

By: Larson

H.B. No. 2803

A BILL TO BE ENTITLED

AN ACT

relating to the nonsubstantive revision of certain local laws concerning water and wastewater 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 5, Special District Local Laws Code, is amended by adding Chapters 5009 and 5013 to read as follows:

CHAPTER 5009. GALVESTON COUNTY NAVIGATION DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5009.001. DEFINITIONS

Sec. 5009.002. NATURE OF DISTRICT

Sec. 5009.003. LEGISLATIVE FINDINGS

SUBCHAPTER B. POWERS AND DUTIES

Sec. 5009.051. LIMITATION ON POWERS AND DUTIES

SUBCHAPTER C. PROMOTION AND DEVELOPMENT FUND

Sec. 5009.101. ESTABLISHMENT OF FUND; DEPOSITS

Sec. 5009.102. USE OF FUND

Sec. 5009.103. CONTROL OF FUND

CHAPTER 5009. GALVESTON COUNTY NAVIGATION DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5009.001. DEFINITIONS. In this chapter:

(1) "Commission" means the board of navigation and

canal commissioners of the district.

(2) "District" means the Galveston County Navigation District No. 1.

(3) "Fund" means a promotion and development fund created by the district. (New.)

Sec. 5009.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

Sec. 5009.003. LEGISLATIVE FINDINGS. (a) All land and other property in the district benefit from the creation of the district, the carrying out of the purposes for which the district was created, and the acquisition and construction of navigation facilities and improvements to carry out those purposes.

(b) The district is necessary to carry out Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

SUBCHAPTER B. POWERS AND DUTIES

Sec. 5009.051. LIMITATION ON POWERS AND DUTIES. Notwithstanding any other law, the district, the commission, or officers of the district may not have any power or authority over the appointment, remuneration, operations, or conduct of the branch pilots of the Galveston Bar or the commission of pilots of the Galveston Bar. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

SUBCHAPTER C. PROMOTION AND DEVELOPMENT FUND

Sec. 5009.101. ESTABLISHMENT OF FUND; DEPOSITS. (a) The district may establish a promotion and development fund.

(b) The district, from time to time, may deposit in the fund

1 a portion of the district's accumulated money, plus an amount each
2 year not to exceed 10 percent of the district's total maintenance
3 and operation taxes, including delinquent taxes, received during a
4 fiscal year.

5 (c) The commission shall determine the amount to be
6 deposited in the fund.

7 (d) The money in the fund shall be kept separate from other
8 money and accounts of the district. (Acts 71st Leg., R.S., Ch.
9 1168, Secs. 1, 3(a).)

10 Sec. 5009.102. USE OF FUND. The fund may be used only for:

11 (1) the purposes described by Section 60.203, Water
12 Code;

13 (2) the public purposes of development and
14 diversification of the district's economy; and

15 (3) joint projects with other political subdivisions
16 or entities, including funding a program of an entity, to carry out
17 the purposes of Subchapter H, Chapter 60, Water Code. (Acts 71st
18 Leg., R.S., Ch. 1168, Sec. 2.)

19 Sec. 5009.103. CONTROL OF FUND. The fund is under the
20 exclusive control of the commission, and the commission has full
21 responsibility for auditing, approving, and safeguarding the
22 expenditure of money from the fund. (Acts 71st Leg., R.S., Ch.
23 1168, Sec. 3(b).)

24 CHAPTER 5013. PORT OF HARLINGEN AUTHORITY

25 Sec. 5013.001. DEFINITION

26 Sec. 5013.002. FORMER NAME OF AUTHORITY

27 Sec. 5013.003. GOVERNING BODY

CHAPTER 5013. PORT OF HARLINGEN AUTHORITY

Sec. 5013.001. DEFINITION. In this chapter, "authority" means the Port of Harlingen Authority. (Acts 68th Leg., R.S., Ch. 21, Sec. 1(a); New.)

Sec. 5013.002. FORMER NAME OF AUTHORITY. Before April 13, 1983, the authority was known as the Arroyo Colorado Navigation District of Cameron and Willacy Counties. (Acts 68th Leg., R.S., Ch. 21, Sec. 1(a); New.)

Sec. 5013.003. GOVERNING BODY. The navigation and canal commission of the authority is called the port commission and is composed of port commissioners. (Acts 68th Leg., R.S., Ch. 21, Sec. 1(b); New.)

SECTION 1.02. Subtitle B, Title 6, Special District Local Laws Code, is amended by adding Chapter 6913 to read as follows:

CHAPTER 6913. HASKELL COUNTY WATER SUPPLY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6913.001. DEFINITIONS

Sec. 6913.002. NATURE OF DISTRICT

Sec. 6913.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS TO DISTRICT

TERRITORY

Sec. 6913.051. DISTRICT TERRITORY

Sec. 6913.052. ANNEXATION OF TERRITORY IN HASKELL

COUNTY

Sec. 6913.053. PETITION FOR ANNEXATION; BOARD

DETERMINATION AND RESOLUTION

1 Sec. 6913.054. COMMISSIONERS COURT RESOLUTION; SETTING
2 ANNEXATION HEARING
3 Sec. 6913.055. NOTICE OF ANNEXATION HEARING
4 Sec. 6913.056. ANNEXATION HEARING
5 Sec. 6913.057. ANNEXATION FINDINGS AND RESOLUTION;
6 ELECTION PROPOSITIONS
7 Sec. 6913.058. NOTICE OF ANNEXATION ELECTION
8 Sec. 6913.059. ANNEXATION ELECTION RESULTS
9 Sec. 6913.060. ASSUMPTION OF DEBT; TAXES
10 Sec. 6913.061. RESTRICTION ON ANNEXATION OF RAILROAD
11 RIGHT-OF-WAY OR UTILITY PROPERTY
12 SUBCHAPTER C. BOARD OF DIRECTORS
13 Sec. 6913.101. DIRECTORS
14 Sec. 6913.102. QUALIFICATIONS FOR OFFICE
15 Sec. 6913.103. NOTICE OF DIRECTORS' ELECTION
16 Sec. 6913.104. OFFICERS
17 Sec. 6913.105. VOTE BY BOARD PRESIDENT
18 Sec. 6913.106. ABSENCE OR INACTION OF BOARD PRESIDENT
19 Sec. 6913.107. DIRECTOR AND TREASURER BONDS
20 Sec. 6913.108. COMPENSATION OF DIRECTORS
21 SUBCHAPTER D. POWERS AND DUTIES
22 Sec. 6913.151. ACQUISITION OF WATER OR WATER RIGHTS
23 Sec. 6913.152. CONSTRUCTION OR ACQUISITION OF PROPERTY
24 Sec. 6913.153. EMINENT DOMAIN
25 Sec. 6913.154. COST OF RELOCATING OR ALTERING PROPERTY
26 Sec. 6913.155. CONSTRUCTION AND PURCHASING CONTRACTS

Sec. 6913.156. CONTRACTS RELATED TO WATER SUPPLY AND
FACILITIES

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 6913.201. DEPOSITORY

Sec. 6913.202. PROJECTS EXEMPT FROM ASSESSMENT OR
TAXATION

Sec. 6913.203. TAX ASSESSOR AND COLLECTOR

SUBCHAPTER F. BONDS

Sec. 6913.251. AUTHORITY TO ISSUE BONDS

Sec. 6913.252. FORM OF BONDS

Sec. 6913.253. MATURITY

Sec. 6913.254. BONDS PAYABLE FROM REVENUE

Sec. 6913.255. BONDS PAYABLE FROM AD VALOREM TAXES

Sec. 6913.256. ELECTION FOR BONDS PAYABLE FROM AD
VALOREM TAXES

Sec. 6913.257. TAX AND COMPENSATION RATES

Sec. 6913.258. ADDITIONAL SECURITY

Sec. 6913.259. USE OF BOND PROCEEDS

Sec. 6913.260. APPOINTMENT OF RECEIVER

Sec. 6913.261. REFUNDING BONDS

Sec. 6913.262. BONDS EXEMPT FROM TAXATION

CHAPTER 6913. HASKELL COUNTY WATER SUPPLY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6913.001. DEFINITIONS. In this chapter:

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

(2) "Commissioners court" means the Haskell County
Commissioners Court.

(3) "Director" means a board member.

(4) "District" means the Haskell County Water Supply District. (Acts 54th Leg., R.S., Ch. 141, Sec. 1 (part); New.)

