

By: Muñoz, Jr.

H.B. No. 1056

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of certain water districts,
including the power of eminent domain.

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

SECTION 1. CERTAIN IRRIGATION DISTRICTS. Subtitle D, Title
6, Special District Local Laws Code, is amended by adding Chapters
7505, 7506, and 7509 to read as follows:

CHAPTER 7505. HIDALGO COUNTY IRRIGATION DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7505.001. DEFINITION. In this chapter, "district"
means the Hidalgo County Irrigation District No. 6.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7505.051. EMINENT DOMAIN. (a) The district may
exercise the power of eminent domain as provided by this section
only if the district submits a letter to the comptroller not later
than December 31, 2017, in accordance with the requirements of
Section 2206.101(b), Government Code, other than the requirement
that the letter be submitted by the date specified by that
subsection.

(b) Notwithstanding the expiration of the district's
authority to exercise the power of eminent domain under Section
2206.101(c), Government Code, the district may exercise the power
of eminent domain as provided by law applicable to the district on
or after the 90th day after the date the district submits a letter

1 in accordance with Subsection (a).

2 CHAPTER 7506. HIDALGO COUNTY IRRIGATION DISTRICT NO. 16

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 7506.001. DEFINITION. In this chapter, "district"
5 means the Hidalgo County Irrigation District No. 16.

6 SUBCHAPTER B. POWERS AND DUTIES

7 Sec. 7506.051. EMINENT DOMAIN. (a) The district may
8 exercise the power of eminent domain as provided by this section
9 only if the district submits a letter to the comptroller not later
10 than December 31, 2017, in accordance with the requirements of
11 Section 2206.101(b), Government Code, other than the requirement
12 that the letter be submitted by the date specified by that
13 subsection.

14 (b) Notwithstanding the expiration of the district's
15 authority to exercise the power of eminent domain under Section
16 2206.101(c), Government Code, the district may exercise the power
17 of eminent domain as provided by law applicable to the district on
18 or after the 90th day after the date the district submits a letter
19 in accordance with Subsection (a).

20 CHAPTER 7509. HIDALGO COUNTY IRRIGATION DISTRICT NO. 5

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 7509.001. DEFINITION. In this chapter, "district"
23 means the Hidalgo County Irrigation District No. 5.

24 SUBCHAPTER B. POWERS AND DUTIES

25 Sec. 7509.051. EMINENT DOMAIN. (a) The district may
26 exercise the power of eminent domain as provided by this section
27 only if the district submits a letter to the comptroller not later

1 than December 31, 2017, in accordance with the requirements of
2 Section 2206.101(b), Government Code, other than the requirement
3 that the letter be submitted by the date specified by that
4 subsection.

5 (b) Notwithstanding the expiration of the district's
6 authority to exercise the power of eminent domain under Section
7 2206.101(c), Government Code, the district may exercise the power
8 of eminent domain as provided by law applicable to the district on
9 or after the 90th day after the date the district submits a letter
10 in accordance with Subsection (a).

11 SECTION 2. HIDALGO COUNTY MUNICIPAL UTILITY DISTRICT NO. 1.
12 Subtitle F, Title 6, Special District Local Laws Code, is amended by
13 adding Chapter 7963 to read as follows:

14 CHAPTER 7963. HIDALGO COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 7963.001. DEFINITION. In this chapter, "district"
17 means the Hidalgo County Municipal Utility District No. 1.

18 SUBCHAPTER B. POWERS AND DUTIES

19 Sec. 7963.051. EMINENT DOMAIN. (a) The district may
20 exercise the power of eminent domain as provided by this section
21 only if the district submits a letter to the comptroller not later
22 than December 31, 2017, in accordance with the requirements of
23 Section 2206.101(b), Government Code, other than the requirement
24 that the letter be submitted by the date specified by that
25 subsection.

26 (b) Notwithstanding the expiration of the district's
27 authority to exercise the power of eminent domain under Section

1 2206.101(c), Government Code, the district may exercise the power
2 of eminent domain as provided by law applicable to the district on
3 or after the 90th day after the date the district submits a letter
4 in accordance with Subsection (a).

