appointment; and

(2) one director to serve until the election of directors following the next regular election of directors.

(c) During any time the board is composed of eight directors, a concurrence of five is sufficient in any matter relating to district business. (Acts 60th Leg., R.S., Ch. 293, Sec. 7B(e) (part).)

CHAPTER 1117. YOAKUM HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1117.001. DEFINITIONS

Sec. 1117.002. AUTHORITY FOR OPERATION

Sec. 1117.003. ESSENTIAL PUBLIC FUNCTION

Sec. 1117.004. DISTRICT TERRITORY

Sec. 1117.005. CORRECTION OF INVALID PROCEDURES

Sec. 1117.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION

Sec. 1117.007. RESTRICTION ON STATE FINANCIAL ASSISTANCE

[Sections 1117.008-1117.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1117.051. BOARD ELECTION; TERM

Sec. 1117.052. NOTICE OF ELECTION

Sec. 1117.053. QUALIFICATIONS FOR OFFICE

Sec. 1117.054. BOND; RECORD OF BOND AND OATH

Sec. 1117.055. BOARD VACANCY

Sec. 1117.056. OFFICERS

Sec. 1117.057. COMPENSATION; EXPENSES

Sec. 1117.058. VOTING REQUIREMENT

Sec. 1117.059. DISTRICT ADMINISTRATOR

Sec. 1117.060. GENERAL DUTIES OF DISTRICT ADMINISTRATOR

Sec. 1117.061. EMPLOYEES

Sec. 1117.062. MEDICAL DIRECTOR

Sec. 1117.063. RETIREMENT PROGRAM; INSURANCE OR MEDICAL PROTECTION PROGRAM

[Sections 1117.064-1117.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1117.101. DISTRICT RESPONSIBILITY

Sec. 1117.102. RESTRICTION ON COUNTY OR MUNICIPAL TAXATION

Sec. 1117.103. MANAGEMENT AND CONTROL

Sec. 1117.104. HOSPITAL SYSTEM

Sec. 1117.105. RULES

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Sec. 1117.107. EMINENT DOMAIN

Sec. 1117.108. GIFTS AND ENDOWMENTS

Sec. 1117.109. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT

Sec. 1117.110. PAYMENT FOR TREATMENT; PROCEDURES

Sec. 1117.111. AUTHORITY TO SUE AND BE SUED

[Sections 1117.112-1117.150 reserved for expansion]

SUBCHAPTER D. CHANGE IN BOUNDARIES

Sec. 1117.151. ANNEXATION; TERRITORY SUBJECT TO ANNEXATION

Sec. 1117.152. ELECTION

Sec. 1117.153. ELECTION RESULT; EFFECT

[Sections 1117.154-1117.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 1117.201. BUDGET

Sec. 1117.202. NOTICE; HEARING

Sec. 1117.203. FISCAL YEAR

Sec. 1117.204. ANNUAL AUDIT

Sec. 1117.205. FINANCIAL REPORT

Sec. 1117.206. INSPECTION OF DISTRICT RECORDS AND REPORTS

Sec. 1117.207. DEPOSITORY OR TREASURER

[Sections 1117.208-1117.250 reserved for expansion]

SUBCHAPTER F. BONDS

Sec. 1117.251. GENERAL OBLIGATION BONDS

Sec. 1117.252. TAX TO PAY GENERAL OBLIGATION BONDS

Sec. 1117.253. GENERAL OBLIGATION BOND ELECTION

Sec. 1117.254. EXECUTION OF GENERAL OBLIGATION BONDS

Sec. 1117.255. REFUNDING BONDS

Sec. 1117.256. BONDS EXEMPT FROM TAXATION

[Sections 1117.257-1117.300 reserved for expansion]

SUBCHAPTER G. TAXES

Sec. 1117.301. IMPOSITION OF AD VALOREM TAX

Sec. 1117.302. TAX RATE

Sec. 1117.303. TAX ASSESSOR-COLLECTOR

CHAPTER 1117. YOAKUM HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1117.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Yoakum Hospital District. (New.)

Sec. 1117.002. AUTHORITY FOR OPERATION. The Yoakum Hospital District operates in accordance with Section 9, Article IX, Texas Constitution, and has the powers and responsibilities provided by that section and this chapter. (Acts 59th Leg., R.S., Ch. 317, Sec. 1 (part).)

Sec. 1117.003. ESSENTIAL PUBLIC FUNCTION. The district performs an essential public function in carrying out the purposes of this chapter. (Acts 59th Leg., R.S., Ch. 317, Sec. 8 (part).)

Sec. 1117.004. DISTRICT TERRITORY. Unless modified under Subchapter D, the district is composed of the territory described by Section 1, Chapter 317, Acts of the 59th Legislature, Regular Session, 1965. (New.)

Sec. 1117.005. CORRECTION OF INVALID PROCEDURES. If a court holds that any procedure under this chapter violates the constitution of this state or of the United States, the district by resolution may provide an alternative procedure that conforms with the constitution. (Acts 59th Leg., R.S., Ch. 317, Sec. 20 (part).)

Sec. 1117.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION. The support and maintenance of the district may not

become a charge against or obligation of this state. (Acts 59th Leg., R.S., Ch. 317, Sec. 16 (part).)

Sec. 1117.007. RESTRICTION ON STATE FINANCIAL ASSISTANCE. The legislature may not make a direct appropriation for the construction, maintenance, or improvement of a district facility. (Acts 59th Leg., R.S., Ch. 317, Sec. 16 (part).)

[Sections 1117.008-1117.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1117.051. BOARD ELECTION; TERM. (a) The district is governed by a board of seven elected directors.

(b) Directors serve staggered three-year terms, with the terms of two or three directors expiring each year, as appropriate. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

Sec. 1117.052. NOTICE OF ELECTION. (a) At least 10 days before the date of a directors' election, notice of the election must be published one time in a newspaper of general circulation in the district.

(b) The notice and order must specify the last day for filing. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

Sec. 1117.053. QUALIFICATIONS FOR OFFICE. A person may not be elected or appointed as a director unless the person:

(1) is a resident of the district;

(2) owns property in the district subject to taxation; and

(3) is at least 18 years of age at the time of election or appointment. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

Sec. 1117.054. BOND; RECORD OF BOND AND OATH. (a) Each

director shall execute a good and sufficient bond for $1,000 that is:

(1) payable to the district; and

(2) conditioned on the faithful performance of the director's duties.

(b) Each director's bond and constitutional oath of office shall be deposited with the district's depository bank for safekeeping. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

Sec. 1117.055. BOARD VACANCY. If a vacancy occurs in the office of director, the remaining directors shall appoint a director for the unexpired term. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

Sec. 1117.056. OFFICERS. The board shall annually elect from among its members a president, a vice president, and a secretary. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

Sec. 1117.057. COMPENSATION; EXPENSES. A director serves without compensation but may be reimbursed for actual expenses incurred in the performance of official duties on approval of the expenses by the entire board. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.058. VOTING REQUIREMENT. A concurrence of four directors is sufficient in any matter relating to district business. (Acts 59th Leg., R.S., Ch. 317, Sec. 4 (part).)

Sec. 1117.059. DISTRICT ADMINISTRATOR. (a) The board may appoint a qualified person as district administrator.

(b) The district administrator serves at the will of the board and receives the compensation determined by the board.

(c) The tenure of the district administrator's contract may not exceed two years.

(d) On assuming the duties of district administrator, the administrator shall execute a bond payable to the district in an amount set by the board of not less than $10,000 that:

(1) is conditioned on the administrator performing the administrator's duties; and

(2) contains other conditions the board may require. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.060. GENERAL DUTIES OF DISTRICT ADMINISTRATOR. (a) Subject to the direct control and responsibility of the board and any limitations prescribed by the board, the district administrator shall:

(1) supervise the work and activities of the district; and

(2) direct the affairs of the district.

(b) The board must confirm the appointment of a person employed by the district administrator. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.061. EMPLOYEES. (a) The board may employ employees, including doctors, technicians, nurses, bookkeepers, financial advisors, architects, lawyers, and clerks, as considered necessary or convenient for the efficient operation of the district or a district hospital or hospital system, or to discharge the district's duties, obligations, and responsibility in the provision of medical and hospital care.

(b) An employee serves at the will of the board and receives

the compensation determined by the board. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.062. MEDICAL DIRECTOR. (a) The board shall appoint a medical director.

(b) To be qualified for appointment as the medical director, a person must:

(1) be a doctor of medicine; and

(2) actively practice medicine in the district.

(c) The medical director is in charge of all matters of a medical nature in the district, subject to any rules adopted by the board.

(d) The medical director is entitled to:

(1) attend all meetings of the board; and

(2) take part in all board discussions.

(e) The medical director may not vote at a meeting of the board. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.063. RETIREMENT PROGRAM; INSURANCE OR MEDICAL PROTECTION PROGRAM. The board may enter into any contract as required to establish or continue a retirement program or insurance or medical protection program for the benefit of the district's employees. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

[Sections 1117.064-1117.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1117.101. DISTRICT RESPONSIBILITY. The district has full responsibility for:

(1) providing medical and hospital care for the district's needy inhabitants; and

(2) operating all hospital facilities for providing medical and hospital care for needy or indigent persons in the district. (Acts 59th Leg., R.S., Ch. 317, Secs. 2 (part), 15 (part).)

Sec. 1117.102. RESTRICTION ON COUNTY OR MUNICIPAL TAXATION. A county, any part of which is in the district, or a municipality in the district may not issue bonds or other obligations or impose a tax on property in the district for hospital purposes for medical treatment of needy or indigent persons of the district. (Acts 59th Leg., R.S., Ch. 317, Sec. 15 (part).)

Sec. 1117.103. MANAGEMENT AND CONTROL. (a) The management and control of the district is vested in the board.

(b) The district, through the board, has every power, right, and privilege incident to the ownership of land, buildings, and personal property and the complete operation, management, and maintenance of a hospital or hospital system, including the power to:

(1) negotiate and contract with any person to purchase or lease land or a hospital;

(2) construct and equip a hospital or hospital system;

(3) acquire and own land and a hospital and lease the land and hospital, with all hospital equipment and facilities, to any person to conduct the complete operation, management, and maintenance of a hospital or hospital system in consideration of a fair and reasonable annual payment to defray all or part of the district's annual capital outlay or debt service requirements; and

(4) negotiate and contract with other political

subdivisions of this state or private individuals, associations, or corporations for a purpose described by this subsection.

(c) A contract or lease described by Subsection (b) must assure the provision of medical and hospital care for the district's needy inhabitants. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.104. HOSPITAL SYSTEM. The district shall provide for:

(1) the establishment of a hospital system by:

(A) purchasing, constructing, acquiring, repairing, or renovating buildings and equipment; and

(B) equipping the buildings; and

(2) the administration of the hospital system for hospital purposes. (Acts 59th Leg., R.S., Ch. 317, Sec. 2 (part).)

Sec. 1117.105. RULES. The district, through the board, may adopt rules for the operation of the district. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.106. PURCHASING AND ACCOUNTING. The board may prescribe:

(1) the method and manner of making purchases and expenditures by and for the district; and

(2) all accounting and control procedures. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.107. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property located in district territory if the interest is necessary to a power, right, or

privilege conferred by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except that the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

(c) In a condemnation proceeding brought by the district, the district is not required to:

(1) pay in advance or provide a bond or other security for costs in the trial court;

(2) provide a bond for the issuance of a temporary restraining order or a temporary injunction; or

(3) provide a bond for costs or a supersedeas bond on an appeal or petition for review. (Acts 59th Leg., R.S., Ch. 317, Sec. 12.)

Sec. 1117.108. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust and administered by the board for the purposes and under any directions, limitations, or other provisions prescribed in writing by the donor that are not inconsistent with the proper management and objectives of the district. (Acts 59th Leg., R.S., Ch. 317, Sec. 18.)

Sec. 1117.109. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR CARE AND TREATMENT. The board may contract with:

(1) any county or municipality located outside the district for the care and treatment of a sick or injured person of that county or municipality; and

(2) this state or a federal agency for the treatment of

a sick, disabled, or injured person for whom the state or the federal government is responsible. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.110. PAYMENT FOR TREATMENT; PROCEDURES. (a) When a patient who resides in the district has been admitted to a district facility, the board shall have an inquiry made into the circumstances of:

(1) the patient; and

(2) the patient's relatives legally liable for the patient's support.

(b) If an agent designated by the district to handle the inquiry determines that the patient or those relatives cannot pay for all or part of the patient's care and treatment in the hospital, the amount that cannot be paid becomes a charge against the district.

(c) If the board determines that the patient or those relatives are liable to pay for all or part of the patient's care and treatment, the patient or those relatives shall be ordered to pay to the district's treasurer a specified amount each week for the patient's support. The amount ordered must be proportionate to their financial ability and may not exceed the actual per capita cost of maintenance.

(d) The district may collect the amount from the patient's estate, or from those relatives legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e) If there is a dispute as to the ability to pay, or doubt

in the mind of the district's designated agent, the board shall hold a hearing and, after calling witnesses, shall:

(1) resolve the dispute or doubt; and

(2) issue any appropriate order.

(f) Either party to the dispute may appeal the order to the district court. (Acts 59th Leg., R.S., Ch. 317, Sec. 17.)

Sec. 1117.111. AUTHORITY TO SUE AND BE SUED. The district, through the board, may sue and be sued. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

[Sections 1117.112-1117.150 reserved for expansion]

SUBCHAPTER D. CHANGE IN BOUNDARIES

Sec. 1117.151. ANNEXATION; TERRITORY SUBJECT TO ANNEXATION. The board may adopt an order to annex territory that is adjacent to the district if an election is called by the board in accordance with this subchapter. (Acts 59th Leg., R.S., Ch. 317, Sec. 14 (part).)

Sec. 1117.152. ELECTION. An election described by Section 1117.151 must be confined to the territory proposed to be annexed to the district. (Acts 59th Leg., R.S., Ch. 317, Sec. 14 (part).)

Sec. 1117.153. ELECTION RESULT; EFFECT. On approval of the annexation by a majority of the voters in the territory proposed to be annexed, the territory:

(1) becomes a part of the district;

(2) is liable for the territory's pro rata share of the district's indebtedness; and

(3) shall impose taxes on property in the district for the payment of the district's debt and obligations. (Acts 59th

Leg., R.S., Ch. 317, Sec. 14 (part).)

[Sections 1117.154-1117.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 1117.201. BUDGET. The board shall prepare an annual budget, with the assistance of the district administrator, that corresponds to the district's fiscal year. (Acts 59th Leg., R.S., Ch. 317, Secs. 5 (part), 19 (part).)

Sec. 1117.202. NOTICE; HEARING. (a) Before an annual budget described by Section 1117.201 is adopted, the board shall call a public hearing on the budget.

(b) Notice of the hearing must be published in a newspaper of general circulation in the district not later than the 10th day before the date of the hearing.

(c) After the budget is adopted, the following must be published one time in a newspaper of general circulation in the district:

(1) a brief form of the adopted budget by general heading;

(2) the annual budget for the preceding fiscal year in a form similar to the form described by Subdivision (1); and

(3) the actual expenditures for the preceding fiscal year, including fiscal year account balances. (Acts 59th Leg., R.S., Ch. 317, Sec. 19 (part).)

Sec. 1117.203. FISCAL YEAR. The board may establish a fiscal year for the district. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.204. ANNUAL AUDIT. Promptly after the close of

each fiscal year, the board shall have an annual audit made of the district's books and records by an independent public accountant. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.205. FINANCIAL REPORT. After the close of each fiscal year, the district administrator shall prepare for the board:

(1) a complete sworn statement of all district money; and

(2) a complete account of all disbursements of that money. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.206. INSPECTION OF DISTRICT RECORDS AND REPORTS. The district's financial books and records, annual audit reports, district administrator's statement, and annual budget shall be open to reasonable inspection at the district's principal office. (Acts 59th Leg., R.S., Ch. 317, Sec. 5 (part).)

Sec. 1117.207. DEPOSITORY OR TREASURER. (a) The board shall designate one or more banks in the district to serve as depository or treasurer for district money.

(b) District money shall be immediately deposited on receipt with a depository bank, except that sufficient money must be remitted to an appropriate bank to pay the principal of and interest on the district's outstanding bonds on or before the maturity date of the principal and interest.

(c) To the extent that money in a depository bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds.

(d) Membership on the district's board of an officer or director of a bank does not disqualify that bank from being designated as depository. (Acts 59th Leg., R.S., Ch. 317, Sec. 11.)

[Sections 1117.208-1117.250 reserved for expansion]

SUBCHAPTER F. BONDS

Sec. 1117.251. GENERAL OBLIGATION BONDS. (a) The board may issue and sell general obligation bonds in the name and on the faith and credit of the district for any purpose related to the purchase, construction, acquisition, repair, or renovation of buildings and improvements, and equipping buildings and improvements for hospitals and the hospital system, as determined by the board.

(b) The board shall issue the bonds in compliance with the applicable provisions of Subtitles A and C, Title 9, Government Code. (Acts 59th Leg., R.S., Ch. 317, Sec. 7 (part).)

Sec. 1117.252. TAX TO PAY GENERAL OBLIGATION BONDS. (a) At the time general obligation bonds are issued under Section 1117.251, the board shall impose an ad valorem tax at a rate sufficient to create an interest and sinking fund and to pay the principal of and interest on the bonds as the bonds mature.

(b) The tax required by this section together with any other tax imposed for the district may not in any year exceed 75 cents on each $100 valuation of taxable property in the district. (Acts 59th Leg., R.S., Ch. 317, Sec. 7 (part).)

Sec. 1117.253. GENERAL OBLIGATION BOND ELECTION. (a) The district may issue general obligation bonds only if the bonds are authorized by a majority of the district voters voting at an election held for that purpose.

(b) The board shall call the election. The election must be held in accordance with Chapter 1251, Government Code.

(c) The election order must specify:

(1) the date of the election;

(2) the amount of the bonds to be authorized;

(3) the maximum maturity of the bonds;

(4) the maximum interest rate of the bonds;

(5) the location of the polling places; and

(6) the presiding election officers.

(d) Notice of a bond election shall be given by publishing a substantial copy of the election order in a newspaper of general circulation in the district once each week for two consecutive weeks before the date of the election. The first publication must occur at least 20 days before the date of the election. (Acts 59th Leg., R.S., Ch. 317, Sec. 7 (part).)

Sec. 1117.254. EXECUTION OF GENERAL OBLIGATION BONDS. The board president shall execute the general obligation bonds in the district's name, and the board secretary shall attest the bonds as provided by Chapter 618, Government Code. (Acts 59th Leg., R.S., Ch. 317, Sec. 7 (part).)

Sec. 1117.255. REFUNDING BONDS. (a) The district may, without an election, issue refunding bonds to refund any bond or other refundable indebtedness issued or assumed by the district.

(b) A refunding bond may be:

(1) sold, with the proceeds of the refunding bond applied to the payment of the outstanding bonds or other refundable indebtedness; or

(2) exchanged wholly or partly for not less than a similar principal amount of the outstanding bonds or other refundable indebtedness. (Acts 59th Leg., R.S., Ch. 317, Sec. 7 (part).)

Sec. 1117.256. BONDS EXEMPT FROM TAXATION. The following are exempt from taxation by this state or a political subdivision of this state:

(1) bonds issued by the district;

(2) the transfer and issuance of the bonds; and

(3) any profits made in the sale of the bonds. (Acts 59th Leg., R.S., Ch. 317, Sec. 8 (part).)

[Sections 1117.257-1117.300 reserved for expansion]

SUBCHAPTER G. TAXES

Sec. 1117.301. IMPOSITION OF AD VALOREM TAX. (a) The board shall impose a tax on all taxable property in the district subject to district taxation.

(b) The board shall impose the tax to:

(1) pay the interest on and create a sinking fund for bonds issued or assumed by the district for hospital purposes as provided by this chapter;

(2) provide for the operation and maintenance of the district and hospital system; and

(3) make improvements and additions to the hospitals or hospital system and acquire necessary land and sites for the hospitals or hospital system by purchase, lease, or condemnation. (Acts 59th Leg., R.S., Ch. 317, Sec. 10 (part).)

Sec. 1117.302. TAX RATE. The board may impose the tax at a

rate not to exceed 75 cents on each $100 valuation of all taxable property in the district. (Acts 59th Leg., R.S., Ch. 317, Sec. 10 (part).)

Sec. 1117.303. TAX ASSESSOR-COLLECTOR. The tax assessor-collector of:

(1) DeWitt County shall assess and collect taxes imposed by the district on all taxable property in DeWitt County;

(2) Lavaca County shall assess and collect taxes imposed by the district on all taxable property in Lavaca County; and

(3) Gonzales County shall assess and collect taxes imposed by the district on all taxable property in Gonzales County. (Acts 59th Leg., R.S., Ch. 317, Sec. 10 (part).)

SECTION 1.02. Subtitle E, Title 6, Special District Local Laws Code, is amended by adding Chapters 7803 and 7805 to read as follows:

CHAPTER 7803. IRVING FLOOD CONTROL DISTRICT SECTION I

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7803.001. DEFINITIONS

Sec. 7803.002. NATURE OF DISTRICT

Sec. 7803.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 7803.004. DISTRICT TERRITORY

Sec. 7803.005. DISSOLUTION AND ABOLITION OF DISTRICT

[Sections 7803.006-7803.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7803.051. COMPOSITION OF BOARD; TERMS

Sec. 7803.052. ELIGIBILITY FOR OFFICE

Sec. 7803.053. DIRECTOR'S BOND

Sec. 7803.054. BOARD VACANCY

Sec. 7803.055. BOARD PRESIDENT; ABSENCE OF BOARD PRESIDENT

Sec. 7803.056. SECRETARY'S DUTIES

Sec. 7803.057. TREASURER

Sec. 7803.058. COMPENSATION

Sec. 7803.059. DESIGNATION OF DIRECTOR TO ACT ON DISTRICT'S BEHALF

Sec. 7803.060. DISTRICT OFFICE

Sec. 7803.061. RECORDS

[Sections 7803.062-7803.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7803.101. LEVEE IMPROVEMENT DISTRICT POWERS

Sec. 7803.102. ANNEXATION OF LAND

Sec. 7803.103. EMINENT DOMAIN

Sec. 7803.104. COST OF RELOCATING OR ALTERING PROPERTY

Sec. 7803.105. CONTRACTS FOR FACILITIES AND IMPROVEMENTS; ELECTION NOT REQUIRED

Sec. 7803.106. CONTRACTS OVER $25,000

Sec. 7803.107. CONSTRUCTION CONTRACTS: EXECUTION AND AVAILABILITY

Sec. 7803.108. CONSTRUCTION CONTRACTS: PAYMENT

Sec. 7803.109. FLOOD HAZARD AREAS

Sec. 7803.110. SETBACK LINES: RESOLUTION, NOTICE, AND HEARING

Sec. 7803.111. SETBACK LINES: EFFECT ON LANDOWNERS

Sec. 7803.112. LEGISLATIVE INTENT

Sec. 7803.113. NOTICE OF DISTRICT ELECTIONS

[Sections 7803.114-7803.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7803.151. TAX METHOD

Sec. 7803.152. ASSESSMENT AND COLLECTION OF TAXES

Sec. 7803.153. CERTIFICATION OF TAX RATE

Sec. 7803.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED

Sec. 7803.155. DEPOSITORY

[Sections 7803.156-7803.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 7803.201. AUTHORITY TO ISSUE BONDS

Sec. 7803.202. FORM OF BONDS

Sec. 7803.203. MATURITY

Sec. 7803.204. ELECTION REQUIRED

Sec. 7803.205. USE OF BOND PROCEEDS DURING CONSTRUCTION

Sec. 7803.206. TAXES FOR BONDS

Sec. 7803.207. PRELIMINARY BONDS

Sec. 7803.208. EXCHANGING BONDS FOR PROPERTY OR WORK

[Sections 7803.209-7803.250 reserved for expansion]

SUBCHAPTER F. DEFINED AREAS

Sec. 7803.251. AUTHORITY TO ANNEX DEFINED AREA

Sec. 7803.252. NOTICE OF AND HEARING ON PETITION TO ANNEX DEFINED AREA

Sec. 7803.253. ORDER ANNEXING DEFINED AREA

Sec. 7803.254. ELECTION REQUIRED
Sec. 7803.255. NUMBERING OF DEFINED AREAS
Sec. 7803.256. ADMINISTRATION OF DEFINED AREA
Sec. 7803.257. POWERS AND DUTIES OF DEFINED AREA
Sec. 7803.258. TAXATION; GENERAL PROVISIONS
Sec. 7803.259. BONDS; GENERAL PROVISIONS
Sec. 7803.260. PRELIMINARY BONDS

CHAPTER 7803. IRVING FLOOD CONTROL DISTRICT SECTION I

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7803.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Irving Flood Control District Section I. (Acts 62nd Leg., R.S., Ch. 135, Sec. 1 (part); New.)

Sec. 7803.002. NATURE OF DISTRICT. The district is a conservation and reclamation district and a flood control district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 135, Sec. 1 (part).)

Sec. 7803.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the

improvement of their property and industries. The district in carrying out the purposes of this chapter will be performing an essential public function under the Texas Constitution. (Acts 62nd Leg., R.S., Ch. 135, Secs. 4, 24 (part).)

Sec. 7803.004. DISTRICT TERRITORY. (a) The district is composed of all territory in the boundaries described by Section 2, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Section 7803.102 of this chapter or its predecessor statute, former Section 18, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971;

(2) Subchapter F of this chapter or its predecessor statute, former Section 26, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971, as amended by Section 1, Chapter 117, Acts of the 65th Legislature, Regular Session, 1977;

(3) former Section 7, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971;

(4) Subchapter J, Chapter 49, Water Code; or

(5) other law.

(b) The boundaries and field notes of the district contained in Section 2, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971, form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal

of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 135, Secs. 1 (part), 3; New.)

Sec. 7803.005. DISSOLUTION AND ABOLITION OF DISTRICT. The City of Irving may dissolve and abolish the district at the municipality's discretion on written notice of the dissolution and abolition to the board, in the same manner and on the same terms and obligations as prescribed by Sections 43.074, 43.075, and 43.081, Local Government Code. (Acts 62nd Leg., R.S., Ch. 135, Sec. 22.)

[Sections 7803.006-7803.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7803.051. COMPOSITION OF BOARD; TERMS. The board consists of seven elected directors who serve staggered terms. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part); New.)

Sec. 7803.052. ELIGIBILITY FOR OFFICE. A director must own land in the district subject to taxation at the time the director qualifies for office. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

Sec. 7803.053. DIRECTOR'S BOND. (a) Each director shall qualify by giving bond in the amount of $5,000 for the faithful performance of the director's duties.

(b) The bond must be recorded in the official bond records in the office of the county clerk of Dallas County. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

Sec. 7803.054. BOARD VACANCY. (a) Except as provided by

Subsection (b), a vacancy on the board shall be filled by appointment to the unexpired term by the remaining directors.

(b) The City Council of the City of Irving shall appoint directors to fill all vacancies on the board if the number of qualified directors is less than four.

(c) If any director ceases to possess the qualifications prescribed by Section 7803.052, the remaining directors shall declare the person's office vacant and appoint a successor. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

Sec. 7803.055. BOARD PRESIDENT; ABSENCE OF BOARD PRESIDENT. (a) The board may authorize the president to sign all orders or take other action.

(b) Any order adopted or other action taken at a board meeting at which the president is absent may be signed by the vice president, or the board may authorize the president to sign the order or other action. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

Sec. 7803.056. SECRETARY'S DUTIES. The board secretary shall keep accurate minutes and may certify to any action the board takes. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

Sec. 7803.057. TREASURER. (a) The board may appoint a district treasurer.

(b) The district treasurer shall give bond in an amount required by the board, conditioned on the treasurer's faithful accounting of all money that comes into the treasurer's custody as district treasurer. (Acts 62nd Leg., R.S., Ch. 135, Sec. 13 (part).)

Sec. 7803.058. COMPENSATION. Unless the board by resolution increases the fee to an amount authorized by Section 49.060, Water Code, each director shall receive a per diem payment of $25 for each day spent performing district work. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part); New.)

Sec. 7803.059. DESIGNATION OF DIRECTOR TO ACT ON DISTRICT'S BEHALF. The board may designate one or more directors who, on behalf of the district, may execute all contracts, including a construction contract, sign checks, or handle any other matter entered into by the board as shown in the district's official minutes. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

Sec. 7803.060. DISTRICT OFFICE. (a) The board shall designate, establish, and maintain a district office inside the district.

(b) The board may establish a second district office outside the district. If the board establishes a second district office, the board shall give notice of the location of that office by publishing notice of the location of the office in a newspaper of general circulation in Dallas County.

(c) A district office that is a private residence or office is a public place for matters relating to the district's business.

(d) The board shall provide notice of any change in the location of the district office outside the district in the manner required by Subsection (b). (Acts 62nd Leg., R.S., Ch. 135, Sec. 14.)

Sec. 7803.061. RECORDS. The board shall keep and maintain complete and accurate accounts and records, which shall be kept at

the district's principal office and be open to public inspection at reasonable times. (Acts 62nd Leg., R.S., Ch. 135, Sec. 9 (part).)

[Sections 7803.062-7803.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7803.101. LEVEE IMPROVEMENT DISTRICT POWERS. (a) The district has the rights, powers, privileges, and functions applicable to a levee improvement district created under the authority of Section 59, Article XVI, Texas Constitution, including those conferred by Chapters 49 and 57, Water Code.

(b) The district has the power to construct and maintain levees and other improvements on, along, and contiguous to rivers, creeks, streams, and drainage courses for the purposes of:

(1) reclaiming land from overflow from the water;

(2) controlling and distributing the water of rivers and streams by straightening and otherwise improving the rivers and streams;

(3) draining the land properly and otherwise improving the land; and

(4) preventing the pollution of the water.

(c) In the accomplishment of the district's purposes, the district may issue bonds, enter into contracts, or incur debt in the manner prescribed by this chapter. (Acts 62nd Leg., R.S., Ch. 135, Sec. 5 (part); New.)

Sec. 7803.102. ANNEXATION OF LAND. (a) The district may annex land in the manner provided by Subchapter J, Chapter 49, or Subchapter O, Chapter 51, Water Code, to the extent applicable.

(b) If land is annexed by the district under Section 49.301

or 51.714, Water Code, the board may require the petitioners to:

(1) allow the land to be added to assume its pro rata share of taxes necessary to support the voted but unissued bonds of the district; and

(2) authorize the board to impose a tax on the petitioners' property to pay for the bonds after the bonds have been issued.

(c) If land is annexed by the district under Section 49.302, Water Code, the board may submit to the voters of the area to be annexed a proposition on the question of the assumption by the area to be annexed of its pro rata share of the voted but not yet issued or sold bonds of the district and the imposition of an ad valorem tax on taxable property in the area to be annexed along with a tax in the rest of the district for the payment of the bonds.

(d) If the petitioners consent or if the election results favorably, the district may issue its voted but unissued bonds regardless of changes to district boundaries since the original voting or authorization of the bonds. (Acts 62nd Leg., R.S., Ch. 135, Sec. 18.)

Sec. 7803.103. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain in Dallas County to acquire the fee simple title to or an easement or right-of-way to, over, or through any private or public land, water, or land under water that is in the district, borders the district, is adjacent or opposite to the district, or is outside of the district if the property has a direct effect on the accomplishment of the purposes for which the district is created and is necessary for making, constructing, and

maintaining all levees and other improvements for the improvement of rivers, creeks, streams, or drainage courses in the district or bordering the district to prevent the overflow of water.

(b) The district may not exercise the power of eminent domain under Subsection (a) to acquire land or other property that is used for cemetery purposes.

(c) The district shall pay adequate compensation to the owner of property that is taken, damaged, or destroyed for the purposes described by Subsection (a).

(d) A condemnation proceeding must be brought in the name of the district. (Acts 62nd Leg., R.S., Ch. 135, Sec. 6 (part).)

Sec. 7803.104. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of:

(1) relocating, raising, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b); and

(2) providing comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value of the old facility.

(b) If the district's exercise of its power of eminent domain, power of relocation, or any other power makes necessary the relocation, raising, rerouting, changing the grade, or alteration of the construction of a highway, a railroad, an electric transmission line, a telephone or telegraph property or facility, or a pipeline, the necessary action shall be accomplished at the sole expense of the district unless the owner of the relocated or altered facility has a legal obligation to pay those expenses, in

which event the necessary action shall be accomplished at the expense of the owner. (Acts 62nd Leg., R.S., Ch. 135, Sec. 6 (part).)

Sec. 7803.105. CONTRACTS FOR FACILITIES AND IMPROVEMENTS; ELECTION NOT REQUIRED. (a) The district may enter into a contract with the United States, the City of Irving, another public body, or an individual, corporation, or other entity for the maintenance or construction of any facility or improvement authorized by this chapter.

(b) The district may enter into a contract under Subsection (a) without:

(1) voting for the issuance of bonds; or

(2) holding an election to approve the contract. (Acts 62nd Leg., R.S., Ch. 135, Sec. 12.)

Sec. 7803.106. CONTRACTS OVER $25,000. (a) A contract involving an expenditure of more than $25,000 for the construction of a district facility or improvement or for the purchase of machinery, materials, or supplies for the district must be entered into by the board in accordance with this section.

(b) Not later than the 14th day before the date sealed bids are opened, the letting of a contract described by Subsection (a) must be advertised by publishing notice one time in one or more newspapers having general circulation in this state. The notice must include the general conditions of the contract and the date, time, and place of the opening of the sealed bids.

(c) A person who desires to bid on the construction of any works advertised in the notice under Subsection (b) and submits a

written application to the board or the district's engineer shall be provided with a copy of the plans and specifications showing the work to be done. A fee may be charged to cover the cost of making the copy.

(d) A bid must be in writing, sealed, and delivered to the board and be accompanied by a certified or cashier's check or bidder's bond for at least five percent of the total amount of the bid.

(e) A successful bidder who fails or refuses to enter into a proper contract or to furnish proper performance and payment bonds for the contract forfeits to the district the amount of the check delivered under Subsection (d).

(f) All bids must be opened at the same time.

(g) The board may reject any or all bids. (Acts 62nd Leg., R.S., Ch. 135, Sec. 15 (part).)

Sec. 7803.107. CONSTRUCTION CONTRACTS: EXECUTION AND AVAILABILITY. (a) A construction contract must be in writing and signed by the contractor and:

(1) the president and secretary of the board; or

(2) a majority of the directors.

(b) A copy of each construction contract shall be kept in the district's records and be subject to public inspection.

(c) A construction contract must contain or have attached to it the specifications for all work included in the contract. (Acts 62nd Leg., R.S., Ch. 135, Sec. 15 (part).)

Sec. 7803.108. CONSTRUCTION CONTRACTS: PAYMENT. (a) A construction contract may be paid for in partial payments as the

work progresses, based on estimates approved by the district's engineer.

(b) The payments may not exceed 90 percent of the amount due at the time of the payments as shown by the approved estimates, except that the final approved estimate, including all prior retainage, must be paid in full. (Acts 62nd Leg., R.S., Ch. 135, Sec. 15 (part).)

Sec. 7803.109. FLOOD HAZARD AREAS. (a) The board by resolution shall designate flood hazard areas in the district if the board finds that the public health, safety, and general welfare, and the purposes of Section 59, Article XVI, Texas Constitution, will be promoted by the designation.

(b) The resolution must contain field notes, a map, or both field notes and a map that describe the area to be included in a flood hazard area.

(c) Before passing a resolution designating a flood hazard area, the board shall hold at least one public hearing related to the designation. The board must publish notice of the time and place of the hearing in English in a newspaper having general circulation in Dallas County at least 15 days before the date of the hearing. A hearing may be continued from time to time until the board determines that all interested persons have had an opportunity to be heard.

(d) The board by resolution may, following notice and a hearing as required by Subsection (c), amend the designated flood hazard areas as the board determines necessary. (Acts 62nd Leg., R.S., Ch. 135, Secs. 20, 21.)

Sec. 7803.110. SETBACK LINES: RESOLUTION, NOTICE, AND HEARING. (a) The board may establish and maintain building setback lines along any waterway in the district for the purpose of promoting the public health, safety, and general welfare and accomplishing the purposes of Section 59, Article XVI, Texas Constitution.

(b) Building setback lines may be established only after notice and hearing. The notice must be published in a newspaper of general circulation in Dallas County not earlier than the 60th day or later than the 15th day before the date of the hearing. Each affected landowner must be given actual notice by certified mail of the hearing.

(c) The board by resolution shall adopt building setback lines if, after the hearing is completed, the board finds that the establishment of building setback lines is for the public health, safety, and general welfare of the people in the district and for the accomplishment of the purposes of Section 59, Article XVI, Texas Constitution. The resolution must contain a description of the area included in the building setback lines by field notes, a map or plat, or both. A certified copy of the resolution shall be filed for record immediately with the county clerk of Dallas County. On the filing of the resolution, all persons are charged with notice of the requirements of the resolution.

(d) The board may, on public hearing after notice as provided by Subsection (b), amend, supplement, or grant an exception to building setback lines as determined necessary. (Acts 62nd Leg., R.S., Ch. 135, Sec. 19 (part).)

Sec. 7803.111. SETBACK LINES: EFFECT ON LANDOWNERS. (a) Except as otherwise provided by this section, after the establishment of building setback lines under Section 7803.110, a structure may not be erected within the setback lines.

(b) A person intending to erect a structure within building setback lines must give written notice of the intention by certified mail not later than the 90th day before the date the person begins erecting the structure.

(c) Provided that the landowner was given actual notice by certified mail of the hearing to establish the setback lines, a person's failure to give notice under Subsection (b) constitutes a prima facie showing in any subsequent eminent domain proceeding instituted by the district to acquire the area within the setback lines that the person erecting the structure did so at the person's own risk with knowledge of:

(1) the fact that erecting the structure interfered with the district's setback provisions; and

(2) the district's right to remove the structure erected after the establishment of the setback lines without recovery of the value of the structure.

(d) If the district does not institute an eminent domain proceeding to acquire an area within building setback lines within 90 days after the date notice is mailed under Subsection (b), the setback lines may not affect damages in the eminent domain proceeding and the damages must be determined and paid as if the setback lines had not been established.

(e) An owner who believes that a structure the owner is

about to erect may be within the required setback area by certified letter may petition the district to survey and mark the building setback lines on the ground. If the district fails within 90 days to make the requested survey and mark the location of the setback lines on the ground or to show the location of the setback lines in another reasonable manner, the owner may erect the structure in the same manner and with the same results as if setback lines had not been established. (Acts 62nd Leg., R.S., Ch. 135, Sec. 19 (part).)

Sec. 7803.112. LEGISLATIVE INTENT. Sections 7803.110 and 7803.111 are intended to give the board the right to protect from encroachment those areas that need to be protected from encroachment for such immediate and future drainage and flood control right-of-way requirements in the district as it may be necessary, or in the public interest to protect or promote the public health, safety, and general welfare. (Acts 62nd Leg., R.S., Ch. 135, Sec. 19 (part).)

Sec. 7803.113. NOTICE OF DISTRICT ELECTIONS. Notice of a district election must be published once in a newspaper with general circulation in Dallas County and in the district at least 20 days before the date of the election. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

[Sections 7803.114-7803.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7803.151. TAX METHOD. (a) The district shall use the ad valorem plan of taxation, including for any separately defined area annexed under Subchapter F.

(b) The board is not required to call or hold a hearing on

the adoption of a plan of taxation. (Acts 62nd Leg., R.S., Ch. 135, Secs. 8, 26(e) (part).)

Sec. 7803.152. ASSESSMENT AND COLLECTION OF TAXES. (a) The tax assessor and collector for the City of Irving shall assess and collect taxes for the district.

(b) The tax assessor and collector shall make the records maintained by the tax assessor and collector available to the district on request by the secretary of the district. (Acts 62nd Leg., R.S., Ch. 135, Sec. 16 (part).)

Sec. 7803.153. CERTIFICATION OF TAX RATE. Each year, the board shall certify to the tax assessor and collector for the City of Irving the rate or rates of tax that the board has imposed for bond and maintenance purposes. (Acts 62nd Leg., R.S., Ch. 135, Sec. 16 (part).)

Sec. 7803.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED. The district is not required to pay a tax or assessment on:

(1) district property; or

(2) a purchase made by the district. (Acts 62nd Leg., R.S., Ch. 135, Sec. 24 (part).)

Sec. 7803.155. DEPOSITORY. (a) The board shall designate one or more banks inside or outside the district to serve as the depository for the district's money.

(b) All district money shall be deposited in the depository bank or banks, except that sufficient money must be remitted to and received by the bank or banks of payment to pay the principal of and interest on any outstanding district bonds on or before the maturity date of the principal and interest.

(c) To the extent that money in a depository bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds. (Acts 62nd Leg., R.S., Ch. 135, Sec. 13 (part).)

[Sections 7803.156-7803.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 7803.201. AUTHORITY TO ISSUE BONDS. The board may issue district tax bonds to acquire money to carry out any district power or accomplish any district purpose under this chapter. The bonds may be authorized by a board order. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

Sec. 7803.202. FORM OF BONDS. District bonds and their related interest coupons shall be signed and executed as provided by the board in the order authorizing the issuance of the bonds. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

Sec. 7803.203. MATURITY. District bonds must mature not later than 40 years after their date of issuance. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

Sec. 7803.204. ELECTION REQUIRED. (a) The district may not issue bonds, other than refunding bonds, unless the bonds are authorized by a majority vote of the district voters voting in an election held to determine whether the bonds should be issued and whether a tax should be imposed to pay the principal of and interest on the bonds.

(b) The board may order and provide notice of an election under this section.

(c) In addition to the requirements of the Election Code,

the ballots shall have printed on them "For the issuance of bonds and the levy of taxes in payment thereof" and the contrary of that proposition. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

Sec. 7803.205. USE OF BOND PROCEEDS DURING CONSTRUCTION. (a) The board may set aside part of the bond proceeds to:

(1) pay interest on the bonds during the period of construction of improvements or facilities; and

(2) create reserves for the payment of the principal of and interest on the bonds.

(b) For purposes of Subsection (a), the period of construction may not exceed two years. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

Sec. 7803.206. TAXES FOR BONDS. The board may impose continuing direct annual ad valorem taxes on all taxable property in the district sufficient to:

(1) provide for the payment of interest on bonds issued under this subchapter as the interest accrues; and

(2) create and provide a sinking fund for the payment of principal of the bonds as the principal matures. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

Sec. 7803.207. PRELIMINARY BONDS. (a) The district may issue preliminary bonds, which need not be designated as such, to provide a fund to pay:

(1) the cost of making surveys and investigations, attorneys' fees, and engineers' work;

(2) the cost of issuing bonds; and

(3) all other costs and expenses incident to the

district's operation in investigating and determining plans for the district's plant and improvements.

(b) Preliminary bonds shall be voted and authorized in the manner and under the same provisions applicable to the district's construction bonds and shall be of equal dignity with those construction bonds. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

Sec. 7803.208. EXCHANGING BONDS FOR PROPERTY OR WORK. The district may exchange bonds:

(1) for property acquired by purchase; or

(2) in payment of the contract price of work performed for the use and benefit of the district. (Acts 62nd Leg., R.S., Ch. 135, Sec. 10 (part).)

[Sections 7803.209-7803.250 reserved for expansion]

SUBCHAPTER F. DEFINED AREAS

Sec. 7803.251. AUTHORITY TO ANNEX DEFINED AREA. (a) In addition to annexing land under Section 7803.102, the board may annex land to the district as a separately defined area on the petition of the owner or owners of a majority of the land contained in an area defined by metes and bounds outside the district.

(b) The petition must be filed with the board. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(a) (part).)

Sec. 7803.252. NOTICE OF AND HEARING ON PETITION TO ANNEX DEFINED AREA. (a) On receipt of a petition under Section 7803.251, the board by order shall set a time and place for a hearing on the petition to be held not less than 30 days after the date of the order.

(b) Notice of the time and place of the hearing on the petition must be posted in the district and in the separately defined area proposed to be annexed for at least 15 days before the date of the hearing. Notice must also be published one time in a newspaper with general circulation in the county at least 15 days before the date of the hearing.

(c) The notice described by Subsection (b) must contain a description of the separately defined area proposed to be annexed. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(a) (part).)

Sec. 7803.253. ORDER ANNEXING DEFINED AREA. (a) The board by order may designate an area as a separately defined area and annex the area to the district if, on hearing a petition under Section 7803.252, the board finds that:

(1) there is a need for improvements for the conservation and reclamation of the defined area;

(2) the area will benefit from the improvements; and

(3) the improvements will serve a public use and benefit.

(b) The board does not have to include all of the area described in the petition if the board finds that a modification of the area is necessary or desirable.

(c) The order must be entered in the board's minutes and filed for record in the same manner required for other district annexations of land. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(b).)

Sec. 7803.254. ELECTION REQUIRED. (a) Annexation of a separately defined area is not final until ratified by a majority vote of the voters in the defined area voting at an election held in

the area.