Sec. 6913.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 141, Sec. 1 (part).)

Sec. 6913.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land in the district will benefit from the improvements to be acquired and constructed by the district.

(b) Because 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 performs an essential public function under the Texas Constitution. (Acts 54th Leg., R.S., Ch. 141, Secs. 2 (part), 19 (part).)

SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS TO DISTRICT TERRITORY

Sec. 6913.051. DISTRICT TERRITORY. The district is composed of the territory described by Section 2, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, as that territory may have been modified under:

(1) Subchapter J, Chapter 49, Water Code;

(2) this subchapter or its predecessor statute, former Section 5, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955; or

(3) other law. (Acts 54th Leg., R.S., Ch. 141, Sec. 2 (part); New.)

1 Sec. 6913.052. ANNEXATION OF TERRITORY IN HASKELL COUNTY.
2 Territory in Haskell County, whether the territory is contiguous to
3 the district or not, may be annexed to the district as provided by
4 this subchapter. (Acts 54th Leg., R.S., Ch. 141, Sec. 5 (part).)

5 Sec. 6913.053. PETITION FOR ANNEXATION; BOARD
6 DETERMINATION AND RESOLUTION. (a) Territory may be annexed to the
7 district under this subchapter if a petition requesting annexation
8 is filed with the board.

9 (b) The petition must:

10 (1) be signed by:

11 (A) 50 registered voters of the territory
12 proposed to be annexed who own taxable property in that territory;
13 or

14 (B) a majority of the registered voters of that
15 territory who own taxable property in that territory; and

16 (2) describe the territory proposed to be annexed by
17 metes and bounds.

18 (c) If the board determines that the petition complies with
19 Subsection (b), that the annexation would be in the district's
20 interest, and that the district will be able to supply water to the
21 proposed territory, the board shall:

22 (1) adopt a resolution requesting that the
23 commissioners court annex the territory to the district and stating
24 any conditions for annexation of the territory; and

25 (2) deliver a certified copy of the resolution and of
26 the petition to the commissioners court. (Acts 54th Leg., R.S., Ch.
27 141, Secs. 5(a), (b).)

1 Sec. 6913.054. COMMISSIONERS COURT RESOLUTION; SETTING
2 ANNEXATION HEARING. On receipt of a board resolution and petition
3 under this subchapter, the commissioners court shall:

4 (1) adopt a resolution that declares the court's
5 intention to call an election in the proposed territory on the
6 proposition of whether to annex the territory to the district; and

7 (2) set a time and place to hold a hearing on the
8 question of whether the proposed territory will benefit from the
9 improvements, works, and facilities then owned or operated or
10 contemplated to be owned or operated by the district. (Acts 54th
11 Leg., R.S., Ch. 141, Sec. 5(c).)

12 Sec. 6913.055. NOTICE OF ANNEXATION HEARING. (a) Not later
13 than the 10th day before the date of the annexation hearing, notice
14 of the resolution adopted under Section 6913.054 shall be published
15 one time in a newspaper designated by the commissioners court,
16 except as provided by Subsection (c).

17 (b) The notice must:

18 (1) be addressed to the citizens and owners of
19 property in the proposed territory;

20 (2) state the time and place of the annexation
21 hearing; and

22 (3) describe the proposed territory in the same manner
23 as Section 6913.053(b) requires.

24 (c) If a newspaper is not published in the proposed
25 territory, the notice shall be posted in three public places in the
26 proposed territory. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(d),
27 (k).)

1 Sec. 6913.056. ANNEXATION HEARING. (a) The annexation
2 hearing may proceed in the order and under the rules prescribed by
3 the commissioners court, and the court may recess the hearing.

4 (b) Any interested person may appear at the annexation
5 hearing and offer evidence for or against the proposed annexation.
6 (Acts 54th Leg., R.S., Ch. 141, Sec. 5(e) (part).)

7 Sec. 6913.057. ANNEXATION FINDINGS AND RESOLUTION;
8 ELECTION PROPOSITIONS. (a) At the conclusion of the annexation
9 hearing, if the commissioners court finds that all the proposed
10 territory will benefit from the present or contemplated
11 improvements, works, or facilities of the district, the
12 commissioners court shall adopt a resolution that:

13 (1) calls an election in the proposed territory; and

14 (2) states the date of the election and the place or
15 places of holding the election.

16 (b) In calling an election on the proposition for annexation
17 of the proposed territory, the commissioners court may include in
18 the same proposition a proposition for:

19 (1) the territory to assume its part of the
20 tax-supported bonds of the district then outstanding and those
21 bonds previously voted but not yet sold; and

22 (2) an ad valorem tax to be imposed on taxable property
23 in the territory along with the tax in the rest of the district for
24 the payment of the bonds. (Acts 54th Leg., R.S., Ch. 141, Secs.
25 5(e) (part), (i).)

26 Sec. 6913.058. NOTICE OF ANNEXATION ELECTION. (a) Not
27 later than the 10th day before the date set for the election, notice

1 of the election shall be published one time in a newspaper
2 designated by the commissioners court, except as provided by
3 Subsection (c).

4 (b) In addition to the requirements of Section 4.004,
5 Election Code, notice of the annexation election must:

6 (1) state the conditions under which the proposed
7 territory may be annexed; or

8 (2) refer to the resolution of the board for that
9 purpose.

10 (c) If a newspaper is not published in the proposed
11 territory, the notice shall be posted in three public places in the
12 territory. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(f) (part), (k).)

13 Sec. 6913.059. ANNEXATION ELECTION RESULTS. (a) The
14 commissioners court shall issue an order declaring the results of
15 the annexation election.

16 (b) If the order shows that a majority of the votes cast are
17 in favor of annexation, the commissioners court shall annex the
18 proposed territory to the district. The annexation is
19 incontestable except in the time for contesting elections under the
20 Election Code.

21 (c) A certified copy of the order shall be recorded in the
22 deed records of Haskell County. (Acts 54th Leg., R.S., Ch. 141,
23 Sec. 5(h) (part).)

24 Sec. 6913.060. ASSUMPTION OF DEBT; TAXES. (a) After
25 territory is annexed to the district, the board may order an
26 election in the district as enlarged to determine whether the
27 district as enlarged shall assume any tax-supported bonds then

1 outstanding and those previously voted but not yet sold and impose
2 an ad valorem tax on all taxable property in the district as
3 enlarged to pay the bonds, unless the proposition is voted along
4 with the annexation election and becomes binding on the territory
5 annexed.

6 (b) An election ordered under Subsection (a) shall be held
7 in the same manner as an election under this chapter for the
8 issuance of bonds. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(j).)

9 Sec. 6913.061. RESTRICTION ON ANNEXATION OF RAILROAD
10 RIGHT-OF-WAY OR UTILITY PROPERTY. A railroad right-of-way or a
11 transmission line or another item of property of an electric or gas
12 utility that is not located inside the limits of a municipality will
13 not benefit from improvements, works, or facilities the district is
14 authorized to construct. Therefore, a railroad right-of-way or a
15 transmission line or another item of property of an electric or gas
16 utility may not be annexed to the district unless the right-of-way
17 or property is located inside the limits of a municipality annexed
18 to the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(e) (part).)

19 SUBCHAPTER C. BOARD OF DIRECTORS

20 Sec. 6913.101. DIRECTORS. The district is governed by a
21 board of five elected directors. (Acts 54th Leg., R.S., Ch. 141,
22 Secs. 3(a) (part), (c) (part).)

23 Sec. 6913.102. QUALIFICATIONS FOR OFFICE. (a) A person may
24 not be appointed a director unless the person resides in and owns
25 taxable property in the district.

26 (b) A member of a municipality's governing body or an
27 employee of a municipality may not be a director. (Acts 54th Leg.,

1 R.S., Ch. 141, Sec. 3(a) (part).)

2 Sec. 6913.103. NOTICE OF DIRECTORS' ELECTION. Notice of a
3 directors' election shall be published once in a newspaper
4 published in Haskell County not later than the 10th day before the
5 date of the election. (Acts 54th Leg., R.S., Ch. 141, Secs. 3(b)
6 (part), (c) (part).)

7 Sec. 6913.104. OFFICERS. (a) The board shall elect from
8 the board's membership a president, a vice president, and any other
9 officers that the board determines are necessary.