5 SECTION 3. VALLEY ACRES IRRIGATION DISTRICT. Chapter 261,
6 Acts of the 52nd Legislature, Regular Session, 1951, is amended by
7 amending Sections 1, 2, 3, 4, and 6 to read as follows:

8 Sec. 1. Under [~~and pursuant to the provisions of~~] Article
9 XVI, Section 59, Texas [~~of the~~] Constitution, a conservation and
10 reclamation district within the counties of Hidalgo and Cameron[~~7~~]
11 is [~~hereby~~] created [~~and incorporated~~], to be known as "Valley
12 Acres Irrigation District" and [~~"Valley Acres Water District"~~
13 ~~hereinafter~~] sometimes referred to in this Act as the "district."
14 [~~"District."~~] The boundaries of the district [~~thereof~~] shall be as
15 follows:

16 BEGINNING at the intersection of the West Right-of-Way line
17 of the Main Canal of the Willacy County Water Control & Improvement
18 District No. 1, with the South Right-of-Way line of the North
19 Floodway of the International Boundary & Water Commission;

20 THENCE Southerly along the West Right-of-Way line of said
21 Willacy County Water Control and Improvement District No. 1, Main
22 Canal to Mile 12 of the North Capisallo District of the lands of the
23 American Rio Grande Land & Irrigation Co.;

24 THENCE Westerly along said Mile 12, to the east Right-of-Way
25 line of the West Levee of above stated North Floodway;

26 THENCE northerly along the east Right-of-Way line of said
27 West levee of said North Flood Way to Mile 14-1/2 of lands of the

1 American Rio Grande Land & Irrigation Co.;

2 THENCE along the Mile 14-1/2 of the North Capisallo District
3 of lands of American Rio Grande Land & Irrigation Co., Easterly to
4 the East Right-of-Way line of the East Levee of International
5 Boundary and Water Commission North Floodway;

6 THENCE northerly and easterly along the easterly and
7 southerly Right-of-Way line of said North Floodway to the place of
8 BEGINNING, except:

9 (a) All land in the right of way of the International
10 Boundary and Water Commission acquired for flood levees, containing
11 133.13 acres, more or less; and

12 (b) The following described land in the North Capisallo
13 District of the lands of the American Rio Grande Land and Irrigation
14 Company:

15 All of Farm Tract No. 2304, except the S. 5.77 acres being
16 27.73 acres

17 The North 8.31 acres of the West 15.92 acres of Farm Tract
18 No. 2312, being ----- 8.31 acres

19 All of Farm Tract No. 2340 except that part in the
20 flood-way-levee of the International Boundary and Water
21 Commission, being ----- 46.38 acres

22 All of Farm Tract No. 2346, containing ----- 31.08 acres

23 All of Farm Tract No. 2347, containing ----- 6.92 acres

24 The Southwest 3.77 acres of Farm Tract No. 2359,
25 containing ----- 3.77 acres

26 Total ----- 124.19 acres

27 The above lands described in Paragraph (b) hereof being more

1 Particularly described in that certain deed dated September 25,
2 1950 and recorded in Volume 699, page 295, of the Deed Records of
3 Hidalgo County, Texas.

4 Total of lands to be excepted under Paragraphs (a)
5 and (b) ----- 257.32 acres

6 Leaving a total acreage within the above boundary in said
7 Conservation and Reclamation District of 10,202.58 acres, more or
8 less.

9 Sec. 2. (a) The district has [~~District shall have and~~
10 ~~exercise, and is hereby vested with all of~~] the rights, powers,
11 privileges, and duties provided [~~conferred and imposed~~] by the
12 general law [~~laws~~] of this state, including Chapter 58, Water Code
13 [~~State now in force or hereafter enacted~~], applicable to irrigation
14 districts [~~Water Control and Improvement Districts~~] created under
15 [~~authority of~~] Section 59, Article XVI, Texas [~~of the~~]
16 Constitution.

17 (b) This Act prevails over any provision of [~~, but to the~~
18 ~~extent that the provisions of any such~~] general law that is [~~laws~~
19 ~~may be~~] in conflict or inconsistent with [~~the provisions of~~] this
20 Act [~~the provisions of this Act shall prevail. All such general~~
21 ~~laws are hereby incorporated by reference with the same effect as if~~
22 ~~incorporated in full in this Act~~].

23 Sec. 3. The district [~~management and control of the~~
24 ~~District~~] is governed by [~~hereby vested in~~] a board of directors
25 [~~which shall have all of the powers and authority conferred and~~
26 ~~imposed upon Board of Directors of Water Control and Improvement~~
27 ~~Districts organized under the provisions of Chapter 51, Water Code.~~

1 ~~The Board of Directors shall be~~ composed of five [~~5~~] members who
 2 shall qualify to serve as directors in the same manner as elected
 3 directors qualify under Chapter 58 [~~Chapter 51~~], Water Code. [~~In~~
 4 ~~the event, and to the extent that any of the provisions of the~~
 5 ~~general laws referred to in this Section are in conflict with or~~
 6 ~~inconsistent with any of the provisions of this Act relating to the~~
 7 ~~powers, authority and duties of the Board of Directors and its~~
 8 ~~members, the provisions of this Act shall prevail.~~] The
 9 commissioners of the Texas Commission on Environmental Quality
 10 [~~Water Commission~~] shall appoint the members of the board of
 11 directors [~~Board of Directors~~] to staggered four-year terms. The
 12 commissioners of the Texas Commission on Environmental Quality
 13 [~~Water Commission~~] shall appoint an individual to fill any vacancy
 14 on the board of directors [~~Board of Directors~~].