(b) Section 7803.113 governs notice of an election under this section.

(c) A separately defined area is a separate election precinct for an election under this section and all other elections for the defined area. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(c).)

Sec. 7803.255. NUMBERING OF DEFINED AREAS. All annexed separately defined areas shall be numbered in consecutive order. The first separately defined area shall be designated as "Irving Flood Control District of Dallas County, Texas - Section II." (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(d).)

Sec. 7803.256. ADMINISTRATION OF DEFINED AREA. (a) The board shall administer all business incident to any separately defined area annexed under this subchapter.

(b) Each annexed separately defined area shall pay its pro rata share of the administrative costs of the district, based on the assessed valuation of the defined area in relation to the assessed valuation of the district and any other defined areas annexed to the district. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(g) (part).)

Sec. 7803.257. POWERS AND DUTIES OF DEFINED AREA. Except as otherwise provided by this subchapter, or where in conflict with this subchapter, an annexed separately defined area has the rights, duties, restrictions, and provisions of this chapter. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(g) (part).)

Sec. 7803.258. TAXATION; GENERAL PROVISIONS. (a) An annexed separately defined area is a separate tax area for the payment of all indebtedness incurred for improvements constructed

on authorization of the defined area and for the maintenance of those improvements.

(b) A separately defined area is liable only for indebtedness incurred or taxes imposed for improvements and the maintenance of those improvements authorized by the defined area. No other part of the district, including another separately defined area, is liable for the payment of the indebtedness or taxes described by this subsection.

(c) Taxes in a separately defined area shall be imposed in the manner provided by Sections 7803.152 and 7803.153.

(d) The provisions authorizing a maintenance tax contained in Section 49.107, Water Code, apply to a separately defined area. (Acts 62nd Leg., R.S., Ch. 135, Secs. 26(e) (part), (f) (part).)

Sec. 7803.259. BONDS; GENERAL PROVISIONS. (a) After a separately defined area is annexed, the board may issue tax bonds clearly entitled by the designation of the defined area to acquire money to carry out any district power or accomplish any district purpose under this chapter for improvements to or for the defined area.

(b) The board may impose continuing direct annual ad valorem taxes on all taxable property located solely in the separately defined area sufficient to:

(1) provide for the payment of interest on bonds issued under this section as the interest accrues; and

(2) create and provide a sinking fund for the payment of principal of the bonds as the bonds mature.

(c) The issuance of bonds under this section may be

authorized by a board order.

(d) The district may not issue bonds, other than refunding bonds, unless the bonds are authorized by a majority vote of the voters residing in the separately defined area voting in an election held to determine whether the bonds should be issued and whether a tax should be imposed on property in the defined area to pay the principal of and interest on the bonds. The election must be held in the manner provided by Sections 7803.113 and 7803.204.

(e) The initial bond election for a separately defined area may be held on the same day as the election to ratify annexation of the defined area and as part of the order calling the ratification election.

(f) Subchapter E applies to any bonds issued to provide improvements to or for any separately defined area in a manner consistent with this section. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(f) (part).)

Sec. 7803.260. PRELIMINARY BONDS. Preliminary bonds for a separately defined area may be issued for the same purposes, under the same requirements, and of like effect as under Subchapter E. (Acts 62nd Leg., R.S., Ch. 135, Sec. 26(f) (part).)

CHAPTER 7805. IRVING FLOOD CONTROL DISTRICT SECTION III

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7805.001. DEFINITIONS

Sec. 7805.002. NATURE OF DISTRICT

Sec. 7805.003. DISTRICT TERRITORY

[Sections 7805.004-7805.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7805.051. COMPOSITION OF BOARD; TERM

Sec. 7805.052. QUALIFICATIONS FOR OFFICE

Sec. 7805.053. DIRECTOR'S BOND

[Sections 7805.054-7805.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7805.101. GENERAL DISTRICT POWERS

Sec. 7805.102. CONFLICTS OF LAW

Sec. 7805.103. PROHIBITION OF POLICE AND FIREFIGHTING FUNCTIONS

[Sections 7805.104-7805.150 reserved for expansion]

SUBCHAPTER D. BONDS AND TAXES

Sec. 7805.151. AUTHORITY TO ISSUE BONDS; TAXES FOR BONDS

Sec. 7805.152. ASSUMPTION OF INDEBTEDNESS, CONTRACTS

Sec. 7805.153. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES

Sec. 7805.154. REFUNDING BOND ELECTION

Sec. 7805.155. BOND ANTICIPATION NOTES

CHAPTER 7805. IRVING FLOOD CONTROL DISTRICT SECTION III

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7805.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Irving Flood Control District Section III of Dallas County. (Acts 68th Leg., R.S., Ch. 1073, Sec. 2 (part); New.)

Sec. 7805.002. NATURE OF DISTRICT. (a) The district is

established under Section 59, Article XVI, Texas Constitution, and Chapter 7803.

(b) The district is a separate and independent conservation and reclamation district and a political subdivision of this state.

(c) The district is a separately defined area of Irving Flood Control District Section I. (Acts 68th Leg., R.S., Ch. 1073, Sec. 1(a).)

Sec. 7805.003. DISTRICT TERRITORY. The district is composed of the territory located within the redefined boundaries of the district filed in the deed records of Dallas County, Texas, on October 1, 1983, as that territory may have been modified under:

(1) Subchapter J, Chapter 49, Water Code; or

(2) other law. (Acts 68th Leg., R.S., Ch. 1073, Sec. 2 (part); New.)

[Sections 7805.004-7805.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7805.051. COMPOSITION OF BOARD; TERM. (a) The board is composed of five directors appointed by the city council of the City of Irving, Texas.

(b) Directors serve staggered two-year terms, with the terms of two directors expiring on the second Tuesday in January of each even-numbered year and the terms of three directors expiring on the second Tuesday in January of each odd-numbered year. (Acts 68th Leg., R.S., Ch. 1073, Secs. 3(a), (b) (part), (c).)

Sec. 7805.052. QUALIFICATIONS FOR OFFICE. A director must own land in the district or be a resident of the district. (Acts 68th Leg., R.S., Ch. 1073, Sec. 3(b) (part).)

Sec. 7805.053. DIRECTOR'S BOND. As soon as possible after appointment, each director shall qualify for office and execute a sufficient bond in the amount of $5,000 that is:

(1) payable to the district; and

(2) conditioned on the faithful performance of the director's duties. (Acts 68th Leg., R.S., Ch. 1073, Sec. 3(d).)

[Sections 7805.054-7805.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7805.101. GENERAL DISTRICT POWERS. The district has the rights, powers, purposes, and functions provided by Chapter 7803 of this code and Chapter 49, Water Code. (Acts 68th Leg., R.S., Ch. 1073, Sec. 1(b) (part); New.)

Sec. 7805.102. CONFLICTS OF LAW. (a) If a provision of Chapter 7803 is in conflict or inconsistent with this chapter, this chapter controls.

(b) The provisions of Chapter 7803 not in conflict or inconsistent with this chapter continue in effect. (Acts 68th Leg., R.S., Ch. 1073, Secs. 1(b) (part), (c).)

Sec. 7805.103. PROHIBITION OF POLICE AND FIREFIGHTING FUNCTIONS. The district may not:

(1) engage in any police or firefighting functions; or

(2) spend any district money or issue bonds for any police or firefighting function. (Acts 68th Leg., R.S., Ch. 1073, Sec. 8.)

[Sections 7805.104-7805.150 reserved for expansion]

SUBCHAPTER D. BONDS AND TAXES

Sec. 7805.151. AUTHORITY TO ISSUE BONDS; TAXES FOR BONDS.

(a) The district may issue and sell all unissued bonds that have been authorized at an election held in the district.

(b) The district may impose an ad valorem tax on all taxable property in the district to pay the principal of and interest on the bonds. (Acts 68th Leg., R.S., Ch. 1073, Sec. 4(a).)

Sec. 7805.152. ASSUMPTION OF INDEBTEDNESS, CONTRACTS. The district shall assume and be responsible for all outstanding indebtedness and existing contracts. (Acts 68th Leg., R.S., Ch. 1073, Sec. 4(b) (part).)

Sec. 7805.153. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES. The district may impose a maintenance tax that has been previously authorized at an election held in the district. (Acts 68th Leg., R.S., Ch. 1073, Sec. 4(b) (part).)

Sec. 7805.154. REFUNDING BOND ELECTION. (a) The district may refund any outstanding bonds with the approval of district voters voting at an election held by the district.

(b) The election shall be held as provided by Chapter 7803. The ballot shall:

(1) be printed to provide for voting for or against the proposition: "For the issuance of refunding bonds and the levy of taxes in payment of those bonds."; and

(2) state the maximum interest rate and maturity applicable to the refunding bonds.

(c) The rate and maturity may exceed the maximum rate and maturity applicable to any outstanding bonds being refunded. (Acts 68th Leg., R.S., Ch. 1073, Sec. 6.)

Sec. 7805.155. BOND ANTICIPATION NOTES. (a) In addition to

all other methods of acquiring funds for district purposes, the district may issue bond anticipation notes for any purpose for which district bonds have been voted or may be issued to refund outstanding bond anticipation notes and the interest on the notes being refunded.

(b) The notes may bear interest at any rate not to exceed the maximum interest rate applicable to the district's authorized bonds.

(c) The notes shall mature within one year of the date on which they are issued.

(d) The maximum amount of the notes outstanding at any one time may not exceed $500,000 without the prior consent of the City of Irving, Texas.

(e) The district shall pay the notes only from the proceeds of the sale of bonds by the district. (Acts 68th Leg., R.S., Ch. 1073, Sec. 7.)

SECTION 1.03. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapters 8308, 8312, 8381, 8387, 8388, 8389, 8391, 8393, 8394, 8395, 8396, 8397, 8398, 8399, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, and 8410 to read as follows:

CHAPTER 8308. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8308.001. DEFINITIONS

Sec. 8308.002. NATURE OF DISTRICT

Sec. 8308.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8308.004. DISTRICT TERRITORY

[Sections 8308.005-8308.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8308.051. COMPOSITION OF BOARD

[Sections 8308.052-8308.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8308.101. MUNICIPAL UTILITY DISTRICT POWERS

Sec. 8308.102. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS

Sec. 8308.103. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS

CHAPTER 8308. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8308.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "District" means the East Montgomery County Municipal Utility District No. 4. (Acts 78th Leg., R.S., Ch. 882, Sec. 1.)

Sec. 8308.002. NATURE OF DISTRICT. (a) The district is a municipal utility district in Montgomery County created under Section 59, Article XVI, Texas Constitution.

(b) The district is a political subdivision of this state. (Acts 78th Leg., R.S., Ch. 882, Secs. 2(a) (part), (b), 3(b) (part).)

Sec. 8308.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 78th Leg., R.S., Ch. 882, Secs. 3(a), (b) (part), (c).)

Sec. 8308.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 882, Acts of the 78th Legislature, Regular Session, 2003, as that territory may have been modified under:

(1) Subchapter J, Chapter 49, Water Code;

(2) Subchapter H, Chapter 54, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose a tax; or

(3) the legality or operation of the district or the board. (Acts 78th Leg., R.S., Ch. 882, Sec. 5; New.)

[Sections 8308.005-8308.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8308.051. COMPOSITION OF BOARD. The district is governed by a board of five directors. (Acts 78th Leg., R.S., Ch.

882, Sec. 7(a).)

[Sections 8308.052-8308.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8308.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, functions, and duties provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code. (Acts 78th Leg., R.S., Ch. 882, Sec. 11.)

Sec. 8308.102. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section 54.016, Water Code, the district shall comply with all applicable requirements of any ordinance or resolution adopted by a municipality in whose corporate limits or extraterritorial jurisdiction the district is located, including an ordinance or resolution adopted before September 1, 2003, that consents to the creation of the district or to the inclusion of lands in the district. (Acts 78th Leg., R.S., Ch. 882, Sec. 13.)

Sec. 8308.103. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

(1) an electric utility as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code;

(3) a telecommunications provider as defined by

Section 51.002, Utilities Code; or

(4) a cable operator as defined by 47 U.S.C. Section 522, as amended. (Acts 78th Leg., R.S., Ch. 882, Sec. 12.)

CHAPTER 8312. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 387

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8312.001. DEFINITION

Sec. 8312.002. NATURE OF DISTRICT

Sec. 8312.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8312.004. DISTRICT TERRITORY

[Sections 8312.005-8312.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8312.051. COMPOSITION OF BOARD; TERMS

[Sections 8312.052-8312.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8312.101. MUNICIPAL UTILITY DISTRICT POWERS

Sec. 8312.102. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS

Sec. 8312.103. RELOCATING OR ALTERING PROPERTY; COSTS

Sec. 8312.104. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS

CHAPTER 8312. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 387

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8312.001. DEFINITION. In this chapter, "district" means the Harris County Municipal Utility District No. 387. (Acts 77th Leg., R.S., Ch. 1382, Sec. 2.)

Sec. 8312.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County, created

under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1382, Secs. 1(a) (part), (b) (part).)

Sec. 8312.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1382, Secs. 1(b) (part), 5.)

Sec. 8312.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 3, Chapter 1382, Acts of the 77th Legislature, Regular Session, 2001, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the validity of district bonds, notes, or other indebtedness;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its

governing body. (Acts 77th Leg., R.S., Ch. 1382, Sec. 4; New.)

[Sections 8312.005-8312.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8312.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 77th Leg., R.S., Ch. 1382, Secs. 8(a), (d).)

[Sections 8312.052-8312.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8312.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, functions, and duties provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49, 50, and 54, Water Code. (Acts 77th Leg., R.S., Ch. 1382, Sec. 6(a) (part).)

Sec. 8312.102. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section 54.016, Water Code, the district shall comply with all applicable requirements of any ordinance or resolution adopted by the city council of the City of Houston, including an ordinance or resolution adopted before September 1, 2001, that consents to the creation of the district or to the inclusion of lands in the district. (Acts 77th Leg., R.S., Ch. 1382, Sec. 12.)

Sec. 8312.103. RELOCATING OR ALTERING PROPERTY; COSTS. (a) The district may relocate, raise, reroute, change the grade of, or alter the construction of a highway, railroad, electric transmission line, telecommunications or other public utility

facility, pipeline, canal, or drainage ditch if considered necessary by the board of directors.

(b) The district shall pay for any relocation, raising, rerouting, changing, or altering under this section, unless otherwise agreed in writing by the interested parties.

(c) If a facility is replaced, the cost of replacement is limited to an amount equal to the cost of replacing the facility with a comparable facility, less the replaced facility's net salvage value. (Acts 77th Leg., R.S., Ch. 1382, Sec. 7.)

Sec. 8312.104. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

(1) an electric utility or a power generation company as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code; or

(3) a telecommunications provider as defined by Section 51.002, Utilities Code. (Acts 77th Leg., R.S., Ch. 1382, Sec. 6(c).)

CHAPTER 8381. NORTH PARK PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8381.001. DEFINITIONS

Sec. 8381.002. NATURE OF DISTRICT

Sec. 8381.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8381.004. DISTRICT TERRITORY

[Sections 8381.005-8381.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8381.051. COMPOSITION OF BOARD

Sec. 8381.052. BOARD VACANCY

[Sections 8381.053-8381.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8381.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8381. NORTH PARK PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8381.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the North Park Public Utility District. (Acts 62nd Leg., R.S., Ch. 696, Sec. 1 (part); New.)

Sec. 8381.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 696, Sec. 1 (part).)

Sec. 8381.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 696, Secs. 1 (part), 3.)

Sec. 8381.004. DISTRICT TERRITORY. (a) The district is

composed of the territory described by Section 4, Chapter 696, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 696, Sec. 2; New.)

[Sections 8381.005-8381.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8381.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 696, Sec. 6 (part).)

Sec. 8381.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever

the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 696, Sec. 6 (part); New.)

[Sections 8381.053-8381.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8381.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 696, Sec. 5 (part); New.)

CHAPTER 8387. NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8387.001. DEFINITIONS

Sec. 8387.002. NATURE OF DISTRICT

Sec. 8387.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8387.004. DISTRICT TERRITORY

[Sections 8387.005-8387.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8387.051. COMPOSITION OF BOARD

Sec. 8387.052. BOARD VACANCY

[Sections 8387.053-8387.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8387.101. MUNICIPAL UTILITY DISTRICT POWERS

Sec. 8387.102. OPERATION AND MAINTENANCE OF DISTRICT FACILITIES

CHAPTER 8387. NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8387.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Northgate Crossing Municipal Utility District No. 1. (Acts 69th Leg., R.S., Ch. 947, Sec. 2; New.)

Sec. 8387.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 947, Sec. 1 (part).)

Sec. 8387.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district's boundaries will benefit from the works and projects accomplished by the district under the powers authorized by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 947, Secs. 1 (part), 3.)

Sec. 8387.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4(a), Chapter 947, Acts of the 69th Legislature, Regular Session, 1985, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative

process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created;

(3) the payment of the principal of and interest on bonds;

(4) the district's right to impose a tax; or

(5) the legality or operation of the district or its governing body. (Acts 69th Leg., R.S., Ch. 947, Sec. 4(b); New.)

[Sections 8387.005-8387.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8387.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 69th Leg., R.S., Ch. 947, Sec. 7(e) (part).)

Sec. 8387.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 69th Leg., R.S., Ch. 947, Sec. 7(c) (part); New.)

[Sections 8387.053-8387.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8387.101. MUNICIPAL UTILITY DISTRICT POWERS. The district may exercise the rights, powers, privileges, and functions provided by general law applicable to a municipal utility district,

including Chapters 49 and 54, Water Code. (Acts 69th Leg., R.S., Ch. 947, Sec. 5(a); New.)

Sec. 8387.102. OPERATION AND MAINTENANCE OF DISTRICT FACILITIES. (a) The district shall operate and maintain any levee, retainage pond, pump, mitigation channel, or other facility, improvement, or property that serves property in the district unless the Harris County Flood Control District undertakes to operate or maintain the facility, improvement, or property.

(b) If, at the time the district is annexed by a municipality, the annexing municipality determines not to undertake to operate or maintain a levee, retainage pond, pump, mitigation channel, or other facility, improvement, or property that serves property in the district, the municipality may specify in the annexation ordinance that the district shall continue to exist exclusively to:

(1) operate and maintain the levee, retainage pond, pump, mitigation channel, or other facility, improvement, or property; and

(2) impose a maintenance tax in the boundaries of the district, to the extent that a maintenance tax has previously been authorized. (Acts 69th Leg., R.S., Ch. 947, Secs. 8(a), (b).)

CHAPTER 8388. NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8388.001. DEFINITIONS
Sec. 8388.002. NATURE OF DISTRICT
Sec. 8388.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
Sec. 8388.004. DISTRICT TERRITORY

[Sections 8388.005-8388.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8388.051. COMPOSITION OF BOARD

Sec. 8388.052. BOARD VACANCY

[Sections 8388.053-8388.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8388.101. MUNICIPAL UTILITY DISTRICT POWERS

Sec. 8388.102. OPERATION AND MAINTENANCE OF DISTRICT FACILITIES

CHAPTER 8388. NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8388.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Northgate Crossing Municipal Utility District No. 2. (Acts 69th Leg., R.S., Ch. 764, Sec. 2; New.)

Sec. 8388.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 764, Sec. 1 (part).)

Sec. 8388.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district's boundaries will benefit from the works and projects accomplished by the district under the powers authorized by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 764, Secs. 1 (part), 3.)

Sec. 8388.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4(a), Chapter 764, Acts of the 69th Legislature, Regular Session, 1985, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created;

(3) the payment of the principal of and interest on bonds;

(4) the district's right to impose a tax; or

(5) the legality or operation of the district or its governing body. (Acts 69th Leg., R.S., Ch. 764, Sec. 4(b); New.)

[Sections 8388.005-8388.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8388.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 69th Leg., R.S., Ch. 764, Sec. 7(e) (part).)

Sec. 8388.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 69th Leg., R.S., Ch. 764, Sec. 7(c) (part); New.)

[Sections 8388.053-8388.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8388.101. MUNICIPAL UTILITY DISTRICT POWERS. The district may exercise the rights, powers, privileges, and functions provided by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 69th Leg., R.S., Ch. 764, Sec. 5(a); New.)

Sec. 8388.102. OPERATION AND MAINTENANCE OF DISTRICT FACILITIES. (a) The district shall operate and maintain any levee, retainage pond, pump, mitigation channel, or other facility, improvement, or property that serves property in the district unless the Harris County Flood Control District undertakes to operate or maintain the facility, improvement, or property.

(b) If, at the time the district is annexed by a municipality, the annexing municipality determines not to undertake to operate or maintain a levee, retainage pond, pump, mitigation channel, or other facility, improvement, or property that serves property in the district, the municipality may specify in the annexation ordinance that the district shall continue to exist exclusively to:

(1) operate and maintain the levee, retainage pond, pump, mitigation channel, or other facility, improvement, or property; and

(2) impose a maintenance tax in the boundaries of the district, to the extent that a maintenance tax has previously been authorized. (Acts 69th Leg., R.S., Ch. 764, Secs. 8(a), (b).)

CHAPTER 8389. NORTHWEST FOREST MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8389.001. DEFINITIONS

Sec. 8389.002. NATURE OF DISTRICT

Sec. 8389.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8389.004. DISTRICT TERRITORY

[Sections 8389.005-8389.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8389.051. COMPOSITION OF BOARD

Sec. 8389.052. BOARD VACANCY

[Sections 8389.053-8389.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8389.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8389. NORTHWEST FOREST MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8389.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Northwest Forest Municipal Utility District. (Acts 65th Leg., R.S., Ch. 687, Sec. 1 (part); New.)

Sec. 8389.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Jefferson County created under Section 59, Article XVI, Texas Constitution. (Acts 65th Leg., R.S., Ch. 687, Sec. 1 (part).)

Sec. 8389.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 65th Leg., R.S., Ch. 687, Secs. 1 (part), 3.)

Sec. 8389.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 687, Acts of the 65th Legislature, Regular Session, 1977, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal

of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 65th Leg., R.S., Ch. 687, Sec. 2; New.)

[Sections 8389.005-8389.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8389.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 65th Leg., R.S., Ch. 687, Sec. 6(b) (part).)

Sec. 8389.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 65th Leg., R.S., Ch. 687, Sec. 6(b) (part).)

[Sections 8389.053-8389.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8389.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 65th Leg., R.S., Ch. 687, Sec. 5 (part); New.)

CHAPTER 8391. OAKMONT PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8391.001. DEFINITIONS

Sec. 8391.002. NATURE OF DISTRICT

Sec. 8391.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8391.004. DISTRICT TERRITORY

[Sections 8391.005-8391.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8391.051. COMPOSITION OF BOARD

Sec. 8391.052. BOARD VACANCY

[Sections 8391.053-8391.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8391.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8391. OAKMONT PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8391.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Oakmont Public Utility District. (Acts 62nd Leg., R.S., Ch. 625, Sec. 1 (part); New.)

Sec. 8391.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 625, Sec. 1 (part).)

Sec. 8391.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish

the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 625, Secs. 1 (part), 3.)

Sec. 8391.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 625, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 625, Sec. 2; New.)

[Sections 8391.005-8391.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8391.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 625, Sec. 6 (part).)

Sec. 8391.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled

in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 625, Sec. 6 (part); New.)

[Sections 8391.053-8391.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8391.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 625, Sec. 5 (part); New.)

CHAPTER 8393. PINE BOUGH PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8393.001. DEFINITIONS

Sec. 8393.002. NATURE OF DISTRICT

Sec. 8393.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8393.004. DISTRICT TERRITORY

[Sections 8393.005-8393.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8393.051. COMPOSITION OF BOARD

Sec. 8393.052. BOARD VACANCY

[Sections 8393.053-8393.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8393.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8393. PINE BOUGH PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8393.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Pine Bough Public Utility District. (Acts 62nd Leg., R.S., Ch. 247, Sec. 1 (part); New.)

Sec. 8393.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 247, Sec. 1 (part).)

Sec. 8393.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 247, Secs. 1 (part), 3.)

Sec. 8393.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 247, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 247, Sec. 2; New.)

[Sections 8393.005-8393.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8393.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 247, Sec. 6 (part).)

Sec. 8393.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 247, Sec. 6 (part); New.)

[Sections 8393.053-8393.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8393.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions

conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 247, Sec. 5 (part); New.)

CHAPTER 8394. PINE VILLAGE PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8394.001. DEFINITIONS

Sec. 8394.002. NATURE OF DISTRICT

Sec. 8394.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8394.004. DISTRICT TERRITORY

[Sections 8394.005-8394.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8394.051. COMPOSITION OF BOARD

Sec. 8394.052. BOARD VACANCY

[Sections 8394.053-8394.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8394.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8394. PINE VILLAGE PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8394.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Pine Village Public Utility District. (Acts 62nd Leg., R.S., Ch. 650, Sec. 1 (part); New.)

Sec. 8394.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 650, Sec. 1 (part).)

Sec. 8394.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 650, Secs. 1 (part), 3.)

Sec. 8394.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 650, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 650, Sec. 2; New.)

[Sections 8394.005-8394.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8394.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 650, Sec. 6 (part).)

Sec. 8394.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 650, Sec. 6 (part); New.)

[Sections 8394.053-8394.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8394.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 650, Sec. 5 (part); New.)

CHAPTER 8395. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8395.001. DEFINITIONS

Sec. 8395.002. NATURE OF DISTRICT

Sec. 8395.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8395.004. DISTRICT TERRITORY

Sec. 8395.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT

[Sections 8395.006-8395.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8395.051. COMPOSITION OF BOARD; TERMS

[Sections 8395.052-8395.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8395.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES

[Sections 8395.102-8395.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8395.151. ANNEXATION BY MUNICIPALITY

Sec. 8395.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

CHAPTER 8395. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8395.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a member of the board.

(4) "District" means the Travis County Municipal Utility District No. 3. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.02; New.)

Sec. 8395.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Travis County created under Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 1.01(a) (part), (b) (part).)

Sec. 8395.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 1.01(b) (part), 1.05.)

Sec. 8395.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 1.03, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose a tax; or

(3) the legality or operation of the district or its governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.04; New.)

Sec. 8395.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A municipality in whose extraterritorial jurisdiction the district is located may not take any action, including passing an ordinance or resolution, that:

(1) impairs the district's ability to exercise the

district's powers under this chapter; or

(2) limits the district's ability to finance, construct, or operate the district's water, wastewater, or drainage systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.11.)

[Sections 8395.006-8395.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8395.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 74th Leg., R.S., Ch. 791, Secs. 1.07(a), (d).)

[Sections 8395.052-8395.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8395.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49, 50, and 54, Water Code. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.06(a) (part).)

[Sections 8395.102-8395.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8395.151. ANNEXATION BY MUNICIPALITY. A municipality may annex the district on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

(A) provide service to the proposed development within the district;

(B) accomplish the purposes for which the district was created; and

(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.12.)

Sec. 8395.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall:

(1) simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that:

(A) the district has agreed in writing to pay; and

(B) would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements of the commission as those rules and requirements exist on the date of annexation; and

(2) after the annexation, install all necessary water, wastewater, and drainage facilities to serve full buildout of development within the district. (Acts 74th Leg., R.S., Ch. 791, Sec. 1.13.)

CHAPTER 8396. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8396.001. DEFINITIONS

Sec. 8396.002. NATURE OF DISTRICT

Sec. 8396.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8396.004. DISTRICT TERRITORY

Sec. 8396.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT

[Sections 8396.006-8396.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8396.051. COMPOSITION OF BOARD; TERMS

[Sections 8396.052-8396.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8396.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES

[Sections 8396.102-8396.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8396.151. ANNEXATION BY MUNICIPALITY

Sec. 8396.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

CHAPTER 8396. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8396.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a member of the board.

(4) "District" means the Travis County Municipal

Utility District No. 4. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.02; New.)

Sec. 8396.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Travis County created under Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 2.01(a) (part), (b) (part).)

Sec. 8396.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 2.01(b) (part), 2.05.)

Sec. 8396.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2.03, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose a tax; or

(3) the legality or operation of the district or its governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.04; New.)

Sec. 8396.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A municipality in whose extraterritorial jurisdiction the district is located may not take any action, including passing an ordinance or resolution, that:

(1) impairs the district's ability to exercise the district's powers under this chapter; or

(2) limits the district's ability to finance, construct, or operate the district's water, wastewater, or drainage systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.11.)

[Sections 8396.006-8396.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8396.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 74th Leg., R.S., Ch. 791, Secs. 2.07(a), (d).)

[Sections 8396.052-8396.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8396.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49, 50, and 54, Water Code. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.06(a) (part).)

[Sections 8396.102-8396.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8396.151. ANNEXATION BY MUNICIPALITY. A municipality may annex the district on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

(A) provide service to the proposed development within the district;

(B) accomplish the purposes for which the district was created; and

(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.12.)

Sec. 8396.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall:

(1) simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that:

(A) the district has agreed in writing to pay; and

(B) would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements

of the commission as those rules and requirements exist on the date of annexation; and

(2) after the annexation, install all necessary water, wastewater, and drainage facilities to serve full buildout of development within the district. (Acts 74th Leg., R.S., Ch. 791, Sec. 2.13.)

CHAPTER 8397. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8397.001. DEFINITIONS

Sec. 8397.002. NATURE OF DISTRICT

Sec. 8397.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8397.004. DISTRICT TERRITORY

Sec. 8397.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT

[Sections 8397.006-8397.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8397.051. COMPOSITION OF BOARD; TERMS

[Sections 8397.052-8397.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8397.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES

[Sections 8397.102-8397.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8397.151. ANNEXATION BY MUNICIPALITY

Sec. 8397.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

CHAPTER 8397. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8397.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a member of the board.

(4) "District" means the Travis County Municipal Utility District No. 5. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.02; New.)

Sec. 8397.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Travis County created under Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 3.01(a) (part), (b) (part).)

Sec. 8397.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 3.01(b) (part), 3.05.)

Sec. 8397.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 3.03, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose a tax; or

(3) the legality or operation of the district or its governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.04; New.)

Sec. 8397.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A municipality in whose extraterritorial jurisdiction the district is located may not take any action, including passing an ordinance or resolution, that:

(1) impairs the district's ability to exercise the district's powers under this chapter; or

(2) limits the district's ability to finance, construct, or operate the district's water, wastewater, or drainage systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.11.)

[Sections 8397.006-8397.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8397.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 74th Leg., R.S., Ch. 791, Secs. 3.07(a), (d).)

[Sections 8397.052-8397.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8397.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49, 50, and 54, Water Code. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.06(a) (part).)

[Sections 8397.102-8397.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8397.151. ANNEXATION BY MUNICIPALITY. A municipality may annex the district on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

(A) provide service to the proposed development within the district;

(B) accomplish the purposes for which the district was created; and

(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.12.)

Sec. 8397.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall:

(1) simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that:

(A) the district has agreed in writing to pay; and

(B) would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements of the commission as those rules and requirements exist on the date of annexation; and

(2) after the annexation, install all necessary water, wastewater, and drainage facilities to serve full buildout of development within the district. (Acts 74th Leg., R.S., Ch. 791, Sec. 3.13.)

CHAPTER 8398. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8398.001. DEFINITIONS

Sec. 8398.002. NATURE OF DISTRICT

Sec. 8398.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8398.004. DISTRICT TERRITORY

Sec. 8398.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT

[Sections 8398.006-8398.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8398.051. COMPOSITION OF BOARD; TERMS

[Sections 8398.052-8398.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8398.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES

[Sections 8398.102-8398.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8398.151. ANNEXATION BY MUNICIPALITY

Sec. 8398.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

CHAPTER 8398. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8398.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a member of the board.

(4) "District" means the Travis County Municipal Utility District No. 6. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.02; New.)

Sec. 8398.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Travis County created under Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 4.01(a) (part), (b) (part).)

Sec. 8398.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 4.01(b) (part), 4.05.)

Sec. 8398.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4.03, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose a tax; or

(3) the legality or operation of the district or its governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.04; New.)

Sec. 8398.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A municipality in whose extraterritorial jurisdiction the district is located may not take any action, including passing an ordinance or resolution, that:

(1) impairs the district's ability to exercise the district's powers under this chapter; or

(2) limits the district's ability to finance, construct, or operate the district's water, wastewater, or drainage systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.11.)

[Sections 8398.006-8398.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8398.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 74th Leg., R.S., Ch. 791, Secs. 4.07(a), (d).)

[Sections 8398.052-8398.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8398.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49, 50, and 54, Water Code. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.06(a) (part).)

[Sections 8398.102-8398.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8398.151. ANNEXATION BY MUNICIPALITY. A municipality may annex the district on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

(A) provide service to the proposed development within the district;

(B) accomplish the purposes for which the district was created; and

(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.12.)

Sec. 8398.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall:

(1) simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that:

(A) the district has agreed in writing to pay; and

(B) would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements of the commission as those rules and requirements exist on the date of annexation; and

(2) after the annexation, install all necessary water, wastewater, and drainage facilities to serve full buildout of development within the district. (Acts 74th Leg., R.S., Ch. 791, Sec. 4.13.)

CHAPTER 8399. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 7

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8399.001. DEFINITIONS

Sec. 8399.002. NATURE OF DISTRICT

Sec. 8399.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8399.004. DISTRICT TERRITORY

Sec. 8399.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT

[Sections 8399.006-8399.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8399.051. COMPOSITION OF BOARD; TERMS

[Sections 8399.052-8399.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8399.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES

[Sections 8399.102-8399.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8399.151. ANNEXATION BY MUNICIPALITY

Sec. 8399.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

CHAPTER 8399. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 7

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8399.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a member of the board.

(4) "District" means the Travis County Municipal Utility District No. 7. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.02; New.)

Sec. 8399.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Travis County created under Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 5.01(a) (part), (b) (part).)

Sec. 8399.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 5.01(b) (part), 5.05.)

Sec. 8399.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 5.03, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose a tax; or

(3) the legality or operation of the district or its governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.04; New.)

Sec. 8399.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A municipality in whose extraterritorial jurisdiction the district is located may not take any action, including passing an ordinance

or resolution, that:

(1) impairs the district's ability to exercise the district's powers under this chapter; or

(2) limits the district's ability to finance, construct, or operate the district's water, wastewater, or drainage systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.11.)

[Sections 8399.006-8399.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8399.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 74th Leg., R.S., Ch. 791, Secs. 5.07(a), (d).)

[Sections 8399.052-8399.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8399.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49, 50, and 54, Water Code. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.06(a) (part).)

[Sections 8399.102-8399.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8399.151. ANNEXATION BY MUNICIPALITY. A municipality may annex the district on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

(A) provide service to the proposed development within the district;

(B) accomplish the purposes for which the district was created; and

(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.12.)

Sec. 8399.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall:

(1) simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that:

(A) the district has agreed in writing to pay; and

(B) would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements of the commission as those rules and requirements exist on the date of annexation; and

(2) after the annexation, install all necessary water, wastewater, and drainage facilities to serve full buildout of development within the district. (Acts 74th Leg., R.S., Ch. 791, Sec. 5.13.)

CHAPTER 8400. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 8

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8400.001. DEFINITIONS

Sec. 8400.002. NATURE OF DISTRICT

Sec. 8400.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8400.004. DISTRICT TERRITORY

Sec. 8400.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT

[Sections 8400.006-8400.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8400.051. COMPOSITION OF BOARD; TERMS

[Sections 8400.052-8400.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8400.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES

[Sections 8400.102-8400.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8400.151. ANNEXATION BY MUNICIPALITY

Sec. 8400.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

CHAPTER 8400. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 8

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8400.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a member of the board.

(4) "District" means the Travis County Municipal

Utility District No. 8. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.02; New.)

Sec. 8400.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Travis County created under Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 6.01(a) (part), (b) (part).)

Sec. 8400.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 6.01(b) (part), 6.05.)

Sec. 8400.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 6.03, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose a tax; or

(3) the legality or operation of the district or its governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.04; New.)

Sec. 8400.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A municipality in whose extraterritorial jurisdiction the district is located may not take any action, including passing an ordinance or resolution, that:

(1) impairs the district's ability to exercise the district's powers under this chapter; or

(2) limits the district's ability to finance, construct, or operate the district's water, wastewater, or drainage systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.11.)

[Sections 8400.006-8400.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8400.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 74th Leg., R.S., Ch. 791, Secs. 6.07(a), (d).)

[Sections 8400.052-8400.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8400.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49, 50, and 54, Water Code. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.06(a) (part).)

[Sections 8400.102-8400.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8400.151. ANNEXATION BY MUNICIPALITY. A municipality may annex the district on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

(A) provide service to the proposed development within the district;

(B) accomplish the purposes for which the district was created; and

(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.12.)

Sec. 8400.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall:

(1) simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that:

(A) the district has agreed in writing to pay; and

(B) would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements

of the commission as those rules and requirements exist on the date of annexation; and

(2) after the annexation, install all necessary water, wastewater, and drainage facilities to serve full buildout of development within the district. (Acts 74th Leg., R.S., Ch. 791, Sec. 6.13.)

CHAPTER 8401. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8401.001. DEFINITIONS

Sec. 8401.002. NATURE OF DISTRICT

Sec. 8401.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8401.004. DISTRICT TERRITORY

Sec. 8401.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT

[Sections 8401.006-8401.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8401.051. COMPOSITION OF BOARD; TERMS

[Sections 8401.052-8401.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8401.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES

[Sections 8401.102-8401.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8401.151. ANNEXATION BY MUNICIPALITY

Sec. 8401.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION

CHAPTER 8401. TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8401.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a member of the board.

(4) "District" means the Travis County Municipal Utility District No. 9. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.02; New.)

Sec. 8401.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Travis County created under Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 7.01(a) (part), (b) (part).)

Sec. 8401.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 791, Secs. 7.01(b) (part), 7.05.)

Sec. 8401.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 7.03, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose a tax; or

(3) the legality or operation of the district or its governing body. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.04; New.)

Sec. 8401.005. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A municipality in whose extraterritorial jurisdiction the district is located may not take any action, including passing an ordinance or resolution, that:

(1) impairs the district's ability to exercise the district's powers under this chapter; or

(2) limits the district's ability to finance, construct, or operate the district's water, wastewater, or drainage systems. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.11.)

[Sections 8401.006-8401.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8401.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 74th Leg., R.S., Ch. 791, Secs. 7.07(a), (d).)

[Sections 8401.052-8401.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8401.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49, 50, and 54, Water Code. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.06(a) (part).)

[Sections 8401.102-8401.150 reserved for expansion]

SUBCHAPTER D. MUNICIPAL ANNEXATION

Sec. 8401.151. ANNEXATION BY MUNICIPALITY. A municipality may annex the district on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

(A) provide service to the proposed development within the district;

(B) accomplish the purposes for which the district was created; and

(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.12.)

Sec. 8401.152. DUTIES OF MUNICIPALITY AFTER ANNEXATION. If a municipality in whose extraterritorial jurisdiction the district is located annexes the district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall:

(1) simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that:

(A) the district has agreed in writing to pay; and

(B) would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements of the commission as those rules and requirements exist on the date of annexation; and

(2) after the annexation, install all necessary water, wastewater, and drainage facilities to serve full buildout of development within the district. (Acts 74th Leg., R.S., Ch. 791, Sec. 7.13.)

CHAPTER 8402. ROLLING CREEK UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8402.001. DEFINITIONS

Sec. 8402.002. NATURE OF DISTRICT

Sec. 8402.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8402.004. DISTRICT TERRITORY

[Sections 8402.005-8402.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8402.051. COMPOSITION OF BOARD

Sec. 8402.052. BOARD VACANCY

[Sections 8402.053-8402.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8402.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8402. ROLLING CREEK UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8402.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Rolling Creek Utility District. (Acts 62nd Leg., R.S., Ch. 662, Sec. 1 (part); New.)

Sec. 8402.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 662, Sec. 1 (part).)

Sec. 8402.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 662, Secs. 1 (part), 3.)

Sec. 8402.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 662, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 662, Sec. 2; New.)

[Sections 8402.005-8402.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8402.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 662, Sec. 6 (part).)

Sec. 8402.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 662, Sec. 6 (part); New.)

[Sections 8402.053-8402.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8402.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions

conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 662, Sec. 5 (part); New.)

CHAPTER 8403. ROLLING FORK PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8403.001. DEFINITIONS

Sec. 8403.002. NATURE OF DISTRICT

Sec. 8403.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8403.004. DISTRICT TERRITORY

[Sections 8403.005-8403.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8403.051. COMPOSITION OF BOARD

Sec. 8403.052. BOARD VACANCY

[Sections 8403.053-8403.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8403.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8403. ROLLING FORK PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8403.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Rolling Fork Public Utility District. (Acts 62nd Leg., R.S., Ch. 689, Sec. 1 (part); New.)

Sec. 8403.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 689, Sec. 1 (part).)

Sec. 8403.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 689, Secs. 1 (part), 3.)

Sec. 8403.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 689, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 689, Sec. 2; New.)

[Sections 8403.005-8403.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8403.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 689, Sec. 6 (part).)

Sec. 8403.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 689, Sec. 6 (part); New.)

[Sections 8403.053-8403.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8403.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 689, Sec. 5 (part); New.)

CHAPTER 8404. ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8404.001. DEFINITIONS

Sec. 8404.002. NATURE OF DISTRICT

Sec. 8404.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8404.004. DISTRICT TERRITORY

[Sections 8404.005-8404.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8404.051. COMPOSITION OF BOARD

Sec. 8404.052. BOARD VACANCY

[Sections 8404.053-8404.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8404.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8404. ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8404.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Roman Forest Public Utility District No. 3. (Acts 62nd Leg., R.S., Ch. 668, Sec. 1 (part); New.)

Sec. 8404.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Montgomery County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 668, Sec. 1 (part).)

Sec. 8404.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 668, Secs. 1 (part), 3.)

Sec. 8404.004. DISTRICT TERRITORY. (a) The district is

composed of the territory described by Section 4, Chapter 668, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 668, Sec. 2; New.)

[Sections 8404.005-8404.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8404.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 668, Sec. 6 (part).)

Sec. 8404.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever

the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 668, Sec. 6 (part); New.)

[Sections 8404.053-8404.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8404.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 668, Sec. 5 (part); New.)

CHAPTER 8405. ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8405.001. DEFINITIONS

Sec. 8405.002. NATURE OF DISTRICT

Sec. 8405.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8405.004. DISTRICT TERRITORY

[Sections 8405.005-8405.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8405.051. COMPOSITION OF BOARD

Sec. 8405.052. BOARD VACANCY

[Sections 8405.053-8405.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8405.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8405. ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8405.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Roman Forest Public Utility District No. 4. (Acts 62nd Leg., R.S., Ch. 669, Sec. 1 (part); New.)

Sec. 8405.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Montgomery County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 669, Sec. 1 (part).)

Sec. 8405.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 669, Secs. 1 (part), 3.)

Sec. 8405.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 669, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 669, Sec. 2; New.)

[Sections 8405.005-8405.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8405.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 669, Sec. 6 (part).)

Sec. 8405.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 669, Sec. 6 (part); New.)

[Sections 8405.053-8405.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8405.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 669, Sec. 5 (part); New.)

CHAPTER 8406. SPRING CREEK FOREST PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8406.001. DEFINITIONS
Sec. 8406.002. NATURE OF DISTRICT
Sec. 8406.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
Sec. 8406.004. DISTRICT TERRITORY

[Sections 8406.005-8406.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8406.051. COMPOSITION OF BOARD
Sec. 8406.052. BOARD VACANCY

[Sections 8406.053-8406.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8406.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8406. SPRING CREEK FOREST PUBLIC UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8406.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Spring Creek Forest Public Utility District. (Acts 62nd Leg., R.S., Ch. 630, Sec. 1 (part); New.)

Sec. 8406.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 630, Sec. 1 (part).)

Sec. 8406.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 630, Secs. 1 (part), 3.)

Sec. 8406.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 630, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 630, Sec. 2; New.)

[Sections 8406.005-8406.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8406.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 630, Sec. 6 (part).)

Sec. 8406.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 630, Sec. 6 (part); New.)

[Sections 8406.053-8406.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8406.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 630, Sec. 5 (part); New.)

CHAPTER 8407. SPRING CREEK UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8407.001. DEFINITIONS

Sec. 8407.002. NATURE OF DISTRICT

Sec. 8407.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8407.004. DISTRICT TERRITORY

[Sections 8407.005-8407.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8407.051. COMPOSITION OF BOARD

Sec. 8407.052. BOARD VACANCY

[Sections 8407.053-8407.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8407.101. MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8407. SPRING CREEK UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8407.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a member of the board.

(3) "District" means the Spring Creek Utility District. (Acts 62nd Leg., R.S., Ch. 682, Sec. 1 (part); New.)

Sec. 8407.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Montgomery County created under Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 682, Sec. 1 (part).)