10 (b) The board shall appoint a secretary and a treasurer, who
11 are not required to be directors. The board may combine the offices
12 of secretary and treasurer. (Acts 54th Leg., R.S., Ch. 141, Sec. 4
13 (part).)

14 Sec. 6913.105. VOTE BY BOARD PRESIDENT. The president has
15 the same right to vote as any other director. (Acts 54th Leg.,
16 R.S., Ch. 141, Sec. 4 (part).)

17 Sec. 6913.106. ABSENCE OR INACTION OF BOARD PRESIDENT.
18 When the board president is absent or fails or declines to act, the
19 board vice president shall perform all duties and exercise all
20 powers this chapter gives the president. (Acts 54th Leg., R.S.,
21 Ch. 141, Sec. 4 (part).)

22 Sec. 6913.107. DIRECTOR AND TREASURER BONDS. (a) Each
23 director shall give bond in the amount of \$5,000 conditioned on the
24 faithful performance of the director's duties.

25 (b) The treasurer shall give bond in the amount required by
26 the board. The treasurer's bond shall be conditioned on the
27 treasurer's faithful accounting for all money that comes into the

1 treasurer's custody as treasurer of the district. (Acts 54th Leg.,
2 R.S., Ch. 141, Secs. 3(a) (part), 4 (part).)

3 Sec. 6913.108. COMPENSATION OF DIRECTORS. (a) Each
4 director:

5 (1) shall receive a fee not to exceed \$5 for attending
6 each board meeting; and

7 (2) is also entitled to receive \$5 for each day devoted
8 to the business of the district if the service is expressly approved
9 by the board.

10 (b) In all areas of conflict with Subsection (a) of this
11 section, Section 49.060, Water Code, takes precedence.

12 (c) A director's compensation may be increased as
13 authorized by Section 49.060, Water Code, by resolution adopted by
14 the board in accordance with Subsection (e) of that section on or
15 after September 1, 1995. (Acts 54th Leg., R.S., Ch. 141, Sec. 3(e)
16 (part); New.)

17 SUBCHAPTER D. POWERS AND DUTIES

18 Sec. 6913.151. ACQUISITION OF WATER OR WATER RIGHTS. (a)
19 The district may acquire a groundwater or surface water supply.

20 (b) The district may acquire water appropriation permits
21 directly from the Texas Commission on Environmental Quality or from
22 permit owners.

23 (c) The district may purchase water or a water supply from
24 any person. (Acts 54th Leg., R.S., Ch. 141, Secs. 6 (part); 16.)

25 Sec. 6913.152. CONSTRUCTION OR ACQUISITION OF PROPERTY.
26 The district may construct or otherwise acquire all works, plants,
27 and other facilities necessary or useful for the purpose of

1 processing groundwater or surface water and transporting the water
2 to any person for municipal, domestic, and industrial purposes.
3 (Acts 54th Leg., R.S., Ch. 141, Sec. 6 (part).)

4 Sec. 6913.153. EMINENT DOMAIN. (a) To carry out a power
5 provided by this chapter, the district may exercise the power of
6 eminent domain to acquire land and easements inside or outside the
7 district in Haskell County.

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

10 (c) The board shall determine the amount and the type of
11 interest in land and easements to be acquired under this section.

12 (d) The district's authority under this section to exercise
13 the power of eminent domain expired on September 1, 2013, unless the
14 district submitted a letter to the comptroller in accordance with
15 Section 2206.101(b), Government Code, not later than December 31,
16 2012. (Acts 54th Leg., R.S., Ch. 141, Sec. 7 (part); New.)

17 Sec. 6913.154. COST OF RELOCATING OR ALTERING PROPERTY. If
18 the district's exercise of the power of eminent domain, the power of
19 relocation, or any other power granted by this chapter makes
20 necessary relocating, raising, rerouting, changing the grade of, or
21 altering the construction of a highway, railroad, electric
22 transmission line, telephone or telegraph property or facility, or
23 pipeline, the necessary action shall be accomplished at the sole
24 expense of the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 7
25 (part).)

26 Sec. 6913.155. CONSTRUCTION AND PURCHASING CONTRACTS. A
27 construction contract or contract for the purchase of materials,

equipment, or supplies is governed by Chapter 49 or 51, Water Code.
(Acts 54th Leg., R.S., Ch. 141, Sec. 8.)

Sec. 6913.156. CONTRACTS RELATED TO WATER SUPPLY AND
FACILITIES. (a) The district may contract with any person to
supply water to the person.

(b) The district may contract with a municipality for the
rental or leasing of or for the operation of the municipality's
water production, supply, or distribution facilities.

(c) The contract may provide that the contract continues in
effect until bonds specified in the contract and refunding bonds
issued in lieu of the bonds are paid. (Acts 54th Leg., R.S., Ch.
141, Sec. 14.)

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 6913.201. DEPOSITORY. (a) Except as provided by
Subsection (i), the board shall designate one or more banks in
Haskell County to serve as depository for the district's money.

(b) District money shall be deposited with a designated
depository bank or banks, except that:

(1) money pledged to pay bonds may be deposited with
the trustee bank named in the trust agreement; and

(2) money shall be remitted to the bank of payment for
the payment of principal of and interest on bonds.

(c) To the extent that money in a depository bank or a
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 county funds.

(d) The board shall prescribe the terms of service for

1 depositories.

2 (e) Before designating a depository bank, the board shall
3 issue a notice to each bank in Haskell County that:

4 (1) states the time and place at which the board will
5 meet to designate a depository bank or banks; and

6 (2) invites the banks to submit an application to be
7 designated as a depository.

8 (f) The notice described by Subsection (e) must be mailed or
9 delivered not later than the 10th day before the date fixed for the
10 submission of applications.

11 (g) At the time stated in the notice, the board shall:

12 (1) consider the application and the management and
13 condition of each bank that applies; and

14 (2) designate as a depository the bank or banks that:

15 (A) offer the most favorable terms for handling
16 the money; and

17 (B) the board finds have proper management and
18 are in condition to handle the money.

19 (h) Membership on the board of an officer or director of a
20 bank does not disqualify the bank from being designated as a
21 depository.

22 (i) If the board does not receive any applications before
23 the time stated in the notice, or if the board rejects all
24 applications, the board shall designate one or more banks located
25 inside or outside the county on terms that the board finds
26 advantageous to the district. (Acts 54th Leg., R.S., Ch. 141, Sec.
27 15.)

Sec. 6913.202. 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 54th Leg., R.S., Ch. 141, Sec. 19 (part).)

Sec. 6913.203. TAX ASSESSOR AND COLLECTOR. Before the sale

and delivery of district bonds payable wholly or partly from ad valorem taxes, the board shall appoint a tax assessor and collector. (Acts 54th Leg., R.S., Ch. 141, Sec. 20(b) (part).)

SUBCHAPTER F. BONDS

Sec. 6913.251. AUTHORITY TO ISSUE BONDS. (a) The district

may issue bonds to carry out any power conferred by this chapter, including the power to provide a source of water supply for any person for municipal, domestic, or industrial purposes.

(b) The bonds must be authorized by a board resolution.

(Acts 54th Leg., R.S., Ch. 141, Secs. 9(a) (part), (b) (part), (e) (part).)

Sec. 6913.252. 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 54th Leg., R.S., Ch. 141, Sec. 9(b) (part).)

Sec. 6913.253. MATURITY. District bonds must mature not

later than 40 years after the date of their issuance. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(b) (part).)

Sec. 6913.254. BONDS PAYABLE FROM REVENUE. (a) In this

section, "net revenue" means the district's gross revenue, other than taxation, minus the amount necessary to pay the cost of

maintaining and operating the district and its property.

(b) District bonds may be secured as described by a board resolution by a pledge of:

(1) all or part of the district's net revenue;

(2) the net revenue of a contract made at any time; or

(3) other revenue specified by board resolution.

(c) The pledge may reserve the right to issue additional bonds on a parity with or subordinate to the bonds being issued, subject to conditions specified by the pledge.

(d) District bonds not payable wholly or partly from ad valorem taxes may be issued without an election. (Acts 54th Leg., R.S., Ch. 141, Secs. 9(a) (part), (d), 12(a) (part).)

Sec. 6913.255. BONDS PAYABLE FROM AD VALOREM TAXES. The district may issue bonds:

(1) payable from ad valorem taxes imposed on taxable property in the district; or

(2) secured by and payable from:

(A) taxes described by Subdivision (1); and

(B) revenue of the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(e) (part).)