15 Sec. 4. Bonds may be issued by the district [~~District~~]
 16 pursuant to a resolution [~~or resolutions~~] adopted by the board of
 17 directors, when the proposition authorizing the bonds shall have
 18 first been submitted to the property taxpaying voters of the
 19 district [~~such District~~] and adopted by not less than a majority of
 20 the [~~such~~] qualified voters voting at the [~~such~~] election. The
 21 district [~~District~~] may issue bonds [~~thus~~] authorized for any and
 22 all purposes permitted to irrigation districts [~~Water Control and~~
 23 ~~Improvement Districts, including, but without limitation of~~
 24 ~~purposes not specified, the following:~~

25 [~~(a) The improvement of rivers, creeks, and streams to~~
 26 ~~prevent overflows, and to permit of navigation thereof or of~~
 27 ~~irrigation thereof, or in aid of such purposes.~~

1 ~~[(b) The construction and maintenance of pools, lakes,~~
2 ~~reservoirs, dams, canals and waterways for the purpose of~~
3 ~~irrigation, drainage or navigation or in aid thereof].~~

4 Bonds [~~Such bonds~~] may be issued to mature serially or
5 otherwise as may be determined by the board of directors, the
6 maximum maturity date not to exceed 40 [~~forty (40)~~] years, and may
7 be sold at a price and under terms determined by the board of
8 directors to be the most advantageous reasonably obtainable,
9 provided that the interest cost to the district, calculated by use
10 of standard bond interest tables currently in use by insurance
11 companies and investment houses does not exceed six percent [~~per~~
12 ~~cent (6%)~~] per annum. Interest to accrue on the bonds for a period
13 not to exceed three [~~(3)~~] years from their date, may be appropriated
14 and paid from the proceeds from the sale of the bonds.

15 No bonds shall be issued by the district [~~District~~] until the
16 record supporting the such [~~such~~] bonds and the bonds shall first have
17 been approved by the attorney general [~~Attorney General~~]. Bonds
18 thus approved shall be registered in the office of the comptroller
19 of public accounts [~~Comptroller of Public Accounts~~]. Bonds thus
20 approved by the attorney general [~~Attorney General~~] after sale by
21 the district [~~District~~] shall be fully negotiable instruments and
22 shall be incontestable.

23 The bonds of the district [~~District~~] may be refunded, without
24 the necessity of an election, either by the issuance and delivery to
25 holders of refunding bonds in lieu of the outstanding bonds, or
26 through the sale of refunding bonds and the use of the proceeds for
27 retiring the outstanding bonds, provided that the average annual

1 interest rate of the refunding bonds, calculated to maturity shall
2 not be greater than the average interest rate of the bonds refunded,
3 calculated to maturity, and provided the maximum maturity of the
4 refunding bonds shall not exceed 40 [~~forty (40)~~] years.

5 The resolution [~~or resolutions~~] authorizing the issuance of
6 the bonds may contain [~~such~~] covenants which in the discretion of
7 the board of directors [~~Board of Directors~~] are necessary to assure
8 the creation and maintenance of proper reserves and the payment of
9 the principal of and interest on the bonds. Provisions of the law
10 pertaining to the issuance of bonds by irrigation districts [~~Water~~
11 ~~Control and Improvement Districts~~] when not in conflict with the
12 provisions of this Act shall apply [~~be applicable~~].

13 Sec. 6. (a) The district [~~District~~] shall have authority to
14 acquire all property real and personal inside [~~within~~] or outside
15 of the district [~~District~~] which in [~~within~~] the discretion of the
16 board of directors [~~Board of Directors~~] is needed in accomplishing
17 the objectives of the district. To [~~District and to~~] facilitate the
18 acquisition of property, the district [~~it~~] shall have all of the
19 powers of eminent domain available to irrigation [~~water control and~~
20 ~~improvement~~] districts under the general law.

21 (b) The district may exercise the power of eminent domain as
22 provided by this section only if the district submits a letter to
23 the comptroller not later than December 31, 2017, in accordance
24 with the requirements of Section 2206.101(b), Government Code,
25 other than the requirement that the letter be submitted by the date
26 specified by that subsection.

27 (c) Notwithstanding the expiration of the district's

1 authority to exercise the power of eminent domain under Section
2 2206.101(c), Government Code, the district may exercise the power
3 of eminent domain as provided by law applicable to the district on
4 or after the 90th day after the date the district submits a letter
5 in accordance with Subsection (b).

6 SECTION 4. EFFECTIVE DATE. As provided by Section 17(c),
7 Article I, Texas Constitution, this Act takes effect only on a
8 two-thirds vote of all the members elected to each house. If this
9 Act receives the vote necessary to take effect, this Act takes
10 effect September 1, 2017.