Sec. 8407.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 62nd Leg., R.S., Ch. 682, Secs. 1 (part), 3.)

Sec. 8407.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 682, Acts of the 62nd Legislature, Regular Session, 1971, as that territory

may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 62nd Leg., R.S., Ch. 682, Sec. 2; New.)

[Sections 8407.005-8407.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8407.051. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 62nd Leg., R.S., Ch. 682, Sec. 6 (part).)

Sec. 8407.052. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The Texas Commission on Environmental Quality shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 62nd Leg., R.S., Ch. 682, Sec. 6 (part); New.)

[Sections 8407.053-8407.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8407.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred by general law applicable to a municipal utility district, including Chapters 49 and 54, Water Code. (Acts 62nd Leg., R.S., Ch. 682, Sec. 5 (part); New.)

CHAPTER 8410. QUAIL CREEK MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8410.001. DEFINITIONS

Sec. 8410.002. NATURE OF DISTRICT

Sec. 8410.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 8410.004. DISTRICT TERRITORY

[Sections 8410.005-8410.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8410.051. COMPOSITION OF BOARD; TERMS

[Sections 8410.052-8410.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8410.101. MUNICIPAL UTILITY DISTRICT POWERS

Sec. 8410.102. WATER CONSERVATION PROGRAM

CHAPTER 8410. QUAIL CREEK MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8410.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Quail Creek Municipal Utility

District. (New.)

Sec. 8410.002. NATURE OF DISTRICT. The district is a conservation and reclamation district created under Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 865, Sec. 1 (part).)

Sec. 8410.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the authority granted by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 865, Secs. 2, 5.)

Sec. 8410.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 3, Chapter 865, Acts of the 69th Legislature, Regular Session, 1985, as that territory may have been modified under:

(1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue bonds for a purpose

for which the district was created or to pay the principal of and interest on the bonds;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or the board. (Acts 69th Leg., R.S., Ch. 865, Sec. 4; New.)

[Sections 8410.005-8410.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8410.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five elected directors.

(b) Directors serve staggered four-year terms. (Acts 69th Leg., R.S., Ch. 865, Secs. 10(b) (part), (c).)

[Sections 8410.052-8410.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8410.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions provided by general law applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code. (Acts 69th Leg., R.S., Ch. 865, Sec. 6 (part); New.)

Sec. 8410.102. WATER CONSERVATION PROGRAM. (a) In this section, "program of water conservation" means the practices, techniques, and technologies that will reduce water consumption, reduce water loss or waste, improve efficiency in water use, or increase water recycling and reuse so that a water supply is available for future uses.

(b) The district shall adopt and implement a program of water conservation consistent with rules and criteria adopted and

enforceable by the Texas Commission on Environmental Quality for similarly situated districts in the region. (Acts 69th Leg., R.S., Ch. 865, Sec. 7.)

SECTION 1.04. Subtitle G, Title 6, Special District Local Laws Code, is amended by adding Chapters 8504 and 8505 to read as follows:

CHAPTER 8504. LOWER NECHES VALLEY AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8504.001. DEFINITIONS

Sec. 8504.002. CREATION AND NATURE OF AUTHORITY

Sec. 8504.003. TERRITORY

Sec. 8504.004. LIBERAL CONSTRUCTION OF CHAPTER

[Sections 8504.005-8504.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

Sec. 8504.051. MEMBERSHIP OF BOARD

Sec. 8504.052. TERMS

Sec. 8504.053. VACANCY

Sec. 8504.054. OATH AND BOND REQUIREMENT FOR DIRECTORS

Sec. 8504.055. COMPENSATION OF DIRECTORS

Sec. 8504.056. QUORUM; VOTING REQUIREMENT

Sec. 8504.057. GENERAL MANAGER

[Sections 8504.058-8504.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8504.101. POWERS UNDER CONSTITUTION AND OTHER LAW

Sec. 8504.102. POWERS TO ACCOMPLISH PURPOSES FOR WHICH CREATED

Sec. 8504.103. GENERAL POWERS RELATING TO WORKS AND WATER
Sec. 8504.104. ADDITIONAL POWERS RELATING TO PARTICULAR PURPOSES; NOT A LIMITATION
Sec. 8504.105. POWERS RELATING TO PURCHASE OR CONSTRUCTION OF WORKS OR ACQUISITION OF PROPERTY
Sec. 8504.106. ADDITIONAL POWERS RELATING TO ACQUISITION OR OPERATION OF PROPERTY
Sec. 8504.107. POWERS RELATING TO CONTRACT, LEASE, AGREEMENT, OR CONVEYANCE
Sec. 8504.108. POWERS RELATING TO RECREATIONAL FACILITIES
Sec. 8504.109. EMINENT DOMAIN
Sec. 8504.110. STATE SUPERVISION AND APPROVAL
[Sections 8504.111-8504.150 reserved for expansion]
SUBCHAPTER D. POWERS RELATING TO DEVERS CANAL SYSTEM AND ITS WATER RIGHTS AND ASSOCIATED PROPERTY
Sec. 8504.151. DEFINITIONS
Sec. 8504.152. POWERS RELATING TO CANAL SYSTEM
Sec. 8504.153. POWERS RELATING TO WATER
Sec. 8504.154. RIGHT OF FIRST REFUSAL FOR CERTAIN WATER CONTRACTS
[Sections 8504.155-8504.200 reserved for expansion]
SUBCHAPTER E. ECONOMIC DEVELOPMENT PROGRAMS
Sec. 8504.201. DEFINITION
Sec. 8504.202. LEGISLATIVE FINDINGS

Sec. 8504.203. AUTHORITY FOR ECONOMIC DEVELOPMENT PROGRAM; PROGRAM AREA

Sec. 8504.204. ESTABLISHMENT OF PROGRAM

Sec. 8504.205. PARTICIPATION IN PROGRAM BY OTHER PERSONS

Sec. 8504.206. STAFFING AND FUNDING OF PROGRAM

Sec. 8504.207. AGREEMENT

Sec. 8504.208. GUIDELINES FOR ASSISTANCE TO PUBLIC FIREFIGHTING ORGANIZATIONS

Sec. 8504.209. BOARD DETERMINATION CONCLUSIVE

[Sections 8504.210-8504.250 reserved for expansion]

SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

Sec. 8504.251. FEES AND CHARGES

Sec. 8504.252. TAX OR SPECIAL ASSESSMENT NOT AUTHORIZED BY CHAPTER

[Sections 8504.253-8504.300 reserved for expansion]

SUBCHAPTER G. OBLIGATIONS RELATING TO BORROWED MONEY

Sec. 8504.301. GENERAL POWER TO BORROW MONEY

Sec. 8504.302. COVENANTS FOR MARKETABILITY

Sec. 8504.303. HOLDER OF OBLIGATION MAY COMPEL PERFORMANCE

Sec. 8504.304. HOLDER OF OBLIGATION ENTITLED TO ADMINISTRATOR OR RECEIVER

Sec. 8504.305. ADDITIONAL SECURITY FOR OBLIGATION: MORTGAGE AND ENCUMBRANCE

Sec. 8504.306. SALE UNDER MORTGAGE OR ENCUMBRANCE

Sec. 8504.307. INSURING IMPROVEMENTS AND FACILITIES

Sec. 8504.308. TAX EXEMPTION

CHAPTER 8504. LOWER NECHES VALLEY AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8504.001. DEFINITIONS. In this chapter:

(1) "Authority" means the Lower Neches Valley Authority.

(2) "Basins" means the Neches River basin and the adjoining Neches-Trinity coastal basin.

(3) "Board" means the board of directors of the authority.

(4) "Commission" means the Texas Commission on Environmental Quality.

(5) "Director" means a member of the board. (Acts 43rd Leg., 1st C.S., Ch. 63, Secs. 1 (part), 13C(a)(2); New.)

Sec. 8504.002. CREATION AND NATURE OF AUTHORITY. The authority is created as a conservation and reclamation district. The authority is an independent governmental agency and a body politic and corporate. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 1 (part).)

Sec. 8504.003. TERRITORY. Unless modified under Subchapter J, Chapter 49, Water Code, or other law, the authority's territory is composed of:

(1) all of Jefferson, Hardin, and Tyler Counties;

(2) a strip of land 10 miles in width off the eastern end of Liberty County (the west line of that strip being parallel to and 10 miles west of the extreme eastern boundary line of Liberty County); and

(3) a strip of land 15 miles in width off the east side of Chambers County (the west line of that strip being parallel to and 15 miles west of the eastern boundary line of Chambers County). (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 2; New.)

Sec. 8504.004. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect its purposes. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 15 (part).)

[Sections 8504.005-8504.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

Sec. 8504.051. MEMBERSHIP OF BOARD. (a) The board consists of nine directors appointed by the governor with the advice and consent of the senate.

(b) Each director must be a freehold property taxpayer and a qualified voter of this state.

(c) Five directors must reside in Jefferson County, two directors must reside in Hardin County, and two directors must reside in Tyler County. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 3 (part).)

Sec. 8504.052. TERMS. Directors hold office for staggered terms of six years. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 3 (part).)

Sec. 8504.053. VACANCY. A vacancy on the board shall be filled for the unexpired term in the same manner as provided for an appointment for a full term. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 3 (part).)

Sec. 8504.054. OATH AND BOND REQUIREMENT FOR DIRECTORS. (a) A director shall, within 15 days after the date of appointment,

qualify by taking the constitutional oath of office and by filing a good and sufficient bond with the secretary of state.

(b) The bond is subject to approval by the secretary of state and must:

(1) be in the amount of $5,000;

(2) be payable to the authority; and

(3) be conditioned on the faithful performance of the duties as a director. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 3 (part).)

Sec. 8504.055. COMPENSATION OF DIRECTORS. (a) A director is entitled to receive a fee of office for each day of service approved by a vote of the board and necessary to discharge the director's duties.

(b) The board shall set the fee described by Subsection (a) in an amount not greater than the amount allowed under general law. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 7.)

Sec. 8504.056. QUORUM; VOTING REQUIREMENT. (a) Five directors constitute a quorum at any meeting.

(b) A concurrence of a majority of the directors present is sufficient in any matter pertaining to authority business. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 4.)

Sec. 8504.057. GENERAL MANAGER. The board shall employ a general manager at the compensation set by a majority of the board. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 3 (part).)

[Sections 8504.058-8504.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8504.101. POWERS UNDER CONSTITUTION AND OTHER LAW.

The authority has and is vested with the powers of a conservation and reclamation district under the constitution and other laws of this state, including the powers:

(1) expressly authorized by Section 59, Article XVI, Texas Constitution, for a district created to conserve, store, control, preserve, use, and distribute storm water, floodwater, and the water of the rivers and streams of the state;

(2) implied by the purposes of that section of the constitution; and

(3) conferred by general law. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 1 (part).)

Sec. 8504.102. POWERS TO ACCOMPLISH PURPOSES FOR WHICH CREATED. The authority has and may exercise the functions, powers, rights, and duties as may permit the authority to accomplish the purposes for which it is created. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 15 (part).)

Sec. 8504.103. GENERAL POWERS RELATING TO WORKS AND WATER. (a) The authority may construct, maintain, and operate in the basins, inside or outside the authority, any work considered essential:

(1) to the operation of the authority; and

(2) for the authority's administration in the control, storage, preservation, and distribution to all useful purposes of the water, including storm water and floodwater, of the basins.

(b) The authority has the same power of control and regulation over the water of the basins that the state has, subject to the constitution and statutes of this state. (Acts 43rd Leg.,

1st C.S., Ch. 63, Sec. 1 (part).)

Sec. 8504.104. ADDITIONAL POWERS RELATING TO PARTICULAR PURPOSES; NOT A LIMITATION. (a) For the conservation and beneficial use of the water of the basins, including storm water and floodwater, the authority may control and use the water in the manner and for the particular purposes described below:

(1) for the prevention of the devastation of land from recurrent overflows;

(2) for the protection of life and property in the authority from uncontrolled floodwater;

(3) to encourage the conservation of soil;

(4) to prevent destructive erosion;

(5) to provide through practical and legal means for the control and coordination of the regulation of that water;

(6) to provide by adequate organization and administration for the preservation of the equitable rights of the people of different sections of the watershed area in the beneficial use of that water;

(7) for the storage, control, and conservation of that water inside or outside the authority and the prevention of the escape of that water without the maximum of public service;

(8) for the equitable distribution of that water to the regional potential requirements for all uses;

(9) for any purpose for which floodwater and storm water when controlled and conserved may be used in the performance of a useful service as authorized by the constitution of this state;

(10) for the conservation of the water essential for

the domestic and municipal uses of the people of the authority;

(11) to control the water and make it available for use in the development of commercial and industrial enterprises in the basins or the authority;

(12) to control, store, and use the water in the development and distribution of hydroelectric power, if that use is economically coordinated with and subordinate to other uses declared by law to be superior;

(13) for the irrigation of all land in the authority or outside the authority but inside the basins; and

(14) to provide for the drainage of land in the basins.

(b) The plans and works provided by the authority in acting under this section, and the works provided under the power of the authority in acting under this section, shall have primary regard for the necessary and potential needs for water by or in the area in the authority constituting the basins.

(c) This section does not limit the powers of the authority expressed elsewhere in this chapter or under other law. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13A-1.)

Sec. 8504.105. POWERS RELATING TO PURCHASE OR CONSTRUCTION OF WORKS OR ACQUISITION OF PROPERTY. The authority may:

(1) purchase or construct any work necessary or convenient for the exercise of the authority's powers under this chapter and to accomplish the purposes of this chapter; and

(2) purchase or otherwise acquire land or other property necessary or convenient for carrying out the purposes of this chapter. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13A-2.)

Sec. 8504.106. ADDITIONAL POWERS RELATING TO ACQUISITION OR OPERATION OF PROPERTY. (a) In this section, "property" includes:

(1) rights, including water rights; and

(2) land, tenements, easements, rights-of-way, improvements, reservoirs, dams, canals, laterals, plants, works, and facilities.

(b) The authority may investigate, plan, acquire, construct, maintain, or operate any property the authority considers necessary or proper to accomplish the purposes for which the authority is created.

(c) The power described by Subsection (b) includes the power to acquire, inside or outside the authority, property and all other rights that are incidental or helpful to carrying out the purposes for which the authority is created. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 15 (part); New.)

Sec. 8504.107. POWERS RELATING TO CONTRACT, LEASE, AGREEMENT, OR CONVEYANCE. (a) In this section, "property" includes land, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works, and facilities.

(b) The authority may with any person enter into a contract, lease, or agreement necessary or convenient to carry out a power granted to the authority under this chapter.

(c) The authority may:

(1) convey or cause to be conveyed any of its property to the United States; and

(2) enter into a lease, regardless of whether it includes a privilege of purchase, with the United States relating

to the property and obligate the authority to pay rent under the lease from the income or other revenue of the property.

(d) A contract, lease, or agreement under this section must be approved by board resolution and must be executed by the board president and attested by the board secretary.

(e) This section does not authorize the authority to assume an obligation requiring a payment from taxes. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13A-5; New.)

Sec. 8504.108. POWERS RELATING TO RECREATIONAL FACILITIES. The authority may acquire land for recreational facilities and may construct, operate, and maintain recreational facilities as provided by general law, provided that money derived from taxation may not be spent in purchasing that land or constructing and maintaining those facilities. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13A-6.)

Sec. 8504.109. EMINENT DOMAIN. (a) The authority may exercise the power of eminent domain inside or outside the authority to acquire the fee simple title to, or an easement or right-of-way over or through, any private or public land, water, or land under water that is necessary or convenient for carrying out any purpose or power conferred on the authority by this chapter.

(b) A condemnation proceeding is under the direction of the board and must be in the name of the authority.

(c) The assessment of damages and all procedures with reference to condemnation, appeal, and payment must conform to Chapter 21, Property Code. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13A-3.)

Sec. 8504.110. STATE SUPERVISION AND APPROVAL. The powers and duties conferred on the authority by this chapter, and the adequacy of any plan for flood control or conservation improvement purposes devised by the authority, are subject to such continuing rights of state supervision and state approvals as are required under general law. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 14.)

[Sections 8504.111-8504.150 reserved for expansion]

SUBCHAPTER D. POWERS RELATING TO DEVERS CANAL SYSTEM AND ITS WATER RIGHTS AND ASSOCIATED PROPERTY

Sec. 8504.151. DEFINITIONS. In this subchapter:

(1) "Canal system" means the canal system and associated properties generally known as the Devers Canal System.

(2) "Navigation district" means the Chambers-Liberty Counties Navigation District. (Acts 43rd Leg., 1st C.S., Ch. 63, Secs. 13C(a)(1), (3).)

Sec. 8504.152. POWERS RELATING TO CANAL SYSTEM. The authority may:

(1) acquire, own, operate, maintain, and improve the canal system; and

(2) enlarge and extend the canal system east of the Trinity River in Chambers, Liberty, and Jefferson Counties. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13C(b).)

Sec. 8504.153. POWERS RELATING TO WATER. (a) The authority may own the water rights and appropriate and divert water of this state under the permits and contracts previously owned by and acquired from the Devers Canal Rice Producers Association, Inc.

(b) Except as provided by Section 8504.154, the authority

may distribute, sell, and use water of this state for any purpose approved by the commission. (Acts 43rd Leg., 1st C.S., Ch. 63, Secs. 13C(c), (d).)

Sec. 8504.154. RIGHT OF FIRST REFUSAL FOR CERTAIN WATER CONTRACTS. (a) This section applies only to a contract to sell or provide water:

(1) that is for any use other than irrigation in Chambers County outside the authority's boundaries; and

(2) that the navigation district had authority to sell or provide under the navigation district's water rights on May 1, 2009.

(b) Before entering into a contract, the authority must:

(1) send to the navigation district a written notice of intent to sell or provide water for nonirrigation use in Chambers County outside the authority's boundaries; and

(2) allow the navigation district 30 days to exercise a right of first refusal to provide the water.

(c) Not later than the 30th day after the date the navigation district receives the notice of intent under Subsection (b), the navigation district may exercise its right of first refusal under Subsection (b) by delivering to the authority notice that it intends to exercise that right.

(d) The authority may enter into a contract only if the navigation district:

(1) fails to comply with Subsection (c); or

(2) complies with Subsection (c) and does not enter into a contract to sell or otherwise provide water for the use

described by the authority's notice of intent under Subsection (b) before the expiration of four months after the date the navigation district receives the notice of intent. (Acts 43rd Leg., 1st C.S., Ch. 63, Secs. 13C(e), (f), (g).)

[Sections 8504.155-8504.200 reserved for expansion]

SUBCHAPTER E. ECONOMIC DEVELOPMENT PROGRAMS

Sec. 8504.201. DEFINITION. In this subchapter, "economic development program" includes a community assistance program, a privatization program, or any other program designed to:

(1) encourage economic diversification;

(2) maintain or expand employment;

(3) train persons;

(4) eliminate conditions detrimental to the public health, safety, or welfare;

(5) improve the quality or quantity of services essential for the development of viable communities and economic growth, including services related to:

(A) education;

(B) transportation;

(C) public safety;

(D) recreation;

(E) health care;

(F) water and wastewater treatment; or

(G) rural water and sewer development; or

(6) contribute to the health and development of a community to improve the attractiveness of the community to public and private enterprises. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec.

13B(h).)

Sec. 8504.202. LEGISLATIVE FINDINGS. The legislature finds that the economic development programs authorized by this subchapter are a specific public purpose and governmental function of the authority in accordance with:

(1) Section 52-a, Article III, Texas Constitution; and

(2) to the extent that the programs provide assistance to public firefighting organizations, Section 51-a-1, Article III, Texas Constitution. (Acts 75th Leg., R.S., Ch. 1263, Sec. 4.)

Sec. 8504.203. AUTHORITY FOR ECONOMIC DEVELOPMENT PROGRAM; PROGRAM AREA. The authority may, in the areas served by the authority, sponsor and participate in an economic development program intended to strengthen the economic base and further the economic development of this state. The program may not be outside the areas served by the authority unless the authority has entered into an interlocal agreement with an entity under Section 8504.205. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(a).)

Sec. 8504.204. ESTABLISHMENT OF PROGRAM. Each economic development program must be established by formal action of the board. The board shall:

(1) establish the goals of the program;

(2) impose requirements on persons participating in and receiving the benefits of the program; and

(3) provide restrictions, procedures, and budget limits that the board determines are necessary to ensure that the governmental purposes of this subchapter and the program are achieved. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(b).)

Sec. 8504.205. PARTICIPATION IN PROGRAM BY OTHER PERSONS. A program under this subchapter may involve grants or loans of money, services, or equipment to a person engaged in an economic development activity, including a public firefighting organization, governmental body, nonprofit corporation, local or regional development council, or other nonprofit or noncommercial organization. The authority may provide assistance to a for-profit entity if the assistance is necessary or appropriate to carry out an economic development program consistent with the purposes of this subchapter. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(c).)

Sec. 8504.206. STAFFING AND FUNDING OF PROGRAM. (a) The authority may employ staff and spend authority resources to further an economic development program under this subchapter, except that the authority may not use money received from an ad valorem tax or a general appropriation to further a program.

(b) The authority may apply for and receive from any source money, grants, or other assistance to carry out an economic development program under this subchapter. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(d).)

Sec. 8504.207. AGREEMENT. The authority and any other public or private person may enter into an agreement with respect to an economic development program. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(e).)

Sec. 8504.208. GUIDELINES FOR ASSISTANCE TO PUBLIC FIREFIGHTING ORGANIZATIONS. If the authority provides scholarships, grants, loans, or financial assistance to a public firefighting organization, the authority shall adopt guidelines to

determine:

(1) eligibility for the assistance;

(2) the amount of grants, loans, or other assistance the authority may make available to a firefighting organization; and

(3) the type of equipment, education, or training for which the assistance may be used. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(f).)

Sec. 8504.209. BOARD DETERMINATION CONCLUSIVE. A determination by the board that a program is intended and expected to carry out the program's stated purposes is conclusive with respect to whether the purposes of this subchapter are satisfied. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13B(g).)

[Sections 8504.210-8504.250 reserved for expansion]

SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

Sec. 8504.251. FEES AND CHARGES. (a) The board shall prescribe fees and charges to be collected for the use of water, a water connection, or another service.

(b) The fees and charges must be reasonable and equitable and sufficient to produce revenue adequate to pay the items described by Subsection (c). The fees and charges may not exceed what may be reasonably necessary to fulfill the obligations imposed on the authority by this chapter.

(c) The board shall pay the following items from the fees and charges:

(1) all expenses necessary to the operation and maintenance of the improvements and facilities of the authority,

including:

(A) the cost of acquiring materials and other property necessary to maintain the improvements and facilities in good condition and to operate them efficiently;

(B) necessary wages and salaries of the authority; and

(C) other expenses reasonably necessary to the efficient operation of the improvements and facilities;

(2) the interest on any obligation issued under this chapter and payable from the revenue from the improvements and facilities; and

(3) the amount required to be paid for the payment of an obligation issued under this chapter and payable from the revenue from the improvements and facilities.

(d) If the revenue received exceeds the amount required for the purposes listed in Subsection (c), the board may pay from the excess revenue the cost of improvements and replacements not covered by Subsection (c)(1) and may establish a reasonable depreciation and emergency fund. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 13A-4.)

Sec. 8504.252. TAX OR SPECIAL ASSESSMENT NOT AUTHORIZED BY CHAPTER. This chapter does not authorize the authority to levy a tax or special assessment or to create any debt payable from taxes. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 1 (part).)

[Sections 8504.253-8504.300 reserved for expansion]

SUBCHAPTER G. OBLIGATIONS RELATING TO BORROWED MONEY

Sec. 8504.301. GENERAL POWER TO BORROW MONEY. (a) The

authority may:

(1) borrow money for any corporate purpose from any source; and

(2) issue a note, warrant, bond, certificate of indebtedness, or other form of obligation of the authority as evidence of the borrowed money.

(b) An obligation of the authority under Subsection (a) is payable only from revenue derived from authority improvements and facilities and the operation and services of the improvements and facilities. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 16.)

Sec. 8504.302. COVENANTS FOR MARKETABILITY. (a) As considered necessary to ensure the marketability of obligations issued under this chapter, a resolution or order authorizing issuance may contain covenants with the holders of the obligations as to:

(1) the management and operation of the authority's improvements and facilities;

(2) the collection of fees and charges for the use of the improvements and facilities;

(3) the disposition of the fees and charges;

(4) the issuance of future obligations and the creation of future liens, mortgages, and encumbrances against the improvements and facilities and the revenue of the improvements and facilities; and

(5) other pertinent matters.

(b) A covenant under this section may not be inconsistent with this chapter. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 20.)

Sec. 8504.303. HOLDER OF OBLIGATION MAY COMPEL PERFORMANCE. (a) A holder of obligations issued under this chapter or of coupons originally attached to the obligations may enforce and compel the board's performance of all duties required by this chapter, including:

(1) setting and collecting reasonable and sufficient fees or charges for the use of the authority's improvements and facilities;

(2) segregating the income and revenue of the improvements and facilities; and

(3) applying the income and revenue under this chapter.

(b) The holder of the obligations or coupons may act under Subsection (a):

(1) at law or in equity; and

(2) by an action, mandamus, or other proceeding. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 22 (part).)

Sec. 8504.304. HOLDER OF OBLIGATION ENTITLED TO ADMINISTRATOR OR RECEIVER. (a) If there is a default in the payment of the principal of or interest on an obligation issued under this chapter, any holder of the obligation is entitled to have a court appoint an administrator or receiver to administer and operate, on behalf of the authority and the holders of the obligation, the improvements and facilities the revenue of which is pledged to the payment of the obligation.

(b) The administrator or receiver may:

(1) set and collect fees and charges sufficient to:

(A) provide for the payment of operation and maintenance expenses as described by this chapter; and

(B) pay any outstanding obligations or interest coupons payable from the revenue of the improvements and facilities; and

(2) apply the income and revenue of the improvements and facilities in accordance with this chapter and the proceedings authorizing the issuance of the obligation. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 22 (part).)

Sec. 8504.305. ADDITIONAL SECURITY FOR OBLIGATION: MORTGAGE AND ENCUMBRANCE. (a) As additional security for the payment of an obligation issued under this chapter, the board may have executed in favor of the holder of the obligation an indenture mortgaging and encumbering:

(1) the improvements, facilities, and other property acquired with the proceeds of the sale of the obligation; or

(2) all the authority's improvements, facilities, and other property.

(b) The indenture may also mortgage and encumber the revenue to be derived from the operation of the improvements, facilities, and other property.

(c) In the encumbrance, the board may provide for granting to any purchaser at a foreclosure sale under the encumbrance a franchise to operate the improvements, facilities, and other property for a term not to exceed 50 years after the date of the purchase, subject to the laws regulating the matter.

(d) The indenture:

(1) may contain the provisions the board considers proper; and

(2) is enforceable in the manner provided by the laws of this state for the enforcement of other mortgages and encumbrances. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 23 (part).)

Sec. 8504.306. SALE UNDER MORTGAGE OR ENCUMBRANCE. (a) Under a sale ordered under a mortgage or encumbrance described by Section 8504.305, a purchaser of the improvements, facilities, and other property at the sale, and the purchaser's successors or assigns, are vested with a permit and franchise to maintain and operate the improvements, facilities, and other property, with powers and privileges like those held by the authority in the operation of the improvements, facilities, and other property.

(b) Instead of operating the improvements, facilities, and other property as provided by Subsection (a), the purchaser and the purchaser's successors or assigns may remove all or part of the improvements, facilities, and other property for diversion to other purposes. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 23 (part).)

Sec. 8504.307. INSURING IMPROVEMENTS AND FACILITIES. (a) The board and the purchaser of an obligation issued under this chapter may enter into an agreement under which the board agrees to:

(1) keep all the improvements and facilities, the revenue of which is pledged to the payment of the obligation, insured with one or more insurers of good standing against loss or damage by fire, water or flood, or another hazard that private companies operating similar properties customarily cover by insurance; and

(2) carry with one or more insurers of good standing the insurance covering the use and occupancy of the property that is customarily carried by private companies operating similar properties.

(b) The board shall budget the cost of the insurance as a maintenance and operation expense.

(c) The insurance shall be carried for the benefit of the holder of the obligation. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 25; New.)

Sec. 8504.308. TAX EXEMPTION. An obligation issued under this chapter is exempt from taxation by this state or by any political subdivision of this state. (Acts 43rd Leg., 1st C.S., Ch. 63, Sec. 26.)

CHAPTER 8505. CENTRAL COLORADO RIVER AUTHORITY

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CHAPTER 8505. CENTRAL COLORADO RIVER AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8505.001. DEFINITIONS. In this chapter:

(1) "Authority" means the Central Colorado River Authority.

(2) "Board" means the board of directors of the authority.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a member of the board. (Acts 44th Leg., R.S., G.L., Ch. 338, Secs. 1 (part), 4(a) (part); New.)

Sec. 8505.002. CREATION AND NATURE OF AUTHORITY. (a) The authority is created as a conservation and reclamation district.

(b) The creation of the authority is essential to the accomplishment of the purposes of Section 59, Article XVI, Texas Constitution. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 1 (part).)

Sec. 8505.003. TERRITORY. Unless modified under Subchapter J, Chapter 49, Water Code, or other law, the authority's territory consists of that part of this state included in the boundaries of Coleman County. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 1 (part); New.)

Sec. 8505.004. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect its purposes. (Acts 44th Leg., R.S., G.L., Ch. 338, Secs. 19, 19A.)

[Sections 8505.005-8505.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

Sec. 8505.051. MEMBERSHIP OF BOARD. (a) The board consists of five directors appointed by the governor with the advice and consent of the senate.

(b) Each director must be a freehold property taxpayer in this state and a resident of the authority.

(c) A person is ineligible to be appointed as a director if, during the three years preceding the date of the appointment, the person has been employed by a utility company, including an electric power and light company, a gas company, or a telephone company. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 4(a) (part).)

Sec. 8505.052. TERMS. Directors are appointed for staggered terms of six years with one or two directors' terms expiring on February 1 of each odd-numbered year. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 4(a) (part).)

Sec. 8505.053. REMOVAL. A director may be removed by the governor for inefficiency, neglect of duty, or misconduct in office, after at least 10 days' written notice of the charge against the director and an opportunity to be heard in person or by counsel at a public hearing. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 4(b) (part).)

Sec. 8505.054. VACANCY. A vacancy on the board shall be filled by the governor for the unexpired term. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 4(b) (part).)

Sec. 8505.055. COMPENSATION OF DIRECTORS. Unless the board by resolution increases the fee to an amount authorized by Section 49.060, Water Code, each director shall receive a fee of $10 per day

for each day spent in attending meetings of the board. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 4(b) (part); New.)

Sec. 8505.056. VOTING REQUIREMENT. (a) Except as provided by this chapter or the bylaws, action may be taken by the affirmative vote of a majority of the directors present at a meeting.

(b) The following are valid only if authorized or ratified by the affirmative vote of at least a majority of the entire membership of the board:

(1) a contract that involves an amount greater than $10,000 or has a duration of more than one year;

(2) a bond, note, or other evidence of indebtedness; or

(3) an amendment of the bylaws. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 4(c) (part).)

Sec. 8505.057. OFFICERS AND EMPLOYEES. (a) The board shall select a secretary, a general manager, and a treasurer. The treasurer may also hold the office of secretary.

(b) The secretary shall keep accurate and complete records of all proceedings of the board.

(c) Until the board selects a secretary, or if the secretary is absent or unable to act, the board shall select a secretary pro tem.

(d) The general manager is the chief executive officer of the authority.

(e) The secretary, secretary pro tem, general manager, and treasurer have the powers and duties, hold office for the term, and

are subject to removal in the manner provided by the bylaws.

(f) The board shall set the compensation of the secretary, secretary pro tem, general manager, and treasurer.

(g) The board may appoint other officers, agents, and employees, set their compensation and term of office, prescribe their duties and the method by which they may be removed, and delegate to them any of its powers and duties as it considers proper. (Acts 44th Leg., R.S., G.L., Ch. 338, Secs. 2 (part), 5.)

Sec. 8505.058. SURETY BONDS. (a) The general manager, the treasurer, and any other officer, agent, or employee of the authority who is charged with the collection, custody, or payment of authority money shall give bond conditioned on:

(1) the faithful performance of the person's duties; and

(2) an accounting for all money and property of the authority coming into the person's possession.

(b) The bond must be in a form and amount and with a surety approved by the board, and the surety on the bond must be a surety company authorized to do business in this state.

(c) The authority shall pay the premium on the bond and charge the premium as an operating expense. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 6 (part).)

Sec. 8505.059. AUTHORITY'S DOMICILE AND OFFICE. (a) The authority's domicile is in the city of Coleman, Coleman County.

(b) The authority shall maintain its principal office in the city of Coleman, Coleman County.

(c) The general manager is in charge of the authority's

principal office. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 7 (part).)

Sec. 8505.060. CONFLICT OF INTEREST; CRIMINAL PENALTY. (a) A director, officer, agent, or employee of the authority may not be directly or indirectly interested in a contract for the purchase of any property or construction of any work by or for the authority.

(b) A person commits an offense if the person violates this section. An offense under this subsection is a felony punishable by:

(1) a fine not to exceed $10,000;

(2) confinement in the county jail for not less than one year or more than 10 years; or

(3) both the fine and confinement. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 8.)

[Sections 8505.061-8505.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8505.101. GENERAL POWERS. (a) The authority has:

(1) the powers of government and the authority to exercise the rights, privileges, and functions specified by this chapter; and

(2) all powers, rights, privileges, and functions conferred by general law on any district created under Section 59, Article XVI, Texas Constitution, except as expressly limited by this chapter.

(b) The authority may perform any act necessary or convenient to the exercise of the powers, rights, privileges, or

functions conferred on the authority by this chapter or any other law. (Acts 44th Leg., R.S., G.L., Ch. 338, Secs. 1 (part), 2 (part).)

Sec. 8505.102. POWERS RELATED TO WATER OF COLORADO RIVER AND ITS TRIBUTARIES. Inside the boundaries of the authority, the authority may:

(1) control, store, and preserve the water of the Colorado River and its tributaries for any useful purpose; and

(2) use, distribute, and sell the water described by Subdivision (1) for any useful purpose. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.103. DEVELOPMENT, GENERATION, DISTRIBUTION, AND SALE OF WATER POWER AND ELECTRIC ENERGY. (a) The authority may:

(1) develop and generate water power and electric energy inside the boundaries of the authority; and

(2) distribute and sell water power and electric energy inside or outside the boundaries of the authority.

(b) A use authorized by this section is subordinate and inferior to a domestic, municipal, or irrigation requirement. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.104. PREVENTION OF DAMAGE TO PERSONS OR PROPERTY. The authority may prevent or aid in the prevention of damage to persons or property from the water of the Colorado River and its tributaries. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.105. FORESTATION AND REFORESTATION; PREVENTION OF SOIL EROSION AND FLOODS. In the watershed of the Colorado River and its tributaries, the authority may:

(1) forest, reforest, or aid in foresting or reforesting; and

(2) prevent or aid in the prevention of soil erosion and floods. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.106. AUTHORITY PROPERTY; EMINENT DOMAIN. (a) The authority may acquire, maintain, use, and operate property of any kind or any interest in property, inside or outside the boundaries of the authority, necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred on the authority by this chapter.

(b) Except as provided by Subsection (d), the authority may acquire property or an interest in property as provided by Subsection (a) by purchase, lease, gift, exercise of the power of eminent domain, or any other manner.

(c) The authority may acquire property or an interest in property by exercise of the power of eminent domain in the manner provided by:

(1) Chapter 21, Property Code; or

(2) the statutes relating to condemnation by districts organized under general law under Section 59, Article XVI, Texas Constitution.

(d) The authority may not exercise the power of eminent domain to acquire property or an interest in property that is located outside the boundaries of the authority. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.107. SALE, LEASE, MORTGAGE, OR OTHER DISPOSITION OF AUTHORITY PROPERTY. (a) The authority may not:

(1) mortgage or otherwise encumber authority property of any kind, or any interest in authority property; or

(2) acquire any property or interest in property subject to a mortgage or conditional sale.

(b) Subsection (a) does not prevent pledging authority revenue as authorized by this chapter.

(c) This chapter does not authorize the sale, lease, or other disposition of authority property of any kind, or an interest in authority property, by the authority, by a receiver of any authority property, through a court proceeding, or otherwise.

(d) Notwithstanding Subsection (c), the authority may sell for cash authority property of any kind, or an interest in authority property, if:

(1) the board, by the affirmative vote of a two-thirds majority of the entire membership of the board, determines that the property or interest is not necessary or convenient to the business of the authority and approves the terms of the sale; and

(2) the aggregate value of the properties or interests sold in any year does not exceed $50,000.

(e) It is the intent of the legislature that, except by sale as expressly authorized by this section, authority property or an interest in authority property, except personal property, never come into the ownership or control, directly or indirectly, of any person other than a public authority created under the laws of this state.

(f) Authority property, except personal property, is exempt from forced sale. The sale of authority property, except personal

property, under a judgment rendered in a suit is prohibited. (Acts 44th Leg., R.S., G.L., Ch. 338, Secs. 2 (part), 15.)

Sec. 8505.108. OVERFLOW OR INUNDATION OF PUBLIC PROPERTY; RELOCATION OF ROADS. The authority may overflow and inundate any public land or public property and require the relocation of a road or highway in the manner and to the extent permitted to a district organized under general law under Section 59, Article XVI, Texas Constitution. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.109. CONSTRUCTION, MAINTENANCE, AND OPERATION OF FACILITIES. The authority may construct, extend, improve, maintain, and reconstruct, cause to be constructed, extended, improved, maintained, and reconstructed, and use and operate facilities of any kind necessary or convenient to the exercise of the authority's powers, rights, privileges, and functions. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.110. SEAL. The authority may adopt and use a corporate seal. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.111. GENERAL CONTRACT POWERS. The authority may make a contract or execute an instrument necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred on the authority by this chapter. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.112. CONTRACTS RELATING TO WATER OR SOIL CONSERVATION PROJECTS. (a) The authority may enter into a contract with an individual, firm, association, or corporation for the construction of a water or soil conservation project on

property owned or controlled by the individual, firm, association, or corporation and use machinery, equipment, or facilities owned or controlled by the authority.

(b) The authority may enter into a contract with the governing board of a governmental agency inside or outside the boundaries of the authority for the purpose of supervising the construction of a water or soil conservation project on property located in the control or in the limits of the governmental agency.

(c) An individual, firm, association, corporation, or governmental agency that enters into a contract with the authority under this section shall pay a reasonable charge therefor.

(d) The authority is not liable for damages to any person or property in connection with, or for maintenance or upkeep of, a project contracted for and constructed under this section. (Acts 44th Leg., R.S., G.L., Ch. 338, Secs. 13A, 13-b.)

Sec. 8505.113. ADDITIONAL POWERS RELATING TO CONTRACTS, RULES, AND REGULATIONS. The authority may enter into and carry out contracts or establish or comply with rules and regulations concerning labor and materials and other related matters in connection with any project the authority considers desirable or as requested by the United States, or any corporation or agency created, designated, or established by the United States, that may assist in the financing of the project. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 13.)

Sec. 8505.114. LIMITATIONS ON POWERS OF AUTHORITY. (a) The authority may not use water for irrigation purposes under any law or any permit that was issued before May 21, 1935, was held,

owned, or enjoyed by the authority as of that date, or is acquired from another person after that date unless expressly authorized by a subsequent permit granted to the authority by the commission or a predecessor agency under authority of law. In considering permit applications by the authority, the commission shall at all times consider the needs of the people living in the watershed of the Colorado River and its tributaries above the authority. This subsection does not prevent the authority from selling, for irrigation purposes and in the boundaries of the authority, any water impounded by it under authority of law.

(b) Notwithstanding any right or permit to use the water of the Colorado River and its tributaries for the generation of hydroelectric power that was issued by the former State Board of Water Engineers, was in existence as of May 21, 1935, and is acquired by the authority, the impounding and use of the floodwaters of the Colorado River and its tributaries for the generation of hydroelectric power by the authority or a person who succeeds to the rights and privileges conferred on the authority by this chapter are subject to the rights of any other person who before May 21, 1935, was impounding or as of that date was putting to beneficial use any water for the purposes described by Sections 11.024(1) and (2), Water Code, if the person:

(1) before May 21, 1935, received a permit for that use from the former State Board of Water Engineers; or

(2) by law was permitted before May 21, 1935, to impound water for those purposes.

(c) This chapter may not be construed to subject to

condemnation by the authority or any successor of the authority, or by any person who succeeds to the rights and privileges conferred on the authority by this chapter, any water:

(1) impounded or to be impounded inside or outside the authority under any law authorizing water to be impounded or under any permit granted to a municipal corporation or body politic; or

(2) impounded or permitted to be impounded or used outside the authority under a permit granted to any person.

(d) This chapter may not be construed to deprive any person of the right to impound the water of the Colorado River or its tributaries for domestic or municipal purposes or to repeal any law granting such a right to a person.

(e) The rights of the authority to impound, use, or sell the water of the Colorado River and its tributaries for the generation of hydroelectric power are subordinate and inferior to the rights of:

(1) municipalities situated in the watershed of the Colorado River and its tributaries to build dams and impound floodwaters for municipal purposes; and

(2) any residents of this state or bodies politic to build dams and impound the floodwaters in the watershed of the Colorado River and its tributaries for domestic purposes and for the purposes of irrigation.

(f) The title to any right, property, license, franchise, or permit acquired by the authority is subject to the limitations imposed by Subsection (e). (Acts 44th Leg., R.S., G.L., Ch. 338, Secs. 2 (part), 3.)

Sec. 8505.115. PUBLIC USE OF AUTHORITY'S LAND. (a) The authority may prohibit free public use of its land for recreational purposes, hunting, or fishing only to the extent to which, in the opinion of the board, the use would interfere with the proper conduct and maintenance of its property.

(b) All public rights-of-way that as of May 21, 1935, traversed the areas adjacent to the areas to be flooded by the impounded waters shall remain open as a way of free public passage to and from the lakes created, and a charge may be made to the public for the right to engage in hunting, fishing, or boating thereon.

(c) On notice by a resident of this state of a violation of this section, the attorney general shall institute the proper legal proceedings to enforce compliance with this section by the authority or its successor.

(d) If the authority sells any of the authority's land bordering a lake to be created under this chapter, the authority shall retain in each tract a strip 20 feet wide abutting the high-water line of the lake for the purpose of passage and use by the public for public sports and amusements. This subsection does not apply to a sale of land by the authority to a state or federal agency to be used for game or fish sanctuaries or preserves or for propagation purposes. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 16.)

[Sections 8505.116-8505.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8505.151. DISBURSEMENT OF MONEY. The authority may disburse its money only by a check, draft, order, or other

instrument signed by a person authorized to sign the instrument by the bylaws or a resolution in which at least a majority of the entire membership of the board concurs. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 6 (part).)

Sec. 8505.152. ACCOUNTS, CONTRACTS, AND OTHER RECORDS; PUBLIC INSPECTION. (a) The authority shall keep complete and accurate accounts conforming to approved methods of bookkeeping.

(b) The accounts and all contracts, documents, and records of the authority shall be kept at the principal office of the authority.

(c) The contracts shall be open to public inspection at all reasonable times. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 7 (part).)

Sec. 8505.153. FILING OF COPIES OF AUDIT REPORT. Copies of the audit report prepared under Subchapter G, Chapter 49, Water Code, shall be certified to by the accountant who performed the audit and filed:

(1) as required by Section 49.194, Water Code; and

(2) with the comptroller. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 7 (part); New.)

Sec. 8505.154. RATES AND OTHER CHARGES. (a) The board shall establish and collect rates and other charges for the sale or use of water, water connections, power, electric energy, or other services sold, provided, or supplied by the authority.

(b) The rates and charges must be reasonable, nondiscriminatory, and sufficient to provide revenue adequate to:

(1) pay all expenses necessary to the operation and

maintenance of the properties and facilities of the authority;

(2) pay the interest on and the principal of all bonds issued under this chapter when and as they become due and payable;

(3) pay all sinking fund or reserve fund payments agreed to be made with respect to any of those bonds and payable out of that revenue when and as they become due and payable; and

(4) fulfill the terms of any agreements made with the holders of those bonds or with any person in their behalf.

(c) The rates and charges may not exceed what may be necessary to fulfill the obligations imposed on the authority by this chapter. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 9 (part).)

Sec. 8505.155. USE OF EXCESS REVENUE. If the authority receives revenue in excess of that required for the purposes specified by Section 8505.154(b), the board may:

(1) use the excess revenue to:

(A) establish a reasonable depreciation and emergency fund; or

(B) retire bonds issued under this chapter by purchase and cancellation or redemption; or

(2) apply the excess revenue to any corporate purpose. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 9 (part).)