Sec. 6913.256. ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES. (a) District bonds, other than refunding bonds, payable wholly or partly from ad valorem taxes may not be issued unless authorized by a district election at which a majority of the votes cast favor the bond issuance.

(b) The board may order an election under this section without a petition. The order must specify:

1 (1) the time and places at which the election will be
2 held;

3 (2) the purpose for which the bonds will be issued;

4 (3) the maximum amount of the bonds;

5 (4) the maximum maturity of the bonds;

6 (5) the form of the ballot; and

7 (6) the presiding judge for each voting place.

8 (c) Notice of the election must be given by publishing a
9 substantial copy of the order calling the election in a newspaper
10 published in Haskell County that is circulated in the district for
11 two consecutive weeks. The first publication must be not later than
12 the 15th day before the date of the election. (Acts 54th Leg.,
13 R.S., Ch. 141, Secs. 12(a) (part), (b).)

14 Sec. 6913.257. TAX AND COMPENSATION RATES. (a) If the
15 district issues bonds payable wholly or partly from ad valorem
16 taxes, the district shall impose a tax sufficient to pay the bonds
17 and the interest on the bonds as the bonds and interest become due.
18 The board may adopt the rate of the tax for any year after
19 considering the money received from pledged revenue available for
20 payment of principal and interest to the extent and in the manner
21 permitted by the resolution authorizing the issuance of the bonds.

22 (b) If the district issues bonds payable wholly or partly
23 from revenue, the board shall set and revise the rates of
24 compensation for water sold and services rendered by the district.

25 (c) For bonds payable wholly from revenue, the rates of
26 compensation must be sufficient to:

27 (1) pay the expense of operating and maintaining the

1 facilities of the district;

2 (2) pay the bonds as they mature and the interest as it
3 accrues; and

4 (3) maintain the reserve and other funds as provided
5 by the resolution authorizing the issuance of the bonds.

6 (d) For bonds payable partly from revenue, the rates of
7 compensation must be sufficient to assure compliance with the
8 resolution authorizing the issuance of the bonds. (Acts 54th Leg.,
9 R.S., Ch. 141, Secs. 9(e) (part), (f).)

10 Sec. 6913.258. ADDITIONAL SECURITY. (a) District bonds,
11 including refunding bonds, that are not payable wholly from ad
12 valorem taxes may be additionally secured by a deed of trust lien on
13 physical property of the district and all franchises, easements,
14 water rights and appropriation permits, leases, contracts, and all
15 rights appurtenant to the property, vesting in the trustee power
16 to:

17 (1) sell the property for payment of the debt;

18 (2) operate the property; and

19 (3) take other action to further secure the bonds.

20 (b) The deed of trust may:

21 (1) contain any provision the board prescribes to
22 secure the bonds and preserve the trust estate;

23 (2) provide for amendment or modification of the deed
24 of trust; and

25 (3) provide for the issuance of bonds to replace lost
26 or mutilated bonds.

27 (c) A purchaser under a sale under the deed of trust is:

1 (1) the owner of the dam or dams and the other property
2 and facilities purchased; and

3 (2) entitled to maintain and operate the property and
4 facilities. (Acts 54th Leg., R.S., Ch. 141, Sec. 11.)

5 Sec. 6913.259. USE OF BOND PROCEEDS. (a) The district may
6 set aside an amount of proceeds from the sale of district bonds for
7 the payment of interest expected to accrue during construction and
8 for one year after construction in a reserve interest and sinking
9 fund. The resolution authorizing the bonds may provide for setting
10 aside and using the proceeds as provided by this subsection.

11 (b) The district may use proceeds from the sale of the bonds
12 to pay any expense necessarily incurred in accomplishing the
13 purposes of the district. (Acts 54th Leg., R.S., Ch. 141, Sec.
14 9(g).)

15 Sec. 6913.260. APPOINTMENT OF RECEIVER. (a) On default or
16 threatened default in the payment of principal of or interest on
17 district bonds that are payable wholly or partly from revenue, a
18 court may appoint a receiver for the district on petition of the
19 holders of 25 percent of the outstanding bonds of the issue in
20 default or threatened with default.

21 (b) The receiver may collect and receive all district income
22 except taxes, employ and discharge district agents and employees,
23 take charge of money on hand, except money received from taxes
24 unless commingled, and manage the district's proprietary affairs
25 without the consent of or hindrance by the board.

26 (c) The receiver may be authorized to sell or contract for
27 the sale of water or to renew those contracts with the approval of

1 the court that appointed the receiver.

2 (d) The court may vest the receiver with any other power or
3 duty the court finds necessary to protect the bondholders. (Acts
4 54th Leg., R.S., Ch. 141, Sec. 9(h).)

5 Sec. 6913.261. REFUNDING BONDS. (a) The district may issue
6 refunding bonds to refund outstanding district bonds and interest
7 on those bonds.

8 (b) Refunding bonds may:

- 9 (1) be issued to refund bonds of more than one series;
10 (2) combine the pledges for the outstanding bonds for
11 the security of the refunding bonds; or
12 (3) be secured by a pledge of other or additional
13 revenue.

14 (c) The provisions of this subchapter regarding the
15 issuance of other bonds and the remedies of the holders apply to
16 refunding bonds.

17 (d) The comptroller shall register the refunding bonds on
18 surrender and cancellation of the bonds to be refunded.

19 (e) Instead of issuing bonds to be registered on the
20 surrender and cancellation of the bonds to be refunded, the
21 district, in the resolution authorizing the issuance of the
22 refunding bonds, may provide for the sale of the refunding bonds and
23 the deposit of the proceeds in a bank at which the bonds to be
24 refunded are payable. In that case, the refunding bonds may be
25 issued in an amount sufficient to pay the interest on the bonds to
26 be refunded to their option date or maturity date, and the
27 comptroller shall register the refunding bonds without the

surrender and cancellation of the bonds to be refunded. (Acts 54th Leg., R.S., Ch. 141, Sec. 10.)

Sec. 6913.262. BONDS EXEMPT FROM TAXATION. District bonds, the transfer of district bonds, and income from district bonds, including profits made on the sale of district bonds, are exempt from taxation in this state. (Acts 54th Leg., R.S., Ch. 141, Sec. 19 (part).)

SECTION 1.03. Subtitle E, Title 6, Special District Local Laws Code, is amended by adding Chapter 7811 to read as follows:

CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7811.001. DEFINITIONS

Sec. 7811.002. NATURE OF DISTRICT

Sec. 7811.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 7811.004. DISTRICT TERRITORY

Sec. 7811.005. ANNEXATION OF LAND

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7811.051. COMPOSITION OF BOARD; TERMS

Sec. 7811.052. ELIGIBILITY FOR OFFICE

Sec. 7811.053. DIRECTOR'S BOND

Sec. 7811.054. BOARD VACANCY

Sec. 7811.055. BOARD PRESIDENT; ABSENCE OF BOARD

PRESIDENT

Sec. 7811.056. SECRETARY'S DUTIES

Sec. 7811.057. TREASURER

Sec. 7811.058. COMPENSATION OF DIRECTORS

Sec. 7811.059. VOTE REQUIRED FOR OFFICIAL BOARD ACTION

1 Sec. 7811.060. DESIGNATION OF DIRECTOR TO ACT ON
2 DISTRICT'S BEHALF
3 Sec. 7811.061. DISTRICT OFFICE
4 Sec. 7811.062. RECORDS
5 SUBCHAPTER C. POWERS AND DUTIES
6 Sec. 7811.101. GENERAL POWERS AND DUTIES
7 Sec. 7811.102. EMINENT DOMAIN
8 Sec. 7811.103. COST OF RELOCATING OR ALTERING PROPERTY
9 Sec. 7811.104. CONTRACTS FOR FACILITIES AND
10 IMPROVEMENTS; ELECTION NOT REQUIRED
11 Sec. 7811.105. PROHIBITED FUNCTIONS
12 Sec. 7811.106. STANDARDS FOR ROAD, STREET, OR UTILITY
13 CONSTRUCTION
14 Sec. 7811.107. APPROVAL OF RECLAMATION PLAN,
15 AMENDMENT, OR PROJECT
16 SUBCHAPTER D. TAX ABATEMENT IN REINVESTMENT ZONE
17 Sec. 7811.151. DESIGNATION OF REINVESTMENT ZONE
18 Sec. 7811.152. CRITERIA FOR REINVESTMENT ZONE
19 Sec. 7811.153. EXPIRATION OF REINVESTMENT ZONE
20 Sec. 7811.154. TAX ABATEMENT AGREEMENT
21 Sec. 7811.155. TAX ABATEMENT AGREEMENT: CERTIFICATED
22 AIR CARRIER
23 Sec. 7811.156. TAX ABATEMENT AGREEMENT REQUIREMENTS
24 Sec. 7811.157. NOTICE OF TAX ABATEMENT AGREEMENT TO
25 OTHER TAXING UNITS
26 Sec. 7811.158. MODIFICATION OR TERMINATION OF TAX
27 ABATEMENT AGREEMENT