Sec. 8505.156. TAX OR ASSESSMENT OR PLEDGE OF CREDIT OF STATE NOT AUTHORIZED BY CHAPTER. This chapter does not authorize the authority to:

(1) levy or collect a tax or assessment;

(2) create any debt payable out of taxes or assessments; or

(3) in any way pledge the credit of this state. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 1 (part).)

[Sections 8505.157-8505.200 reserved for expansion]

SUBCHAPTER E. OBLIGATIONS RELATING TO BORROWED MONEY OR GRANTS

Sec. 8505.201. LOANS AND GRANTS. The authority may:

(1) borrow money for its corporate purposes;

(2) borrow money or accept a grant from the United States and, in connection with such a loan or grant, enter into any agreement the United States or such corporation or agency may require; and

(3) make and issue its bonds for money borrowed, in the manner and to the extent provided by Section 8505.203. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 2 (part).)

Sec. 8505.202. STATE PLEDGE REGARDING RIGHTS AND REMEDIES OF BONDHOLDERS. This chapter does not deprive this state of its power to regulate and control rates or charges to be collected for the use of water, water connections, power, electric energy, or another service. The state pledges to and agrees with the purchasers and successive holders of the bonds issued under this chapter that the state will not limit or alter the power this chapter gives the authority to establish and collect rates and charges that will produce revenue sufficient to pay the items specified by Section 8505.154(b) or in any way impair the rights or remedies of the holders of the bonds, or of any person in their behalf, until the following are fully discharged:

(1) the bonds;

(2) the interest on the bonds;

(3) interest on unpaid installments of interest;

(4) all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders; and

(5) all other obligations of the authority in connection with the bonds. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 9 (part).)

Sec. 8505.203. OBLIGATION PAYABLE FROM REVENUE. A debt, liability, or obligation of the authority for the payment of money, however entered into or incurred and whether arising from an express or implied contract or otherwise, is payable solely:

(1) out of the revenue received by the authority with respect to its properties, subject to any prior lien on the revenue conferred by any resolution previously adopted as provided by this chapter authorizing the issuance of bonds; or

(2) if the board so determines, out of the proceeds of sale by the authority of bonds payable solely from revenue described by Subdivision (1). (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 10.)

Sec. 8505.204. POWER TO ISSUE BONDS. (a) The authority may issue bonds for any corporate purpose in an aggregate principal amount not to exceed $500,000.

(b) The bonds must be authorized by a board resolution. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 11 (part).)

Sec. 8505.205. TERMS OF ISSUANCE. Authority bonds may be:

(1) sold for cash;

(2) issued on terms the board determines in exchange for property of any kind, or any interest in property, that the

board considers necessary or convenient for the corporate purpose for which the bonds are issued; or

(3) issued in exchange for like principal amounts of other obligations of the authority, whether matured or unmatured. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 11 (part).)

Sec. 8505.206. DEPOSIT OF PROCEEDS. The proceeds of sale of authority bonds shall be deposited in one or more banks or trust companies, and shall be paid out according to the terms, on which the authority and the purchasers of the bonds agree. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 11 (part).)

Sec. 8505.207. RESOLUTION PROVISIONS. (a) A resolution authorizing bonds may contain provisions approved by the board that are not inconsistent with this chapter, including provisions:

(1) reserving the right to redeem the bonds at the time or times, in the amounts, and at the prices, not exceeding 105 percent of the principal amount of the bonds, plus accrued interest, as may be provided;

(2) providing for the setting aside of sinking funds or reserve funds and the regulation and disposition of those funds;

(3) pledging, to secure the payment of the principal of and interest on the bonds and of the sinking fund or reserve fund payments agreed to be made with respect to the bonds:

(A) all or any part of the gross or net revenue subsequently received by the authority with respect to the property to be acquired or constructed with the bonds or the proceeds of the bonds; or

(B) all or any part of the gross or net revenue

subsequently received by the authority from any source;

(4) prescribing the purposes to which the bonds or any bonds subsequently to be issued, or the proceeds of the bonds, may be applied;

(5) agreeing to set and collect rates and charges sufficient to produce revenue adequate to pay the items specified by Section 8505.154(b) and prescribing the use and disposition of all revenue;

(6) prescribing limitations on the issuance of additional bonds and on the agreements that may be made with the purchasers and successive holders of those bonds;

(7) with regard to the construction, extension, improvement, reconstruction, operation, maintenance, and repair of the properties of the authority and the carrying of insurance on all or any part of those properties covering loss or damage or loss of use and occupancy resulting from specified risks;

(8) setting the procedure, if any, by which, if the authority so desires, the terms of a contract with the bondholders may be amended or abrogated, the amount of bonds the holders of which must consent to that amendment or abrogation, and the manner in which the consent may be given; and

(9) providing for the execution and delivery by the authority to a bank or trust company authorized by law to accept trusts, or to the United States or any officer of the United States, of indentures and agreements for the benefit of the bondholders setting forth any or all of the agreements authorized by this chapter to be made with or for the benefit of the bondholders and

any other provisions that are customary in such indentures or agreements.

(b) A provision authorized by this section that is contained in a bond resolution is part of the contract between the authority and the bondholders. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 11 (part).)

Sec. 8505.208. DEFAULT PROCEDURES. (a) This section applies only to a default in:

(1) the payment of the interest on bonds as the interest becomes due and payable;

(2) the payment of the principal of bonds as they become due and payable, whether at maturity, by call for redemption, or otherwise; or

(3) the performance of an agreement made with the purchasers or successive holders of bonds.

(b) A resolution authorizing bonds and any indenture or agreement entered into under the resolution may provide that in the event of a default described by Subsection (a) that continues for a period, if any, prescribed by the resolution, the trustee under the indenture entered into with respect to the bonds authorized by the resolution, or, if there is no indenture, a trustee appointed in the manner provided in the resolution by the holders of 25 percent in aggregate principal amount of the bonds authorized by the resolution and then outstanding may, and on the written request of the holders of 25 percent in aggregate principal amount of the bonds authorized by the resolution then outstanding, shall, in the trustee's own name, but for the equal and proportionate benefit of

the holders of all of the bonds, and with or without having possession of the bonds:

(1) by mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders;

(2) bring suit on the bonds or the appurtenant coupons;

(3) by action or suit in equity, require the authority to account as if it were the trustee of an express trust for the bondholders;

(4) by action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders; or

(5) after such notice to the authority as the resolution may provide, declare the principal of all of the bonds due and payable, and if all defaults have been made good, then with the written consent of the holders of 25 percent in aggregate principal amount of the bonds then outstanding, annul the declaration and its consequences.

(c) Notwithstanding Subsection (b), the holders of more than a majority in principal amount of the bonds authorized by the resolution and then outstanding, by written instrument delivered to the trustee, are entitled to direct and control any and all action taken or to be taken by the trustee under this section.

(d) A resolution, indenture, or agreement relating to bonds may provide that in a suit, action, or proceeding under this section, the trustee, whether or not all of the bonds have been declared due and payable and with or without possession of any of

the bonds, is entitled to the appointment of a receiver who may:

(1) enter and take possession of all or any part of the properties of the authority;

(2) operate and maintain the properties;

(3) set, collect, and receive rates and charges sufficient to provide revenue adequate to pay the items specified by Section 8505.154(b) and the costs and disbursements of the suit, action, or proceeding; and

(4) apply the revenue in conformity with this chapter and the resolution authorizing the bonds.

(e) In a suit, action, or proceeding by a trustee under this section, the reasonable fees, attorney's fees, and expenses of the trustee and of the receiver, if any, constitute taxable disbursements, and all costs and disbursements allowed by the court are a first charge on any revenue pledged to secure the payment of the bonds.

(f) The courts of Coleman County have jurisdiction of a suit, action, or proceeding by a trustee on behalf of the bondholders and of all property involved in the suit, action, or proceeding.

(g) In addition to the powers specifically provided by this section, a trustee has all powers necessary or appropriate for the exercise of the powers specifically provided or incident to the general representation of the bondholders in the enforcement of their rights. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 11 (part).)

Sec. 8505.209. POWER OF AUTHORITY TO PURCHASE BONDS ISSUED

BY AUTHORITY. (a) Using any money available for the purpose, the authority may purchase bonds issued by it at a price not exceeding the redemption price applicable at the time of the purchase, or, if the bonds are not redeemable, at a price not exceeding the principal amount of the bonds plus accrued interest.

(b) All bonds purchased under this section shall be canceled, and bonds may not be issued in lieu of those bonds. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 14.)

Sec. 8505.210. BONDS EXEMPT FROM TAXATION. A bond issued under this chapter and the interest on the bond is exempt from taxation, except inheritance taxes, by this state or by any political subdivision of this state. (Acts 44th Leg., R.S., G.L., Ch. 338, Sec. 17.)

SECTION 1.05. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapters 8847, 8853, 8858, 8861, 8862, 8863, 8864, 8865, 8866, 8867, 8868, 8869, and 8870 to read as follows:

CHAPTER 8847. PINEYWOODS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8847.001. DEFINITIONS

Sec. 8847.002. NATURE OF DISTRICT

Sec. 8847.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8847.004. DISTRICT TERRITORY

Sec. 8847.005. ADDITION OF ADJACENT COUNTY TO DISTRICT

Sec. 8847.006. LANDOWNERS' RIGHTS

[Sections 8847.007-8847.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8847.051. COMPOSITION OF BOARD; TERMS

Sec. 8847.052. APPOINTMENT OF DIRECTORS BY INITIAL COUNTIES

Sec. 8847.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL COUNTIES

Sec. 8847.054. BOARD VACANCY

Sec. 8847.055. COMPENSATION; EXPENSES

Sec. 8847.056. VOTE REQUIRED FOR BOARD ACTION

[Sections 8847.057-8847.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8847.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8847.102. TRANSFER OF GROUNDWATER OUT OF DISTRICT

Sec. 8847.103. WELLS EXEMPT FROM REGULATION

Sec. 8847.104. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS

Sec. 8847.105. NO EMINENT DOMAIN POWER

[Sections 8847.106-8847.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8847.151. TAXES PROHIBITED

Sec. 8847.152. TAX BONDS PROHIBITED

Sec. 8847.153. PERMIT FEES

CHAPTER 8847. PINEYWOODS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8847.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Pineywoods Groundwater Conservation District. (Acts 77th Leg., R.S., Ch. 1330, Sec. 2; New.)

Sec. 8847.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Angelina and Nacogdoches Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1330, Secs. 1(a) (part), (b).)

Sec. 8847.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1330, Sec. 4.)

Sec. 8847.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Angelina and Nacogdoches Counties unless the district's territory has been modified under:

(1) Section 8847.005;

(2) Subchapter J or K, Chapter 36, Water Code; or

(3) other law. (Acts 77th Leg., R.S., Ch. 1330, Sec. 3; New.)

Sec. 8847.005. ADDITION OF ADJACENT COUNTY TO DISTRICT. (a) An adjacent county may petition to join the district by resolution of the commissioners court of the county.

(b) If, after a hearing on the resolution, the board finds that the addition of the county would benefit the district and the

county to be added, the board by resolution may approve the addition of the county to the district.

(c) The addition of a county to the district under this section is not final until ratified by a majority vote of the voters in the county to be added voting in an election held for that purpose.

(d) The ballots for the election shall be printed to provide for voting for or against the proposition: "The inclusion of _____ County in the Pineywoods Groundwater Conservation District." (Acts 77th Leg., R.S., Ch. 1330, Secs. 11(a), (b), (c), (d).)

Sec. 8847.006. LANDOWNERS' RIGHTS. The rights of landowners and their lessees and assigns in groundwater within the district are recognized. Nothing in this chapter may be construed to deprive or divest the landowners or their lessees or assigns of those rights, subject to district rules. (Acts 77th Leg., R.S., Ch. 1330, Sec. 9.)

[Sections 8847.007-8847.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8847.051. COMPOSITION OF BOARD; TERMS. (a) Except as provided by Section 8847.053, the district is governed by a board of seven directors appointed under Section 8847.052.

(b) Directors serve three-year terms.

(c) A director may serve consecutive terms. (Acts 77th Leg., R.S., Ch. 1330, Secs. 6(a) (part), (b) (part), (f).)

Sec. 8847.052. APPOINTMENT OF DIRECTORS BY INITIAL COUNTIES. (a) The Angelina County Commissioners Court shall

appoint two directors. One director shall represent the rural water and utilities and small municipal water supply interests. The other director shall represent the large industrial groundwater supply interests of the county.

(b) The Nacogdoches County Commissioners Court shall appoint two directors. One director shall represent the rural water and utilities and small municipal water supply interests. The other director shall represent the forestry or agricultural groundwater supply interests of the county.

(c) The Lufkin City Council shall appoint one director.

(d) The Nacogdoches City Council shall appoint one director.

(e) The Angelina County Commissioners Court and the Nacogdoches County Commissioners Court shall jointly appoint one director to represent the forestry, agricultural, or landowner groundwater interests of both counties. (Acts 77th Leg., R.S., Ch. 1330, Secs. 7(a), (b), (c), (d), (e).)

Sec. 8847.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL COUNTIES. When a county is added to the district, the board may change the number of directors so that an equal number of directors are appointed from each county and one director is appointed jointly by the counties. (Acts 77th Leg., R.S., Ch. 1330, Sec. 6(a) (part).)

Sec. 8847.054. BOARD VACANCY. If there is a vacancy on the board, the governing body of the entity that appointed the director who vacated the office shall appoint a director to serve the remainder of the term. (Acts 77th Leg., R.S., Ch. 1330, Sec. 6(g).)

Sec. 8847.055. COMPENSATION; EXPENSES. (a) A director is not entitled to receive compensation for serving as a director.

(b) A director may be reimbursed for actual, reasonable expenses incurred in discharging official duties. (Acts 77th Leg., R.S., Ch. 1330, Sec. 6(h).)

Sec. 8847.056. VOTE REQUIRED FOR BOARD ACTION. A majority vote of a quorum of the board is required for board action. If there is a tie vote, the proposed action fails. (Acts 77th Leg., R.S., Ch. 1330, Sec. 6(i).)

[Sections 8847.057-8847.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8847.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this subchapter and Subchapter D, the district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1330, Sec. 5(a) (part).)

Sec. 8847.102. TRANSFER OF GROUNDWATER OUT OF DISTRICT. (a) The district by rule may require a person to obtain a permit from the district for the transfer of groundwater out of the district consistent with Section 36.122, Water Code, and may regulate the terms on which a permit holder under those rules may conduct such a transfer.

(b) A retail public utility as defined by Section 13.002, Water Code, is not required to obtain a permit to transfer groundwater out of the district if:

(1) the source of the water is one or more wells located within the district; and

(2) the water is used by the retail public utility to provide retail water utility service, as defined by Section 13.002, Water Code, in a service area located in a county adjacent to the district. (Acts 77th Leg., R.S., Ch. 1330, Sec. 5(b).)

Sec. 8847.103. WELLS EXEMPT FROM REGULATION. (a) The district may not require a permit for a well incapable of producing more than 25,000 gallons of groundwater a day.

(b) A well meeting the criteria established under Section 36.117, Water Code, including a well used for dewatering and monitoring in the production of coal and lignite, is exempt from permit requirements, regulations, and fees imposed by the district. (Acts 77th Leg., R.S., Ch. 1330, Secs. 5(c), (f).)

Sec. 8847.104. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS. The district may not purchase groundwater rights unless the purchased rights are acquired for conservation purposes and are permanently held in trust not to be produced. (Acts 77th Leg., R.S., Ch. 1330, Sec. 5(g) (part).)

Sec. 8847.105. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain. (Acts 77th Leg., R.S., Ch. 1330, Sec. 5(g) (part).)

[Sections 8847.106-8847.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8847.151. TAXES PROHIBITED. The district may not impose taxes in the district. (Acts 77th Leg., R.S., Ch. 1330, Sec. 5(d).)

Sec. 8847.152. TAX BONDS PROHIBITED. The district may not issue and sell any bonds or notes that pledge revenue derived from taxation in the name of the district. (Acts 77th Leg., R.S., Ch. 1330, Sec. 5(g) (part).)

Sec. 8847.153. PERMIT FEES. (a) The board by rule may impose a reasonable fee on each well for which a permit is issued by the district and that is not exempt from regulation by the district.

(b) The fee must be based on the amount of water to be withdrawn from the well.

(c) The fee may not exceed $0.025 per thousand gallons of groundwater withdrawn for any purpose. (Acts 77th Leg., R.S., Ch. 1330, Sec. 5(e).)

CHAPTER 8853. KENEDY COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8853.001. DEFINITIONS

Sec. 8853.002. NATURE OF DISTRICT

Sec. 8853.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8853.004. DISTRICT TERRITORY

[Sections 8853.005-8853.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8853.051. COMPOSITION OF BOARD; TERMS

Sec. 8853.052. ELECTION OF DIRECTORS

Sec. 8853.053. ELECTION DATE

Sec. 8853.054. QUALIFICATIONS FOR OFFICE

Sec. 8853.055. APPLICATION FOR PLACEMENT ON BALLOT

Sec. 8853.056. REVISION OF SINGLE-MEMBER DISTRICTS

Sec. 8853.057. COMPENSATION OF DIRECTORS

[Sections 8853.058-8853.100 reserved for expansion]

SUBCHAPTER C. POWERS

Sec. 8853.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

[Sections 8853.102-8853.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8853.151. LIMITATION ON TAXATION

CHAPTER 8853. KENEDY COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8853.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Kenedy County Groundwater Conservation District. (Acts 78th Leg., R.S., Ch. 1152, Sec. 1; Ch. 1162, Sec. 1; New.)

Sec. 8853.002. NATURE OF DISTRICT. (a) The district is a groundwater conservation district in Kenedy County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is a political subdivision of this state. (Acts 78th Leg., R.S., Ch. 1152, Secs. 2(a) (part), (b), 3(b); Ch. 1162, Secs. 2(a) (part), (b), 3(b).)

Sec. 8853.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI,

Texas Constitution. (Acts 78th Leg., R.S., Ch. 1152, Secs. 3(a), (c); Ch. 1162, Secs. 3(a), (c).)

Sec. 8853.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 4, Chapter 1152, Acts of the 78th Legislature, Regular Session, 2003, as that territory may have been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law.

(b) The boundaries and field notes of the district form a closure. (Acts 78th Leg., R.S., Ch. 1152, Sec. 4(f); New.)

[Sections 8853.005-8853.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8853.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 78th Leg., R.S., Ch. 1152, Secs. 6(a), (d); Ch. 1162, Secs. 6(a), (d).)

Sec. 8853.052. ELECTION OF DIRECTORS. (a) The district is divided into five single-member districts for electing directors.

(b) One director is elected from each single-member district. (Acts 78th Leg., R.S., Ch. 1152, Secs. 9A(a) (part), (d); Ch. 1162, Secs. 8A(a) (part), (d).)

Sec. 8853.053. ELECTION DATE. Each even-numbered year, on the uniform election date in May or another date authorized by law, the appropriate number of directors shall be elected. (Acts 78th Leg., R.S., Ch. 1152, Sec. 11(b); Ch. 1162, Sec. 10(b).)

Sec. 8853.054. QUALIFICATIONS FOR OFFICE. (a) To be a candidate for or to serve as a director, a person must be a

registered voter in the single-member district the person represents or seeks to represent.

(b) A director in office on the effective date of a change in the boundaries of a single-member district under Section 8853.056(a), or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, shall serve for the remainder of the director's term in the single-member district to which the director was elected or appointed even though the change in boundaries places the director's residence outside the district to which the director was elected or appointed. (Acts 78th Leg., R.S., Ch. 1152, Secs. 9A(e), (g) (part); Ch. 1162, Secs. 8A(e), (g) (part).)

Sec. 8853.055. APPLICATION FOR PLACEMENT ON BALLOT. A person shall indicate on the application for a place on the ballot the single-member district the person seeks to represent. (Acts 78th Leg., R.S., Ch. 1152, Sec. 9A(f); Ch. 1162, Sec. 8A(f).)

Sec. 8853.056. REVISION OF SINGLE-MEMBER DISTRICTS. (a) After each federal decennial census or as needed, the board may redraw the single-member districts to reflect population changes.

(b) If the district annexes territory, the annexed territory becomes part of one or more of the single-member districts as determined by the board. (Acts 78th Leg., R.S., Ch. 1152, Secs. 9A(c), (g) (part); Ch. 1162, Secs. 8A(c), (g) (part).)

Sec. 8853.057. COMPENSATION OF DIRECTORS. A director is not entitled to fees of office but is entitled to reimbursement of

actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district. (Acts 78th Leg., R.S., Ch. 1152, Sec. 7.)

[Sections 8853.058-8853.100 reserved for expansion]

SUBCHAPTER C. POWERS

Sec. 8853.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 78th Leg., R.S., Ch. 1152, Sec. 12; Ch. 1162, Sec. 11.)

[Sections 8853.102-8853.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8853.151. LIMITATION ON TAXATION. The district may impose a tax to pay any part of bonds or notes issued by the district at a rate not to exceed 20 cents on each $100 of assessed valuation. (Acts 78th Leg., R.S., Ch. 1152, Sec. 13.)

CHAPTER 8858. KIMBLE COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8858.001. DEFINITIONS

Sec. 8858.002. NATURE OF DISTRICT

Sec. 8858.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8858.004. DISTRICT TERRITORY

[Sections 8858.005-8858.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8858.051. COMPOSITION OF BOARD; TERMS

Sec. 8858.052. ELECTION OF DIRECTORS

Sec. 8858.053. ELECTION DATE

Sec. 8858.054. QUALIFICATIONS FOR OFFICE

Sec. 8858.055. REVISION OF SINGLE-MEMBER DISTRICTS

Sec. 8858.056. COMPENSATION; EXPENSES

[Sections 8858.057-8858.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8858.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

[Sections 8858.102-8858.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8858.151. LIMITATION ON TAXES FOR BONDS OR NOTES

CHAPTER 8858. KIMBLE COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8858.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Kimble County Groundwater Conservation District. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0702; New.)

Sec. 8858.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Kimble County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.0701(a) (part), (b).)

Sec. 8858.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0704.)

Sec. 8858.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Kimble County, excluding that part of Kimble County that lies within the boundaries of Hickory Underground Water Conservation District No. 1, unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0703; New.)

[Sections 8858.005-8858.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8858.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.0706(a), (d).)

Sec. 8858.052. ELECTION OF DIRECTORS. (a) The district is divided into five numbered single-member districts for electing directors.

(b) One director is elected from each single-member district. A director elected from a single-member district represents the residents of that single-member district. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.0709(a), (b).)

Sec. 8858.053. ELECTION DATE. Each even-numbered year, on the uniform election date in May or another date authorized by law,

the appropriate number of directors shall be elected. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0711(b).)

Sec. 8858.054. QUALIFICATIONS FOR OFFICE. To be qualified to be a candidate for or to serve as director, a person must be a registered voter in the single-member district that the person represents or seeks to represent. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0709(c).)

Sec. 8858.055. REVISION OF SINGLE-MEMBER DISTRICTS. (a) The board may revise the single-member districts as necessary or appropriate.

(b) The board shall revise each single-member district after each federal decennial census to reflect population changes.

(c) At the first election after the single-member districts are revised, a new director shall be elected from each district. The directors shall draw lots to determine which two directors serve two-year terms and which three directors serve four-year terms. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0709(d).)

Sec. 8858.056. COMPENSATION; EXPENSES. A director is not entitled to fees of office but is entitled to reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0707.)

[Sections 8858.057-8858.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8858.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state,

including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0705(a) (part).)

[Sections 8858.102-8858.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8858.151. LIMITATION ON TAXES FOR BONDS OR NOTES. The district, to pay any part of bonds or notes issued by the district, may not impose a tax that exceeds 20 cents on each $100 of assessed valuation. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0712.)

CHAPTER 8861. MENARD COUNTY UNDERGROUND WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8861.001. DEFINITIONS

Sec. 8861.002. NATURE OF DISTRICT

Sec. 8861.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8861.004. DISTRICT TERRITORY

[Sections 8861.005-8861.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8861.051. COMPOSITION OF BOARD; TERMS

Sec. 8861.052. ELECTION DATE

Sec. 8861.053. COMPENSATION; EXPENSES

[Sections 8861.054-8861.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8861.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8861.102. AUTHORITY OF DISTRICT TO REQUIRE PERMITS FOR CERTAIN WELLS

CHAPTER 8861. MENARD COUNTY UNDERGROUND WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8861.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Menard County Underground Water District. (Acts 72nd Leg., R.S., Ch. 180, Sec. 2; New.)

Sec. 8861.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Menard County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg., R.S., Ch. 180, Secs. 1(a) (part), (b).)

Sec. 8861.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg., R.S., Ch. 180, Sec. 5.)

Sec. 8861.004. DISTRICT TERRITORY. (a) Except as provided by Subsection (b), the district includes the territory in Menard County unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law.

(b) The district does not include the territory in the Hickory Underground Water Conservation District No. 1 as that territory existed on May 24, 1991.

(c) The boundaries of the district form a closure. (Acts

72nd Leg., R.S., Ch. 180, Secs. 3, 4; New.)

[Sections 8861.005-8861.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8861.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 72nd Leg., R.S., Ch. 180, Secs. 7(a), (d).)

Sec. 8861.052. ELECTION DATE. Every two years, on the uniform election date in May or another date authorized by law, the appropriate number of directors shall be elected. (Acts 72nd Leg., R.S., Ch. 180, Sec. 10 (part).)

Sec. 8861.053. COMPENSATION; EXPENSES. A director is not entitled to compensation for service on the board but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the district. (Acts 72nd Leg., R.S., Ch. 180, Sec. 7(g).)

[Sections 8861.054-8861.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8861.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapters 36 and 49, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg., R.S., Ch. 180, Sec. 6(a) (part).)

Sec. 8861.102. AUTHORITY OF DISTRICT TO REQUIRE PERMITS FOR CERTAIN WELLS. The district may require a permit for a well used for domestic purposes or to provide water for livestock, poultry,

or wildlife if the well is:

(1) on a tract of land smaller than 100 acres;

(2) less than 500 feet deep; and

(3) drilled, completed, or equipped so that the well is capable of producing more than 9,000 gallons of groundwater per day. (Acts 72nd Leg., R.S., Ch. 180, Sec. 6A.)

CHAPTER 8862. MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8862.001. DEFINITIONS

Sec. 8862.002. NATURE OF DISTRICT

Sec. 8862.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8862.004. DISTRICT TERRITORY

[Sections 8862.005-8862.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8862.051. COMPOSITION OF BOARD; TERMS

Sec. 8862.052. ELECTION OF DIRECTORS

Sec. 8862.053. ELECTION DATE

Sec. 8862.054. QUALIFICATION FOR OFFICE

Sec. 8862.055. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS FOLLOWING ANNEXATION OF ONE OR TWO COUNTIES

Sec. 8862.056. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS FOLLOWING ANNEXATION OF MORE THAN TWO COUNTIES

[Sections 8862.057-8862.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8862.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8862.102. DISTRICT RULES; ENFORCEMENT

[Sections 8862.103-8862.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8862.151. MAINTENANCE AND OPERATION TAX

CHAPTER 8862. MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8862.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Middle Trinity Groundwater Conservation District. (Acts 77th Leg., R.S., Ch. 1362, Sec. 2.)

Sec. 8862.002. NATURE OF DISTRICT. The district is a groundwater conservation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1362, Secs. 1(a) (part), (b).)

Sec. 8862.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1362, Sec. 4.)

Sec. 8862.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Erath, Comanche,

Bosque, and Coryell Counties, unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 77th Leg., R.S., Ch. 1362, Sec. 3; New.)

[Sections 8862.005-8862.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8862.051. COMPOSITION OF BOARD; TERMS. (a) Except as provided by Subsection (c) and Sections 8862.055 and 8862.056, the district is governed by a board of six directors.

(b) Directors serve staggered four-year terms.

(c) The board by resolution may change the number of directors elected from a county in the district for the purpose of equalizing representation of the residents of the district.

(d) Section 36.051(a), Water Code, does not apply to the district. (Acts 77th Leg., R.S., Ch. 1362, Secs. 6(a), (d), (g), 9(c).)

Sec. 8862.052. ELECTION OF DIRECTORS. Except as provided by Sections 8862.051(c) and 8862.056, three directors shall be elected from each county in the district. (Acts 77th Leg., R.S., Ch. 1362, Sec. 9(a).)

Sec. 8862.053. ELECTION DATE. Except as provided by Sections 8862.055 and 8862.056, each even-numbered year, on the uniform election date in May or another date authorized by law, the appropriate number of directors shall be elected. (Acts 77th Leg., R.S., Ch. 1362, Sec. 11(b).)

Sec. 8862.054. QUALIFICATION FOR OFFICE. To be qualified

to be a candidate for or serve as director, a person must be a registered voter in the county the person seeks to represent. (Acts 77th Leg., R.S., Ch. 1362, Sec. 9(b).)

Sec. 8862.055. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS FOLLOWING ANNEXATION OF ONE OR TWO COUNTIES. (a) This section applies only following the annexation by the district under Subchapter J, Chapter 36, Water Code, of the territory of one or two additional counties.

(b) Not later than the 90th day after the date of an election in which the annexation of a county to the district is ratified by a majority vote of the voters of that county, the commissioners court of the annexed county shall appoint three temporary directors to the board. Temporary directors serve until initial permanent directors are elected under Subsection (c).

(c) In the first odd-numbered year following the election in which annexation of a county is ratified, on the uniform election date in May or another date authorized by law, initial permanent directors shall be elected from that county. The initial permanent directors from the county shall draw lots to determine who will serve a four-year term and who will serve a two-year term.

(d) In each odd-numbered year following the election of initial permanent directors under Subsection (c), on the uniform election date in May or another date authorized by law, the appropriate number of directors from the annexed county shall be elected. (Acts 77th Leg., R.S., Ch. 1362, Sec. 11A.)

Sec. 8862.056. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS FOLLOWING ANNEXATION OF MORE THAN TWO COUNTIES.

(a) This section applies only following the annexation by the district under Subchapter J, Chapter 36, Water Code, of the territory of a third additional county or the simultaneous or subsequent annexation of the territory of other additional counties.

(b) After annexation, two directors shall be elected from each county in the district as provided by this section.

(c) Not later than the 90th day after the date of an election in which the annexation of a county is ratified by a majority vote of the voters of that county, the commissioners court of each annexed county shall appoint two temporary directors to the board. Temporary directors serve until initial permanent directors are elected under Subsection (d).

(d) In the first odd-numbered year following the election in which annexation of a county is ratified, on the uniform election date in May or another date authorized by law, initial permanent directors shall be elected from that county. The initial permanent directors from the county shall draw lots to determine who will serve a four-year term and who will serve a two-year term.

(e) On the date of the next regularly scheduled directors' election in an even-numbered year following the election in which annexation of a county is ratified:

(1) one director position from Comanche County and one director position from Erath County are abolished; and

(2) the terms of the directors serving in those positions expire on the date of the election.

(f) On the date of the next regularly scheduled directors'

election in an odd-numbered year following the election in which annexation of the county is ratified:

(1) one director position from each of the first two counties annexed by the district is abolished; and

(2) the terms of the directors serving in those positions expire on the date of the election.

(g) If more than one position described by Subsection (e)(1) or (f)(1) is scheduled for election in Comanche County, Erath County, or one of the first two counties annexed by the district, the directors of the county shall draw lots to determine which position shall be abolished in accordance with Subsections (e) and (f).

(h) Each odd-numbered year following the election of initial permanent directors under Subsection (d), on the uniform election date in May or another date authorized by law, the appropriate number of directors from the annexed county shall be elected. (Acts 77th Leg., R.S., Ch. 1362, Sec. 11B.)

[Sections 8862.057-8862.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8862.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1362, Sec. 5(a) (part).)

Sec. 8862.102. DISTRICT RULES; ENFORCEMENT. (a) Any rules adopted by the district as authorized by this chapter and Chapter

36, Water Code, apply to all persons and entities except as exempted under Section 36.117, Water Code.

(b) The district may enforce its rules and the provisions of Chapter 36, Water Code, in the manner authorized by that chapter. In addition to the remedies provided under Section 36.102, Water Code, the district may impose a fee on a person or entity for violation of a rule of the district or failure to comply with an order issued by the district. (Acts 77th Leg., R.S., Ch. 1362, Sec. 13, as added Acts 81st Leg., R.S., Ch. 521.)

[Sections 8862.103-8862.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8862.151. MAINTENANCE AND OPERATION TAX. To pay the maintenance and operating expenses of the district, the board of directors may impose taxes annually at a rate not to exceed five cents on each $100 of assessed valuation. (Acts 77th Leg., R.S., Ch. 1362, Sec. 12.)

CHAPTER 8863. NECHES AND TRINITY VALLEYS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8863.001. DEFINITIONS

Sec. 8863.002. NATURE OF DISTRICT

Sec. 8863.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8863.004. DISTRICT TERRITORY

Sec. 8863.005. ADDITION OF UNDERGROUND WATER CONSERVATION DISTRICT OR ADJACENT COUNTY TO DISTRICT

[Sections 8863.006-8863.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8863.051. COMPOSITION OF BOARD

Sec. 8863.052. APPOINTMENT OF DIRECTORS

Sec. 8863.053. TERMS

Sec. 8863.054. BOARD VACANCY

Sec. 8863.055. COMPENSATION; EXPENSES

Sec. 8863.056. VOTE REQUIRED FOR BOARD ACTION

[Sections 8863.057-8863.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8863.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8863.102. WELLS EXEMPT FROM REGULATION

Sec. 8863.103. TRANSFER OF GROUNDWATER OUT OF DISTRICT

Sec. 8863.104. NO EMINENT DOMAIN POWER

Sec. 8863.105. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS

[Sections 8863.106-8863.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8863.151. AUTHORITY TO SET FEES; LIMITS

Sec. 8863.152. TAXES PROHIBITED

Sec. 8863.153. LIMIT ON ISSUANCE OF BONDS AND NOTES

CHAPTER 8863. NECHES AND TRINITY VALLEYS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8863.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Neches and Trinity Valleys

Groundwater Conservation District. (Acts 77th Leg., R.S., Ch. 1387, Sec. 2; New.)

Sec. 8863.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Anderson, Cherokee, and Henderson Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1387, Secs. 1(a) (part), (b).)

Sec. 8863.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1387, Sec. 4.)

Sec. 8863.004. DISTRICT TERRITORY. The district is composed of the territory described by Section 3, Chapter 1387, Acts of the 77th Legislature, Regular Session, 2001, as that territory may have been modified under:

(1) Section 8863.005 or its predecessor statute, former Section 10, Chapter 1387, Acts of the 77th Legislature, Regular Session, 2001;

(2) Subchapter J or K, Chapter 36, Water Code; or

(3) other law. (New.)

Sec. 8863.005. ADDITION OF UNDERGROUND WATER CONSERVATION DISTRICT OR ADJACENT COUNTY TO DISTRICT. (a) An adjacent county or an underground water conservation district the boundaries of which lie wholly within the boundaries of the district may petition to join the district by resolution of the commissioners court of the

county or the board of directors of the underground water conservation district.

(b) If, after a hearing on the resolution, the board finds that the addition of the county or underground water conservation district would benefit the district and the county or underground water conservation district to be added, the board by resolution may approve the addition of the county or underground water conservation district to the district.

(c) The addition of a county or underground water conservation district to the district under this section is not final until ratified by a majority vote of the voters in the county or within the boundaries of the underground water conservation district to be added voting in an election held for that purpose.

(d) The ballot for the election shall be printed to provide for voting for or against the proposition: "The inclusion of _____ County in the Neches and Trinity Valleys Groundwater Conservation District" or "The inclusion of _____ Underground Water Conservation District in the Neches and Trinity Valleys Groundwater Conservation District." (Acts 77th Leg., R.S., Ch. 1387, Secs. 10(a), (b), (c), (d).)

[Sections 8863.006-8863.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8863.051. COMPOSITION OF BOARD. The district is governed by a board of directors appointed as provided by Section 8863.052. (Acts 77th Leg., R.S., Ch. 1387, Sec. 6(a).)

Sec. 8863.052. APPOINTMENT OF DIRECTORS. (a) The commissioners court of each county in the district shall appoint:

(1) one director to represent the rural water and utilities and small municipal water supply interests of the county; and

(2) one director to represent the agriculture, industry, or landowner groundwater supply interests of the county.

(b) The governing body of the most populous municipality in each county in the district, acting jointly with the governing body of the most populous municipality in each other county in the district, shall appoint one director to represent those municipalities. The governing bodies shall appoint residents of the district on a rotating basis so that a resident of each county is appointed every sixth year. (Acts 77th Leg., R.S., Ch. 1387, Secs. 7(a), (b).)

Sec. 8863.053. TERMS. (a) Directors appointed under Section 8863.052(a) serve staggered four-year terms, with the term of one director appointed by the commissioners court of each county expiring every two years. The director appointed jointly under Section 8863.052(b) serves a two-year term.

(b) A director may serve consecutive terms.

(c) A director serves at the pleasure of the political subdivision that appointed the director. (Acts 77th Leg., R.S., Ch. 1387, Secs. 6(b), (c) (part), (g).)

Sec. 8863.054. BOARD VACANCY. If there is a vacancy on the board, the governing body of the entity that appointed the director who vacated the office shall appoint a director to serve the remainder of the term. (Acts 77th Leg., R.S., Ch. 1387, Sec. 6(h).)

Sec. 8863.055. COMPENSATION; EXPENSES. (a) A director is

not entitled to receive compensation for serving as a director.

(b) A director may be reimbursed for actual, reasonable expenses incurred in discharging official duties. (Acts 77th Leg., R.S., Ch. 1387, Sec. 6(i).)

Sec. 8863.056. VOTE REQUIRED FOR BOARD ACTION. A majority vote of a quorum of the board is required for board action. If there is a tie vote, the proposed action fails. (Acts 77th Leg., R.S., Ch. 1387, Sec. 6(j).)

[Sections 8863.057-8863.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8863.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this subchapter and Subchapter D, the district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1387, Sec. 5(a) (part).)

Sec. 8863.102. WELLS EXEMPT FROM REGULATION. A well meeting the criteria established under Section 36.117, Water Code, including a well used for dewatering and monitoring in the production of coal and lignite, is exempt from permit requirements, regulations, and fees imposed by the district. (Acts 77th Leg., R.S., Ch. 1387, Sec. 5(e).)

Sec. 8863.103. TRANSFER OF GROUNDWATER OUT OF DISTRICT. (a) In this section, "retail public utility" has the meaning assigned by Section 13.002, Water Code.

(b) The district by rule may require a person to obtain a

permit from the district for the transfer of groundwater out of the district consistent with Section 36.122, Water Code.

(c) The district may determine that a transfer of groundwater produced within the district's boundaries for use outside the district's boundaries will not be considered a transfer outside the district if the transfer:

(1) is for use as a potable water supply by a retail public utility and is within an authorized service area of which an appropriate portion, as determined by the district, is located inside the district's boundaries; or

(2) involves an emergency potable water interconnect between retail public utilities. (Acts 77th Leg., R.S., Ch. 1387, Sec. 5(b).)

Sec. 8863.104. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain. (Acts 77th Leg., R.S., Ch. 1387, Sec. 5(f) (part).)

Sec. 8863.105. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS. The district may not purchase groundwater rights unless the purchased rights are acquired for conservation purposes and are permanently held in trust not to be produced. (Acts 77th Leg., R.S., Ch. 1387, Sec. 5(f) (part).)

[Sections 8863.106-8863.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8863.151. AUTHORITY TO SET FEES; LIMITS. (a) The board may set fees for administrative acts of the district, such as filing applications. A fee may not unreasonably exceed the cost to the district of performing the administrative function for which

the fee is charged.

(b) The board shall set and collect fees for all services provided outside the boundaries of the district. The fees may not unreasonably exceed the cost to the district of providing the services outside the district.

(c) The board may assess production fees based on the amount of water authorized by permit to be withdrawn from a well or the amount actually withdrawn. The district may assess the fees in lieu of, or in conjunction with, any taxes otherwise imposed by the district. The district may use revenue generated by the fees for any lawful purpose. Production fees may not exceed:

(1) $1 per acre-foot payable annually for water used for agricultural use; or

(2) $10 per acre-foot payable annually for water used for any other purpose.

(d) The board may assess a production fee under Subsection (c) for any water that is:

(1) produced under an exemption under Section 36.117, Water Code; and

(2) subsequently sold to another person.

(e) The district may not assess a fee of any type on a well if the well's production is used only for domestic, agricultural, or wildlife purposes within the district. (Acts 77th Leg., R.S., Ch. 1387, Secs. 5(d), (g).)

Sec. 8863.152. TAXES PROHIBITED. The district may not impose taxes in the district. (Acts 77th Leg., R.S., Ch. 1387, Sec. 5(c).)

Sec. 8863.153. LIMIT ON ISSUANCE OF BONDS AND NOTES. The district may not issue and sell bonds or notes in the name of the district. (Acts 77th Leg., R.S., Ch. 1387, Sec. 5(f) (part).)

CHAPTER 8864. PECAN VALLEY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8864.001. DEFINITIONS

Sec. 8864.002. NATURE OF DISTRICT

Sec. 8864.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8864.004. DISTRICT TERRITORY

[Sections 8864.005-8864.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8864.051. COMPOSITION OF BOARD; TERMS

Sec. 8864.052. ELECTION OF DIRECTORS

Sec. 8864.053. ELECTION DATE

Sec. 8864.054. QUALIFICATIONS FOR OFFICE

Sec. 8864.055. BOARD VACANCY

[Sections 8864.056-8864.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8864.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

[Sections 8864.102-8864.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8864.151. LIMITATION ON TAXES

CHAPTER 8864. PECAN VALLEY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8864.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Pecan Valley Groundwater Conservation District. (Acts 77th Leg., R.S., Ch. 1343, Sec. 2; New.)

Sec. 8864.002. NATURE OF DISTRICT. The district is a groundwater conservation district in DeWitt County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1343, Secs. 1(a) (part), (b).)

Sec. 8864.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1343, Sec. 4.)

Sec. 8864.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of DeWitt County unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 77th Leg., R.S., Ch. 1343, Sec. 3; New.)

[Sections 8864.005-8864.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8864.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 77th Leg., R.S., Ch. 1343, Secs. 6(a), (c).)

Sec. 8864.052. ELECTION OF DIRECTORS. (a) Directors are elected according to the commissioners precinct method as provided by this section.

(b) One director is elected by the voters of the entire district. One director is elected from each county commissioners precinct by the voters of that precinct.

(c) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent; or

(2) that the person seeks to represent the district at large.

(d) At the first election of the district after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, four new directors shall be elected to represent the precincts. The directors shall draw lots to determine which two directors serve four-year terms and which two directors serve two-year terms. (Acts 77th Leg., R.S., Ch. 1343, Secs. 8(a), (b), (d), (e).)

Sec. 8864.053. ELECTION DATE. Each odd-numbered year, on the uniform election date in May or another date authorized by law, the appropriate number of directors shall be elected. (Acts 77th Leg., R.S., Ch. 1343, Sec. 11(c); New.)

Sec. 8864.054. QUALIFICATIONS FOR OFFICE. (a) To qualify as a candidate for or serve as director at large, a person must be:

(1) at least 18 years of age;

(2) a resident of the district; and

(3) a registered voter in the district.

(b) To be a candidate for or serve as director from a county commissioners precinct, a person must be:

(1) at least 18 years of age;

(2) a resident of that precinct; and

(3) a registered voter of that precinct. (Acts 77th Leg., R.S., Ch. 1343, Sec. 8(c).)

Sec. 8864.055. BOARD VACANCY. (a) The board shall appoint a replacement to fill a vacancy in the office of any director.

(b) The appointed replacement serves until the next directors' election.

(c) If the position is not scheduled to be filled at the election, the person elected to fill the position serves only for the remainder of the unexpired term. (Acts 77th Leg., R.S., Ch. 1343, Sec. 6(f).)

[Sections 8864.056-8864.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8864.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1343, Sec. 5(a) (part).)

[Sections 8864.102-8864.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8864.151. LIMITATION ON TAXES. The board may not impose an ad valorem tax at a rate that exceeds five cents on each

$100 valuation of taxable property in the district. (Acts 77th Leg., R.S., Ch. 1343, Sec. 12.)

CHAPTER 8865. POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8865.001. DEFINITIONS

Sec. 8865.002. NATURE OF DISTRICT

Sec. 8865.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8865.004. DISTRICT TERRITORY

[Sections 8865.005-8865.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8865.051. COMPOSITION OF BOARD; TERMS

Sec. 8865.052. APPOINTMENT OF DIRECTORS

Sec. 8865.053. BOARD VACANCY

Sec. 8865.054. COMPENSATION; EXPENSES

Sec. 8865.055. QUORUM; VOTE REQUIRED FOR BOARD ACTION

[Sections 8865.056-8865.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8865.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8865.102. GROUNDWATER WELLS UNDER JURISDICTION OF RAILROAD COMMISSION

Sec. 8865.103. LIMITATION ON POWER OF EMINENT DOMAIN

[Sections 8865.104-8865.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8865.151. FEES

Sec. 8865.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES

CHAPTER 8865. POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8865.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Post Oak Savannah Groundwater Conservation District. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1402; Acts 77th Leg., R.S., Ch. 1307, Sec. 3.02; New.)