1 Sec. 7811.159. REGISTRY OF REINVESTMENT ZONES AND TAX
2 ABATEMENT AGREEMENTS; ASSISTANCE TO
3 DISTRICT

4 Sec. 7811.160. PROPERTIES THAT MAY BE INCLUDED IN TAX
5 ABATEMENT AGREEMENT

6 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

7 Sec. 7811.201. DEPOSITORY

8 Sec. 7811.202. AUTHORITY TO ISSUE BONDS AND INCUR
9 INDEBTEDNESS

10 Sec. 7811.203. CONSTITUENT MUNICIPALITIES NOT
11 OBLIGATED TO PAY DISTRICT OBLIGATIONS

12 Sec. 7811.204. BOND ANTICIPATION NOTES

13 Sec. 7811.205. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES

14 CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 7811.001. DEFINITIONS. In this chapter:

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

18 (2) "Constituent municipality" means the City of Grand
19 Prairie or the City of Irving.

20 (3) "Director" means a member of the board.

21 (4) "District" means the Dallas County Flood Control
22 District No. 1. (Acts 68th Leg., R.S., Ch. 1081, Secs. 1(b) (part),
23 (c), 2(a) (part); New.)

24 Sec. 7811.002. NATURE OF DISTRICT. The district is a
25 conservation and reclamation district established under Section
26 59, Article XVI, Texas Constitution. (Acts 68th Leg., R.S., Ch.
27 1081, Secs. 1(a), (b) (part).)

1 Sec. 7811.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

2 The district is created to serve a public use and benefit.

3 (b) The land and other property included in the district
4 will benefit from the works and projects accomplished by the
5 district and by the powers conferred by Section 59, Article XVI,
6 Texas Constitution.

7 (c) The creation and operation of the district is essential
8 to accomplish the purpose of Section 59, Article XVI, Texas
9 Constitution. (Acts 68th Leg., R.S., Ch. 1081, Secs. 8, 14.)

10 Sec. 7811.004. DISTRICT TERRITORY. (a) The district is
11 composed of the territory located within the redefined boundaries
12 of the district as filed in the deed records of Dallas County,
13 Texas, on August 29, 1983, as amended by Sections 2(b) and (d),
14 Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983,
15 as that territory may have been modified under:

16 (1) Section 7811.005 of this chapter or its
17 predecessor statute, former Section 13, Chapter 1081, Acts of the
18 68th Legislature, Regular Session, 1983;

19 (2) Subchapter J, Chapter 49, Water Code; or

20 (3) other law.

21 (b) The boundaries and field notes of the district form a
22 closure. A mistake in the field notes or in copying the field notes
23 in the legislative process does not affect:

24 (1) the district's organization, existence, or
25 validity;

26 (2) the district's right to issue any type of bond for
27 a purpose for which the district is created or to pay the principal

1 of and interest on the bond;

2 (3) the district's right to impose a tax; or

3 (4) the legal operation of the district or its
4 governing body. (Acts 68th Leg., R.S., Ch. 1081, Secs. 2(a) (part),
5 (b), (c), (d); New.)

6 Sec. 7811.005. ANNEXATION OF LAND. Before the annexation
7 of land within the corporate limits of a constituent municipality,
8 the district must obtain the approval of the municipality. (Acts
9 68th Leg., R.S., Ch. 1081, Sec. 13 (part).)

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 7811.051. COMPOSITION OF BOARD; TERMS. (a) The
12 district is governed by a board consisting of five appointed
13 directors. The City of Irving appoints three directors and the City
14 of Grand Prairie appoints two directors.

15 (b) Directors serve two-year terms. (Acts 68th Leg., R.S.,
16 Ch. 1081, Sec. 3(a).)

17 Sec. 7811.052. ELIGIBILITY FOR OFFICE. A director must own
18 land in the district subject to taxation at the time the director
19 qualifies for office. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(c)
20 (part).)

21 Sec. 7811.053. DIRECTOR'S BOND. (a) A director shall
22 execute a bond in the amount of \$5,000 for the faithful performance
23 of the director's duties.

24 (b) The bond must be filed in the office of the county clerk
25 of Dallas County. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(c)
26 (part).)

27 Sec. 7811.054. BOARD VACANCY. (a) If a director dies,

1 resigns, or ceases to possess the qualifications required for
2 office, the board shall declare the person's office vacant.

3 (b) The constituent municipality that appointed the
4 director whose position is vacant shall appoint a successor to fill
5 the unexpired term. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(b).)

6 Sec. 7811.055. BOARD PRESIDENT; ABSENCE OF BOARD PRESIDENT.

7 (a) The board may authorize the board's president to sign all orders
8 or take other action.

9 (b) Any order adopted or action taken at a board meeting at
10 which the board's president is absent may be signed by the board's
11 vice president, or the board may authorize the president to sign the
12 order or action at a later time. (Acts 68th Leg., R.S., Ch. 1081,
13 Secs. 3(f) (part), (g).)

14 Sec. 7811.056. SECRETARY'S DUTIES. The board secretary
15 shall keep accurate minutes and shall certify any action taken by
16 the board. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(h).)

17 Sec. 7811.057. TREASURER. (a) The board may appoint a
18 district treasurer.

19 (b) The district treasurer shall execute a bond in an amount
20 determined by the board payable to the district and conditioned on
21 the faithful performance of the treasurer's duties. (Acts 68th
22 Leg., R.S., Ch. 1081, Sec. 11(d).)

23 Sec. 7811.058. COMPENSATION OF DIRECTORS. (a) A director
24 is entitled to receive \$25 for each day spent performing district
25 work, not to exceed \$200 per month.

26 (b) In all areas of conflict with Subsection (a) of this
27 section, Section [49.060](#), Water Code, takes precedence.

1 (c) A director's compensation may be increased as
2 authorized by Section 49.060, Water Code, by resolution adopted by
3 the board in accordance with Subsection (e) of that section on or
4 after September 1, 1995. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(i)
5 (part); New.)

6 Sec. 7811.059. VOTE REQUIRED FOR OFFICIAL BOARD ACTION. An
7 official action of the board is not valid without the affirmative
8 vote of a majority of the directors. (Acts 68th Leg., R.S., Ch.
9 1081, Sec. 3(d) (part).)

10 Sec. 7811.060. DESIGNATION OF DIRECTOR TO ACT ON DISTRICT'S
11 BEHALF. The board may designate one or more directors to execute on
12 behalf of the district all contracts, including a construction
13 contract, sign checks, or handle any other matter entered into by
14 the board as shown in the district's official minutes. (Acts 68th
15 Leg., R.S., Ch. 1081, Sec. 3(e).)

16 Sec. 7811.061. DISTRICT OFFICE. (a) The board shall
17 establish and maintain a district office inside the district.

18 (b) The board may establish a second district office outside
19 the district.

20 (c) A district office may be a private residence or office
21 and that residence or office is a public place for matters relating
22 to the district's business. (Acts 68th Leg., R.S., Ch. 1081, Sec.
23 12.)

24 Sec. 7811.062. RECORDS. The board shall keep the
25 district's records open to public inspection at reasonable times at
26 the district's principal office. (Acts 68th Leg., R.S., Ch. 1081,
27 Sec. 3(k).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7811.101. GENERAL POWERS AND DUTIES. (a) The district may exercise the rights, powers, privileges, and functions provided by Section 59, Article XVI, Texas Constitution, Chapters 49 and 57, Water Code, and this chapter.

(b) The district may 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 that water;
- (2) controlling and distributing the water of rivers and streams by straightening and improving the rivers and streams;
- (3) draining and improving the land; and
- (4) preventing the pollution of the water. (Acts 68th Leg., R.S., Ch. 1081, Secs. 1(d) (part), (e); New.)

Sec. 7811.102. 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 land, water, or land under water inside or outside the district that has a direct effect on the accomplishment of the purposes for which the district is created and is necessary for 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 and to prevent overflows.

(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 must exercise the power of eminent domain

1 in the manner provided by Chapter 21, Property Code.

2 (d) The district may not exercise the power of eminent
3 domain within the corporate limits of a constituent municipality
4 without the prior approval by resolution of the governing body of
5 the municipality.

6 (e) The district's authority under this section to exercise
7 the power of eminent domain expired on September 1, 2013, unless the
8 district submitted a letter to the comptroller in accordance with
9 Section 2206.101(b), Government Code, not later than December 31,
10 2012. (Acts 68th Leg., R.S., Ch. 1081, Secs. 9(a), (b) (part), (d);
11 New.)

12 Sec. 7811.103. COST OF RELOCATING OR ALTERING PROPERTY.

13 (a) In this section, "sole expense" means the actual cost of
14 relocating, raising, lowering, rerouting, changing the grade of, or
15 altering the construction of a facility described by Subsection (b)
16 to provide comparable replacement without enhancement of the
17 facility, after deducting the net salvage value of the old
18 facility.

19 (b) If the district's exercise of its power of eminent
20 domain makes necessary relocating, raising, lowering, rerouting,
21 changing the grade of, or altering the construction of a highway,
22 railroad, electric transmission or distribution line, telephone or
23 telegraph property or facility, or pipeline, the necessary action
24 shall be accomplished at the sole expense of the district unless the
25 owner of the relocated or altered facility has a legal obligation to
26 pay those expenses. (Acts 68th Leg., R.S., Ch. 1081, Sec. 9(c).)

27 Sec. 7811.104. CONTRACTS FOR FACILITIES AND IMPROVEMENTS;

1 ELECTION NOT REQUIRED. (a) The district may enter into a contract
2 with a person for the maintenance or construction of any facility or
3 improvement authorized by this chapter.

4 (b) The district may enter into a contract under Subsection
5 (a) without:

6 (1) voting for the issuance of bonds; or

7 (2) holding an election to approve the contract. (Acts
8 68th Leg., R.S., Ch. 1081, Sec. 10.)

9 Sec. 7811.105. PROHIBITED FUNCTIONS. The district may not:

10 (1) engage in any park, water service, wastewater
11 service, police, or firefighting function; or

12 (2) spend any district money or issue bonds for any
13 function described by Subdivision (1). (Acts 68th Leg., R.S., Ch.
14 1081, Sec. 7.)

15 Sec. 7811.106. STANDARDS FOR ROAD, STREET, OR UTILITY
16 CONSTRUCTION. Any road, street, or utility construction by the
17 district begun on or after August 31, 1987, within the corporate
18 limits of a constituent municipality must comply with the standards
19 for construction adopted by the municipality. (Acts 68th Leg.,
20 R.S., Ch. 1081, Sec. 15.)

21 Sec. 7811.107. APPROVAL OF RECLAMATION PLAN, AMENDMENT, OR
22 PROJECT. In addition to any other requirements in this chapter, a
23 reclamation plan adopted by the district, an amendment to a
24 reclamation plan, or a project of the district that is not included
25 in a reclamation plan must be approved by both constituent
26 municipalities before the plan, amendment, or project takes effect.
27 (Acts 68th Leg., R.S., Ch. 1081, Sec. 1(g).)

SUBCHAPTER D. TAX ABATEMENT IN REINVESTMENT ZONE

Sec. 7811.151. DESIGNATION OF REINVESTMENT ZONE. (a) The district by resolution may designate as a reinvestment zone an area or real or personal property in the taxing jurisdiction of the district that the board finds satisfies the requirements of Section 7811.152. The board must find that the proposed commercial-industrial or residential project or projects meet the criteria prescribed by Section 7811.152.

(b) The resolution must describe the boundaries of the zone and the eligibility of the zone for commercial-industrial or residential tax abatement.

(c) The area of a reinvestment zone designated for commercial-industrial or residential tax abatement may be included in an overlapping or coincidental commercial-industrial or residential zone established under Chapter 312, Tax Code.

(d) The district may not adopt a resolution designating an area as a reinvestment zone until the district has held a public hearing on the designation and has found that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the district after the expiration of an agreement entered into under Section 7811.154 or 7811.155. At the hearing, interested persons are entitled to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be:

(1) published in a newspaper having general circulation in the district; and

(2) delivered in writing to the presiding officer of

1 the governing body of each taxing unit that includes in its
2 boundaries real property that is to be included in the proposed
3 reinvestment zone.

4 (e) A notice made under Subsection (d)(2) is presumed
5 delivered when placed in the mail postage paid and properly
6 addressed to the appropriate presiding officer. A notice properly
7 addressed and sent by registered or certified mail for which a
8 return receipt is received by the sender is considered to have been
9 delivered to the addressee. (Acts 68th Leg., R.S., Ch. 1081, Secs.
10 16A (part), 16C.)

11 Sec. 7811.152. CRITERIA FOR REINVESTMENT ZONE. To be
12 designated as a reinvestment zone under this subchapter, an area
13 must be reasonably likely as a result of the designation to
14 contribute to the retention or expansion of primary employment or
15 to attract major investment in the zone that would be a benefit to
16 the property and that would contribute to the economic development
17 of the district. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16D(a).)

18 Sec. 7811.153. EXPIRATION OF REINVESTMENT ZONE. The
19 designation of a reinvestment zone for commercial-industrial or
20 residential tax abatement expires five years after the date of the
21 designation and may be renewed for periods not to exceed five years.
22 The expiration of the designation does not affect an existing tax
23 abatement agreement governed by this subchapter. (Acts 68th Leg.,
24 R.S., Ch. 1081, Sec. 16D(b).)

25 Sec. 7811.154. TAX ABATEMENT AGREEMENT. (a) The district
26 may enter into a tax abatement agreement by agreeing, in writing,
27 with the owner of taxable real property that is located in a

1 reinvestment zone to exempt from taxation a portion of the value of
2 the real property or of tangible personal property located on the
3 real property, or both, for a period not to exceed 30 years, on the
4 condition that the owner of the property make specific improvements
5 or repairs to the property.

6 (b) The real property covered by the agreement may not be
7 located in an improvement project financed by tax increment bonds.

8 (c) The agreement is subject to the rights of holders of
9 outstanding bonds of the district.

10 (d) The agreement may:

11 (1) provide for the exemption of the real property in
12 each year covered by the agreement only to the extent its value for
13 that year exceeds its value for the year in which the agreement is
14 executed;

15 (2) provide for the exemption of tangible personal
16 property located on the real property in each year covered by the
17 agreement other than tangible personal property that was located on
18 the real property at any time before the period covered by the
19 agreement with the district; and

20 (3) cover more than one commercial-industrial or
21 residential project. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A
22 (part), 16E(a).)

23 Sec. 7811.155. TAX ABATEMENT AGREEMENT: CERTIFICATED AIR
24 CARRIER. (a) The district may enter into a tax abatement
25 agreement by agreeing, in writing, with the owner or lessee of real
26 property that is located in a reinvestment zone to exempt from
27 taxation for a period not to exceed 30 years a portion of the value

1 of the real property or of personal property, or both, located in
2 the zone and owned or leased by a certificated air carrier on the
3 condition that the certificated air carrier:

4 (1) make specific real property improvements; or

5 (2) lease, for a term of 30 years or more, real
6 property improvements located in the reinvestment zone.

7 (b) The agreement may provide for the exemption of the:

8 (1) real property in each year covered by the
9 agreement to the extent its value for that year exceeds its value
10 for the year in which the agreement is executed; and

11 (2) personal property owned or leased by a
12 certificated air carrier located in the reinvestment zone in each
13 year covered by the agreement other than specific personal property
14 that was located in the reinvestment zone at any time before the
15 period covered by the agreement with the district. (Acts 68th Leg.,
16 R.S., Ch. 1081, Secs. 16A (part), 16E(d).)

17 Sec. 7811.156. TAX ABATEMENT AGREEMENT REQUIREMENTS. (a)
18 This section applies to an agreement made under Section 7811.154 or
19 7811.155.

20 (b) The agreement must:

21 (1) list the kind, number, and location of all
22 proposed improvements of the property; and

23 (2) provide for:

24 (A) the availability of tax abatement for both
25 new facilities and structures and for the expansion or
26 modernization of existing facilities and structures; and

27 (B) recapturing property tax revenue lost as a

1 result of the agreement if the owner of the property fails to make
2 the improvements or repairs as provided by the agreement.