Sec. 8865.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Milam and Burleson Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.1401(a) (part), (b); Acts 77th Leg., R.S., Ch. 1307, Secs. 3.01(a) (part), (b).)

Sec. 8865.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1404; Acts 77th Leg., R.S., Ch. 1307, Sec. 3.04.)

Sec. 8865.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Milam and Burleson Counties unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1403; Acts 77th Leg., R.S., Ch. 1307, Sec. 3.03; New.)

[Sections 8865.005-8865.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8865.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of 10 directors.

(b) Directors serve staggered four-year terms.

(c) A director may serve consecutive terms. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.1409(a), (c), (f); Acts 77th Leg., R.S., Ch. 1307, Secs. 3.10(a), (c), (f).)

Sec. 8865.052. APPOINTMENT OF DIRECTORS. (a) The Milam County Commissioners Court shall appoint five directors, of whom:

(1) one must represent municipal interests in the county;

(2) one must be a bona fide agricultural producer who derives a substantial portion of the producer's income from agriculture in the county;

(3) one must be a director or employee of a rural water supply corporation in the county;

(4) one must represent active industrial interests in the county; and

(5) one must represent the interests of the county at large.

(b) The Burleson County Commissioners Court shall appoint five directors, of whom:

(1) one must represent municipal interests in the county;

(2) one must be a bona fide agricultural producer who derives a substantial portion of the producer's income from agriculture in the county;

(3) one must be a director or employee of a rural water supply corporation in the county;

(4) one must represent active industrial interests in the county; and

(5) one must represent the interests of the county at large.

(c) On January 1 of each even-numbered year, the appropriate commissioners court shall appoint the appropriate number of directors. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1410(d) (part); Acts 77th Leg., R.S., Ch. 1307, Secs. 3.11(a), (b), (d) (part).)

Sec. 8865.053. BOARD VACANCY. If there is a vacancy on the board, the commissioners court that appointed the director who vacated the office shall appoint a director to serve the remainder of the term. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409(g); Acts 77th Leg., R.S., Ch. 1307, Sec. 3.10(g).)

Sec. 8865.054. COMPENSATION; EXPENSES. (a) A director is not entitled to receive compensation for serving as a director.

(b) A director may be reimbursed for actual, reasonable expenses incurred in discharging official duties. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409(h); Acts 77th Leg., R.S., Ch. 1307, Sec. 3.10(h).)

Sec. 8865.055. QUORUM; VOTE REQUIRED FOR BOARD ACTION. (a) A quorum exists when at least two-thirds of the directors are present.

(b) A majority vote of a quorum of the board is required for board action. If there is a tie vote, the proposed action fails. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1409(i); Acts 77th Leg., R.S., Ch. 1307, Sec. 3.10(i).)

[Sections 8865.056-8865.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8865.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1405(a) (part); Acts 77th Leg., R.S., Ch. 1307, Sec. 3.05(a) (part).)

Sec. 8865.102. GROUNDWATER WELLS UNDER JURISDICTION OF RAILROAD COMMISSION. (a) In this section, "railroad commission" means the Railroad Commission of Texas.

(b) A groundwater well drilled or operated in the district under a permit issued by the railroad commission is under the exclusive jurisdiction of the railroad commission and is exempt from regulation by the district.

(c) Groundwater produced in an amount authorized by a railroad commission permit may be used in or exported from the district without a permit from the district.

(d) To the extent groundwater production exceeds railroad commission authorization, the holder of the railroad commission permit:

(1) must apply to the district for the appropriate permit for the excess production; and

(2) is subject to the applicable regulatory fees.

(e) Groundwater produced from a well under the jurisdiction of the railroad commission is generally exempt from water district fees. However, the district may impose either a pumping fee or an export fee on groundwater produced from an otherwise exempt mine well that is used for municipal purposes or by a public utility. A fee imposed by the district under this subsection may not exceed the fee imposed on other groundwater producers in the district. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1407; Acts 77th Leg., R.S., Ch. 1307, Sec. 3.07; New.)

Sec. 8865.103. LIMITATION ON POWER OF EMINENT DOMAIN. The district does not have the authority granted by Section 36.105, Water Code, relating to eminent domain. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1405(b) (part); Acts 77th Leg., R.S., Ch. 1307, Sec. 3.05(b) (part).)

[Sections 8865.104-8865.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8865.151. FEES. (a) The board by rule may impose a reasonable fee on each well that is not exempt from regulation by the district and for which a permit is issued by the district. The fee may be based on:

(1) the size of column pipe used by the well; or

(2) the actual, authorized, or anticipated amount of water to be withdrawn from the well.

(b) Fees may not exceed:

(1) 25 cents per acre-foot for water used for irrigating agricultural crops; or

(2) 17 cents per thousand gallons for water used for any other purpose.

(c) In addition to the fee authorized under Subsection (a), the district may impose a reasonable fee or surcharge for an export fee using one of the following methods:

(1) a fee negotiated between the district and the transporter; or

(2) a combined production and export fee not to exceed 17 cents per thousand gallons of water used.

(d) Fees authorized by this section may be:

(1) assessed annually; and

(2) used to pay the cost of operating the district. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.1406(a), (c); Acts 77th Leg., R.S., Ch. 1307, Sec. 3.06.)

Sec. 8865.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES. The district does not have the authority granted by Sections 36.020 and 36.201-36.204, Water Code, relating to taxes. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1405(b) (part); Acts 77th Leg., R.S., Ch. 1307, Sec. 3.05(b) (part).)

CHAPTER 8866. MID-EAST TEXAS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8866.001. DEFINITIONS

Sec. 8866.002. NATURE OF DISTRICT

Sec. 8866.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8866.004. DISTRICT TERRITORY

[Sections 8866.005-8866.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8866.051. COMPOSITION OF BOARD; TERMS

Sec. 8866.052. APPOINTMENT OF DIRECTORS

Sec. 8866.053. BOARD VACANCY

Sec. 8866.054. COMPENSATION; EXPENSES

Sec. 8866.055. VOTE REQUIRED FOR BOARD ACTION

[Sections 8866.056-8866.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8866.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8866.102. GROUNDWATER WELLS UNDER JURISDICTION OF RAILROAD COMMISSION

Sec. 8866.103. LIMITATION ON POWER OF EMINENT DOMAIN

[Sections 8866.104-8866.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8866.151. FEES

Sec. 8866.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES

CHAPTER 8866. MID-EAST TEXAS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8866.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Mid-East Texas Groundwater Conservation District. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1502; Acts 77th Leg., R.S., Ch. 1307, Sec. 4.02; New.)

Sec. 8866.002. NATURE OF DISTRICT. The district is a

groundwater conservation district in Leon, Madison, and Freestone Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.1501(a) (part), (b); Acts 77th Leg., R.S., Ch. 1307, Secs. 4.01(a) (part), (b).)

Sec. 8866.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1504; Acts 77th Leg., R.S., Ch. 1307, Sec. 4.04.)

Sec. 8866.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Leon, Madison, and Freestone Counties unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1503; Acts 77th Leg., R.S., Ch. 1307, Sec. 4.03; New.)

[Sections 8866.005-8866.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8866.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of nine directors.

(b) Directors serve staggered four-year terms.

(c) A director may serve consecutive terms. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.1509(a), (c), (f); Acts 77th Leg., R.S., Ch. 1307, Secs. 4.10(a), (c), (f).)

Sec. 8866.052. APPOINTMENT OF DIRECTORS. (a) The Leon County Commissioners Court shall appoint three directors, of whom:

(1) one must represent the interests of municipalities in the county, or must be a director or employee of a rural water supply corporation in the county, or both;

(2) one must be a bona fide agricultural producer who derives a substantial portion of the producer's income from agriculture in the county; and

(3) one must represent active industrial interests in the county.

(b) The Madison County Commissioners Court shall appoint three directors, of whom:

(1) one must represent the interests of municipalities in the county, or must be a director or employee of a rural water supply corporation in the county, or both;

(2) one must be a bona fide agricultural producer who derives a substantial portion of the producer's income from agriculture in the county; and

(3) one must represent active industrial interests in the county.

(c) The Freestone County Commissioners Court shall appoint three directors, of whom:

(1) one must represent the interests of municipalities in the county, or must be a director or employee of a rural water supply corporation in the county, or both;

(2) one must be a bona fide agricultural producer who derives a substantial portion of the producer's income from

agriculture in the county; and

(3) one must represent active industrial interests in the county.

(d) On January 1 of each even-numbered year, the appropriate commissioners courts shall appoint the appropriate number of directors. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1510(e) (part); Acts 77th Leg., R.S., Ch. 1307, Secs. 4.11(a), (b), (c), (e) (part).)

Sec. 8866.053. BOARD VACANCY. If there is a vacancy on the board, the commissioners court that appointed the director who vacated the office shall appoint a director to serve the remainder of the term. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1509(g); Acts 77th Leg., R.S., Ch. 1307, Sec. 4.10(g).)

Sec. 8866.054. COMPENSATION; EXPENSES. (a) A director is not entitled to receive compensation for serving as a director.

(b) A director may be reimbursed for actual, reasonable expenses incurred in discharging official duties. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1509(h); Acts 77th Leg., R.S., Ch. 1307, Sec. 4.10(h).)

Sec. 8866.055. VOTE REQUIRED FOR BOARD ACTION. A majority vote of a quorum of the board is required for board action. If there is a tie vote, the proposed action fails. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1509(i); Acts 77th Leg., R.S., Ch. 1307, Sec. 4.10(i).)

[Sections 8866.056-8866.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8866.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as otherwise provided by this chapter, the

district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1505(a) (part); Acts 77th Leg., R.S., Ch. 1307, Sec. 4.05(a) (part).)

Sec. 8866.102. GROUNDWATER WELLS UNDER JURISDICTION OF RAILROAD COMMISSION. (a) In this section, "railroad commission" means the Railroad Commission of Texas.

(b) A groundwater well drilled or operated in the district under a permit issued by the railroad commission is under the exclusive jurisdiction of the railroad commission and is exempt from regulation by the district.

(c) Groundwater produced in an amount authorized by a railroad commission permit may be used in or exported from the district without a permit from the district.

(d) To the extent groundwater production exceeds railroad commission authorization, the holder of the railroad commission permit:

(1) must apply to the district for the appropriate permit for the excess production; and

(2) is subject to the applicable regulatory fees.

(e) Groundwater produced from a well under the jurisdiction of the railroad commission is generally exempt from water district fees. However, the district may impose either a pumping fee or an export fee on groundwater produced from an otherwise exempt mine well that is used for municipal purposes or by a public utility. A

fee imposed by the district under this subsection may not exceed the fee imposed on other groundwater producers in the district. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1507; Acts 77th Leg., R.S., Ch. 1307, Sec. 4.07; New.)

Sec. 8866.103. LIMITATION ON POWER OF EMINENT DOMAIN. The district does not have the authority granted by Section 36.105, Water Code, relating to eminent domain. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1505(b) (part); Acts 77th Leg., R.S., Ch. 1307, Sec. 4.05(b) (part).)

[Sections 8866.104-8866.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8866.151. FEES. (a) The board by rule may impose a reasonable fee on each well that is not exempt from regulation by the district and for which a permit is issued by the district. The fee may be based on:

(1) the size of column pipe used by the well; or

(2) the actual, authorized, or anticipated amount of water to be withdrawn from the well.

(b) Fees may not exceed:

(1) 25 cents per acre-foot for water used for irrigating agricultural crops; or

(2) 17 cents per thousand gallons for water used for any other purpose.

(c) In addition to the fee authorized under Subsection (a), the district may impose a reasonable fee or surcharge for an export fee using one of the following methods:

(1) a fee negotiated between the district and the

transporter; or

(2) a combined production and export fee not to exceed 17 cents per thousand gallons of water used.

(d) Fees authorized by this section may be:

(1) assessed annually; and

(2) used to pay the cost of operating the district. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.1506(a), (c); Acts 77th Leg., R.S., Ch. 1307, Sec. 4.06.)

Sec. 8866.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES. The district does not have the authority granted by Sections 36.020 and 36.201-36.204, Water Code, relating to taxes. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.1505(b) (part); Acts 77th Leg., R.S., Ch. 1307, Sec. 4.05(b) (part).)

CHAPTER 8867. ROLLING PLAINS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8867.001. DEFINITIONS

Sec. 8867.002. NATURE OF DISTRICT

Sec. 8867.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8867.004. DISTRICT TERRITORY

[Sections 8867.005-8867.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8867.051. COMPOSITION OF BOARD; TERMS

Sec. 8867.052. APPOINTMENT OF DIRECTORS IN GENERAL

Sec. 8867.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL COUNTIES

Sec. 8867.054. ELIGIBILITY

Sec. 8867.055. BOARD VACANCY

Sec. 8867.056. COMPENSATION

Sec. 8867.057. PRESIDENT

[Sections 8867.058-8867.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8867.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8867.102. LIMITATION ON RULEMAKING POWER NOT APPLICABLE

Sec. 8867.103. FEES

CHAPTER 8867. ROLLING PLAINS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8867.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Rolling Plains Groundwater Conservation District. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 2; New.)

Sec. 8867.002. NATURE OF DISTRICT. The district is created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 1(b).)

Sec. 8867.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 4.)

Sec. 8867.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Haskell County, Knox County, and Baylor County, unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 3; New.)

[Sections 8867.005-8867.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8867.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of not fewer than 5 or more than 16 directors.

(b) Directors serve staggered four-year terms. (Acts 73rd Leg., R.S., Ch. 1028, Secs. 6(a), 8(c).)

Sec. 8867.052. APPOINTMENT OF DIRECTORS IN GENERAL. The commissioners court of each county in the district shall appoint an equal number of directors. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 7.)

Sec. 8867.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL COUNTIES. (a) When a county is added to the district, the board shall change the number of directors so that an equal number of directors are appointed by the commissioners court of each county in the district. The terms of the directors then serving expire on a date set by the board, not later than the 90th day after the date the county is added to the district, and the directors continue to serve only until the new directors have been appointed.

(b) The board shall send to the commissioners court of each county in the district notice of the number of directors the county

may appoint.

(c) After receiving the notice from the board, the commissioners courts of all the counties in the district shall confer to determine the number of new directors from each county who will serve four-year terms and the number of new directors from each county who will serve two-year terms. The commissioners courts shall provide that, as nearly as possible, half of the new directors, in total and from each county, serve four-year terms and the remaining new directors serve two-year terms.

(d) The commissioners court of each county shall appoint new directors before the date set by the board in Subsection (a). A commissioners court may reappoint a current director.

(e) The new directors from each county shall draw lots to determine which directors serve four-year terms and which directors serve two-year terms in accordance with Subsection (c). (Acts 73rd Leg., R.S., Ch. 1028, Sec. 7A.)

Sec. 8867.054. ELIGIBILITY. To be eligible to serve as director, a person must be:

(1) at least 21 years of age; and

(2) a registered voter in the county from which the person is appointed. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 6(c).)

Sec. 8867.055. BOARD VACANCY. If a vacancy occurs in the office of director, the commissioners court of the county from which the person vacating the position was appointed shall appoint a director for the unexpired term. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 6(b).)

Sec. 8867.056. COMPENSATION. (a) A director is not

entitled to receive fees of office under Section 36.060, Water Code, if the director holds another office that is a civil office of emolument for purposes of Section 40, Article XVI, Texas Constitution.

(b) Except as provided by this section, a director may receive reimbursement of actual expenses as provided by Section 36.060(b), Water Code.

(c) The board by rule, bylaw, or resolution may limit the amount of fees of office or the amount of reimbursement for actual expenses a director is entitled to receive.

(d) This section prevails over any provision of general or special law that is in conflict or inconsistent with this section, including Section 36.060(d), Water Code. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 6(d).)

Sec. 8867.057. PRESIDENT. (a) The board shall elect a president from among the directors every other year following the appointment of directors under Section 8867.052.

(b) The president may vote and may cast an additional vote to break a tie. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 9.)

[Sections 8867.058-8867.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8867.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by Sections 8867.102 and 8867.103(b), the district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas

Constitution. (Acts 73rd Leg., R.S., Ch. 1028, Secs. 5(a) (part), (b) (part), (c) (part).)

Sec. 8867.102. LIMITATION ON RULEMAKING POWER NOT APPLICABLE. Section 36.121, Water Code, does not apply to the district. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 5(b) (part).)

Sec. 8867.103. FEES. (a) The district may assess fees under Section 36.122(e) or 36.205(c), Water Code, in an annual amount not to exceed:

(1) $1 per acre-foot of water used for agricultural use; or

(2) 17 cents per thousand gallons of water used for any other purpose.

(b) Section 36.205(e), Water Code, does not apply to the district. (Acts 73rd Leg., R.S., Ch. 1028, Sec. 5(c) (part).)

CHAPTER 8868. SOUTHEAST TEXAS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8868.001. DEFINITIONS

Sec. 8868.002. NATURE OF DISTRICT

Sec. 8868.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8868.004. DISTRICT TERRITORY

Sec. 8868.005. ADDITION OF ADJACENT COUNTY TO DISTRICT

Sec. 8868.006. LANDOWNERS' RIGHTS

[Sections 8868.007-8868.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8868.051. COMPOSITION OF BOARD; TERMS

Sec. 8868.052. APPOINTMENT OF DIRECTORS BY INITIAL COUNTIES

Sec. 8868.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL COUNTIES

Sec. 8868.054. QUALIFICATIONS; GROUNDWATER PRODUCERS

Sec. 8868.055. BOARD VACANCY

Sec. 8868.056. COMPENSATION; EXPENSES

Sec. 8868.057. VOTE REQUIRED FOR BOARD ACTION

[Sections 8868.058-8868.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8868.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8868.102. TRANSFER OF GROUNDWATER OUT OF DISTRICT

Sec. 8868.103. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS FOR CONSERVATION PURPOSES

Sec. 8868.104. WELLS EXEMPT FROM REGULATION

Sec. 8868.105. NO EMINENT DOMAIN POWER

[Sections 8868.106-8868.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8868.151. TAXES PROHIBITED

Sec. 8868.152. TAX BONDS PROHIBITED

Sec. 8868.153. PERMIT FEES

CHAPTER 8868. SOUTHEAST TEXAS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8868.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Southeast Texas Groundwater Conservation District. (Acts 78th Leg., R.S., Ch. 384, Sec. 1;

New.)

Sec. 8868.002. NATURE OF DISTRICT. (a) The district is a groundwater conservation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is a political subdivision of this state. (Acts 78th Leg., R.S., Ch. 384, Secs. 2, 3.)

Sec. 8868.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 78th Leg., R.S., Ch. 384, Sec. 4.)

Sec. 8868.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Jasper, Newton, Hardin, and Tyler Counties, Texas, unless the district's territory has been modified under:

(1) Section 8868.005;

(2) Subchapter J or K, Chapter 36, Water Code; or

(3) other law. (Acts 78th Leg., R.S., Ch. 384, Sec. 5; New.)

Sec. 8868.005. ADDITION OF ADJACENT COUNTY TO DISTRICT. (a) An adjacent county may petition to join the district by resolution of the commissioners court of the county.

(b) If, after a hearing on the resolution, the board finds that the addition of the county would benefit the district and the county to be added, the board by resolution may approve the addition

of the county to the district.

(c) The addition of a county to the district under this section is not final until ratified by a majority vote of the voters in the county to be added voting in an election held for that purpose.

(d) The ballot for the election shall be printed to provide for voting for or against the proposition: "The inclusion of _____ (name of county) County in the Southeast Texas Groundwater Conservation District." (Acts 78th Leg., R.S., Ch. 384, Secs. 14(a), (b), (c), (d).)

Sec. 8868.006. LANDOWNERS' RIGHTS. The rights of landowners and their lessees and assigns in groundwater in the district are recognized. Nothing in this chapter may be construed to deprive or divest the landowners or their lessees and assigns of their rights, subject to district rules. (Acts 78th Leg., R.S., Ch. 384, Sec. 12.)

[Sections 8868.007-8868.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8868.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of directors appointed under Sections 8868.052 and 8868.053.

(b) Directors serve three-year terms.

(c) A director may serve consecutive terms. (Acts 78th Leg., R.S., Ch. 384, Secs. 9(a) (part), (b) (part), (e).)

Sec. 8868.052. APPOINTMENT OF DIRECTORS BY INITIAL COUNTIES. (a) The Jasper County Commissioners Court shall appoint two directors. One director shall represent rural water utilities and small municipal water supply interests. The other director

shall represent the large industrial groundwater supply interests of the county and large municipal utilities.

(b) The Newton County Commissioners Court shall appoint two directors. One director shall represent rural water utilities and small municipal water supply interests. The other director shall represent the forestry or agricultural groundwater supply interests of the county.

(c) The Jasper County Commissioners Court and the Newton County Commissioners Court shall jointly appoint one director to represent the forestry, agricultural, or landowner groundwater supply interests of both counties. The jointly appointed director shall serve as the board's presiding officer.

(d) The Newton City Council shall appoint one director.

(e) The Jasper City Council shall appoint one director. (Acts 78th Leg., R.S., Ch. 384, Secs. 10(a), (b), (c), (d), (e).)

Sec. 8868.053. APPOINTMENT OF DIRECTORS BY ADDITIONAL COUNTIES. When a county is added to the district, the board may change the number of directors so that an equal number of directors are appointed from each county and one director is appointed jointly by the counties. (Acts 78th Leg., R.S., Ch. 384, Sec. 9(a) (part).)

Sec. 8868.054. QUALIFICATIONS; GROUNDWATER PRODUCERS. A director is not disqualified from serving because the director is an employee, manager, director, or officer of a groundwater producer that is or may be regulated by the district. (Acts 78th Leg., R.S., Ch. 384, Sec. 10(f).)

Sec. 8868.055. BOARD VACANCY. (a) If there is a vacancy on

the board, the governing body of the entity that appointed the director who vacated the office shall appoint a director to serve the remainder of the term.

(b) The board shall adopt rules or bylaws to establish when a vacancy has occurred. (Acts 78th Leg., R.S., Ch. 384, Sec. 9(f).)

Sec. 8868.056. COMPENSATION; EXPENSES. (a) A director is not entitled to receive compensation for serving as a director.

(b) A director may be reimbursed for actual, reasonable expenses incurred in discharging official duties. (Acts 78th Leg., R.S., Ch. 384, Sec. 9(g).)

Sec. 8868.057. VOTE REQUIRED FOR BOARD ACTION. A majority vote of a quorum of the board is required for board action. If there is a tie vote, the proposed action fails. (Acts 78th Leg., R.S., Ch. 384, Sec. 9(h).)

[Sections 8868.058-8868.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8868.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this chapter, the district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 78th Leg., R.S., Ch. 384, Sec. 6.)

Sec. 8868.102. TRANSFER OF GROUNDWATER OUT OF DISTRICT. The district by rule may require a person to obtain a permit from the district for the transfer of groundwater out of the district consistent with Section 36.122, Water Code, and may regulate the

terms on which a permit holder under those rules may conduct the transfer. (Acts 78th Leg., R.S., Ch. 384, Sec. 7(a).)

Sec. 8868.103. LIMIT ON PURCHASE OF GROUNDWATER RIGHTS FOR CONSERVATION PURPOSES. The district may not purchase groundwater rights unless the purchased rights are acquired for conservation purposes and are permanently held in trust not to be produced. (Acts 78th Leg., R.S., Ch. 384, Sec. 7(g) (part).)

Sec. 8868.104. WELLS EXEMPT FROM REGULATION. (a) The district may not require a permit for a well incapable of producing more than 25,000 gallons of groundwater a day.

(b) A well meeting the criteria established under Section 36.117, Water Code, including a well used for dewatering and monitoring in the production of coal or lignite, is exempt from permit requirements, regulations, and fees imposed by the district. (Acts 78th Leg., R.S., Ch. 384, Secs. 7(b), (f).)

Sec. 8868.105. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain. (Acts 78th Leg., R.S., Ch. 384, Sec. 7(g) (part).)

[Sections 8868.106-8868.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8868.151. TAXES PROHIBITED. The district may not impose a tax. (Acts 78th Leg., R.S., Ch. 384, Sec. 7(c).)

Sec. 8868.152. TAX BONDS PROHIBITED. The district may not issue any bonds or other obligations that pledge revenue derived from district taxation. (Acts 78th Leg., R.S., Ch. 384, Sec. 7(g) (part).)

Sec. 8868.153. PERMIT FEES. (a) The district by rule may

impose a reasonable fee on each well that is not exempt from regulation by the district and for which a permit is issued by the district.

(b) The fee must be based on the amount of water to be withdrawn from the well.

(c) The fee may not exceed one cent per thousand gallons of groundwater withdrawn for any purpose. (Acts 78th Leg., R.S., Ch. 384, Secs. 7(d), (e).)

CHAPTER 8869. WES-TEX GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8869.001. DEFINITIONS

Sec. 8869.002. NATURE OF DISTRICT

Sec. 8869.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8869.004. DISTRICT TERRITORY

[Sections 8869.005-8869.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8869.051. COMPOSITION OF BOARD

Sec. 8869.052. ELECTION OF DIRECTORS

Sec. 8869.053. TERMS

Sec. 8869.054. ELECTION DATE

Sec. 8869.055. QUALIFICATIONS FOR OFFICE

[Sections 8869.056-8869.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8869.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8869.102. LIMITATIONS ON DISTRICT POWERS

[Sections 8869.103-8869.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8869.151. MAINTENANCE AND OPERATION TAX

CHAPTER 8869. WES-TEX GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8869.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Wes-Tex Groundwater Conservation District. (Acts 77th Leg., R.S., Ch. 1473, Sec. 2; New.)

Sec. 8869.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Nolan County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1473, Secs. 1(a) (part), (b).)

Sec. 8869.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1473, Sec. 4.)

Sec. 8869.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Nolan County, unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 77th Leg., R.S., Ch. 1473, Sec. 3; New.)

[Sections 8869.005-8869.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8869.051. COMPOSITION OF BOARD. The district is governed by a board of nine directors that consists of one at-large director and two directors from each county commissioners precinct. (Acts 77th Leg., R.S., Ch. 1473, Sec. 7(a) (part).)

Sec. 8869.052. ELECTION OF DIRECTORS. (a) Directors are elected according to the commissioners precinct method as provided by this section.

(b) One director is elected by the voters of the entire district. Two directors are elected from each county commissioners precinct by the voters of that precinct. Of the two directors elected from each precinct, one must reside in an incorporated area and one must reside in an unincorporated area.

(c) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent and whether that person resides in an incorporated or in an unincorporated area; or

(2) that the person seeks to represent the district at large.

(d) When the boundaries of the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, a director in office on the effective date of the change, or elected or appointed before the effective date of the change to a term of office beginning on or after the effective date of the change, shall serve the term or the remainder of the term in

the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed. (Acts 77th Leg., R.S., Ch. 1473, Secs. 7(a) (part), 9(a), (b), (d), (e), as amended Acts 79th Leg., R.S., Chs. 858, 1088.)

Sec. 8869.053. TERMS. Directors serve staggered four-year terms with four or five members' terms expiring December 1 of each even-numbered year. (Acts 77th Leg., R.S., Ch. 1473, Secs. 7(d), 11A, as added Acts 79th Leg., R.S., Chs. 858, 1088.)

Sec. 8869.054. ELECTION DATE. On the uniform election date prescribed by Section 41.001, Election Code, in November of each even-numbered year, the appropriate number of directors shall be elected. (Acts 77th Leg., R.S., Ch. 1473, Sec. 11, as amended Acts 79th Leg., R.S., Chs. 858, 1088.)

Sec. 8869.055. QUALIFICATIONS FOR OFFICE. (a) To be a candidate for or to serve as director at large, a person must reside in and be a registered voter in the district.

(b) To be a candidate for or to serve as director from an incorporated area of a county commissioners precinct, a person must reside in an incorporated area of and be a registered voter of that precinct.

(c) To be a candidate for or to serve as director from an unincorporated area of a county commissioners precinct, a person must reside in an unincorporated area of and be a registered voter of that precinct. (Acts 77th Leg., R.S., Ch. 1473, Sec. 9(c).)

[Sections 8869.056-8869.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8869.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1473, Sec. 5(a) (part).)

Sec. 8869.102. LIMITATIONS ON DISTRICT POWERS. Notwithstanding Section 8869.101, the district may not:

(1) acquire land;

(2) purchase, sell, transport, or distribute surface water or groundwater;

(3) issue bonds; or

(4) exercise eminent domain authority. (Acts 77th Leg., R.S., Ch. 1473, Sec. 6.)

[Sections 8869.103-8869.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8869.151. MAINTENANCE AND OPERATION TAX. To pay the maintenance and operating expenses of the district, the board may impose taxes annually at a rate not to exceed three cents on each $100 of assessed valuation. (Acts 77th Leg., R.S., Ch. 1473, Sec. 12.)

CHAPTER 8870. TRINITY GLEN ROSE GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8870.001. DEFINITIONS

Sec. 8870.002. NATURE OF DISTRICT

Sec. 8870.003. PURPOSE

Sec. 8870.004. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8870.005. DISTRICT TERRITORY

Sec. 8870.006. MUNICIPALITY'S CHOICE OF DISTRICT

Sec. 8870.007. EFFECT OF ANNEXATION OF LAND BY CERTAIN MUNICIPALITIES

[Sections 8870.008-8870.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8870.051. COMPOSITION OF BOARD; TERMS

Sec. 8870.052. ELECTION OF DIRECTORS

Sec. 8870.053. ELECTION DATE

Sec. 8870.054. QUALIFICATIONS FOR OFFICE

Sec. 8870.055. BOARD VACANCY

Sec. 8870.056. REVISION OF SINGLE-MEMBER DISTRICTS

[Sections 8870.057-8870.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8870.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES

Sec. 8870.102. REGULATION OF WELLS

Sec. 8870.103. PUBLIC WATER SUPPLY WELLS; CERTAIN WELLS EXEMPT FROM REGULATION

Sec. 8870.104. MANAGEMENT PRACTICES; CONSTRUCTION AND MAINTENANCE

Sec. 8870.105. LIMITATIONS ON DISTRICT POWERS

[Sections 8870.106-8870.150 reserved for expansion]

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 8870.151. MAINTENANCE AND OPERATION TAX

Sec. 8870.152. LIMITATION ON TAXES; PROHIBITED TAXES AND FEES
Sec. 8870.153. FEES
Sec. 8870.154. RECHARGE CREDITS
Sec. 8870.155. USE OF DISTRICT FUNDS

CHAPTER 8870. TRINITY GLEN ROSE GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8870.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Trinity Glen Rose Groundwater Conservation District. (Acts 77th Leg., R.S., Ch. 1312, Sec. 2; New.)

Sec. 8870.002. NATURE OF DISTRICT. The district is a groundwater conservation district in the part of Bexar County overlying the Trinity Aquifer and is created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1312, Secs. 1(a) (part), (b).)

Sec. 8870.003. PURPOSE. The purpose of the district is to develop and implement regulatory, conservation, and recharge programs that preserve and protect the underground water resources located within the district. (Acts 77th Leg., R.S., Ch. 1312, Sec. 1(c).)

Sec. 8870.004. FINDINGS OF PUBLIC USE AND BENEFIT.

(a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1312, Sec. 4.)

Sec. 8870.005. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 3, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, as that territory may have been modified under:

(1) Subsection (b) or its predecessor statute, former Section 3(b), Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001;

(2) Section 8870.006 or 8870.007 or their predecessor statutes, former Sections 19 and 19A, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001;

(3) Subchapter J or K, Chapter 36, Water Code; or

(4) other law.

(b) The district may add territory inside the boundaries of the Edwards Aquifer Authority with the consent of the board of directors of the authority in the manner provided by Subchapter J, Chapter 36, Water Code. (Acts 77th Leg., R.S., Ch. 1312, Sec. 3(b); New.)

Sec. 8870.006. MUNICIPALITY'S CHOICE OF DISTRICT. (a) If any part of a municipality, a part of which is included within the boundaries of the district, is included within the boundaries of one or more other groundwater conservation districts created by special Act of the 77th Legislature, Regular Session, 2001, and

confirmed at a subsequent election called for the purpose, the municipality, not later than August 31, 2004, at an election called for the purpose, may vote to choose the one groundwater conservation district of which it will be a part.

(b) If, after a municipality has held an election authorized by Subsection (a), another groundwater conservation district created by special Act of the 77th Legislature, Regular Session, 2001, that includes any part of the municipality is confirmed at an election called for the purpose and if the district of which the municipality has chosen to be a part has not issued bonds secured by ad valorem taxes on any land within the boundaries of the municipality, the municipality may hold another election under this section to choose whether to remain within the groundwater conservation district of which it has chosen to be a part or to separate from that district and become part of the newly confirmed groundwater conservation district. The district may hold another election under this section, regardless of the number of previous elections under this section, at any time a district described by Subsection (a) is confirmed.

(c) Section 41.001(a), Election Code, does not apply to an election under this section.

(d) This section and the results of an election held under this section prevail over the provisions of any Act of the 77th Legislature, Regular Session, 2001, other than Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, regardless of the relative dates on which Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, and the other Act were enacted and became

law. (Acts 77th Leg., R.S., Ch. 1312, Secs. 19(a), (b), (c) (part), (d).)

Sec. 8870.007. EFFECT OF ANNEXATION OF LAND BY CERTAIN MUNICIPALITIES. (a) In this section:

(1) "Inhabited land" means land on which at least one fixed, permanent, and occupied dwelling is situated, as of the date on which the land is annexed by a municipality.

(2) "Vacant land" means land on which no fixed, permanent, and occupied dwelling is situated, as of the date on which the land is annexed by a municipality.

(b) If a municipality that has held an election under Section 8870.006 or its predecessor statute, former Section 19, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, subsequently annexes vacant land that is not located in the groundwater conservation district chosen by the municipality in the election, the annexed vacant land by that action:

(1) becomes part of the territory of the groundwater conservation district chosen by the municipality in the election; and

(2) is disannexed from any other groundwater conservation district in which the land is located.

(c) If a municipality that has held an election under Section 8870.006 or its predecessor statute, former Section 19, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, subsequently annexes inhabited land that is not located in the groundwater conservation district chosen by the municipality in the election, the landowners of the annexed inhabited land may file a

petition with the groundwater conservation district requesting inclusion in that district as provided by Subchapter J, Chapter 36, Water Code. Notwithstanding Section 36.325(b), Water Code, the petition must be signed by all of the landowners of the land to be annexed by the groundwater conservation district. If the affected landowners do not file a petition as provided by this subsection, the municipality shall hold an election under Section 8870.006 in which the voters in the annexed inhabited land may choose the one groundwater conservation district of which the annexed land will be a part.

(d) Any land annexed by the municipality after an election under Section 8870.006 or its predecessor statute, former Section 19, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, and before the effective date of this section is:

(1) territory of the district chosen by the municipality in the election; and

(2) disannexed from any other groundwater conservation district in which the land is located.

(e) A disannexation of a groundwater conservation district's territory under this section does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other obligations of that groundwater conservation district. Property disannexed under this section is not released from its pro rata share of any indebtedness of that groundwater conservation district at the time of the disannexation, and that groundwater conservation district may continue to tax the property until that debt is paid. (Acts 77th Leg., R.S., Ch. 1312, Sec. 19A.)

[Sections 8870.008-8870.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8870.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 77th Leg., R.S., Ch. 1312, Secs. 7(a), 11(c).)

Sec. 8870.052. ELECTION OF DIRECTORS. (a) The district is divided into five numbered, single-member districts for electing directors.

(b) One director is elected from each single-member district. A director elected from a single-member district represents the residents of that single-member district. (Acts 77th Leg., R.S., Ch. 1312, Secs. 6(a), (b).)

Sec. 8870.053. ELECTION DATE. Each even-numbered year, on the uniform election date in May or another date authorized by law, the appropriate number of directors shall be elected. (Acts 77th Leg., R.S., Ch. 1312, Sec. 12.)

Sec. 8870.054. QUALIFICATIONS FOR OFFICE. (a) To be qualified to be a candidate for or to serve as director, a person must be a registered voter in the single-member district that the person represents or seeks to represent.

(b) The disqualification of a director is governed by Section 49.052, Water Code. (Acts 77th Leg., R.S., Ch. 1312, Secs. 5(c), 6(c).)

Sec. 8870.055. BOARD VACANCY. (a) The board shall appoint a replacement to fill a vacancy in the office of director.

(b) The appointed replacement serves until the next

directors' election.

(c) At that election, a person is elected to fill the position. If the position is not scheduled to be filled at the election, the person elected to fill the position serves only for the remainder of the unexpired term. (Acts 77th Leg., R.S., Ch. 1312, Sec. 7(b).)

Sec. 8870.056. REVISION OF SINGLE-MEMBER DISTRICTS. (a) The board may revise the single-member districts as necessary or appropriate.

(b) The board shall revise each single-member district after each federal decennial census to reflect population changes.

(c) At the first election after the single-member districts are revised, a new director shall be elected from each district. The directors shall draw lots to determine which two directors serve two-year terms and which three directors serve four-year terms. (Acts 77th Leg., R.S., Ch. 1312, Sec. 6(d).)

[Sections 8870.057-8870.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8870.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1312, Sec. 5(a).)

Sec. 8870.102. REGULATION OF WELLS. (a) The board may require all or certain types of wells in the district to be registered with the district.

(b) Notwithstanding Section 36.117, Water Code:

(1) the production capacity for an exempt well in the district is 10,000 gallons per day or less; and

(2) an exempt domestic well in the district may not serve more than five households.

(c) A well on or serving a tract of land of less than five acres that is installed after September 1, 2001, regardless of whether a plat is required or whether the production capacity of the well is less than 10,000 gallons per day, is not an exempt well.

(d) This section does not affect the exempt status of public water supply wells under Section 8870.103. (Acts 77th Leg., R.S., Ch. 1312, Secs. 14(a), (b), (c), (d).)

Sec. 8870.103. PUBLIC WATER SUPPLY WELLS; CERTAIN WELLS EXEMPT FROM REGULATION. (a) A public water supply well is exempt from regulation by the district if:

(1) the well existed on September 1, 2001, and was drilled in compliance with technical requirements in effect at the time the well was drilled; or

(2) the commission approved plans submitted for the installation of the well before September 1, 2001, and the installation of the well was completed in accordance with the approved plans and the commission's technical requirements before September 1, 2002.

(b) For the purposes of Subsection (a)(2), the installation of a well was timely completed if, before September 1, 2002, the well was drilled, cased, and cemented in accordance with the commission's technical requirements and the plans submitted to and

approved by the commission before September 1, 2001, even if the well was capped for subsequent placement into service as part of a public water system.

(c) The owner of a public water supply well shall register the well with the district and submit reports to the district. A public water supply well is subject to the district's prohibitions on the waste of groundwater.

(d) The district may not require a construction or operating permit for a public water supply well approved by the commission.

(e) Fees a retail public utility pays to the district shall be collected directly from the customers of the utility as a regulatory fee and shown as a separate line item on the customer's bill.

(f) The district may not prohibit the sale, purchase, lease, or trade of groundwater by a private well owner under this section. (Acts 77th Leg., R.S., Ch. 1312, Sec. 16.)

Sec. 8870.104. MANAGEMENT PRACTICES; CONSTRUCTION AND MAINTENANCE. The district may:

(1) construct, implement, and maintain best management practices in the district;

(2) engage in and promote the acceptance of best management practices through education efforts sponsored by the district;

(3) include the construction and maintenance of terraces and other structures on land in the district;

(4) engage in and promote land treatment measures for soil conservation and improvement; and

(5) prepare and implement a plan for the control and management of brush within the district. (Acts 77th Leg., R.S., Ch. 1312, Sec. 14(e).)

Sec. 8870.105. LIMITATIONS ON DISTRICT POWERS. The district may not:

(1) sell, donate, lease, or otherwise grant rights in or to underground water located in the district unless the action has been approved by a majority vote of district residents; or

(2) enter into any contract or engage in any action to purchase, sell, transport, and distribute surface water or groundwater for any purpose other than a program for aquifer storage and recovery of water. (Acts 77th Leg., R.S., Ch. 1312, Sec. 15(a) (part).)

[Sections 8870.106-8870.150 reserved for expansion]

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 8870.151. MAINTENANCE AND OPERATION TAX. (a) Except as provided by Subsection (b), the board may impose a maintenance and operation tax if the tax is approved by a majority of the qualified voters voting at an election called and held for that purpose in the manner provided by Section 36.201, Water Code.

(b) If the district imposes a fee under Section 8870.153, the district may not impose a tax under this section. (Acts 77th Leg., R.S., Ch. 1312, Secs. 13(a), (i) (part).)

Sec. 8870.152. LIMITATION ON TAXES; PROHIBITED TAXES AND FEES. (a) The district may not assess an ad valorem tax for administrative, operation, and maintenance expenses in excess of three cents for each $100 valuation.

(b) The district may not impose a tax on or charge a fee to any person in the district who does not obtain water from the Trinity Aquifer.

(c) The district may not impose a fee or tax on:

(1) a municipality that has held an election under Section 8870.006 or its predecessor statute, Section 19, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, and obtains at least 50 percent of its annual water supply from a source other than the Trinity Aquifer;

(2) a municipally owned utility, as defined by Section 13.002, Water Code, of a municipality described by Subdivision (1); or

(3) a resident of or other water user within a municipality described by Subdivision (1), whose sole source of water is the municipality or the municipally owned utility of the municipality. (Acts 77th Leg., R.S., Ch. 1312, Secs. 15(a) (part), 17.)

Sec. 8870.153. FEES. (a) Except as provided by Subsection (g), the board may impose fees on each nonexempt well in the district.

(b) A fee may be assessed annually, based on:

(1) the size of column pipe used in the well;

(2) the production capacity of the well; or

(3) actual, authorized, and anticipated pumpage.

(c) A fee imposed under this section may not exceed:

(1) $1 per acre-foot for water used for agricultural purposes; or

(2) $40 per acre-foot for water used for a purpose other than an agricultural purpose.

(d) The board may use fees as a regulatory mechanism or a revenue-producing mechanism.

(e) The board shall adopt rules regarding:

(1) fee rates;

(2) the manner and form for filing reports of fees; and

(3) the manner of collecting fees.

(f) To secure payment of a fee imposed under this section, a lien attaches to the property on which the well is located. The lien has the same priority and characteristics as a lien for district taxes. The district may use the lien and all other powers that the district possesses to collect the payment of the fee.

(g) If the district imposes a tax under Section 8870.151, the district may not impose a fee under this section. (Acts 77th Leg., R.S., Ch. 1312, Secs. 13(b), (b-1), (c) (part), (d), (e), (i) (part).)

Sec. 8870.154. RECHARGE CREDITS. The board shall adopt rules regarding the issuance of appropriate recharge credits to persons in the district who:

(1) pay taxes or fees to the district; and

(2) enhance, supplement, improve, or prevent pollution of recharge of the Trinity Aquifer. (Acts 77th Leg., R.S., Ch. 1312, Sec. 13(c) (part).)

Sec. 8870.155. USE OF DISTRICT FUNDS. (a) The district may use a tax collected under Section 8870.151 or a fee collected under Section 8870.153 to pay for the district's management and

operation and to pay all or part of the principal of and interest on district bonds or notes.

(b) The board shall use a tax collected under Section 8870.151 or a fee collected under Section 8870.153 to pay for:

(1) studies and planning required to develop a scientifically based regulatory program;

(2) soil and water conservation measures, including water-retarding structures and brush management and the implementation of other best management practices to address natural resource concerns in the district;

(3) direct installation of water conservation devices and early retirement of older devices;

(4) educational material relating to soil and water conservation; and

(5) enforcement programs or regulatory programs.

(c) The district may spend a tax collected under Section 8870.151 or a fee collected under Section 8870.153 for the purposes described by Subsection (b)(2) independently or in conjunction with other natural resource programs in the district. (Acts 77th Leg., R.S., Ch. 1312, Secs. 13(f), (g), (h).)