3 (c) A tax abatement agreement is not required to contain
4 terms identical to another tax abatement agreement that covers the
5 same exempted property or a portion of that property.

6 (d) Property that is in a reinvestment zone and that is
7 owned or leased by a director is excluded from property tax
8 abatement.

9 (e) The agreement may include, at the option of the
10 district, provisions for maps showing existing uses and conditions
11 and proposed improvements and uses of real property in the
12 reinvestment zone.

13 (f) On approval by the district, the agreement may be
14 executed in the same manner as other contracts made by the district.

15 (g) The agreement applies only to taxes levied by the
16 district and does not affect other taxing units that levy taxes on
17 property in the district. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A
18 (part), 16E(b), (c), (e), (f), (g) (part), (h).)

19 Sec. 7811.157. NOTICE OF TAX ABATEMENT AGREEMENT TO OTHER
20 TAXING UNITS. (a) Not later than the seventh day before the date on
21 which the district enters into an agreement under Section 7811.154
22 or 7811.155, the board or a designated officer or employee of the
23 district shall deliver a written notice that the district intends
24 to enter into the agreement to the Texas Commission on
25 Environmental Quality and to the presiding officer of the governing
26 body of each other taxing unit in which the property to be subject
27 to the agreement is located. The notice must include a copy of the

1 proposed agreement.

2 (b) A notice is presumed delivered when placed in the mail
3 postage paid and properly addressed to the appropriate presiding
4 officer. A notice properly addressed and sent by registered or
5 certified mail for which a return receipt is received by the sender
6 is considered to have been delivered to the addressee.

7 (c) Failure to deliver the notice does not affect the
8 validity of the agreement. (Acts 68th Leg., R.S., Ch. 1081, Sec.
9 16F.)

10 Sec. 7811.158. MODIFICATION OR TERMINATION OF TAX ABATEMENT
11 AGREEMENT. (a) At any time before the expiration of an agreement
12 governed by this subchapter, the agreement may be modified by the
13 parties to the agreement to include other provisions that could
14 have been included in the original agreement or to delete
15 provisions that were not necessary to the original agreement. The
16 modification must be made by the same procedure by which the
17 original agreement was approved and executed. The original
18 agreement may not be modified to extend beyond 30 years from the
19 date of the original agreement.

20 (b) An agreement governed by this subchapter may be
21 terminated by the mutual consent of the parties in the same manner
22 that the agreement was approved and executed. (Acts 68th Leg.,
23 R.S., Ch. 1081, Sec. 16G.)

24 Sec. 7811.159. REGISTRY OF REINVESTMENT ZONES AND TAX
25 ABATEMENT AGREEMENTS; ASSISTANCE TO DISTRICT. (a) The Texas
26 Economic Development and Tourism Office shall maintain a central
27 registry of reinvestment zones governed by this subchapter and of

ad valorem tax abatement agreements executed under this subchapter. Before April 1 of the year following the year in which the zone is designated or the agreement is executed, the district shall deliver to the office, the comptroller, and the Texas Commission on Environmental Quality a report that provides:

(1) for a reinvestment zone, a general description of the zone, including its size, the types of property located in it, and its duration; and

(2) for a tax abatement agreement, the parties to the agreement, a general description of the property and the improvements or repairs to be made under the agreement, the portion of the property to be exempted, and the duration of the agreement.

(b) On the request of the board or the board's president, the office may provide assistance to the district relating to the administration of this subchapter, including the designation of reinvestment zones and the adoption of tax abatement agreements. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16B.)

Sec. 7811.160. PROPERTIES THAT MAY BE INCLUDED IN TAX ABATEMENT AGREEMENT. (a) The district may include in a tax abatement agreement:

(1) facilities and structures for which construction began on or after October 1, 1990, but before June 10, 1991;

(2) existing facilities and structures for which expansion or modernization construction began on or after October 1, 1990, but before June 10, 1991; and

(3) tangible personal property located on property described by Subdivision (1) or (2) in each year covered by the

1 agreement, other than tangible personal property that was located
2 on the property at any time before the time period covered by the
3 agreement.

4 (b) A tax abatement agreement made under this section may be
5 based on the value of the property on January 1 of the year in which
6 the construction, expansion, or modernization of the property
7 began. (Acts 72nd Leg., R.S., Ch. 318, Sec. 2.)

8 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

9 Sec. 7811.201. DEPOSITORY. (a) The board shall designate
10 one or more banks to serve as the depository for district money.

11 (b) District money shall be deposited as received in a
12 depository bank, other than money transmitted to a bank for payment
13 of bonds issued by the district.

14 (c) If district money is deposited in a depository that is
15 not insured by the Federal Deposit Insurance Corporation, the money
16 must be secured in the manner provided by law for the security of
17 county funds. (Acts 68th Leg., R.S., Ch. 1081, Secs. 11(a), (b),
18 (c).)

19 Sec. 7811.202. AUTHORITY TO ISSUE BONDS AND INCUR
20 INDEBTEDNESS. (a) The district may issue bonds and incur other
21 indebtedness in the manner provided by Section 7803.113 and
22 Subchapter E, Chapter 7803.

23 (b) The district shall file with both constituent
24 municipalities a notice of intent to issue bonds or other
25 indebtedness not later than the 20th day before the date of
26 issuance. The notice must state the purpose for which the bonds or
27 other indebtedness are issued and the approximate principal amount

1 of the bonds or indebtedness.

2 (c) Before the district issues bonds or other indebtedness
3 in an amount of more than \$500,000, the district must obtain the
4 approval by resolution of the governing bodies of both constituent
5 municipalities.

6 (d) Bonds or other indebtedness may not be sold at discount
7 from the principal amount without the prior approval of both
8 constituent municipalities. (Acts 68th Leg., R.S., Ch. 1081, Secs.
9 4(c), (d), (e).)

10 Sec. 7811.203. CONSTITUENT MUNICIPALITIES NOT OBLIGATED TO
11 PAY DISTRICT OBLIGATIONS. This chapter does not authorize the
12 lending or pledge of the credit of either constituent municipality
13 to the bonds and other indebtedness of the district. The
14 constituent municipalities are not obligated to pay any bonds,
15 indebtedness, or other debt of the district. (Acts 68th Leg., R.S.,
16 Ch. 1081, Sec. 4(f).)

17 Sec. 7811.204. BOND ANTICIPATION NOTES. (a) In addition to
18 all other methods of acquiring money for district purposes, the
19 district may issue bond anticipation notes for any purpose for
20 which district bonds have been voted or may be issued to refund
21 outstanding bond anticipation notes and the interest on the notes
22 being refunded.

23 (b) The notes may bear interest at any rate not to exceed the
24 maximum interest rate applicable to the district's authorized
25 bonds.

26 (c) The maximum amount of the notes outstanding at any one
27 time may not exceed \$500,000 without the prior consent of both

1 constituent municipalities.

2 (d) The district shall pay the notes only from the proceeds
3 of the sale of bonds by the district. (Acts 68th Leg., R.S., Ch.
4 1081, Secs. 6(a), (b) (part), (c), (d).)

5 Sec. 7811.205. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES.
6 The district may impose a maintenance tax that has been previously
7 authorized at an election held in the district. (Acts 68th Leg.,
8 R.S., Ch. 1081, Sec. 4(b) (part).)

9 SECTION 1.04. Subtitle H, Title 6, Special District Local
10 Laws Code, is amended by adding Chapters 8877, 8879, 8880, 8881,
11 8882, 8883, 8884, 8885, 8886, 8887, and 8888 to read as follows:

12 CHAPTER 8877. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

13 SUBCHAPTER A. GENERAL PROVISIONS

14 Sec. 8877.001. DEFINITIONS

15 Sec. 8877.002. NATURE OF DISTRICT

16 Sec. 8877.003. FINDINGS OF PUBLIC USE AND BENEFIT

17 Sec. 8877.004. DISTRICT TERRITORY

18 Sec. 8877.005. CONFLICTS OF LAW

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8877.051. COMPOSITION OF BOARD; TERMS

21 Sec. 8877.052. ELECTION OF DIRECTORS

22 Sec. 8877.053. ELECTION DATE

23 Sec. 8877.054. QUALIFICATIONS FOR OFFICE

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 8877.101. GENERAL POWERS AND DUTIES

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 8877.151. MAINTENANCE AND OPERATION TAX

CHAPTER 8877. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8877.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Clearwater Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 524, Secs. 1(a) (part), 2; New.)