SECTION 1.06. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapters 9013, 9018, 9019, 9026, 9029, 9032, and 9033 to read as follows:

CHAPTER 9013. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9013.001. DEFINITIONS

Sec. 9013.002. NATURE OF DISTRICT

Sec. 9013.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 9013.004. APPLICABILITY OF WATER CONTROL AND IMPROVEMENT DISTRICTS LAW

[Sections 9013.005-9013.050 reserved for expansion]

SUBCHAPTER B. DISTRICT TERRITORY

Sec. 9013.051. DISTRICT TERRITORY

Sec. 9013.052. HEARINGS FOR EXCLUSION OF TERRITORY

[Sections 9013.053-9013.100 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9013.101. COMPOSITION OF BOARD

Sec. 9013.102. ELIGIBILITY

Sec. 9013.103. DIRECTOR'S BOND

Sec. 9013.104. FAILURE TO ELECT DIRECTORS

[Sections 9013.105-9013.150 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9013.151. GENERAL POWERS

Sec. 9013.152. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS

Sec. 9013.153. CONTROL OF WATER AND FLOODWATER; RECLAMATION

Sec. 9013.154. STRUCTURES AND FACILITIES

Sec. 9013.155. COST OF RELOCATING OR ALTERING PROPERTY

[Sections 9013.156-9013.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 9013.201. TAX METHOD

Sec. 9013.202. HEARING ON CHANGE IN METHOD OF TAXATION; LIMITATION

Sec. 9013.203. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION

Sec. 9013.204. MAINTENANCE TAX ELECTION PROCEDURES

Sec. 9013.205. MAINTENANCE TAX RATE

Sec. 9013.206. USE OF MAINTENANCE TAX PROCEEDS

Sec. 9013.207. APPROVAL OF AND FUNDING FOR CERTAIN PLANS FOR WORKS AND IMPROVEMENTS

[Sections 9013.208-9013.250 reserved for expansion]

SUBCHAPTER F. BONDS

Sec. 9013.251. ISSUANCE OF BONDS

Sec. 9013.252. FAILED BOND ELECTION

Sec. 9013.253. BONDS EXEMPT FROM TAXATION

CHAPTER 9013. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9013.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Bell County Water Control and Improvement District No. 6. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 1 (part); New.)

Sec. 9013.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Bell County. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 1 (part).)

Sec. 9013.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(d) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries. The district in carrying out the purposes of this chapter will be performing an essential public function under the Texas Constitution. (Acts 55th Leg., 1st C.S., Ch. 18, Secs. 1 (part), 2 (part), 3 (part).)

Sec. 9013.004. APPLICABILITY OF WATER CONTROL AND IMPROVEMENT DISTRICTS LAW. Except as provided in this chapter, general laws pertaining to water control and improvement districts govern the district. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 13.)

[Sections 9013.005-9013.050 reserved for expansion]

SUBCHAPTER B. DISTRICT TERRITORY

Sec. 9013.051. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2, Chapter 18, Acts of the 55th Legislature, 1st Called Session, 1957, as amended by Section 1, Chapter 300, Acts of the 57th Legislature, Regular Session, 1961, as that territory may have been modified under:

(1) Subchapter O, Chapter 51, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue bonds or to pay the principal of and interest on the bonds;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body. (Acts 55th Leg., 1st C.S., Ch. 18, Secs. 1 (part), 2 (part); New.)

Sec. 9013.052. HEARINGS FOR EXCLUSION OF TERRITORY. A hearing may not be held to determine whether to exclude property included in the district. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 6 (part).)

[Sections 9013.053-9013.100 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9013.101. COMPOSITION OF BOARD. The board consists of six elected directors. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 14 (part).)

Sec. 9013.102. ELIGIBILITY. (a) Each director of the district must:

(1) be a landowner within the district; and

(2) reside in Bell County.

(b) A director who fails to meet the requirements of this section during the director's tenure in office shall vacate that office. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 14 (part).)

Sec. 9013.103. DIRECTOR'S BOND. Each director shall give a bond in the amount of $1,000 for the faithful performance of the director's duties. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 9 (part).)

Sec. 9013.104. FAILURE TO ELECT DIRECTORS. Failure to call a director election does not affect the legal status of the district, the board, a director, or the right of the board to act or function, and the directors continue to serve as provided by Section 17, Article XVI, Texas Constitution. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 9 (part).)

[Sections 9013.105-9013.150 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9013.151. GENERAL POWERS. The district may exercise the rights, privileges, and functions provided by this chapter. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 1 (part).)

Sec. 9013.152. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. To accomplish a purpose for which the district is created, the district has the powers conferred by the general laws of this state on water control and improvement districts, including the power to:

(1) construct, acquire, improve, maintain, and repair a dam or other structure; and

(2) acquire land, easements, equipment, or other property needed to use, control, and distribute water that may be impounded, diverted, or controlled by the district. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 5.)

Sec. 9013.153. CONTROL OF WATER AND FLOODWATER;

RECLAMATION. The district has the power to:

(1) control, store, preserve, and distribute the water and floodwater in the district for the irrigation of arid land, conservation, preservation, reclamation, and drainage of the lands in the district;

(2) carry out flood prevention measures to prevent damage to the property in the district; and

(3) reclaim lands heretofore damaged because of the failure to provide the facilities authorized to be constructed under this chapter. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 4.)

Sec. 9013.154. STRUCTURES AND FACILITIES. The district may acquire, construct, improve, repair, maintain, and operate a structure or facility inside or outside the district. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 9 (part).)

Sec. 9013.155. COST OF RELOCATING OR ALTERING PROPERTY. If the district's exercise of the power of eminent domain, the power of relocation, or any other power granted under this chapter makes necessary the relocating, raising, rerouting, changing the grade, or altering the construction of a highway, a railroad, an electric transmission line, a telephone or telegraph property or facility, or a pipeline, the necessary action shall be accomplished at the sole expense of the district. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 5a.)

[Sections 9013.156-9013.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 9013.201. TAX METHOD. Subject to Section 9013.202, the district shall use an ad valorem plan of taxation, and the taxes

imposed by the district shall be on an ad valorem basis. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 6 (part); New.)

Sec. 9013.202. HEARING ON CHANGE IN METHOD OF TAXATION; LIMITATION. (a) Except as provided by Subsection (b), the district may call a hearing to consider changing the method of taxation.

(b) Once district bonds are approved by the attorney general or district court, the district may not change its plan of taxation. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 10 (part).)

Sec. 9013.203. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION. The district is not required to pay a tax or assessment on a project or any part of a project. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 3 (part).)

Sec. 9013.204. MAINTENANCE TAX ELECTION PROCEDURES. (a) A maintenance tax election shall be called and notice given in the same manner as for a bond election.

(b) This chapter does not prevent the calling of a later maintenance tax election to establish or increase the amount of tax if the board determines that a maintenance tax election is required. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 8 (part).)

Sec. 9013.205. MAINTENANCE TAX RATE. In calling a maintenance tax election, the board must specify the maximum proposed tax rate. To impose a maintenance tax at a rate that exceeds the maximum proposed rate approved by the voters, the board must submit the question of a tax rate increase to the voters. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 8 (part).)

Sec. 9013.206. USE OF MAINTENANCE TAX PROCEEDS. (a) The

district may spend maintenance tax proceeds for:

(1) an easement or right-of-way;

(2) any purpose for which a district may spend bond proceeds; and

(3) maintenance and operation purposes.

(b) The district may place surplus maintenance tax proceeds not needed for maintenance purposes into the sinking funds for outstanding district bonds.

(c) The board's determination to spend maintenance tax proceeds is final and is not subject to judicial review, except on the grounds of fraud, palpable error, or gross abuse of discretion. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 9 (part).)

Sec. 9013.207. APPROVAL OF AND FUNDING FOR CERTAIN PLANS FOR WORKS AND IMPROVEMENTS. (a) In this section, "commission" means the Texas Commission on Environmental Quality.

(b) This section applies only to plans contemplated by the district for works and improvements, or amendments to the plans, that are prepared by the Natural Resources Conservation Service of the United States Department of Agriculture and approved by the district directors.

(c) An engineer's report covering the plans and improvements to be constructed, and the maps, plats, profiles, and data fully showing and explaining the plans and improvements, are not required to be filed in the district office before an election is held to authorize the issuance of bonds for the works and improvements. The plans and specifications, engineering reports, profiles, maps, and other data, and subsequent amendments to those

items, are not required to be approved by the commission before the bonds are issued.

(d) Before the district may spend any funds for the construction of any works and improvements, the commission must approve the portion of the works and improvements to be constructed. The commission's advance approval for the entire project contemplated by the district is not required. The commission may approve on a separate basis the portion of the entire project or works and improvements:

(1) to be constructed at a particular time; and

(2) on which plans and specifications of the Natural Resources Conservation Service have been prepared and submitted by the district to the commission. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 9 (part); New.)

[Sections 9013.208-9013.250 reserved for expansion]

SUBCHAPTER F. BONDS

Sec. 9013.251. ISSUANCE OF BONDS. To accomplish a district purpose, the district may issue bonds as provided by general law for water control and improvement districts to obtain money necessary to furnish land or easements or permanent improvements on the land or easements. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 8 (part).)

Sec. 9013.252. FAILED BOND ELECTION. (a) A general law, including Sections 51.781-51.791, Water Code, that provides for calling a hearing on the dissolution of a district after a failed district bond election does not apply to the district.

(b) The district continues to exist and retain its full power to function and operate regardless of the outcome of a bond

election. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 9 (part).)

Sec. 9013.253. BONDS EXEMPT FROM TAXATION. A bond issued under this chapter, the transfer of the bond, and income from the bond, including profits made on the sale of the bond, are exempt from taxation in this state. (Acts 55th Leg., 1st C.S., Ch. 18, Sec. 3 (part).)

CHAPTER 9018. BOLING MUNICIPAL WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9018.001. DEFINITIONS

Sec. 9018.002. NATURE OF DISTRICT

Sec. 9018.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

[Sections 9018.004-9018.050 reserved for expansion]

SUBCHAPTER B. DISTRICT TERRITORY; ANNEXATION AND EXCLUSION

Sec. 9018.051. DISTRICT TERRITORY

Sec. 9018.052. AUTHORITY TO ANNEX OR EXCLUDE TERRITORY

Sec. 9018.053. PETITION TO CHANGE BOUNDARIES

Sec. 9018.054. HEARING; NOTICE

Sec. 9018.055. BOARD APPROVAL OF ANNEXATION

Sec. 9018.056. BOARD APPROVAL OF EXCLUSION

Sec. 9018.057. RATIFICATION ELECTION; NOTICE

Sec. 9018.058. TAX LIABILITY OF EXCLUDED TERRITORY; BONDS OUTSTANDING

[Sections 9018.059-9018.100 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9018.101. COMPOSITION OF BOARD

[Sections 9018.102-9018.150 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9018.151. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS

Sec. 9018.152. COST OF RELOCATING OR ALTERING PROPERTY

[Sections 9018.153-9018.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 9018.201. TAX METHOD

CHAPTER 9018. BOLING MUNICIPAL WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9018.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "District" means the Boling Municipal Water District. (Acts 54th Leg., R.S., Ch. 286, Sec. 1 (part); New.)

Sec. 9018.002. NATURE OF DISTRICT. The district is:

(1) a conservation and reclamation district in Wharton County under Section 59, Article XVI, Texas Constitution; and

(2) a municipal corporation. (Acts 54th Leg., R.S., Ch. 286, Secs. 1 (part), 5 (part).)

Sec. 9018.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the creation of the district.

(c) The creation of the district is essential to accomplish the purpose of Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 286, Secs. 4 (part), 5 (part).)

[Sections 9018.004-9018.050 reserved for expansion]

SUBCHAPTER B. DISTRICT TERRITORY; ANNEXATION AND EXCLUSION

Sec. 9018.051. DISTRICT TERRITORY. The district is composed of the territory described by Section 1, Chapter 286, Acts of the 54th Legislature, Regular Session, 1955, as that territory may have been modified under:

(1) this subchapter or its predecessor statute, Section 4(a), Chapter 286, Acts of the 54th Legislature, Regular Session, 1955;

(2) Subchapter O, Chapter 51, Water Code;

(3) Subchapter J, Chapter 49, Water Code; or

(4) other law. (New.)

Sec. 9018.052. AUTHORITY TO ANNEX OR EXCLUDE TERRITORY. Defined areas of territory not included in the territory described by Section 1, Chapter 286, Acts of the 54th Legislature, Regular Session, 1955, may be added to the district, and territory included in the district may be excluded from the district as provided by this subchapter. (Acts 54th Leg., R.S., Ch. 286, Sec. 4(a) (part).)

Sec. 9018.053. PETITION TO CHANGE BOUNDARIES. (a) A petition for:

(1) annexation of territory must be signed by a majority of the landowners of the territory; and

(2) exclusion of territory must be signed by all of the landowners of the territory sought to be excluded from the district.

(b) The petition must be filed with the board secretary. (Acts 54th Leg., R.S., Ch. 286, Sec. 4(a), Subsec. (a).)

Sec. 9018.054. HEARING; NOTICE. (a) At the next board

meeting after the date the petition is filed, the board shall order a time and place to hold a hearing on the petition.

(b) The hearing shall be held not earlier than the 15th day and not later than the 60th day after the date of the order.

(c) The secretary shall issue notice of the time and place of the hearing. The notice must contain a description of the territory sought to be annexed or excluded.

(d) Notice of the hearing shall be given by posting a copy of the notice in three public places in the district and one copy in the territory sought to be annexed or excluded. (Acts 54th Leg., R.S., Ch. 286, Sec. 4(a), Subsecs. (b), (c).)

Sec. 9018.055. BOARD APPROVAL OF ANNEXATION. (a) The board shall enter an order of temporary acceptance in the minutes of the hearing if, on hearing the petition for annexation, the board finds that:

(1) the proposed annexation is to the advantage of the district;

(2) no injury would result to the district; and

(3) the territory to be annexed will benefit from the improvements and plans of the district.

(b) The order may include all of the land described in the petition, but if the board finds a modification or change is necessary, the board shall include only territory that will benefit and not result in injury to the existing district.

(c) The board may condition its findings for the annexation of territory on the grant of certain petitions for exclusion.

(d) An annexation of territory does not become effective

until ratified at an election under Section 9018.057. (Acts 54th Leg., R.S., Ch. 286, Sec. 4(a), Subsec. (d) (part).)

Sec. 9018.056. BOARD APPROVAL OF EXCLUSION. (a) The board may enter an order of temporary exclusion of territory if, on hearing the petition for exclusion, the board finds that:

(1) the territory will not be benefited by the further improvements planned by the district; and

(2) the benefits accorded to the territory to be excluded by improvements previously authorized by the district do not have a proportionate relationship to the benefits received by the remainder of the district.

(b) An exclusion of territory does not become effective until ratified at an election under Section 9018.057. (Acts 54th Leg., R.S., Ch. 286, Sec. 4(a), Subsec. (d) (part).)

Sec. 9018.057. RATIFICATION ELECTION; NOTICE. (a) Immediately on the entry of an order under Section 9018.055 or 9018.056, the board shall enter an order for an election for the purpose of ratifying the board's action by the assumption of the proportionate share of all obligations previously issued, voted, owned, or contracted for by the district.

(b) At an election held to ratify only the annexation of territory, separate polling places shall be provided for the existing territory of the district and the territory to be annexed.

(c) An election held only to ratify the exclusion of territory from the district shall be held in the area of the district as the district will exist if the territory is excluded, and the voters of the territory to be excluded may not participate

in the election.

(d) If the annexation and the exclusion of territory are simultaneously submitted as separate propositions, the election shall be held as provided by Subsection (b) except:

(1) the voters in the territory to be excluded shall vote, in a separate box, only on the question of assumption of debt if the election for the exclusion fails; and

(2) the voters in the territory to be annexed and the voters in the district shall have the right to vote for assumption of debt conditioned on exclusion of the other territory and the annexation.

(e) If the board has conditioned an annexation on the exclusion of other territory from the district, the election shall be held as provided by Subsection (b), except the voters of the territory to be excluded may not vote in the election.

(f) If a separate polling place is required under this section, a favorable majority of the participating voters at each polling place is required to assume the debt and approve the tentative order of the board.

(g) The manner of giving notice and holding the election is the same as provided for confirmation elections under general law for water control and improvement districts. (Acts 54th Leg., R.S., Ch. 286, Sec. 4(a), Subsec. (e).)

Sec. 9018.058. TAX LIABILITY OF EXCLUDED TERRITORY; BONDS OUTSTANDING. (a) Territory excluded by an election is not liable for any obligations voted by the district after the election.

(b) The excluded territory remains liable for the payment of

taxes to pay obligations incurred before the exclusion until:

(1) all of the holders of outstanding bonds:

(A) consent to the release of the excluded territory; and

(B) file the consent in writing with the secretary of the district; or

(2) the obligations are paid or refunded.

(c) The territory assuming the obligations is first subject to taxes for the payment of the obligations. The taxes against the excluded territory are levied only to prevent default on the obligations, except the district may levy taxes against the territory to create and maintain a reserve for that contingency. The reserve may not exceed the proportionate amount, based on tax valuations, of the average annual principal and interest requirements on the outstanding obligations.

(d) If the bonds are refunded, the resolution must expressly provide for the release of the excluded territory from the obligation to pay further taxes. (Acts 54th Leg., R.S., Ch. 286, Sec. 4(a), Subsec. (f).)

[Sections 9018.059-9018.100 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9018.101. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 54th Leg., R.S., Ch. 286, Sec. 3 (part).)

[Sections 9018.102-9018.150 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9018.151. WATER CONTROL AND IMPROVEMENT DISTRICT

POWERS. The district has the rights, powers, privileges, and duties provided by general law applicable to a water control and improvement district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code. (Acts 54th Leg., R.S., Ch. 286, Sec. 2 (part).)

Sec. 9018.152. COST OF RELOCATING OR ALTERING PROPERTY. If the district's exercise of the power of eminent domain, the power of relocation, or any other power granted by this chapter, makes necessary the relocating, raising, rerouting, changing the grade, or altering the construction of a highway, railroad, electric transmission line, pipeline, or telegraph or telephone property or facility, the necessary action shall be accomplished at the sole expense of the district. (Acts 54th Leg., R.S., Ch. 286, Sec. 2A.)

[Sections 9018.153-9018.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 9018.201. TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b) The board is not required to hold a hearing on the adoption of a plan of taxation. (Acts 54th Leg., R.S., Ch. 286, Sec. 4 (part).)

CHAPTER 9019. BROOKSHIRE MUNICIPAL WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9019.001. DEFINITIONS

Sec. 9019.002. NATURE OF DISTRICT

Sec. 9019.003. DISTRICT TERRITORY

[Sections 9019.004-9019.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9019.051. COMPOSITION OF BOARD

Sec. 9019.052. QUALIFICATIONS FOR OFFICE

[Sections 9019.053-9019.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9019.101. GENERAL POWERS

Sec. 9019.102. POWER TO ACQUIRE PROPERTY AND ASSUME INDEBTEDNESS

Sec. 9019.103. POWERS RELATING TO WATERWORKS OR SANITARY SEWER SYSTEM

Sec. 9019.104. POWERS RELATING TO FIRE DEPARTMENT

Sec. 9019.105. PROJECT APPROVAL

[Sections 9019.106-9019.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9019.151. TAX METHOD

[Sections 9019.152-9019.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9019.201. AUTHORITY TO ISSUE BONDS

Sec. 9019.202. BOND ELECTION REQUIRED

Sec. 9019.203. NOTICE OF BOND ELECTION

Sec. 9019.204. REFUNDING BONDS

Sec. 9019.205. REFUNDING BOND ELECTION

Sec. 9019.206. BOND APPROVAL

CHAPTER 9019. BROOKSHIRE MUNICIPAL WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9019.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the city of Brookshire, Texas.

(3) "Director" means a board member.

(4) "District" means the Brookshire Municipal Water District. (Acts 52nd Leg., R.S., Ch. 418, Sec. 1 (part); New.)

Sec. 9019.002. NATURE OF DISTRICT. (a) The district is a conservation and reclamation district.

(b) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 52nd Leg., R.S., Ch. 418, Sec. 1 (part).)

Sec. 9019.003. DISTRICT TERRITORY. (a) The district consists of the territory included in the incorporated city of Brookshire in Waller County, Texas, on April 1, 1951. The district's territory may have been modified under:

(1) Chapter 3A, Title 128, Revised Statutes, before August 30, 1971;

(2) Subchapter O, Chapter 51, Water Code;

(3) Subchapter J, Chapter 49, Water Code; or

(4) other law.

(b) A defect in the definition of the boundaries of the city of Brookshire or in a past proceeding for the annexation or exclusion of territory to or from the city does not affect the validity of the district or any of its powers and duties. (Acts 52nd Leg., R.S., Ch. 418, Secs. 1 (part), 1a; New.)

[Sections 9019.004-9019.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9019.051. COMPOSITION OF BOARD. The district is governed by a board of five elected directors. (Acts 52nd Leg.,

R.S., Ch. 418, Sec. 2 (part).)

Sec. 9019.052. QUALIFICATIONS FOR OFFICE. A director must be:

(1) at least 18 years of age;

(2) a resident of the state; and

(3) the owner of property subject to taxation in the district. (Acts 52nd Leg., R.S., Ch. 418, Sec. 2 (part).)

[Sections 9019.053-9019.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9019.101. GENERAL POWERS. (a) Except as otherwise provided by this chapter, the district:

(1) has all the powers and duties granted water control and improvement districts by Chapters 49 and 51, Water Code, and all other laws relating to water control and improvement districts; and

(2) shall be governed by all of the laws described by Subdivision (1) and the powers, functions, duties, privileges, and procedures provided by those laws.

(b) The district may exercise the rights, privileges, and functions provided by this chapter. (Acts 52nd Leg., R.S., Ch. 418, Secs. 1 (part), 3 (part).)

Sec. 9019.102. POWER TO ACQUIRE PROPERTY AND ASSUME INDEBTEDNESS. (a) The district may purchase or otherwise acquire from the city any property owned by the city, for the production, distribution, and sale of water and everything appurtenant thereto on terms agreed to by the governing bodies of the city and the district.

(b) The district may assume all outstanding bonds, warrants, and other forms of indebtedness of the city issued for waterworks purposes, including indebtedness payable from:

(1) the revenue of the city's waterworks system; or

(2) ad valorem taxes.

(c) The assumption of indebtedness described by Subsection (b) must first be approved at an election held in the district in the manner provided by this chapter for bond elections. (Acts 52nd Leg., R.S., Ch. 418, Sec. 4.)

Sec. 9019.103. POWERS RELATING TO WATERWORKS OR SANITARY SEWER SYSTEM. The district may:

(1) purchase, construct, or otherwise acquire a waterworks or sanitary sewer system;

(2) own and operate a system described by Subdivision (1); and

(3) construct an addition, extension, or improvement to a system described by Subdivision (1). (Acts 52nd Leg., R.S., Ch. 418, Sec. 5 (part).)

Sec. 9019.104. POWERS RELATING TO FIRE DEPARTMENT. The district may:

(1) purchase or otherwise acquire, maintain, and operate a firefighting facility and equipment to protect property belonging to the district and other property in the district;

(2) maintain and operate a fire department;

(3) employ a fire marshal; and

(4) pay a reward for information leading to the arrest and conviction of a person on a charge of arson in connection with

the burning or attempted burning of property in the district. (Acts 52nd Leg., R.S., Ch. 418, Sec. 5 (part).)

Sec. 9019.105. PROJECT APPROVAL. The board is not required to secure the approval of the Texas Commission on Environmental Quality for any district project. (Acts 52nd Leg., R.S., Ch. 418, Sec. 3 (part).)

[Sections 9019.106-9019.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9019.151. TAX METHOD. The district shall use the ad valorem plan of taxation. (Acts 52nd Leg., R.S., Ch. 418, Sec. 3 (part).)

[Sections 9019.152-9019.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9019.201. AUTHORITY TO ISSUE BONDS. To carry out a power the district is authorized to perform, the district may issue bonds payable from and secured by:

(1) ad valorem taxes;

(2) all or part of the net revenue of the income-producing properties of the district, as specified by the board, after deducting reasonable expenses for maintenance, operation, and administration; or

(3) ad valorem taxes and the net revenue described by Subdivision (2). (Acts 52nd Leg., R.S., Ch. 418, Sec. 6 (part).)

Sec. 9019.202. BOND ELECTION REQUIRED. The district may issue bonds only if the bonds are authorized by a majority of the district voters voting at an election called by the board. (Acts 52nd Leg., R.S., Ch. 418, Sec. 6 (part).)

Sec. 9019.203. NOTICE OF BOND ELECTION. (a) Except as otherwise provided by this section, notice of a bond election must be given in the manner required of bond elections in water control and improvement districts.

(b) The notice must be published once a week for two consecutive weeks in a newspaper of general circulation in the district. Publication of the first notice must be at least 14 days before the date of the election.

(c) The notice is not required to state any summary of engineers or other estimates of cost. (Acts 52nd Leg., R.S., Ch. 418, Sec. 6 (part); New.)

Sec. 9019.204. REFUNDING BONDS. (a) The district may issue refunding bonds to refund:

(1) outstanding bonds issued by the district and interest on those bonds; or

(2) outstanding bonds of the city assumed by the district.

(b) Refunding bonds may:

(1) be issued to refund more than one series of outstanding district bonds, including bonds assumed by the district;

(2) combine the pledges of net revenue, taxes, or both, that secure the outstanding bonds for the security of the refunding bonds; and

(3) be secured by a pledge of other or additional revenue.

(c) Refunding bonds may be combined and issued jointly with

new money bonds to be issued and sold to carry out a power for which the district may issue bonds.

(d) The comptroller shall register the refunding bonds on the surrender and cancellation of the bonds to be refunded.

(e) Instead of issuing bonds to be registered on the surrender and cancellation of the bonds to be refunded, the district, in the resolution authorizing the issuance of the refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds in a bank at which the bonds to be refunded are payable. In that case, the refunding bonds may be issued in an amount sufficient to pay the interest on the bonds to be refunded to their option date or maturity date, and the comptroller shall register the refunding bonds without the surrender and cancellation of the bonds to be refunded. (Acts 52nd Leg., R.S., Ch. 418, Sec. 7 (part).)

Sec. 9019.205. REFUNDING BOND ELECTION. (a) Except as otherwise provided by this section, refunding bonds may be issued without an election.

(b) The district may not issue refunding bonds to refund outstanding bonds of the city unless the district's assumption of those bonds is first authorized at an election in the district held in the manner provided by this chapter for bond elections.

(c) Refunding bonds payable wholly or partly from ad valorem taxes may not be issued to refund revenue bonds issued by the district or revenue bonds of the city assumed by the district unless the refunding bonds are authorized at an election held in the manner provided by this chapter for bond elections. (Acts 52nd Leg., R.S.,

Ch. 418, Sec. 7 (part).)

Sec. 9019.206. BOND APPROVAL. The board is not required to secure the approval of the Texas Commission on Environmental Quality for district bonds. (Acts 52nd Leg., R.S., Ch. 418, Sec. 3 (part).)

CHAPTER 9026. CEDAR BAYOU PARK UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9026.001. DEFINITIONS

Sec. 9026.002. NATURE OF DISTRICT

Sec. 9026.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 9026.004. DISTRICT TERRITORY

Sec. 9026.005. EXPANSION OF DISTRICT

Sec. 9026.006. STATE POLICY REGARDING WASTE DISPOSAL

[Sections 9026.007-9026.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 9026.051. COMPOSITION OF BOARD

Sec. 9026.052. DIRECTOR'S BOND

Sec. 9026.053. BOARD VACANCY

Sec. 9026.054. BOARD PRESIDENT'S POWER TO EXECUTE CONTRACTS

Sec. 9026.055. ABSENCE OR INACTION OF BOARD PRESIDENT

Sec. 9026.056. DISTRICT OFFICE

[Sections 9026.057-9026.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9026.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS

Sec. 9026.102. ADDITIONAL POWERS

Sec. 9026.103. LIMIT ON EMINENT DOMAIN

Sec. 9026.104. COST OF RELOCATING OR ALTERING PROPERTY

Sec. 9026.105. WATER, SEWER, OR DRAINAGE CONTRACTS; ELECTION NOT REQUIRED; BONDS

Sec. 9026.106. NOTICE OF ELECTION

Sec. 9026.107. DISTRICT RULES

[Sections 9026.108-9026.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9026.151. TAX METHOD

Sec. 9026.152. DISTRICT ACCOUNTS

Sec. 9026.153. COPY OF AUDIT REPORT

Sec. 9026.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED

Sec. 9026.155. DEPOSITORY

[Sections 9026.156-9026.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9026.201. ISSUANCE OF BONDS

Sec. 9026.202. ADDITIONAL SECURITY

Sec. 9026.203. TRUST INDENTURE

Sec. 9026.204. ORDER OR RESOLUTION AUTHORIZING ISSUANCE OF CERTAIN BONDS

Sec. 9026.205. USE OF BOND PROCEEDS

CHAPTER 9026. CEDAR BAYOU PARK UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9026.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Cedar Bayou Park Utility District. (Acts 61st Leg., R.S., Ch. 261, Sec. 1 (part); New.)

Sec. 9026.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 61st Leg., R.S., Ch. 261, Sec. 1 (part).)

Sec. 9026.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(d) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries. The district in carrying out the purposes of this chapter will be performing an essential public function under the Texas Constitution. (Acts 61st Leg., R.S., Ch. 261, Secs. 1 (part), 4, 24 (part).)

Sec. 9026.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2, Chapter 261, Acts of the 61st Legislature, Regular Session, 1969, as that territory may have been modified under:

(1) Subchapter O, Chapter 51, Water Code;

(2) Subchapter J, Chapter 49, Water Code;

(3) Section 9026.005 or its predecessor statute,

former Section 9, Chapter 261, Acts of the 61st Legislature, Regular Session, 1969; or

(4) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) in any other manner, the legality or operation of the district or the board. (Acts 61st Leg., R.S., Ch. 261, Sec. 3; New.)

Sec. 9026.005. EXPANSION OF DISTRICT. (a) If land is annexed by the district under Section 49.301 or 51.714, Water Code, the board may require the petitioners to:

(1) assume the petitioners' pro rata share of the voted but unissued bonds of the district; and

(2) authorize the board to impose a tax on the petitioners' property to pay for the bonds after the bonds have been issued.

(b) If land is annexed by the district under Section 49.302, Water Code, the board may submit to the voters of the area to be annexed a proposition on the question of the assumption by the area to be annexed of its part of the voted but not yet issued or sold tax

or tax-revenue bonds of the district and the imposition of an ad valorem tax on taxable property in the area to be annexed along with a tax in the rest of the district for the payment of the bonds.

(c) If the petitioners consent or if the election results favorably, the district may issue its voted but unissued tax or tax-revenue bonds regardless of changes to district boundaries since the voting or authorization of those bonds. (Acts 61st Leg., R.S., Ch. 261, Sec. 9.)

Sec. 9026.006. STATE POLICY REGARDING WASTE DISPOSAL. The district's powers and duties are subject to the state policy of encouraging the development and use of integrated area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of this state's residents, if integrated systems can reasonably be provided for an area, so as to avoid the economic burden on residents and the impact on state water quality caused by the construction and operation of numerous small waste collection, treatment, and disposal facilities. (Acts 61st Leg., R.S., Ch. 261, Sec. 5 (part).)

[Sections 9026.007-9026.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 9026.051. COMPOSITION OF BOARD. The board consists of five elected directors. (Acts 61st Leg., R.S., Ch. 261, Sec. 10 (part).)

Sec. 9026.052. DIRECTOR'S BOND. (a) Each director shall qualify by giving bond in the amount of $5,000 for the faithful performance of the director's duties.

(b) The bonds must be recorded in a record book kept for that

purpose in the district office. (Acts 61st Leg., R.S., Ch. 261, Sec. 10 (part).)

Sec. 9026.053. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b) The county judge of the county in which the district is located shall appoint directors to fill all of the vacancies on the board whenever the number of qualified directors is less than three. (Acts 61st Leg., R.S., Ch. 261, Sec. 10 (part).)

Sec. 9026.054. BOARD PRESIDENT'S POWER TO EXECUTE CONTRACTS. The board president may execute all contracts, including construction contracts, entered into by the board on behalf of the district. (Acts 61st Leg., R.S., Ch. 261, Sec. 10 (part).)

Sec. 9026.055. ABSENCE OR INACTION OF BOARD PRESIDENT. (a) When the board president is absent or fails or declines to act, the board vice president shall perform all duties and exercise all power that this chapter or general law gives the president.

(b) If the board president is absent from a board meeting, the board vice president may sign an order adopted or other action taken at the meeting, or the board may authorize the president to sign the order or implement the action. (Acts 61st Leg., R.S., Ch. 261, Sec. 10 (part).)

Sec. 9026.056. DISTRICT OFFICE. (a) The board shall designate, establish, and maintain a district office as provided by Section 49.062, Water Code.

(b) The board may establish a second district office outside

the district. If the board establishes a district office outside the district, the board shall give notice of the location of that office by:

(1) filing a copy of the board resolution that establishes the location of the office:

(A) with the Texas Commission on Environmental Quality; and

(B) in the water control and improvement district records of each county in which the district is located; and

(2) publishing notice of the location of the office in a newspaper of general circulation in each county in which the district is located.

(c) A district office may be a private residence or office. A district office that is a private residence or office is a public place for matters relating to the district's business.

(d) The board shall give notice of any change in the location of the district office outside the district in the manner required by Subsection (b). (Acts 61st Leg., R.S., Ch. 261, Sec. 15.)

[Sections 9026.057-9026.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9026.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district has all of the rights, powers, privileges, and functions provided by general law applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code. (Acts 61st Leg., R.S., Ch. 261, Sec. 5 (part).)

Sec. 9026.102. ADDITIONAL POWERS. (a) The district may:

(1) make, purchase, construct, lease, or otherwise acquire property, works, facilities, or improvements, existing or to be made, constructed, or acquired, inside or outside the district's boundaries and necessary to carry out the powers granted by this chapter or general law; or

(2) enter into a contract with a person on terms the board considers desirable, fair, and advantageous for:

(A) the purchase or sale of water;

(B) the transportation, treatment, and disposal of the domestic, industrial, or communal wastes of the district or others;

(C) the continuing and orderly development of land and property in the district through the purchase, construction, or installation of facilities, works, or improvements that the district is otherwise authorized to do or perform so that, to the greatest extent reasonably possible, considering sound engineering and economic practices, all of the land and property may ultimately receive the services of the facilities, works, or improvements; and

(D) the performance of any of the rights or powers granted by this chapter or general law.

(b) A contract under Subsection (a)(2) may not have a duration of more than 40 years. (Acts 61st Leg., R.S., Ch. 261, Sec. 5 (part).)

Sec. 9026.103. LIMIT ON EMINENT DOMAIN. The district may exercise the power of eminent domain only:

(1) in a county in which the district is located; and

(2) when necessary to carry out the purposes for which the district was created. (Acts 61st Leg., R.S., Ch. 261, Sec. 13 (part).)

Sec. 9026.104. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) in providing comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value of the old facility.

(b) If the district's exercise of the power of eminent domain, power of relocation, or any other power granted by this chapter makes necessary the relocation, raising, rerouting, changing the grade, or alteration of the construction of a highway, a railroad, an electric transmission line, a telegraph or telephone property or facility, or a pipeline, the necessary action shall be accomplished at the sole expense of the district. (Acts 61st Leg., R.S., Ch. 261, Sec. 13 (part).)

Sec. 9026.105. WATER, SEWER, OR DRAINAGE CONTRACTS; ELECTION NOT REQUIRED; BONDS. (a) The district and a political subdivision may enter into a water, sewer, or drainage contract or any combination of those contracts without an election by any contracting party to approve the contract.

(b) The district may pay for an obligation incurred under a contract under this section by issuing bonds that, if otherwise necessary, have been approved by the voters in the manner provided

by this chapter.

(c) The district may deliver the district's bonds to the United States or an agency or instrumentality of the United States, or to this state or an agency or instrumentality of this state, that enters into a contract with the district under this section. (Acts 61st Leg., R.S., Ch. 261, Sec. 5 (part).)

Sec. 9026.106. NOTICE OF ELECTION. Notice of an election may be given under the hand of the board president or secretary. (Acts 61st Leg., R.S., Ch. 261, Sec. 19.)

Sec. 9026.107. DISTRICT RULES. The district shall adopt and enforce reasonable and effective rules to secure and maintain safe, sanitary, and adequate plumbing installations, connections, and appurtenances, as subsidiary parts of the district's sewerage system, to aid in preserving the quality of water within or controlled by the district. (Acts 61st Leg., R.S., Ch. 261, Sec. 16.)

[Sections 9026.108-9026.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9026.151. TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b) The board is not required to call or hold a hearing on the adoption of a plan of taxation. (Acts 61st Leg., R.S., Ch. 261, Sec. 8.)

Sec. 9026.152. DISTRICT ACCOUNTS. The district shall keep a complete system of the district's accounts. (Acts 61st Leg., R.S., Ch. 261, Sec. 14 (part).)

Sec. 9026.153. COPY OF AUDIT REPORT. A copy of the audit

report prepared under Subchapter G, Chapter 49, Water Code, shall be delivered:

(1) to each director; and

(2) to a holder of at least 25 percent of the outstanding bonds of the district, on request. (Acts 61st Leg., R.S., Ch. 261, Sec. 14 (part); New.)

Sec. 9026.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED. The district is not required to pay a tax or assessment on:

(1) district property; or

(2) a purchase made by the district. (Acts 61st Leg., R.S., Ch. 261, Sec. 24 (part).)

Sec. 9026.155. DEPOSITORY. (a) The board shall select one or more banks in this state to act as depository for the district's money.

(b) To the extent that money in the depository bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds.

(c) A director may be a shareholder in a bank that is a depository of district money. (Acts 61st Leg., R.S., Ch. 261, Sec. 14 (part).)

[Sections 9026.156-9026.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9026.201. ISSUANCE OF BONDS. (a) The district may issue tax bonds, revenue bonds, or tax and revenue bonds to provide money for any purpose of this chapter, including the acquisition of land.

(b) The district must issue bonds in the manner provided by Chapters 49 and 51, Water Code, except that the district may issue bonds payable solely from net revenue by resolution or order of the board without an election.

(c) Bonds issued under this subchapter may be payable from all or any designated part of the revenue of district property and facilities or under a specific contract, as provided in the order or resolution authorizing the issuance of the bonds. (Acts 61st Leg., R.S., Ch. 261, Sec. 12 (part).)

Sec. 9026.202. ADDITIONAL SECURITY. (a) Within the discretion of the board, bonds issued under this subchapter may be additionally secured by a deed of trust or mortgage lien on physical property of the district and franchises, easements, water rights and appropriation permits, leases, contracts, and all rights appurtenant to that property, vesting in the trustee:

(1) the power to sell the property for payment of the debt;

(2) the power to operate the property; and

(3) all other powers to further secure the bonds.

(b) A purchaser under a sale under the deed of trust or mortgage lien, if one is given:

(1) is the absolute owner of the property, facilities, and rights purchased; and

(2) may maintain and operate the property and facilities. (Acts 61st Leg., R.S., Ch. 261, Sec. 12 (part).)

Sec. 9026.203. TRUST INDENTURE. A trust indenture created under Section 9026.202, regardless of the existence of a deed of

trust or mortgage lien on the property, may:

(1) contain provisions prescribed by the board for the security of the bonds and the preservation of the trust estate;

(2) provide for amendment or modification of the trust indenture;

(3) provide for the issuance of bonds to replace lost or mutilated bonds;

(4) condition the right to spend district money or sell district property on the approval of a licensed engineer selected as provided by the trust indenture; and

(5) provide for the investment of district money. (Acts 61st Leg., R.S., Ch. 261, Sec. 12 (part).)

Sec. 9026.204. ORDER OR RESOLUTION AUTHORIZING ISSUANCE OF CERTAIN BONDS. (a) In an order or resolution authorizing the issuance of revenue, tax-revenue, revenue refunding, or tax-revenue refunding bonds, the board may:

(1) provide for:

(A) the flow of money; and

(B) the establishment and maintenance of the interest and sinking fund, reserve fund, or other fund;

(2) make additional covenants with respect to the bonds and the pledged revenue and the operation and maintenance of the improvements and facilities the revenue of which is pledged, including provisions for the operation or leasing of all or part of the improvements and facilities and the use or pledge of money received from the operation contract or lease as the board considers appropriate;

(3) prohibit the further issuance of bonds or other obligations payable from the pledged revenue or reserve the right to issue additional bonds to be secured by a pledge of and payable from the revenue on a parity with, or subordinate to, the lien and pledge in support of the bonds being issued, subject to any conditions set forth in the order or resolution; and

(4) include any other provision or covenant, as the board determines, that is not prohibited by the Texas Constitution or this chapter.

(b) The board may adopt and execute any other proceeding or instrument necessary or convenient in the issuance of the bonds. (Acts 61st Leg., R.S., Ch. 261, Sec. 12 (part).)

Sec. 9026.205. USE OF BOND PROCEEDS. (a) The district may appropriate or set aside out of proceeds from the sale of district bonds an amount for:

(1) the payment of interest, administrative, and operating expenses expected to accrue during the period of construction, as may be provided in the bond orders or resolutions; and

(2) the payment of all expenses incurred and to be incurred in the issuance, sale, and delivery of the bonds.

(b) For purposes of this section, the period of construction may not exceed three years. (Acts 61st Leg., R.S., Ch. 261, Sec. 12 (part).)

CHAPTER 9029. CLEAR LAKE CITY WATER AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9029.001. DEFINITIONS

Sec. 9029.002. NATURE OF AUTHORITY

Sec. 9029.003. LEGISLATIVE DECLARATION AND FINDINGS

Sec. 9029.004. AUTHORITY TERRITORY

Sec. 9029.005. CORRECTION OF INVALID PROCEDURES

Sec. 9029.006. LIBERAL CONSTRUCTION OF CHAPTER

[Sections 9029.007-9029.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9029.051. COMPOSITION OF BOARD

Sec. 9029.052. ELIGIBILITY

Sec. 9029.053. OFFICERS

Sec. 9029.054. DIRECTOR'S AND TREASURER'S BONDS

[Sections 9029.055-9029.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9029.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS

Sec. 9029.102. ADDITIONAL POWERS

Sec. 9029.103. CONTRACT FOR DEVELOPMENT OF LAND AND PROPERTY

Sec. 9029.104. ELECTION NOT REQUIRED FOR CERTAIN CONTRACTS

Sec. 9029.105. COST OF RELOCATING OR ALTERING PROPERTY

Sec. 9029.106. BID ON PROPOSED CONSTRUCTION WORK

[Sections 9029.107-9029.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9029.151. TAX METHOD

Sec. 9029.152. AUTHORITY ACCOUNTS

Sec. 9029.153. FISCAL YEAR

Sec. 9029.154. COPY OF AUDIT REPORT

Sec. 9029.155. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED

Sec. 9029.156. POWER TO BORROW MONEY AND ACCEPT GRANTS OR OTHER SUPPORT

Sec. 9029.157. DEPOSITORY

[Sections 9029.158-9029.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9029.201. AUTHORITY TO ISSUE BONDS

Sec. 9029.202. ISSUANCE OF REVENUE BONDS

Sec. 9029.203. BONDS EXEMPT FROM TAXATION

CHAPTER 9029. CLEAR LAKE CITY WATER AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9029.001. DEFINITIONS. In this chapter:

(1) "Authority" means the Clear Lake City Water Authority.

(2) "Board" means the authority's board of directors.

(3) "Director" means a board member. (Acts 58th Leg., R.S., Ch. 101, Sec. 1 (part); New.)

Sec. 9029.002. NATURE OF AUTHORITY. The authority is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 58th Leg., R.S., Ch. 101, Sec. 1 (part).)

Sec. 9029.003. LEGISLATIVE DECLARATION AND FINDINGS. (a) The legislature declares that:

(1) the creation of the authority is essential to accomplish the purposes of Section 59, Article XVI, Texas

Constitution; and

(2) this chapter addresses a subject in which the state and general public are interested.

(b) The legislature finds that:

(1) all land and other property included in the boundaries of the authority will benefit from the works and projects accomplished by the authority under the powers conferred by Section 59, Article XVI, Texas Constitution; and

(2) the authority is created to serve a public use and benefit.

(c) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries. The authority in carrying out the purposes of this chapter will be performing an essential public function under the Texas Constitution. (Acts 58th Leg., R.S., Ch. 101, Secs. 1 (part), 3, 15 (part), 16 (part).)

Sec. 9029.004. AUTHORITY TERRITORY. (a) The authority is composed of the territory described by Section 2, Chapter 101, Acts of the 58th Legislature, Regular Session, 1963, as that territory may have been modified under:

(1) Subchapter O, Chapter 51, Water Code;

(2) Subchapter J, Chapter 49, Water Code;

(3) Section 20, Chapter 101, Acts of the 58th Legislature, Regular Session, 1963; or

(4) other law.

(b) The boundaries of the authority form a closure. A mistake in the field notes or in copying the field notes in the

legislative process does not affect:

(1) the authority's organization, existence, or validity;

(2) the authority's right to issue bonds or to pay the principal of and interest on the bonds;

(3) the authority's right to impose a tax; or

(4) the legality or operation of the authority or the board. (Acts 58th Leg., R.S., Ch. 101, Secs. 4, 20; New.)

Sec. 9029.005. CORRECTION OF INVALID PROCEDURES. If a court holds that any procedure under this chapter violates the constitution of this state or of the United States, the authority by resolution may provide an alternative procedure that conforms with the constitution. (Acts 58th Leg., R.S., Ch. 101, Sec. 17 (part).)

Sec. 9029.006. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect the purposes, powers, and rights stated in this chapter. (Acts 58th Leg., R.S., Ch. 101, Sec. 16 (part).)

[Sections 9029.007-9029.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9029.051. COMPOSITION OF BOARD. The board consists of five elected directors. (Acts 58th Leg., R.S., Ch. 101, Sec. 10 (part).)

Sec. 9029.052. ELIGIBILITY. A person may not be appointed or elected a director unless the person:

(1) owns taxable property in the authority; and

(2) resides in the authority. (Acts 58th Leg., R.S., Ch. 101, Sec. 10 (part).)

Sec. 9029.053. OFFICERS. (a) The board shall elect from among its members a president, secretary, and any other officers the board determines are necessary.

(b) The board may appoint a treasurer. (Acts 58th Leg., R.S., Ch. 101, Sec. 10 (part).)

Sec. 9029.054. DIRECTOR'S AND TREASURER'S BONDS. (a) Each director shall give bond in the amount of $5,000 for the faithful performance of the director's duties.

(b) The treasurer shall give bond in the amount required by the board, conditioned on the treasurer's faithful accounting for all money that comes into the treasurer's custody as authority treasurer. (Acts 58th Leg., R.S., Ch. 101, Sec. 10 (part).)

[Sections 9029.055-9029.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9029.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The authority has the rights, powers, privileges, and functions provided by general law applicable to a water control and improvement district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code. (Acts 58th Leg., R.S., Ch. 101, Sec. 5 (part); New.)

Sec. 9029.102. ADDITIONAL POWERS. (a) The authority may:

(1) purchase, construct, or otherwise acquire and accomplish by any practical means a waterworks system, sanitary sewer system, storm sewer system, or drainage facility or any part of those systems or facilities;

(2) make any necessary purchase, construction, improvement, extension, addition, or repair to a system or facility

described by Subdivision (1);

(3) purchase or acquire, operate, and maintain any land, right-of-way, easement, site, equipment, building, plant, structure, or facility necessary to a system or facility described by Subdivision (1); and

(4) sell water and other services at rates fixed by the authority.

(b) The authority may exercise any of the rights or powers granted by this chapter inside or outside the authority's boundaries. (Acts 58th Leg., R.S., Ch. 101, Sec. 7 (part).)

Sec. 9029.103. CONTRACT FOR DEVELOPMENT OF LAND AND PROPERTY. The authority may enter into a contract with a political subdivision or with an owner, developer, or lessee of land and property as necessary or appropriate to a continuing and orderly plan of development of the land and property through the purchase, construction, or installation of facilities, works, or improvements that the authority is otherwise authorized to do or perform so that, to the greatest extent reasonably possible, considering sound engineering and economic practices, all of the land may, under the contract, ultimately receive the services of the facilities, works, or improvements. (Acts 58th Leg., R.S., Ch. 101, Sec. 9 (part).)

Sec. 9029.104. ELECTION NOT REQUIRED FOR CERTAIN CONTRACTS. A municipality may enter into a water, sewer, or drainage contract, or any combination of those contracts, with the authority without the necessity of an election by any contracting party to approve the contract. (Acts 58th Leg., R.S., Ch. 101, Sec. 9 (part).)

Sec. 9029.105. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) in providing comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value of the old facility.

(b) If the authority's exercise of the power of eminent domain, the power of relocation, or any other power makes necessary the relocation, raising, rerouting, changing the grade, or alteration of the construction of a highway, a railroad, an electric transmission line, a telephone or telegraph property or facility, or a pipeline, the necessary action shall be accomplished at the sole expense of the authority. (Acts 58th Leg., R.S., Ch. 101, Sec. 11.)

Sec. 9029.106. BID ON PROPOSED CONSTRUCTION WORK. (a) A person who submits a written sealed bid on proposed construction work for the authority must submit with the bid an amount equal to at least five percent of the total amount of the bid in the form of a:

(1) certified or cashier's check on a responsible bank in this state; or

(2) bidder's bond.

(b) If a successful bidder fails or refuses to enter into a proper contract with the authority or provide a bond required by law, the bidder forfeits the amount of the check or bond that accompanied the bidder's bid. (Acts 58th Leg., R.S., Ch. 101, Sec.

19.)

[Sections 9029.107-9029.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9029.151. TAX METHOD. (a) The authority shall use the ad valorem plan of taxation.

(b) The board is not required to call a hearing on the adoption of a plan of taxation. (Acts 58th Leg., R.S., Ch. 101, Sec. 6 (part).)

Sec. 9029.152. AUTHORITY ACCOUNTS. The authority shall keep a complete system of the authority's accounts. (Acts 58th Leg., R.S., Ch. 101, Sec. 14 (part).)

Sec. 9029.153. FISCAL YEAR. The fiscal year of the authority is from October 1 to September 30 of the following year, unless changed by the board. (Acts 58th Leg., R.S., Ch. 101, Sec. 14 (part).)

Sec. 9029.154. COPY OF AUDIT REPORT. A copy of the audit report prepared under Subchapter G, Chapter 49, Water Code, shall be delivered:

(1) to each director; and

(2) to a holder of at least 25 percent of the outstanding bonds of the authority, on request. (Acts 58th Leg., R.S., Ch. 101, Sec. 14 (part); New.)

Sec. 9029.155. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED. The authority is not required to pay a tax or assessment on authority property or any part of authority property. (Acts 58th Leg., R.S., Ch. 101, Sec. 15 (part).)

Sec. 9029.156. POWER TO BORROW MONEY AND ACCEPT GRANTS OR

OTHER SUPPORT. (a) The authority may borrow money for the authority's corporate purposes, including taking a loan or accepting a grant, gratuity, or other support from the United States, this state, or a corporation or agency created or designated by the United States or this state.

(b) In connection with the loan, grant, or other support, the authority may enter into any arrangement the board considers advisable. (Acts 58th Leg., R.S., Ch. 101, Sec. 12 (part).)

Sec. 9029.157. DEPOSITORY. (a) The board shall designate one or more banks inside or outside the authority to serve as a depository for authority money.

(b) All authority money shall be deposited in a depository bank, except that sufficient money shall be remitted to the appropriate bank of payment to pay the principal of and interest on the authority's outstanding bonds on or before the maturity date of the principal and interest.

(c) To the extent that money in a depository bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds. (Acts 58th Leg., R.S., Ch. 101, Sec. 13.)

[Sections 9029.158-9029.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9029.201. AUTHORITY TO ISSUE BONDS. The authority may issue bonds for an authority purpose. (Acts 58th Leg., R.S., Ch. 101, Sec. 7 (part).)

Sec. 9029.202. ISSUANCE OF REVENUE BONDS. The board may issue, by resolution and without a hearing or an election, bonds

payable solely from net revenue of the authority's operation or from the proceeds of any contract for the authority's services. (Acts 58th Leg., R.S., Ch. 101, Sec. 12 (part).)

Sec. 9029.203. BONDS EXEMPT FROM TAXATION. An authority bond, the transfer of the bond, and income from the bond, including profits made on the sale of the bond, are exempt from taxation in this state. (Acts 58th Leg., R.S., Ch. 101, Sec. 15 (part).)

CHAPTER 9032. COKE COUNTY KICKAPOO WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9032.001. DEFINITIONS

Sec. 9032.002. NATURE OF DISTRICT

Sec. 9032.003. FINDINGS OF BENEFIT

Sec. 9032.004. APPLICABILITY OF OTHER WATER CONTROL AND IMPROVEMENT DISTRICT LAW

[Sections 9032.005-9032.050 reserved for expansion]

SUBCHAPTER B. DISTRICT TERRITORY

Sec. 9032.051. DISTRICT TERRITORY

Sec. 9032.052. HEARING FOR EXCLUSION OF TERRITORY

[Sections 9032.053-9032.100 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9032.101. COMPOSITION OF BOARD

Sec. 9032.102. QUALIFICATIONS FOR OFFICE

Sec. 9032.103. ELECTION OF DIRECTORS

Sec. 9032.104. ELECTION RESULTS

Sec. 9032.105. BALLOT PROCEDURE FOR CANDIDATES

Sec. 9032.106. DIRECTOR'S BOND

Sec. 9032.107. VOTE BY BOARD PRESIDENT

Sec. 9032.108. ABSENCE OR INACTION OF BOARD PRESIDENT

Sec. 9032.109. APPOINTMENT OR EMPLOYMENT OF SECRETARY AND TREASURER

Sec. 9032.110. SECRETARY'S BOND

Sec. 9032.111. EMPLOYEES

Sec. 9032.112. SEAL

[Sections 9032.113-9032.150 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9032.151. GENERAL POWERS

Sec. 9032.152. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS

Sec. 9032.153. CONTROL OF WATER AND FLOODWATER; RECLAMATION

Sec. 9032.154. POWERS RELATING TO THE WATER OF KICKAPOO CREEKS; SURVEYS, MAPS, AND PLANS

Sec. 9032.155. GENERAL PROPERTY POWER

Sec. 9032.156. COST OF RELOCATING OR ALTERING PROPERTY

Sec. 9032.157. SURVEYS; ENGINEERING INVESTIGATIONS

Sec. 9032.158. EQUIPMENT; SUPPLIES

Sec. 9032.159. COOPERATION IN WILDLIFE PROGRAMS

[Sections 9032.160-9032.200 reserved for expansion]

SUBCHAPTER E. TAXES

Sec. 9032.201. HEARING ON CHANGE IN METHOD OF TAXATION; LIMITATION

Sec. 9032.202. MAINTENANCE TAX ELECTION PROCEDURES

Sec. 9032.203. MAINTENANCE TAX RATE

[Sections 9032.204-9032.250 reserved for expansion]

SUBCHAPTER F. BONDS

Sec. 9032.251. ISSUANCE OF BONDS

Sec. 9032.252. PLEDGE OF REVENUE TO PAY BONDS

CHAPTER 9032. COKE COUNTY KICKAPOO WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9032.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Coke County Kickapoo Water Control and Improvement District No. 1. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 1 (part); New.)

Sec. 9032.002. NATURE OF DISTRICT. The district is a conservation, reclamation, and improvement district in Coke County. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 1 (part).)

Sec. 9032.003. FINDINGS OF BENEFIT. All territory included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 2 (part).)

Sec. 9032.004. APPLICABILITY OF OTHER WATER CONTROL AND IMPROVEMENT DISTRICT LAW. Except as provided in this chapter, general laws pertaining to water control and improvement districts govern the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 15 (part).)

[Sections 9032.005-9032.050 reserved for expansion]

SUBCHAPTER B. DISTRICT TERRITORY

Sec. 9032.051. DISTRICT TERRITORY. The district is composed of the territory described by Section 2, Chapter 17, Acts of the 56th Legislature, 1st Called Session, 1959, as that territory may have been modified under:

(1) Subchapter O, Chapter 51, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 1 (part); New.)

Sec. 9032.052. HEARING FOR EXCLUSION OF TERRITORY. A hearing is not required for the exclusion of territory from the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 6 (part).)

[Sections 9032.053-9032.100 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9032.101. COMPOSITION OF BOARD. The board is composed of five elected directors. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 16 (part).)

Sec. 9032.102. QUALIFICATIONS FOR OFFICE. A director must be:

(1) at least 18 years of age;

(2) a resident of the state and district; and

(3) an owner of taxable property in the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 16 (part).)

Sec. 9032.103. ELECTION OF DIRECTORS. (a) An election order for a directors' election must state the time, place, and purpose of the election.

(b) Notice of a directors' election must be published in a newspaper of general circulation in the district for two consecutive weeks in not less than two publications at least 20 days before the date of the election. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 16 (part).)

Sec. 9032.104. ELECTION RESULTS. (a) The candidates receiving the highest number of votes shall be elected.

(b) The board shall declare the results of the election. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 16 (part).)

Sec. 9032.105. BALLOT PROCEDURE FOR CANDIDATES. (a) A person who wants the person's name printed on the ballot as a candidate for director must submit a petition to the board secretary requesting that action.

(b) The petition must be:

(1) signed by at least 15 qualified voters; and

(2) presented to the board secretary not later than the 21st day before the date of the election. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 16 (part).)

Sec. 9032.106. DIRECTOR'S BOND. Each director shall make bond in the amount of $5,000 payable to the county judge of Coke County for the faithful performance of the director's duties. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 16 (part).)

Sec. 9032.107. VOTE BY BOARD PRESIDENT. The president has the same right to vote as any other director. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 17 (part).)

Sec. 9032.108. ABSENCE OR INACTION OF BOARD PRESIDENT. When the board president is absent or fails or declines to act, the

board vice president shall perform all duties and exercise all power this chapter gives the president. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 17 (part).)

Sec. 9032.109. APPOINTMENT OR EMPLOYMENT OF SECRETARY AND TREASURER. (a) The board may appoint or employ a secretary. The secretary shall also serve as treasurer.

(b) The secretary is not required to be a director. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 17 (part).)

Sec. 9032.110. SECRETARY'S BOND. (a) The secretary shall make bond in an amount required by the board, conditioned on the secretary's faithfully accounting for all money that comes into the secretary's custody as district treasurer.

(b) The bond must be payable to the order of the county judge of Coke County. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 17 (part).)

Sec. 9032.111. EMPLOYEES. The board may employ a general manager, attorney, engineer, or other technical or nontechnical employees or assistants and set the amount and manner of their compensation. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 18 (part).)

Sec. 9032.112. SEAL. The board may adopt a seal for the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 19.)

[Sections 9032.113-9032.150 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9032.151. GENERAL POWERS. (a) The district may exercise the rights, privileges, functions, and authority granted water control and improvement districts by:

(1) Chapters 49 and 51, Water Code; and

(2) all other laws relating to water control and

improvement districts.

(b) To the extent a general law described by Subsection (a) conflicts or is inconsistent with this chapter, this chapter prevails. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 1 (part).)

Sec. 9032.152. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. To accomplish a purpose for which the district is created, the district has the powers conferred by the general laws of this state on water control and improvement districts, including the power to:

(1) construct, acquire, improve, maintain, and repair a dam or other structure; and

(2) acquire land easements, rights, property, or equipment needed to use, control, or distribute water that may be impounded, diverted, or controlled by the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 5.)

Sec. 9032.153. CONTROL OF WATER AND FLOODWATER; RECLAMATION. The district has the power to:

(1) control, store, preserve, and distribute the water and floodwater in the district for the irrigation of arid land, conservation, preservation, reclamation, and drainage of the lands in the district;

(2) carry out flood prevention measures to prevent damage to land and other property in the district; and

(3) reclaim lands heretofore damaged because of the failure to provide the facilities authorized under this chapter. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 4.)

Sec. 9032.154. POWERS RELATING TO THE WATER OF KICKAPOO

CREEKS; SURVEYS, MAPS, AND PLANS. (a) The district may conduct preliminary surveys and develop and map out a plan for the control and use of the water of Kickapoo Creeks to the end that improvements on any part of the watershed will be mechanically and economically related to the improvements of the entire watershed.

(b) On the completion of the survey, map, or plan and the adoption of the survey, map, or plan by the board, a certified copy of the survey, map, or plan must be filed for informational purposes with the Texas Commission on Environmental Quality. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 3.)

Sec. 9032.155. GENERAL PROPERTY POWER. In addition to powers granted the district under other law, the district has the power to purchase, construct, maintain, condemn, or in any other manner acquire, provide, and develop all works, facilities, improvements, lands, easements, rights, and other properties in the district that may be necessary or useful in fulfilling the purposes of the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 7.)

Sec. 9032.156. COST OF RELOCATING OR ALTERING PROPERTY. If the district's exercise of the power of eminent domain, the power of relocation, or any other power granted under this chapter makes necessary the relocating, raising, rerouting, changing grades of, or altering the construction of any highway, railroad, electric transmission line, pipeline, telephone, or telegraph property or facility, the necessary action shall be accomplished at the sole expense of the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 15 (part).)

Sec. 9032.157. SURVEYS; ENGINEERING INVESTIGATIONS. The

board may conduct or provide for surveys and engineering investigations for the district and its associates or affiliates to accomplish district purposes. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 18 (part).)

Sec. 9032.158. EQUIPMENT; SUPPLIES. The board may provide equipment and supplies considered essential to properly maintain the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 18 (part).)

Sec. 9032.159. COOPERATION IN WILDLIFE PROGRAMS. The district may cooperate with state, federal, and other agencies and groups in wildlife programs that are:

(1) not inconsistent with the purposes of this chapter; and

(2) designed to improve the general habitat of wildlife and promote the general propagation of wildlife. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 14.)

[Sections 9032.160-9032.200 reserved for expansion]

SUBCHAPTER E. TAXES

Sec. 9032.201. HEARING ON CHANGE IN METHOD OF TAXATION; LIMITATION. (a) Except as provided by Subsection (b), the district may call a hearing to consider changing the method of taxation.

(b) Once district bonds are approved by the attorney general or district court, the district may not change the plan of taxation. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 11 (part).)

Sec. 9032.202. MAINTENANCE TAX ELECTION PROCEDURES. (a) A maintenance tax election shall be called and notice given in the same manner as for a bond election.

(b) This chapter does not prevent the calling of a later maintenance tax election to establish or increase the amount of tax if the board determines that a maintenance tax election is required. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 9 (part).)

Sec. 9032.203. MAINTENANCE TAX RATE. In calling a maintenance tax election, the board must specify the maximum proposed tax rate. To impose a maintenance tax at a rate that exceeds the maximum proposed rate approved by the voters, the board must submit the question of a tax rate increase to the voters. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 9 (part).)

[Sections 9032.204-9032.250 reserved for expansion]

SUBCHAPTER F. BONDS

Sec. 9032.251. ISSUANCE OF BONDS. To accomplish a district purpose, the district may issue bonds as provided by general law for water control and improvement districts to obtain money necessary to furnish land, easements, or improvements, to maintain a structure, or for channeling, or other works of improvement performed or constructed by the district or others in cooperation with the district. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 8 (part).)

Sec. 9032.252. PLEDGE OF REVENUE TO PAY BONDS. When the board selects a plan of taxation, the board may pledge district revenue to pay bonds authorized by voters. (Acts 56th Leg., 1st C.S., Ch. 17, Sec. 10.)

CHAPTER 9033. COMMODORE COVE IMPROVEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9033.001. DEFINITIONS

Sec. 9033.002. NATURE OF DISTRICT

Sec. 9033.003. FINDINGS OF PUBLIC BENEFIT AND PUBLIC PURPOSE

Sec. 9033.004. DISTRICT TERRITORY

Sec. 9033.005. EXPANSION OF DISTRICT

Sec. 9033.006. HEARINGS FOR EXCLUSION OF LAND

[Sections 9033.007-9033.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 9033.051. BOARD OF DIRECTORS

Sec. 9033.052. NOTICE OF DIRECTORS' ELECTION

Sec. 9033.053. DIRECTOR'S BOND

Sec. 9033.054. DUTY OF SECRETARY; ABSENCE OF SECRETARY FROM BOARD MEETING

Sec. 9033.055. VOTE BY BOARD PRESIDENT

Sec. 9033.056. ABSENCE OR INACTION OF BOARD PRESIDENT

[Sections 9033.057-9033.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9033.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS

Sec. 9033.102. ADDITIONAL POWERS

Sec. 9033.103. LIMIT ON EMINENT DOMAIN POWER

Sec. 9033.104. COST OF RELOCATING OR ALTERING PROPERTY

Sec. 9033.105. NOTICE OF ELECTION

[Sections 9033.106-9033.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9033.151. TAX METHOD

Sec. 9033.152. DEPOSITORY

Sec. 9033.153. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED

[Sections 9033.154-9033.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9033.201. AUTHORITY TO ISSUE BONDS

Sec. 9033.202. EXCHANGING BONDS FOR PROPERTY OR WORK

Sec. 9033.203. FAILED BOND ELECTION

Sec. 9033.204. BONDS EXEMPT FROM TAXATION

CHAPTER 9033. COMMODORE COVE IMPROVEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9033.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Commodore Cove Improvement District. (Acts 59th Leg., R.S., Ch. 598, Sec. 1 (part); New.)

Sec. 9033.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Brazoria County created under Section 59, Article XVI, Texas Constitution. (Acts 59th Leg., R.S., Ch. 598, Sec. 1 (part).)

Sec. 9033.003. FINDINGS OF PUBLIC BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish

the purposes of Section 59, Article XVI, Texas Constitution.

(d) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries. The district in carrying out the purposes of this chapter will be performing an essential public function under the Texas Constitution. (Acts 59th Leg., R.S., Ch. 598, Secs. 1 (part), 4, 22 (part).)

Sec. 9033.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2, Chapter 598, Acts of the 59th Legislature, Regular Session, 1965, as that territory may have been modified under:

(1) Subchapter O, Chapter 51, Water Code;

(2) Subchapter J, Chapter 49, Water Code;

(3) Section 9033.005 of this chapter or its predecessor statute, former Section 16, Chapter 598, Acts of the 59th Legislature, Regular Session, 1965; or

(4) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or the board. (Acts 59th Leg., R.S., Ch. 598, Sec. 3; New.)

Sec. 9033.005. EXPANSION OF DISTRICT. (a) Except as otherwise provided by this section, the district may annex territory as provided by Section 49.302, Water Code.

(b) Territory may not be annexed to the district without the written consent of:

(1) all lienholders of record in Brazoria County; and

(2) at least a three-fourths majority of all landowners in the territory to be annexed whose land must also constitute at least three-fourths of the value of all land in the territory to be annexed, as shown by the tax rolls of the county in which the territory to be annexed is located.

(c) A finding by the district that the requirements of Subsection (b) have been met is:

(1) conclusive for all purposes; and

(2) not subject to judicial review. (Acts 59th Leg., R.S., Ch. 598, Sec. 16.)

Sec. 9033.006. HEARINGS FOR EXCLUSION OF LAND. (a) The board is not required to call or hold a hearing on the exclusion of land or other property from the district.

(b) This section may not be construed to prevent the board on its own motion from calling and holding an exclusion hearing under general law. (Acts 59th Leg., R.S., Ch. 598, Sec. 7 (part).)

[Sections 9033.007-9033.050 reserved for expansion]

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 9033.051. BOARD OF DIRECTORS. (a) The board consists of five elected directors.

(b) To be appointed as a director, a person must:

(1) be at least 18 years of age; and

(2) reside in this state.

(c) Such director is not required to reside in the district.

(d) Such director is not required to own land in the district, but before the district awards any construction contracts, each director must own land in the district subject to district taxation. (Acts 59th Leg., R.S., Ch. 598, Sec. 9 (part).)

Sec. 9033.052. NOTICE OF DIRECTORS' ELECTION. At least 30 days before the date of a directors' election, notice of the election must be published at least once in a newspaper of general circulation in Brazoria County. (Acts 59th Leg., R.S., Ch. 598, Sec. 9 (part).)

Sec. 9033.053. DIRECTOR'S BOND. Each director shall give a bond in the amount of $5,000 for the faithful performance of the director's duties. (Acts 59th Leg., R.S., Ch. 598, Sec. 9 (part).)

Sec. 9033.054. DUTY OF SECRETARY; ABSENCE OF SECRETARY FROM BOARD MEETING. (a) The board secretary shall sign the minutes of each board meeting.

(b) If the board secretary is absent from a board meeting, the board shall name a secretary pro tem for the meeting who may:

(1) exercise all powers and duties of the secretary for the meeting;

(2) sign the minutes of the meeting; and

(3) attest all orders passed or other action taken at the meeting. (Acts 59th Leg., R.S., Ch. 598, Sec. 9 (part).)

Sec. 9033.055. VOTE BY BOARD PRESIDENT. The board president has the same right to vote as any other director. (Acts

59th Leg., R.S., Ch. 598, Sec. 9 (part).)

Sec. 9033.056. ABSENCE OR INACTION OF BOARD PRESIDENT. When the board president is absent or fails or declines to act, the board vice president shall perform all duties and exercise all power this chapter or general law gives the president. (Acts 59th Leg., R.S., Ch. 598, Sec. 9 (part).)

[Sections 9033.057-9033.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9033.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district has the rights, powers, privileges, and duties provided by general law applicable to a water control and improvement district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code. (Acts 59th Leg., R.S., Ch. 598, Sec. 5 (part); New.)

Sec. 9033.102. ADDITIONAL POWERS. (a) The district may:

(1) purchase, construct, or otherwise acquire a waterworks system, sanitary sewer system, storm sewer system, or drainage facility or any part of those systems or facilities;

(2) make any purchase, construction, improvement, extension, addition, or repair necessary to a system or facility described by Subdivision (1);

(3) purchase or otherwise acquire, operate, and maintain any land, right-of-way, easement, site, equipment, building, plant, structure, or facility necessary for a system or facility described by Subdivision (1); and

(4) sell water and other services.

(b) The district may exercise any of the rights or powers

granted by this chapter inside or outside the district's boundaries, but only in Brazoria County. (Acts 59th Leg., R.S., Ch. 598, Sec. 17 (part).)

Sec. 9033.103. LIMIT ON EMINENT DOMAIN POWER. The district may exercise the power of eminent domain only in the district. (Acts 59th Leg., R.S., Ch. 598, Sec. 12 (part).)

Sec. 9033.104. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) in providing comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value of the old facility.

(b) If the district's exercise of the power of eminent domain, the power of relocation, or any other power granted by this chapter makes necessary the relocating, raising, rerouting, changing the grade, or altering of the construction of a highway, railroad, electric transmission line, telegraph or telephone property or facility, or pipeline, the necessary action shall be accomplished at the sole expense of the district. (Acts 59th Leg., R.S., Ch. 598, Sec. 12 (part).)

Sec. 9033.105. NOTICE OF ELECTION. Notice of an election may be given under the hand of the board president or secretary. (Acts 59th Leg., R.S., Ch. 598, Sec. 20.)

[Sections 9033.106-9033.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9033.151. TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b) The board is not required to call or hold a hearing on the adoption of a plan of taxation. (Acts 59th Leg., R.S., Ch. 598, Sec. 8.)

Sec. 9033.152. DEPOSITORY. (a) The board shall select one or more banks or trust companies in this state to act as a depository of bond proceeds or of revenue derived from the operation of district facilities.

(b) The depository shall, as determined by the board:

(1) furnish indemnity bonds;

(2) pledge securities; or

(3) meet any other requirements. (Acts 59th Leg., R.S., Ch. 598, Sec. 15.)

Sec. 9033.153. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED. The district is not required to pay a tax or assessment on:

(1) a district project or any part of the project; or

(2) a district purchase. (Acts 59th Leg., R.S., Ch. 598, Sec. 22 (part).)

[Sections 9033.154-9033.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9033.201. AUTHORITY TO ISSUE BONDS. The district may issue bonds of any kind to carry out any purpose authorized by this chapter. (Acts 59th Leg., R.S., Ch. 598, Sec. 17 (part).)

Sec. 9033.202. EXCHANGING BONDS FOR PROPERTY OR WORK. The district may exchange bonds, including refunding bonds:

(1) for property acquired by purchase; or

(2) in payment of the contract price of work done or materials or services furnished for the use and benefit of the

district. (Acts 59th Leg., R.S., Ch. 598, Sec. 18 (part).)

Sec. 9033.203. FAILED BOND ELECTION. (a) A general law, including Sections 51.781-51.791, Water Code, that provides for calling a hearing on the dissolution of a district after a failed district bond election does not apply to the district.

(b) Six months after the date of a failed bond election, the board may call a subsequent bond election.

(c) The district continues to exist and retain its full power to function and operate regardless of the outcome of a bond election. (Acts 59th Leg., R.S., Ch. 598, Sec. 19.)

Sec. 9033.204. BONDS EXEMPT FROM TAXATION. A bond issued under this chapter, the transfer of the bond, and income from the bond, including profits made on the sale of the bond, are exempt from taxation in this state. (Acts 59th Leg., R.S., Ch. 598, Sec. 22 (part).)

SECTION 1.07. Subtitle X, Title 6, Special District Local Laws Code, is amended by adding Chapter 11003 to read as follows:

CHAPTER 11003. MATADOR WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11003.001. DEFINITIONS

Sec. 11003.002. NATURE OF DISTRICT

Sec. 11003.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

[Sections 11003.004-11003.050 reserved for expansion]

SUBCHAPTER B. DISTRICT TERRITORY; ANNEXATION

Sec. 11003.051. DISTRICT TERRITORY

Sec. 11003.052. ANNEXATION OF CITY TERRITORY

Sec. 11003.053. ANNEXATION OF OTHER TERRITORY

[Sections 11003.054-11003.100 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 11003.101. COMPOSITION OF BOARD; TERMS

Sec. 11003.102. QUALIFICATIONS FOR OFFICE

Sec. 11003.103. VACANCIES

Sec. 11003.104. REMOVAL FROM OFFICE

Sec. 11003.105. BOARD RESOLUTIONS; QUORUM; VOTING REQUIREMENTS

Sec. 11003.106. OFFICERS AND ASSISTANTS

Sec. 11003.107. DUTIES OF OFFICERS AND ASSISTANTS

Sec. 11003.108. MEETINGS

Sec. 11003.109. PERSONAL LIABILITY OF DIRECTORS

[Sections 11003.110-11003.150 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 11003.151. DISTRICT POWERS

Sec. 11003.152. PERMITS

Sec. 11003.153. GENERAL AUTHORITY OF PUBLIC AGENCIES AND POLITICAL SUBDIVISIONS TO CONTRACT WITH DISTRICT

Sec. 11003.154. CONTRACTS TO SUPPLY WATER

Sec. 11003.155. SOURCES FOR WATER; ACQUISITION OF LAND; STORAGE CAPACITY

Sec. 11003.156. CONSTRUCTION CONTRACTS

Sec. 11003.157. CONVEYANCE OF LAND TO DISTRICT

Sec. 11003.158. SURPLUS PROPERTY

Sec. 11003.159. EMINENT DOMAIN

Sec. 11003.160. COST OF RELOCATING OR ALTERING PROPERTY; RIGHTS-OF-WAY AND EASEMENTS

Sec. 11003.161. OTHER DISTRICT POWERS

[Sections 11003.162-11003.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 11003.201. IMPOSITION OF MAINTENANCE TAX

Sec. 11003.202. DEPOSITORY

Sec. 11003.203. INVESTMENT OF DISTRICT MONEY

Sec. 11003.204. DISTRICT FACILITIES EXEMPT FROM TAXATION AND ASSESSMENT

[Sections 11003.205-11003.250 reserved for expansion]

SUBCHAPTER F. BONDS

Sec. 11003.251. AUTHORITY TO ISSUE BONDS

Sec. 11003.252. FORM OF BONDS

Sec. 11003.253. MATURITY

Sec. 11003.254. ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES

Sec. 11003.255. BONDS SECURED BY REVENUE; ADDITIONAL BONDS

Sec. 11003.256. BONDS PAYABLE FROM AD VALOREM TAXES

Sec. 11003.257. ADDITIONAL SECURITY

Sec. 11003.258. TRUST INDENTURE

Sec. 11003.259. CHARGES FOR DISTRICT SERVICES

Sec. 11003.260. USE OF BOND PROCEEDS

Sec. 11003.261. APPOINTMENT OF RECEIVER

Sec. 11003.262. REFUNDING BONDS

Sec. 11003.263. LIMITATION ON RIGHTS OF BONDHOLDERS

Sec. 11003.264. BONDS EXEMPT FROM TAXATION

Sec. 11003.265. DETACHMENT OF DISTRICT TERRITORY AFTER ISSUANCE OF BONDS

CHAPTER 11003. MATADOR WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11003.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "City" means the city of Matador.

(3) "City council" means the city council of the city.

(4) "Director" means a member of the board appointed by the city council.

(5) "District" means the Matador Water District. (Acts 64th Leg., R.S., Ch. 36, Secs. 1 (part), 2 (part), 3(a) (part); New.)

Sec. 11003.002. NATURE OF DISTRICT. The district is a conservation and reclamation district created under Section 59, Article XVI, Texas Constitution. (Acts 64th Leg., R.S., Ch. 36, Sec. 1 (part).)

Sec. 11003.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All territory and taxable property in the city will benefit from the works and improvements of the district.

(b) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries. The district, in carrying out the purposes of this chapter, will be performing an

essential public function under the constitution. (Acts 64th Leg., R.S., Ch. 36, Secs. 2 (part), 22 (part).)

[Sections 11003.004-11003.050 reserved for expansion]

SUBCHAPTER B. DISTRICT TERRITORY; ANNEXATION

Sec. 11003.051. DISTRICT TERRITORY. (a) The boundaries of the district are coextensive with the boundaries of the city as those boundaries existed on January 1, 1975, and as the district territory may have been modified under:

(1) this subchapter or its predecessor statutes, Sections 6 and 7, Chapter 36, Acts of the 64th Legislature, Regular Session, 1975;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) An invalidity in the fixing of the boundaries of the city as they existed on January 1, 1975, does not affect the boundaries of the district. (Acts 64th Leg., R.S., Ch. 36, Sec. 2 (part); New.)

Sec. 11003.052. ANNEXATION OF CITY TERRITORY. (a) Territory annexed to the city after January 1, 1975, may be annexed to the district as provided by this section.

(b) At any time after final passage of an ordinance or resolution annexing territory to the city, the board may give notice of a hearing on the question of annexing that territory to the district. The notice is sufficient if it:

(1) states the date and place of the hearing; and

(2) describes the area proposed to be annexed or refers to the annexation ordinance or resolution of the city.

(c) At least 10 days before the date set for the hearing, the notice must be published one time in a newspaper of general circulation in the city.

(d) If, as a result of the hearing, the board finds that the territory will benefit from the present or contemplated improvements, works, or facilities of the district, the board shall adopt a resolution annexing the territory to the district.

(e) After the territory is annexed to the district, the board may hold an election in the entire district to determine whether:

(1) the entire district will assume any tax-supported bonds then outstanding and those bonds previously voted but not yet sold; and

(2) an ad valorem tax for the payment of the bonds will be imposed on all taxable property in the district.

(f) An election held under Subsection (e) must be held and notice must be given in the same manner as an election held under Section 11003.254 for the issuance of bonds. (Acts 64th Leg., R.S., Ch. 36, Sec. 6.)

Sec. 11003.053. ANNEXATION OF OTHER TERRITORY. (a) Territory other than territory subject to Section 11003.052 may be annexed to the district as provided by this section.

(b) The board may annex territory or a municipality under this section only if a petition requesting annexation is signed by 50 registered voters of the territory or municipality to be annexed, or a majority of the registered voters of that territory or municipality, whichever is fewer, and is filed with the board. The

petition must describe the territory to be annexed by metes and bounds, or otherwise, except that if the territory is the same as that contained in the boundaries of a municipality, the petition is sufficient if it states that the territory to be annexed is the territory contained in the municipal boundaries.

(c) If the board determines that the petition complies with Subsection (b), that the annexation would be in the best interest of the territory or municipality and the district, and that the district will be able to supply water to the territory or municipality, the board shall:

(1) adopt a resolution stating the conditions, if any, under which the territory or municipality may be annexed to the district; and

(2) set a time and place to hold a hearing on the question of whether the territory or municipality to be annexed will benefit from:

(A) the improvements, works, or facilities owned or operated or contemplated to be owned or operated by the district; or

(B) the other functions of the district.

(d) At least 10 days before the date of the hearing, notice of the adoption of the resolution stating the time and place of the hearing must be published one time in a newspaper of general circulation in the territory or municipality proposed to be annexed. The notice must describe the territory in the same manner in which Subsection (b) requires the petition to describe the territory.

(e) Any interested person may appear at the hearing and offer evidence for or against the annexation.

(f) The hearing may proceed in the order and under the rules prescribed by the board and may be recessed from time to time.

(g) If, at the conclusion of the hearing, the board finds that the property in the territory or municipality will benefit from the present or contemplated improvements, works, or facilities of the district, the board shall adopt a resolution making a finding of the benefit and calling an election in the territory or municipality to be annexed.

(h) The resolution must state:

(1) the date of the election;

(2) each place where the election will be held; and

(3) the proposition to be voted on.

(i) At least 10 days before the date set for the election, notice of the election must be given by publishing a substantial copy of the resolution calling the election one time in a newspaper of general circulation in the territory proposed to be annexed.

(j) In calling an election on the proposition for annexation of the territory or municipality, the board may include, as part of the same proposition or as a separate proposition, a proposition for:

(1) the territory to assume its part of the tax-supported bonds of the district then outstanding and those bonds previously voted but not yet sold; and

(2) an ad valorem tax to be imposed on taxable property in the territory along with the tax in the rest of the district for

the payment of the bonds.

(k) If a majority of the votes cast at the election are in favor of annexation, the board by resolution shall annex the territory to the district.

(l) An annexation under this section is incontestable except in the manner and within the time for contesting elections under the Election Code. (Acts 64th Leg., R.S., Ch. 36, Secs. 7(a), (b), (c) (part), (d) (part), (e) (part).)

[Sections 11003.054-11003.100 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 11003.101. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors appointed by the city council. The directors occupy numbered places on the board.

(b) Directors serve staggered two-year terms, with the terms of the directors occupying Places 1, 2, and 3 expiring at noon on March 1 of each even-numbered year and the terms of the directors occupying Places 4 and 5 expiring at noon on March 1 of each odd-numbered year.

(c) The mayor of the city serves, ex officio, as an honorary member of the board. The mayor may attend all meetings and participate in all proceedings of the board except that the mayor may not vote. (Acts 64th Leg., R.S., Ch. 36, Sec. 3(a) (part).)

Sec. 11003.102. QUALIFICATIONS FOR OFFICE. (a) To be eligible to be appointed or to serve as a director, a person must be a resident, qualified voter of the district.

(b) A director is eligible for reappointment. (Acts 64th Leg., R.S., Ch. 36, Secs. 3(a) (part), (b).)

Sec. 11003.103. VACANCIES. Any vacancy occurring on the board shall be filled for the unexpired term by appointment by the city council. (Acts 64th Leg., R.S., Ch. 36, Sec. 3(a) (part).)

Sec. 11003.104. REMOVAL FROM OFFICE. After reasonable notice and a public hearing, the board may remove a director from office for misfeasance, malfeasance, or wilful neglect of duty. Reasonable notice and a public hearing are not required if the notice and hearing are expressly waived in writing. (Acts 64th Leg., R.S., Ch. 36, Sec. 3(c).)

Sec. 11003.105. BOARD RESOLUTIONS; QUORUM; VOTING REQUIREMENTS. (a) The district shall act through resolutions adopted by the board.

(b) Three directors constitute a quorum.

(c) Each director has a vote.

(d) The affirmative vote of at least three directors is necessary to adopt any resolution. (Acts 64th Leg., R.S., Ch. 36, Sec. 4(c).)

Sec. 11003.106. OFFICERS AND ASSISTANTS. (a) The board shall elect a president, vice president, secretary, and treasurer at the first meeting of the board in March of each year or at any time necessary to fill a vacancy.

(b) The board shall elect the president and vice president from among the directors. The president shall serve for a term of one year.

(c) The offices of secretary and treasurer:

(1) may be held by one person; and

(2) are not required to be held by a director.

(d) The board may appoint as assistant board secretary one or more persons who are not directors. (Acts 64th Leg., R.S., Ch. 36, Secs. 4(b) (part), (d) (part).)

Sec. 11003.107. DUTIES OF OFFICERS AND ASSISTANTS. (a) The board president shall preside at board meetings and perform other duties prescribed by the board.

(b) The board secretary is the official custodian of the minutes, books, records, and seal of the board and shall perform other duties and functions prescribed by the board. An assistant board secretary may perform any duty or function of the board secretary.

(c) The board treasurer shall perform duties and functions prescribed by the board. (Acts 64th Leg., R.S., Ch. 36, Sec. 4(b) (part).)

Sec. 11003.108. MEETINGS. The board shall have regular meetings at times specified by board resolution and shall have special meetings when called by the board president or by any three directors. (Acts 64th Leg., R.S., Ch. 36, Sec. 4(e).)

Sec. 11003.109. PERSONAL LIABILITY OF DIRECTORS. A director is not personally liable for any bond issued or contract executed by the district. (Acts 64th Leg., R.S., Ch. 36, Sec. 4(f).)

[Sections 11003.110-11003.150 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 11003.151. DISTRICT POWERS. The district may exercise any power necessary or appropriate to achieve the purposes of this chapter, including the power to:

(1) sue and be sued, and plead and be impleaded, in its own name;

(2) adopt an official seal;

(3) adopt and enforce bylaws and rules for the conduct of its affairs;

(4) acquire, hold, use, and dispose of its receipts and money from any source;

(5) select a depository or depositories;

(6) acquire, own, rent, lease, accept, hold, or dispose of property, or an interest in property, including a right or easement, by purchase, exchange, gift, assignment, condemnation, sale, lease, or otherwise, in performing district duties or exercising district powers under this chapter;

(7) hold, manage, operate, or improve property;

(8) lease or rent any land, building, structure, or facility from or to any person;

(9) sell, assign, lease, encumber, mortgage, or otherwise dispose of property, or an interest in property, and release or relinquish a right, title, claim, lien, interest, easement, or demand, regardless of the manner in which acquired, and conduct a transaction authorized by this subdivision by public or private sale, with or without public bidding, notwithstanding any other law;

(10) issue bonds, provide for and secure the payment of the bonds, and provide for the rights of the holders of the bonds in the manner and to the extent authorized by this chapter;

(11) request and accept an appropriation, grant,

allocation, subsidy, guaranty, aid, service, material, or gift from any source, including the federal government, the state, a public agency, or a political subdivision;

(12) operate and maintain an office;

(13) appoint and determine the duties, tenure, qualifications, and compensation of officers, employees, agents, professional advisors, and counselors considered necessary or advisable by the board, including financial consultants, accountants, attorneys, architects, engineers, appraisers, and financing experts; and

(14) exercise any power granted by Chapter 30, Water Code, to districts created under Section 59, Article XVI, Texas Constitution. (Acts 64th Leg., R.S., Ch. 36, Sec. 5 (part).)

Sec. 11003.152. PERMITS. (a) The district may obtain through appropriate proceedings an appropriation permit or a diversion permit from the Texas Commission on Environmental Quality.

(b) The district may acquire a water appropriation permit from a permit owner by contract or otherwise. (Acts 64th Leg., R.S., Ch. 36, Sec. 8 (part).)

Sec. 11003.153. GENERAL AUTHORITY OF PUBLIC AGENCIES AND POLITICAL SUBDIVISIONS TO CONTRACT WITH DISTRICT. A public agency or political subdivision of this state, including the city, may enter into a contract or agreement with the district, on terms agreed to by the parties, for any purpose relating to the district's powers or functions. Approval, notice, consent, or an election is not required in connection with the contract or agreement. (Acts

64th Leg., R.S., Ch. 36, Sec. 9(b) (part).)

Sec. 11003.154. CONTRACTS TO SUPPLY WATER. (a) The district may contract with municipalities and others, including the city, to supply water to them. The district may sell water inside or outside the boundaries of the district.

(b) The district may contract with a public agency or political subdivision for the rental or leasing of or for the operation of the water production, water supply, water filtration or purification, and water supply facilities of the entity on the consideration agreed to by the district and the entity.

(c) A contract under Subsection (a) or (b) may:

(1) be on terms and for the time agreed to by the parties; and

(2) provide that it will continue in effect until bonds specified in it and refunding bonds issued in lieu of the bonds are paid.

(d) The district may contract with the city for the operation of the district's water facilities by the city. An election is not required in connection with the contract.

(e) A public agency or political subdivision of this state, including the city, may enter into a contract or agreement with the district for a water supply as provided by Section 11003.153. (Acts 64th Leg., R.S., Ch. 36, Secs. 9(a) (part), (b) (part), 19 (part).)

Sec. 11003.155. SOURCES FOR WATER; ACQUISITION OF LAND; STORAGE CAPACITY. (a) The district may acquire or construct, inside or outside the district, a reservoir, a well, or any work, plant, transmission line, or other facility necessary or useful to

drill for, divert, impound, store, pump, treat, or transport to the city and others water for municipal, domestic, industrial, mining, oil flooding, or any other useful purpose.

(b) The district may develop or otherwise acquire underground sources of water.

(c) The district may acquire land, or an interest in land, inside or outside the district, for any work, plant, or other facility necessary or useful to drill for, divert, impound, store, pump, treat, or transport to the city and others water for municipal, domestic, industrial, mining, oil flooding, or any other useful purpose.

(d) The district may lease, purchase, or otherwise acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person or from the United States. (Acts 64th Leg., R.S., Ch. 36, Secs. 8 (part), 9(a) (part), 10 (part).)

Sec. 11003.156. CONSTRUCTION CONTRACTS. (a) The district may award a construction contract that requires an expenditure of more than $5,000 only after publication of notice to bidders once each week for two weeks in a newspaper of general circulation in the district.

(b) The notice is sufficient if it states:

(1) the time and place for opening the bids;

(2) the general nature of the work to be done or the material, equipment, or supplies to be purchased; and

(3) where the terms of bidding and copies of the plans and specifications may be obtained. (Acts 64th Leg., R.S., Ch. 36,

Sec. 12.)

Sec. 11003.157. CONVEYANCE OF LAND TO DISTRICT. A public agency or political subdivision of this state, including the city, may lease, sell, or otherwise convey its land or an interest in its land to the district for consideration that the parties agree is adequate. Approval, notice, consent, or an election is not required in connection with the conveyance. (Acts 64th Leg., R.S., Ch. 36, Sec. 9(b) (part).)

Sec. 11003.158. SURPLUS PROPERTY. Subject to the terms of a resolution or deed of trust authorizing or securing bonds issued by the district, the district may sell, lease, rent, trade, or otherwise dispose of property that the board considers is not needed for a district purpose. (Acts 64th Leg., R.S., Ch. 36, Sec. 10 (part).)

Sec. 11003.159. EMINENT DOMAIN. (a) To carry out a power conferred by this chapter, the district may exercise the power of eminent domain to acquire the fee simple title to land, or any other interest in land, and other property and easements, inside or outside the district, including land or an interest in land needed for:

(1) a well; or

(2) a reservoir, dam, or flood easement above the probable high-water line around a reservoir.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

(c) The district is a municipal corporation for the purposes of Chapter 21, Property Code.

(d) The board shall determine the amount and the type of interest in land, other property, or easements to be acquired under this section. (Acts 64th Leg., R.S., Ch. 36, Sec. 11(a) (part).)

Sec. 11003.160. COST OF RELOCATING OR ALTERING PROPERTY; RIGHTS-OF-WAY AND EASEMENTS. (a) If the district's exercise of its eminent domain, police, or other power requires relocating, raising, lowering, rerouting, or changing the grade of or altering the construction of any railroad, electric transmission, telegraph, or telephone line, conduit, pole, property, or facility or pipeline, the action shall be accomplished at the sole expense of the district. The term "sole expense" means the actual cost of the lowering, rerouting, or change in grade or alteration of construction to provide a comparable replacement without enhancing the facility, after deducting from the cost the net salvage value derived from the old facility.

(b) The district has all necessary or useful rights-of-way and easements along, over, under, and across all public, state, municipal, and county roads, highways, and places for any of its purposes. The district shall restore a used facility to its previous condition as nearly as possible at the sole expense of the district. (Acts 64th Leg., R.S., Ch. 36, Secs. 11(b), (c).)

Sec. 11003.161. OTHER DISTRICT POWERS. The district has the same power as is conferred by general law on municipal utility districts or on water control and improvement districts, with reference to entering land and making surveys and attending to other business of the district. (Acts 64th Leg., R.S., Ch. 36, Sec. 11(a) (part).)

[Sections 11003.162-11003.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 11003.201. IMPOSITION OF MAINTENANCE TAX. (a) The district may impose a tax, not to exceed 25 cents on each $100 valuation of taxable property in the district, for:

(1) maintenance purposes, including money for planning, maintaining, repairing, and operating all necessary plants, works, facilities, improvements, appliances, and equipment of the district;

(2) paying costs of proper services, engineering, and legal fees; and

(3) organization and administrative expenses.

(b) The district may not impose a maintenance tax unless the tax is approved by a majority of the voters voting at an election held for that purpose.

(c) A maintenance tax election may be held at the same time and in conjunction with a bond election.

(d) The procedure for calling, giving notice of, and conducting a maintenance tax election is the same as the procedure for a bond election. (Acts 64th Leg., R.S., Ch. 36, Sec. 13.)

Sec. 11003.202. DEPOSITORY. (a) The board shall designate one or more banks inside or outside the district to serve as the depository for the district's money.

(b) District money shall be deposited in the depository designated by the board, except that:

(1) bond proceeds and money pledged to pay bonds, to the extent provided in a resolution or trust indenture authorizing

or securing district bonds, may be deposited with another bank or trustee named in the bond resolution or trust indenture; and

(2) money shall be remitted to each paying agent for the payment of principal of and interest on the bonds.

(c) To the extent that money in a depository bank or trustee bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of municipal money. (Acts 64th Leg., R.S., Ch. 36, Sec. 20 (part).)

Sec. 11003.203. INVESTMENT OF DISTRICT MONEY. The board may invest district money in obligations and make time deposits of district money in the manner determined by the board or in the manner permitted or required in a resolution or trust indenture authorizing or securing district bonds. (Acts 64th Leg., R.S., Ch. 36, Sec. 20 (part).)

Sec. 11003.204. DISTRICT FACILITIES EXEMPT FROM TAXATION AND ASSESSMENT. The district is not required to pay a tax or assessment on its facilities or any part of its facilities. (Acts 64th Leg., R.S., Ch. 36, Sec. 22 (part).)

[Sections 11003.205-11003.250 reserved for expansion]

SUBCHAPTER F. BONDS

Sec. 11003.251. AUTHORITY TO ISSUE BONDS. (a) The district may issue bonds payable from and secured by revenue or ad valorem taxes, or both revenue and ad valorem taxes, of the district to carry out any power conferred by this chapter. The bonds must be authorized by a board resolution.

(b) The bonds must be issued in the manner and under the

terms of the resolution authorizing the issuance of the bonds. (Acts 64th Leg., R.S., Ch. 36, Secs. 14(a), (b) (part), (e) (part).)

Sec. 11003.252. FORM OF BONDS. District bonds must be:

(1) issued in the district's name;

(2) signed by the president or vice president; and

(3) attested by the secretary. (Acts 64th Leg., R.S., Ch. 36, Sec. 14(b) (part).)

Sec. 11003.253. MATURITY. District bonds must mature not later than 40 years after the date of their issuance. (Acts 64th Leg., R.S., Ch. 36, Sec. 14(b) (part).)

Sec. 11003.254. ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES. (a) Bonds, other than refunding bonds, payable wholly or partly from ad valorem taxes may not be issued unless authorized by a majority of the district voters voting at an election held for that purpose.

(b) The board may call an election under this section without a petition. The resolution calling the election must specify:

(1) the time and place at which the election will be held;

(2) the purpose for which the bonds will be issued;

(3) the amount of the bonds;

(4) the form of the ballot; and

(5) other matters the board considers necessary or advisable.

(c) Notice of the election must be given by publishing a substantial copy of the resolution calling the election in a

newspaper of general circulation in the district. The notice must be published once each week for two consecutive weeks. The first publication must be not later than the 14th day before the date of the election.

(d) The district may issue bonds not payable wholly or partly from ad valorem taxes without an election. (Acts 64th Leg., R.S., Ch. 36, Secs. 17(a) (part), (b).)

Sec. 11003.255. BONDS SECURED BY REVENUE; ADDITIONAL BONDS. (a) District bonds issued may be secured by a pledge of all or part of the district's revenue, or by all or part of the revenue of one or more contracts previously or subsequently made or other revenue or income specified by board resolution or a trust indenture securing the bonds. The pledge may reserve the right, under conditions specified by the pledge, to issue additional bonds that will be on a parity with or subordinate to the bonds then being issued.

(b) The district may issue bonds secured by both taxes and revenue of the district described by Subsection (a). (Acts 64th Leg., R.S., Ch. 36, Secs. 14(d), (e) (part).)

Sec. 11003.256. BONDS PAYABLE FROM AD VALOREM TAXES. (a) If bonds are issued payable wholly or partly from ad valorem taxes, the board shall annually impose a tax on the taxable property in the district in an amount sufficient to pay the principal of and interest on the bonds when due.

(b) The district may adopt the rate of a tax imposed under Subsection (a) for any year after giving consideration to the money received from the pledged revenue that may be available for payment of principal and interest, to the extent and in the manner permitted

by the resolution authorizing the issuance of the bonds. (Acts 64th Leg., R.S., Ch. 36, Secs. 14(e) (part), 23(b) (part).)

Sec. 11003.257. ADDITIONAL SECURITY. (a) District bonds, including refunding bonds, that are not payable wholly from ad valorem taxes may be additionally secured, at the discretion of the board, by a deed of trust or mortgage lien on physical property of the district and all franchises, easements, water rights, and appropriation permits, leases, and contracts and all rights appurtenant to the property, vesting in the trustee power to:

(1) sell the property for the payment of the debt;

(2) operate the property; and

(3) take other action to further secure the bonds.

(b) A purchaser under a sale under the deed of trust lien, if one is given:

(1) is the absolute owner of property, facilities, and rights purchased; and

(2) is entitled to maintain and operate the property, facilities, and rights. (Acts 64th Leg., R.S., Ch. 36, Sec. 16 (part).)

Sec. 11003.258. TRUST INDENTURE. (a) District bonds, including refunding bonds, that are not payable wholly from ad valorem taxes may be additionally secured by a trust indenture. The trustee may be a bank with trust powers located inside or outside the state.

(b) A trust indenture, regardless of the existence of a deed of trust or mortgage lien on property, may:

(1) provide for the security of the bonds and the

preservation of the trust estate as prescribed by the board;

(2) provide for amendment or modification of the trust indenture;

(3) provide for the issuance of bonds to replace lost or mutilated bonds;

(4) condition the right to spend district money or sell district property on the approval of a licensed engineer selected as provided by the trust indenture; and

(5) provide for the investment of district money. (Acts 64th Leg., R.S., Ch. 36, Sec. 16 (part).)

Sec. 11003.259. CHARGES FOR DISTRICT SERVICES. (a) If district bonds payable wholly from revenue are issued, the board shall set and revise the rates of compensation for water sold and services provided by the district. The rates must be sufficient to:

(1) pay the expense of operating and maintaining district facilities;

(2) pay the principal of and interest on the bonds when due; and

(3) maintain the reserve fund and other funds as provided in the resolution authorizing the bonds.

(b) If bonds payable partly from revenue are issued, the board shall set and revise the rate of compensation for water sold and any other services provided by the district. The rate must be sufficient to ensure compliance with the resolution authorizing the bonds or the trust indenture securing the bonds. (Acts 64th Leg., R.S., Ch. 36, Sec. 14(f).)

Sec. 11003.260. USE OF BOND PROCEEDS. (a) The district

may set aside an amount of proceeds from the sale of district bonds for:

(1) the payment of interest expected to accrue during construction not to exceed three years;

(2) a reserve interest and sinking fund; and

(3) other funds as may be provided in the resolution authorizing the bonds or in the trust indenture.

(b) The district may use proceeds from the sale of the bonds to pay any expense necessarily incurred in accomplishing the purpose of the district, including any expense of issuing and selling the bonds. (Acts 64th Leg., R.S., Ch. 36, Sec. 14(g).)

Sec. 11003.261. APPOINTMENT OF RECEIVER. (a) On default or threatened default in the payment of the principal of or interest on district bonds that are payable wholly or partly from revenue, a court may, on petition of the holders of outstanding bonds, appoint a receiver for the district.

(b) The receiver may collect and receive all district income, except taxes, employ and discharge district agents and employees, take charge of money on hand, except money received from taxes, unless commingled, and manage the proprietary affairs of the district without consent or hindrance by the board.

(c) The receiver may be authorized to sell or contract for the sale of water or to renew those contracts with the approval of the court that appointed the receiver.

(d) The court may vest the receiver with any other power or duty the court finds necessary to protect the bondholders. (Acts 64th Leg., R.S., Ch. 36, Sec. 14(h) (part).)

Sec. 11003.262. REFUNDING BONDS. (a) The district may issue refunding bonds to refund outstanding district bonds and interest on those bonds.

(b) Refunding bonds may:

(1) be issued to refund bonds of more than one series;

(2) combine the pledges for the outstanding bonds for the security of the refunding bonds; or

(3) be secured by a pledge of other or additional revenue or mortgage liens.

(c) The provisions of this subchapter regarding the issuance of other bonds, their security, and the remedies of the holders apply to refunding bonds.

(d) The comptroller shall register the refunding bonds on surrender and cancellation of the bonds to be refunded.

(e) Instead of issuing bonds to be registered on the surrender and cancellation of the bonds to be refunded, the district, in the resolution authorizing the issuance of the refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds in a bank at which the bonds to be refunded are payable. In that case, the refunding bonds may be issued in an amount sufficient to pay the principal of and interest and any required redemption premium on the bonds to be refunded to any redemption date or to their maturity date, and the comptroller shall register the refunding bonds without the surrender and cancellation of the bonds to be refunded.

(f) An election is not required to authorize the issuance of refunding bonds.

(g) The district may also issue refunding bonds under any other applicable law. (Acts 64th Leg., R.S., Ch. 36, Sec. 15.)

Sec. 11003.263. LIMITATION ON RIGHTS OF BONDHOLDERS. The resolution authorizing the bonds or the trust indenture securing the bonds may limit or qualify the rights of the holders of less than all of the outstanding bonds payable from the same source to institute or prosecute litigation affecting the district's property or income. (Acts 64th Leg., R.S., Ch. 36, Sec. 14(h) (part).)

Sec. 11003.264. BONDS EXEMPT FROM TAXATION. A district bond, the transfer of the bond, and the income from the bond, including profits made on the sale of the bond, are exempt from taxation in this state. (Acts 64th Leg., R.S., Ch. 36, Sec. 22 (part).)

Sec. 11003.265. DETACHMENT OF DISTRICT TERRITORY AFTER ISSUANCE OF BONDS. Territory may not be detached from the district after the issuance of bonds payable from revenue or taxes, or both revenue and taxes. (Acts 64th Leg., R.S., Ch. 36, Sec. 17(a) (part).)

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Section 1, Chapter 317, Acts of the 59th Legislature, Regular Session, 1965, is amended to read as follows:

Sec. 1. [~~Pursuant to the provisions of Section 9 of Article IX of the Constitution of the State of Texas, this Act shall be operative so as to authorize the creation, establishment, maintenance and operation of a Hospital District within the State of Texas, to be known as~~] Yoakum Hospital District, situated in the

Counties of DeWitt, Lavaca and Gonzales, Texas, and the boundaries of said District shall be coextensive with the boundaries of the three school districts, hereinafter named as constituted on January 1, 1965, lying adjacent and forming one body of land, situated partly in the Counties of DeWitt, Lavaca and Gonzales, Texas, to wit:

HOPE COMMON SCHOOL DISTRICT No. 58, lying wholly in Lavaca County, Texas, SWEET HOME COMMON SCHOOL DISTRICT No. 41, lying wholly in Lavaca County, Texas, and YOAKUM INDEPENDENT SCHOOL DISTRICT, lying partly within the Counties of DeWitt, Lavaca and Gonzales, Texas, except as that certain area excluded therefrom situated in said Yoakum Independent School District, in DeWitt County, Texas, lying near the City of Cuero and adjacent to the present Cuero Independent School District, and better described as being all of the William Norwall (W. L. Norwall) Survey A-371; all of the S. B. Mixon Survey A-341; all of the Joshua Threadgill Survey A-454; and all of the William S. Townsend Survey A-457.

[~~The District shall have the powers and responsibilities provided by the aforesaid Constitutional provision and as hereinafter prescribed.~~]

SECTION 2.02. Section 2, Chapter 18, Acts of the 55th Legislature, 1st Called Session, 1957, is amended to read as follows:

Sec. 2. [~~It is expressly determined and found that all of the land and other property included within the area and boundaries of the District (Bell County Water Control and Improvement District No. 6) will be benefited by the works and projects which are to be~~

~~accomplished by the District pursuant to the powers conferred by the provisions of Article XVI, Section 59, of the Constitution of Texas, and that said District was and is created to serve a public use and benefit.~~] The area of the District shall be all of that territory enclosed within the following metes and bounds description, to-wit:

BEGINNING at intersection of right bank of Leon River with center line of Belton-Shallow Ford Road.

THENCE westerly with said road, 6800 feet, more or less, to east line of M. F. Connell Survey, Abstract #6.

THENCE N. 19° E., 925 feet, more or less, with said survey to point that would intersect East 6th Street, Belton, Texas.

THENCE westerly with said 6th Street to Santa Fe Railroad Belton Spur.

THENCE northerly with said Spur to Santa Fe Railroad Main Line Right-of-Way.

THENCE westerly with said Santa Fe Right-of-Way to road going north to Belton Dam Site.

THENCE northerly 800 feet, more or less, with Belton Dam Site Road to north line of Lewis Walker Survey, Abstract #860.

THENCE N. 71° W., 12,000 feet, more or less, with north line of Walker Survey, to its northwest corner.

THENCE S. 19° W., 150 feet, more or less, to Belton-Sparta Road.

THENCE northwesterly 4500 feet, more or less, with said Belton-Sparta Road to east line of A. C. Barrington Tract.

THENCE northerly 2300 feet, more or less, with east line of

Barrington Tract to its northeast corner, in north line of Wm. Norvell Survey, Abstract #627.

THENCE N. 71° W. to the northwest corner of Norvell Survey and the northeast corner of Wiley Jones Survey, Abstract #475.

THENCE S. 19° W. with Fort Hood Reservation and the east line of Jones Survey 7400 feet, more or less, to corner of said Reservation.

THENCE westerly 16,000 feet, more or less, with said Reservation south line, to the most northerly northwest corner of C. O. Kaiser Tract.

THENCE southerly 860 feet, more or less, with said Reservation Line to an ell corner of Kaiser Tract.

THENCE N. 71° W., 7800 feet, more or less, to a point in the east line of Wm. Brown Survey, Abstract #87.

THENCE S. 19° W. to the southeast corner of said Brown Survey.

THENCE N. 71° W. to the southwest corner of said Brown Survey, in the east line of G. W. Cartwright Survey.

THENCE southerly 3880 feet, more or less, with Reservation Line and east line of said Cartwright Survey to the northeast corner of T. J. Cox Tract.

THENCE N. 71° W., 1850 feet, more or less, with Reservation and Cox Line to northwest corner of Cox's Tract in the east line of Grady Bagby Tract.

THENCE N. 19° E., 1100 feet, more or less, with Bagby's east line and Reservation Line, to the northeast corner of Bagby Tract.

THENCE westerly 5800 feet, more or less, with Reservation Line and north line of Bagby and T. L. Bishop Tracts, a corner in

east line of Perry Hicks Tract.

THENCE northerly 1450 feet, more or less, to Hicks northeast corner and corner of Reservation.

THENCE N. 71° W., 3100 feet, more or less, to point in public road for corner of this.

THENCE northwesterly 8000 feet, more or less, with said road and Reservation Line to northwest corner of W. S. Whitmire Tract and corner of this.

THENCE N. 71° W., 3500 feet, more or less, with Reservation Line to northwest corner of E. R. Hilliard Tract.

THENCE S. 19° W., 850 feet, more or less, to northeast corner of W. T. Dugger Tract.

THENCE N. 71° W., 1320 feet, more or less, with Reservation Line and north line of Dugger to Dugger's northwest corner in west line of A. Dickson Survey, Abstract #265.

THENCE S. 19° W., 4600 feet, more or less, with Reservation Line to corner thereof.

THENCE westerly 9100 feet, more or less, with Reservation Line to northwest corner of Fairway Park Addition, Killeen, Texas, and corner of Reservation.

THENCE S. 19° W., 1300 feet, more or less, to corner of Fairway Park Addition, S. 71° E., 100 feet, more or less to ell corner of Fairway Park Addition, and S. 19° W., 1200 feet, more or less, to the north line of A. Thompson Survey, Abstract #813.

THENCE N. 71° W. to northwest corner of A. Thompson Survey.

THENCE S. 19° W., 5800 feet, more or less, with Reservation Line to ell corner of Wendland Tract.

THENCE N. 71° W., 800 feet, more or less, and S. 19° W., 1500 feet, more or less, to point in east line of Thomas Robinett Survey, Abstract #686, northeast corner of Mrs. Joe Harris Tract for corner of this and of Reservation.

THENCE N. 71° W., 8000 feet, more or less, with Reservation Line, the northwest corner of L. A. Williams Tract.

THENCE southwesterly 3400 feet, more or less, with Reservation Line to a point in north line of Oscar Rose Tract.

THENCE N. 71° W., 5700 feet, more or less, to west line of said Robinett Survey and the northwest corner of H. Shorn 251 acre tract.

THENCE S. 19° W., 13,900 feet, more or less, to southwest corner of Theron Shepard Tract in west line of J. E. Madera Survey, Abstract #600.

THENCE S. 71° E., 1800 feet, more or less, to most southerly southeast corner of said Shepard Tract in west line of C. V. Bouchelle Tract.

THENCE N. 19° E., 600 feet, more or less, to the most northerly northwest corner of the Bouchelle Tract.

THENCE S. 71° E., 1600 feet, more or less, to northeast corner of Bouchelle Tract in west line of A. J. Henderson Tract.

THENCE N. 19° E., 1700 feet, more or less, to the most northerly northwest corner of Henderson Tract, S. 71° E., 600 feet, more or less, to an ell corner of Henderson Tract, and N. 19° E., 2300 feet, more or less, to the northwest corner of said Henderson Tract in south line of Robinett Survey.

THENCE S. 71° E., 12,000 feet, more or less, with south line of Robinett Survey and projecting said line to west line of Azra

Webb Survey, Abstract #857, for a corner of this.

THENCE S. 19° W., 7000 feet, more or less, with west line of said Webb Survey and road to southwest corner of said Webb Survey.

THENCE S. 71° E., 6000 feet, more or less, to southeast corner of said Webb Survey, a road intersection for corner of this.

THENCE easterly with public road, at 5400 feet, more or less, the southwest corner of Sarah Llewelyn 100 acre tract.

THENCE northerly 1300 feet, more or less, to the northwest corner of said 100 acre tract, and easterly 2000 feet, more or less, to northeast corner of said 100 acre tract in west line of Llewelyn 300 acre tract.

THENCE N. 19° E., 1800 feet, more or less, with west line of said 300 acre tract, 2500 feet, more or less, from the northwest corner thereof.

THENCE N. 71° E., 5600 feet, more or less, to point in east line of Robert Cunningham Survey, Abstract #199, and west line of Robert Cunningham Survey, Abstract #198, and southwest corner of L. M. Parmer 100 acre tract.

THENCE N. 19° W., 2000 feet, more or less, to southwest corner of E. L. Sprott Tract.

THENCE N. 71° E., 2000 feet, more or less, with south line of Sprott Tract to southeast corner of Sprott Tract.

THENCE N. 19° W., 1650 feet, more or less, to northwest corner of R. L. Bigham Tract in north line of said Cunningham Survey, Abstract #198.

THENCE N. 71° E., 2800 feet, more or less, with north line of Bigham Tract and north line of Cunningham Survey to point in

Killeen-Salado Road.

THENCE easterly 3300 feet, more or less, with said road to southwest corner of J. A. Cox Survey, Abstract #189.

THENCE S. 71° E., 5000 feet, more or less, with south line of said Cox Survey and south line of J. J. Tomlinson Survey, Abstract #831, the southeast corner of said Tomlinson Survey in west line of Martha Smith Survey, Abstract #750, for corner of this.

THENCE N. 19° E., 660 feet, more or less, with said Smith's west line to northwest corner of Norris Tract.

THENCE S. 71° E., 4300 feet, more or less, to east line of said Smith Survey and west line of Albert Gallatin Survey, Abstract #363.

THENCE S. 19° W., 2300 feet, more or less, to southwest corner of said Gallatin Survey.

THENCE S. 71° E., 5280 feet, more or less, to southeast corner of said Gallatin Survey in west line of Eliz Dawson Survey, Abstract #258.

THENCE S. 19° W., 1300 feet, more or less, to most westerly southwest corner of said Dawson Survey.

THENCE S. 71° E., 4400 feet, more or less, to point in east line of said Dawson Survey, and west line of Uriah Hunt Survey, Abstract #401, said point being in road and in west line of M. D. Boydston Tract.

THENCE S. 19° W., 500 feet, more or less, to southwest corner of Boydston Tract at road intersection.

THENCE easterly 5000 feet, more or less, with said road to northwest corner of Vernon Ellis Tract, in east line of said Hunt

Survey.

THENCE S. 19° W., 1600 feet, more or less, with Hunt east line to northwest corner of the J. M. Lane Survey, Abstract #531.

THENCE S. 71° E. to most northerly northeast corner of said Lane Survey.

THENCE S. 19° W. to ell corner of said Lane Survey.

THENCE S. 71° E. to most easterly northeast corner of said Lane Survey.

THENCE S. 19° W. to southeast corner of said Lane Survey and most southerly corner of P. G. Rucker Survey, Abstract #1119, in north line of T. J. Nabors Survey, Abstract #631.

THENCE N. 71° E. to northeast corner of said Nabors Survey.

THENCE S. 19° E. to west line of Bill Wendland Tract.

THENCE N. 19° E., 1600 feet, more or less, with Wendland west line to south line of John Hughes Survey, Abstract #379.

THENCE N. 71° W., 1000 feet, more or less, to southwest corner of said Hughes Survey.

THENCE N. 19° E. with said west line to Belton-Keyes Valley Road.

THENCE easterly 12,000 feet, more or less, with said road to its intersection with Highway #190, at Fred Hills.

THENCE easterly with said Highway #190, to west line of John Lewis Survey, Abstract #512, at W. T. Mills northwest corner.

THENCE S. 19° W., 1200 feet, more or less, to Mills southwest corner.

THENCE S. 71° E., 4600 feet, more or less, with south lines of Mills, Mrs. J. C. Varnell and Mrs. Katie Peeler Tracts to point in

public road, southeast corner Peeler Tract for corner of this.

THENCE S. 19° W. with said road, 1200 feet, more or less, to southwest corner of H. C. Farrell Tract.

THENCE easterly 7200 feet, more or less, with road to southeast corner of F. R. Stegall Tract, in the west line of J. S. Huey Tract, in the east line of the J. Townsend Survey, Abstract #818.

THENCE S. 19° W., 1300 feet, more or less, to J. Townsend southeast corner in west line of J. P. Wallace Survey, Abstract #906.

THENCE S. 71° E., 17,500 feet, more or less, to east line of O. T. Tyler Survey, Abstract #20.

THENCE N. 19° E., 4000 feet, more or less, to northeast corner of Tyler Survey on right bank of Leon River.

THENCE up said Leon River to the place of beginning.

[~~It is determined and found by the Legislature that the boundaries and field notes of said District form a closure, and if any mistake is made in copying the field notes in the legislative process, or otherwise a mistake is made in the field notes, it shall in no way or manner affect the organization, existence and validity of said District, and the right of said District to issue bonds or refunding bonds, or to pay the principal and/or interest thereon, and the right to assess, levy and collect taxes, or in any manner affect the legality or operation of said District or its governing body.~~]

SECTION 2.03. Section 1, Chapter 286, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

Sec. 1. [~~Under and pursuant to the provisions of Article 16, Section 59, of the Constitution, a conservation and reclamation district is hereby created and incorporated in Wharton County, Texas, to be known as "Boling Municipal Water District," hereinafter sometimes referred to as the "District".~~] The boundaries of the district [~~thereof~~] shall be as follows:

All the following tract of land comprising approximately 569 acres or 0.89 (89/100ths) of a square mile and being in the Stephen F. Austin League, Abstract No. 2, Wharton County, Texas:

Beginning at the Northwest Corner of the Lalla Rookh Plantation;

Thence easterly along the north boundary line of the Lalla Rookh Plantation a distance of 3,127 feet to a corner;

Thence along a line bearing south 31 degrees 0 minutes west, a distance of approximately 2,225 feet to an intersection with the northeast corner of Block 34 of the Oil City Addition;

Thence along a line bearing south 41 degrees 45 minutes west, a distance of approximately 3,040 feet to a point on the north boundary line of the William Owens Estate Partition in the Lalla Rookh Plantation;

Thence along a line bearing north 59 degrees 9 minutes west, a distance of approximately 4,200 feet to a point on the west boundary line of the May and Martin Subdivision;

Thence northerly along the west boundary line of the May and Martin Subdivision, a distance of approximately 2,165 feet to a point on the south boundary line of the Duncan Addition, Boling, Texas;

Thence westerly along the south boundary line of the Duncan Addition, Boling, Texas, a distance of 91.2 feet to the southwest corner of the Duncan Addition, Boling, Texas;

Thence along a line bearing north 42 degrees 0 minutes east, a distance of approximately 4,680 feet to a point on the south boundary line of the R. E. Vineyard Subdivision;

Thence easterly along the south boundary line of the R. E. Vineyard Subdivision, a distance of approximately 785 feet to the west boundary line of the Bear Camp Plantation;

Thence southerly along the west boundary line of the Bear Camp Plantation a distance of approximately 1,585 feet to the northwest corner of the Lalla Rookh Plantation, the point of beginning.

SECTION 2.04. Section 2, Chapter 17, Acts of the 56th Legislature, 1st Called Session, 1959, is amended to read as follows:

Sec. 2. [~~Territory to Be Included in District. It is expressly determined and found that all of the territory included within the area of the District will be benefited by the works and projects which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article XVI, Section 59 of the Constitution of Texas.~~] The area of the District shall be all of that territory enclosed within the following metes and bounds description, to wit:

BEGINNING at the NW corner of H & TC Ry Co. Sur. 341, Block 1-A, for the NW Cor. of this District;

THENCE east along the north boundary lines of Secs. 341, 340

and 339, to the northwest cor. of Sec. 338, H & TC Ry Co. Sur., Block 1-A, same being the northeast cor. of Sec. 339, same Sur.;

THENCE north with the east boundary line of Sec. 334, same Sur., and the west boundary line of Sec. 335 of said Sur. to the northwest cor. of said Sec. 335, for cor.;

THENCE east with the north boundary line of Secs. 335 and 336 of said H & TC Ry Co. Sur., to the northeast cor. of said Sec. 336, for cor. in the west line of R. E. Douglas Sur. #8;

THENCE north with the west line of said Douglas Sur. to the southwest cor. of Joe Lindley Sur. #1, for cor.;

THENCE east with south line of said Joe Lindley Sur. to its northeast cor. in the west line of W. H. Donaghe Sur. #9;

THENCE south, then east, then south, with said boundary line of said Donaghe Sur. #9 to the south line of Alfred Dorsey Sur. #474, same being the most southwesterly cor. of said W. H. Donaghe Sur. #9;

THENCE northeast with the line of said Alfred Dorsey Sur. #474 to the northeast cor. thereof;

THENCE southeast with the line of said Alfred Dorsey Sur. to the southeast cor. thereof, same being the northeast cor. of J. A. Monteith Sur. #1;

THENCE southwest with the line of said Alfred Dorsey Sur. to the northwest cor. of the M. C. Allen Sur. #1;

THENCE south with the west line of said M. C. Allen Sur. #1 to the southwest cor. thereof; same being the northwest cor. of H & TC Ry Sec. 347, Block 1-A;

THENCE east along the lines of said Sec. 347 and J. N. Lindley

Sur. #2, to the northeast cor. of said J. N. Lindley Sur. #2 for cor. in the west boundary line of the Pedro Martinez Sur. #299;

THENCE southeast with the line of said Martinez Sur. to the northwest boundary line of J. M. Lindley Sur. #26, the southwest cor. of said Pedro Martinez Sur.;

THENCE west with the north boundary line of said J. M. Lindley Sur. #26, to the northeast cor. of J. M. Lindley Sur. #25, and the northwest cor. of said J. M. Lindley Sur. #26;

THENCE southeast with the westerly lines of the J. M. Lindley Sur. #26, and the S. K. White Sur. #30, to the southwest cor. of said S. K. White Sur. in the northeast line of S. K. White Sur. #32;

THENCE northeast with the line of said S. K. White Sur. #30, and the north line of L. N. Taylor Sur. #6, to the west boundary line of Runnels County;

THENCE south along the lines of Coke and Runnels Counties, crossing L. N. Taylor Surs. 6, 5, 4, and 2 to the point where the south line of said L. N. Taylor Sur. #2 intersects the west boundary line of Runnels County for cor.;

THENCE west with the south boundary line of said L. N. Taylor Sur. #2 and the north boundary line of the H. A. Thomson Sur. #3, to the northwest cor. of the east 1/2 of said H. A. Thomson Sur.;

THENCE south with the west line of the east 1/2 of said H. A. Thomson Sur. to the southwest cor. of said east 1/2 of said H. A. Thomson Sur.;

THENCE west with the south line of the west 1/2 of said H. A. Thomson Sur. and the south line of B. B. B. & C. RR. Co. Sur. to the southwest cor. of said H. A. Thomson Sur., the northwest cor. of

said R. R. Co. Sur. and being in the east boundary line of L. N. Taylor Sur. #1;

THENCE south with the east boundary line of said L. N. Taylor Sur. #1 and the west line of said RR. Co. Sur., and with the west boundary line of Benjamin B. Carr Sur., and the west boundary line of I & G. N. Ry. Co. Sur., and the east boundary line of S. F. 8339 to a point in said lines lying due east from the northeast cor. of J. W. Jackson Sur. #2 for cor.;

THENCE west pass the northeast cor. of said Jackson Sur., and along the north boundary line of same and the south boundary line of M. M. McCutchen Sur. #3, to the northeast cor. of J. N. Sterling Sur. #9, for cor.;

THENCE south with the west boundary line of said Jackson Sur. to the southwest cor. thereof in the northeast boundary line of Wm. L. Coulson Sur. #326;

THENCE northwest with the line of said Wm. L. Coulson Sur. 326, to the northwest cor. thereof;

THENCE southwest along the west boundary line of said Coulson Sur., and the east boundary line of J. P. Moore Sur. #327, to the southwest cor. of said Coulson Sur. and the southeast cor. of said Moore Sur. on the bank of the Colorado River;

THENCE up said River with its meanders along the south boundary lines of said J. P. Moore Sur. 327 and J. P. Moore Sur. #328 and the Nicholas Eastland Sur. #29, to the east boundary line of the KCM&O Railroad Right of Way;

THENCE north with the east boundary line of said Right of Way to the north boundary line of Nicholas Eastland Sur. 330;

THENCE west with the north boundary line of said Eastland Sur. #330, crossing said Railroad to the northwest cor. of said Eastland Sur. 330;

THENCE south with the east line of Nicholas Eastland Sur. #331, and the west line of said Eastland Sur. 330 to the southeast cor. of said Eastland Sur. #331, and the southwest cor. of said Eastland Sur. #330, on the north bank of the Colorado River;

THENCE west along the north bank of said River and the south lines of said Eastland Sur. #331, and the C&M R. R. Co. Sur. to the southwest cor. thereof on the north bank of the Colorado River;

THENCE northeast along the east boundary line of the Lee J. Good Sur. #6, to the south boundary line of H & T.C. Ry Co. Sec. 453, for cor.;

THENCE west with the south boundary line of said Sec. 453, to the southwest cor. thereof;

THENCE north with the west lines of said Sec. 453 and Sec. #450, same Sur. to the southeast cor. of Sec. 432, same Sur., being the northeast cor. of Sec. 449, same Sur., and the northwest cor. of Sec. 450, same Sur.;

THENCE west with the south line of Sec. 432, same Sur., and the north line of Sec. 449, same Sur. to the southwest cor. of said Sec. 432;

THENCE north with the west line of said Sec. 432 to the northwest Cor. thereof and the southeast cor. of Sec. 422, same Sur.;

THENCE west with the south line of said Sec. 422, to the southwest cor. thereof, same being the northeast cor. of Sec. #434,

same Sur.;

THENCE north along the west lines of Secs. 422 and 399, same Sur., to the southeast cor. of Sec. 387, same Sur.;

THENCE west with the north boundary line of Sec. 400, same Sur., to the southwest cor. of Sec. 387, same being the northeast cor. of Sec. 401, H&TC Ry. Co., Block 1-A, same Sur.;

THENCE north with the west line of said Sec. 387, to the northwest cor. thereof, being the northeast cor. of Sec. 386, same Sur.;

THENCE west with the north boundary line of said Sec. 386 and the south boundary line of Sec. 369, same Sur., to the southwest cor. of said Sec. 369, the northeast cor. of Sec. 385, H&TC RR. Co. Sur., Block 1-A: "Same Sur.";

THENCE north, along the west lines of Secs. 369, 354 and 341, same being the east lines of Secs. 370, 355 and 342, same Sur., H&TC RR. Co., Block 1-A, to the northwest cor. of said Sec. 341; the place of beginning.

ARTICLE 3. REPEALERS

SECTION 3.01. The following statutes are repealed:

(1) Chapter 108, Acts of the 59th Legislature, Regular Session, 1965;

(2) Sections 2 and 3, Chapter 563, Acts of the 63rd Legislature, Regular Session, 1973;

(3) Chapter 118, Acts of the 63rd Legislature, Regular Session, 1973;

(4) Chapter 182, Acts of the 60th Legislature, Regular Session, 1967;

(5) Chapter 638, Acts of the 61st Legislature, Regular Session, 1969;

(6) Sections 7(b), (c), and (d), Chapter 716, Acts of the 72nd Legislature, Regular Session, 1991;

(7) Chapter 298, Acts of the 58th Legislature, Regular Session, 1963;

(8) Sections 2 and 3, Chapter 165, Acts of the 63rd Legislature, Regular Session, 1973;

(9) Section 2, Chapter 1116, Acts of the 71st Legislature, Regular Session, 1989;

(10) Chapter 110, Acts of the 58th Legislature, Regular Session, 1963;

(11) Chapter 658, Acts of the 64th Legislature, Regular Session, 1975;

(12) Section 2, Chapter 70, Acts of the 72nd Legislature, Regular Session, 1991;

(13) Chapter 315, Acts of the 58th Legislature, Regular Session, 1963;

(14) Chapter 6, Acts of the 59th Legislature, Regular Session, 1965;

(15) Chapter 323, Acts of the 62nd Legislature, Regular Session, 1971;

(16) Sections 7 and 8, Chapter 1117, Acts of the 70th Legislature, Regular Session, 1987;

(17) Chapter 511, Acts of the 65th Legislature, Regular Session, 1977;

(18) Section 2, Chapter 535, Acts of the 66th

Legislature, Regular Session, 1979;

(19) Section 2, Chapter 18, Acts of the 67th Legislature, Regular Session, 1981;

(20) Chapter 293, Acts of the 60th Legislature, Regular Session, 1967; and

(21) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, Chapter 317, Acts of the 59th Legislature, Regular Session, 1965.

SECTION 3.02. The following statutes are repealed:

(1) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971;

(2) Chapter 1073, Acts of the 68th Legislature, Regular Session, 1983;

(3) Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Chapter 882, Acts of the 78th Legislature, Regular Session, 2003;

(4) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Chapter 1382, Acts of the 77th Legislature, Regular Session, 2001;

(5) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 696, Acts of the 62nd Legislature, Regular Session, 1971;

(6) Sections 1, 2, 3, 4(b), 5, 6, 7, and 8, Chapter 947, Acts of the 69th Legislature, Regular Session, 1985;

(7) Sections 1, 2, 3, 4(b), 5, 6, 7, and 8, Chapter 764, Acts of the 69th Legislature, Regular Session, 1985;

(8) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 687, Acts of the 65th Legislature, Regular Session, 1977;

(9) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 625, Acts of the 62nd Legislature, Regular Session, 1971;

(10) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 247, Acts of the 62nd Legislature, Regular Session, 1971;

(11) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 650, Acts of the 62nd Legislature, Regular Session, 1971;

(12) Sections 1.01, 1.02, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, and 1.13, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995;

(13) Sections 2.01, 2.02, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, and 2.13, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995;

(14) Sections 3.01, 3.02, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, and 3.13, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995;

(15) Sections 4.01, 4.02, 4.04, 4.05, 4.06, 4.07, 4.08, 4.09, 4.10, 4.11, 4.12, and 4.13, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995;

(16) Sections 5.01, 5.02, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, and 5.13, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995;

(17) Sections 6.01, 6.02, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, and 6.13, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995;

(18) Sections 7.01, 7.02, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12, and 7.13, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995;

(19) Section 8.01, Chapter 791, Acts of the 74th Legislature, Regular Session, 1995;

(20) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 662, Acts of the 62nd Legislature, Regular Session, 1971;

(21) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 689, Acts of the 62nd Legislature, Regular Session, 1971;

(22) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 668, Acts of the 62nd Legislature, Regular Session, 1971;

(23) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 669, Acts of the 62nd Legislature, Regular Session, 1971;

(24) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 630, Acts of the 62nd Legislature, Regular Session, 1971;

(25) Sections 1, 2, 3, 5, 6, 7, and 8, Chapter 682, Acts of the 62nd Legislature, Regular Session, 1971;

(26) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Chapter 865, Acts of the 69th Legislature, Regular Session, 1985;

(27) Chapter 63, Acts of the 43rd Legislature, 1st Called Session, 1933;

(28) Section 2, Chapter 873, Acts of the 71st Legislature, Regular Session, 1989;

(29) Sections 4 and 5, Chapter 1263, Acts of the 75th Legislature, Regular Session, 1997;

(30) Sections 2, 3, 4, and 5, Chapter 115, Acts of the 82nd Legislature, Regular Session, 2011;

(31) Chapter 338, General Laws, Acts of the 44th Legislature, Regular Session, 1935;

(32) Section 14, Article 4, Chapter 484, Acts of the

68th Legislature, Regular Session, 1983;

(33) Sections 3, 4, and 5, Chapter 493, Acts of the 81st Legislature, Regular Session, 2009;

(34) Chapter 1330, Acts of the 77th Legislature, Regular Session, 2001;

(35) Sections 1, 2, 3, 4(f), 5, 6, 7, 8, 9A, 10, 11, 12, 13, and 14, Chapter 1152, Acts of the 78th Legislature, Regular Session, 2003;

(36) Chapter 1162, Acts of the 78th Legislature, Regular Session, 2003;

(37) Section 4, Chapter 893, Acts of the 81st Legislature, Regular Session, 2009;

(38) Part 7, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;

(39) Sections 1, 2, 3, 4, 5, 6, 6A, 7, 8, 9, 10, 12, 13, and 14, Chapter 180, Acts of the 72nd Legislature, Regular Session, 1991;

(40) Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001;

(41) Section 8, Chapter 521, Acts of the 81st Legislature, Regular Session, 2009;

(42) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11, Chapter 1387, Acts of the 77th Legislature, Regular Session, 2001;

(43) Chapter 1343, Acts of the 77th Legislature, Regular Session, 2001;

(44) Part 14, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;

(45) Article 3, Chapter 1307, Acts of the 77th Legislature, Regular Session, 2001;

(46) Part 15, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;

(47) Article 4, Chapter 1307, Acts of the 77th Legislature, Regular Session, 2001;

(48) Chapter 1028, Acts of the 73rd Legislature, Regular Session, 1993;

(49) Section 7, Chapter 38, Acts of the 77th Legislature, Regular Session, 2001;

(50) Chapter 384, Acts of the 78th Legislature, Regular Session, 2003;

(51) Chapter 1473, Acts of the 77th Legislature, Regular Session, 2001;

(52) Section 3, Chapter 858, Acts of the 79th Legislature, Regular Session, 2005;

(53) Section 3, Chapter 1088, Acts of the 79th Legislature, Regular Session, 2005;

(54) Sections 1, 2, 3(b), 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001;

(55) Section 2, Chapter 1322, Acts of the 79th Legislature, Regular Session, 2005;

(56) Sections 3 and 4, Chapter 381, Acts of the 81st Legislature, Regular Session, 2009;

(57) Sections 1, 3, 4, 5, 5a, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Chapter 18, Acts of the 55th Legislature, 1st Called

Session, 1957;

(58) Section 5, Chapter 300, Acts of the 57th Legislature, Regular Session, 1961;

(59) Section 2, Chapter 1056, Acts of the 68th Legislature, Regular Session, 1983;

(60) Sections 2, 2A, 3, 4, 4(a), and 5, Chapter 286, Acts of the 54th Legislature, Regular Session, 1955;

(61) Section 2, Chapter 143, Acts of the 55th Legislature, Regular Session, 1957;

(62) Chapter 418, Acts of the 52nd Legislature, Regular Session, 1951;

(63) Section 2, Chapter 186, Acts of the 58th Legislature, Regular Session, 1963;

(64) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, Chapter 261, Acts of the 61st Legislature, Regular Session, 1969;

(65) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, and 20, Chapter 101, Acts of the 58th Legislature, Regular Session, 1963;

(66) Section 2, Chapter 786, Acts of the 65th Legislature, Regular Session, 1977;

(67) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Chapter 17, Acts of the 56th Legislature, 1st Called Session, 1959;

(68) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Chapter 598, Acts of the 59th Legislature, Regular Session, 1965; and

(69) Chapter 36, Acts of the 64th Legislature, Regular Session, 1975.

ARTICLE 4. GENERAL MATTERS

SECTION 4.01. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE. This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act. This Act does not increase or decrease the territory of any special district of the state as those boundaries exist on the effective date of this Act.

SECTION 4.02. PRESERVATION OF VALIDATION MADE BY PREVIOUS LAW. (a) The repeal of a law, including a validating law, by this Act does not remove, void, or otherwise affect in any manner a validation under the repealed law. The validation is preserved and continues to have the same effect that it would have if the law were not repealed.

(b) Subsection (a) of this section does not diminish the saving provisions prescribed by Section 311.031, Government Code.

SECTION 4.03. EFFECTIVE DATE. This Act takes effect April 1, 2015.