Sec. 8877.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Bell County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 524, Secs. 1(a) (part), (b), 3 (part).)

Sec. 8877.003. 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 71st Leg., R.S., Ch. 524, Sec. 5.)

Sec. 8877.004. DISTRICT TERRITORY. The district includes the territory located in Bell County unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 71st Leg., R.S., Ch. 524, Sec. 3; New.)

Sec. 8877.005. CONFLICTS OF LAW. This chapter prevails over any provision of general law that is in conflict or

1 inconsistent with this chapter. (Acts 71st Leg., R.S., Ch. 524,
2 Sec. 6(a) (part).)

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8877.051. COMPOSITION OF BOARD; TERMS. (a) The
5 district is governed by a board of five elected directors.

6 (b) Except as provided by Section 8877.052(d), directors
7 serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 524,
8 Secs. 7(a), (d), 10(e) (part).)

9 Sec. 8877.052. ELECTION OF DIRECTORS. (a) Directors are
10 elected according to the commissioners precinct method as provided
11 by this section.

12 (b) One director is elected by the voters of the entire
13 district. One director is elected from each county commissioners
14 precinct by the voters of that precinct.

15 (c) A person shall indicate on the application for a place
16 on the ballot:

17 (1) the precinct that the person seeks to represent;
18 or

19 (2) that the person seeks to represent the district at
20 large.

21 (d) At the first election after the county commissioners
22 precincts are redrawn under Section 18, Article V, Texas
23 Constitution, four new directors shall be elected to represent the
24 newly redrawn precincts. The directors from precincts one and three
25 shall be elected for two-year terms. The directors from precincts
26 two and four shall be elected for four-year terms. When the
27 directors elected from the new precincts take office, the terms of

1 the directors elected from the previous precincts expire. (Acts
2 71st Leg., R.S., Ch. 524, Secs. 10(a), (b), (d), (f).)

3 Sec. 8877.053. ELECTION DATE. The district shall hold an
4 election to elect the appropriate number of directors on the
5 uniform election date in November of each even-numbered year.
6 (Acts 71st Leg., R.S., Ch. 524, Sec. 10(e) (part).)

7 Sec. 8877.054. QUALIFICATIONS FOR OFFICE. (a) To be
8 qualified to be a candidate for or to serve as director at large, a
9 person must be a registered voter in the district.

10 (b) To be a candidate for or to serve as director from a
11 county commissioners precinct, a person must be a registered voter
12 of that precinct. (Acts 71st Leg., R.S., Ch. 524, Sec. 10(c).)

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 8877.101. GENERAL POWERS AND DUTIES. The district has
15 all of the rights, powers, privileges, functions, and duties
16 provided by the general law of this state, including Chapter 36,
17 Water Code, applicable to groundwater conservation districts
18 created under Section 59, Article XVI, Texas Constitution. (Acts
19 71st Leg., R.S., Ch. 524, Sec. 6(a) (part).)

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21 Sec. 8877.151. MAINTENANCE AND OPERATION TAX. (a) Except
22 as provided by Subsection (b), the district may impose an ad valorem
23 tax at a rate not to exceed five cents on each \$100 of valuation of
24 property in the district to pay for the maintenance and operation of
25 the district on approval of a majority of the voters of the district
26 at an election held for that purpose.

27 (b) The board may increase the maximum amount of ad valorem

taxes that may be imposed in the district:

(1) if the board determines that the maximum tax authorized by Subsection (a) is not sufficient to pay the maintenance and operating expenses of the district; and

(2) on approval of a majority of the voters of the district voting at an election held for that purpose.

(c) The maximum amount of taxes that may be authorized under this section may not exceed 25 cents on each \$100 of valuation of property in the district. (Acts 71st Leg., R.S., Ch. 524, Secs. 11(a), (b).)

CHAPTER 8879. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8879.001. DEFINITIONS

Sec. 8879.002. NATURE OF DISTRICT

Sec. 8879.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8879.004. DISTRICT TERRITORY

Sec. 8879.005. LOCATION OF DISTRICT ELECTIONS

Sec. 8879.006. CONFLICTS OF LAW

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8879.051. COMPOSITION OF BOARD; TERMS

Sec. 8879.052. ELECTION DATE

Sec. 8879.053. DISQUALIFICATION OF DIRECTORS

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8879.101. GENERAL POWERS AND DUTIES

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8879.151. LIMITATION ON AD VALOREM TAX RATE

1 Sec. 8879.152. ELECTION TO INCREASE AD VALOREM TAX

2 RATE

3 CHAPTER 8879. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 8879.001. DEFINITIONS. In this chapter:

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

7 (2) "Director" means a board member.

8 (3) "District" means the Crockett County Groundwater
9 Conservation District. (Acts 71st Leg., R.S., Ch. 712, Sec. 2;
10 New.)

11 Sec. 8879.002. NATURE OF DISTRICT. The district is a
12 groundwater conservation district in Crockett County created under
13 and essential to accomplish the purposes of Section 59, Article
14 XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Secs. 1(a)
15 (part), (b).)

16 Sec. 8879.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
17 district is created to serve a public use and benefit.

18 (b) All land and other property included in the district
19 will benefit from the works and projects accomplished by the
20 district under the powers conferred by Section 59, Article XVI,
21 Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Sec. 5.)

22 Sec. 8879.004. DISTRICT TERRITORY. (a) The district is
23 composed of the territory in Crockett County other than the tract of
24 land described by metes and bounds in Section 3, Chapter 712, Acts
25 of the 71st Legislature, Regular Session, 1989, as that territory
26 may have been modified under:

27 (1) Subchapter J or K, Chapter 36, Water Code; or

1 (2) other law.

2 (b) The boundaries and field notes of the district form a
3 closure. A mistake in the field notes or in copying the field notes
4 in the legislative process does not affect:

5 (1) the district's organization, existence, or
6 validity;

7 (2) the district's right to impose taxes; or

8 (3) the legality or operation of the district or its
9 governing body. (Acts 71st Leg., R.S., Ch. 712, Secs. 3 (part), 4;
10 New.)

11 Sec. 8879.005. LOCATION OF DISTRICT ELECTIONS. A district
12 election may be held at any location in Crockett County. (Acts 71st
13 Leg., R.S., Ch. 712, Sec. 10B.)

14 Sec. 8879.006. CONFLICTS OF LAW. This chapter prevails
15 over any provision of general law that is in conflict or
16 inconsistent with this chapter. (Acts 71st Leg., R.S., Ch. 712,
17 Sec. 6(a) (part).)

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Sec. 8879.051. COMPOSITION OF BOARD; TERMS. (a) The
20 district is governed by a board of five elected directors.

21 (b) Directors serve staggered four-year terms, with the
22 terms of two or three directors expiring December 1 of each
23 even-numbered year. (Acts 71st Leg., R.S., Ch. 712, Secs. 7(a),
24 (d), 10A (part).)

25 Sec. 8879.052. ELECTION DATE. The district shall hold an
26 election to elect the appropriate number of directors on the
27 uniform election date in November of each even-numbered year.

(Acts 71st Leg., R.S., Ch. 712, Sec. 10A.)

Sec. 8879.053. DISQUALIFICATION OF DIRECTORS.
Notwithstanding Sections 49.001 and 49.002(b), Water Code, Section 49.052, Water Code, applies to a director. (Acts 71st Leg., R.S., Ch. 712, Sec. 7(a-1).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8879.101. GENERAL POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36 and Subchapters H and I, Chapter 49, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Sec. 6(a) (part).)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8879.151. LIMITATION ON AD VALOREM TAX RATE. Except as provided by Section 8879.152, the rate of an ad valorem tax imposed by the district under Chapter 36, Water Code, may not exceed five cents on each \$100 of assessed valuation. (Acts 71st Leg., R.S., Ch. 712, Sec. 11(a); New.)

Sec. 8879.152. ELECTION TO INCREASE AD VALOREM TAX RATE.
(a) If at a regular meeting of the board, the board determines that the district ad valorem tax is no longer sufficient, the board may hold an election to approve an increase in the district's tax rate not to exceed an additional five cents on each \$100 of assessed valuation above the rate specified by Section 8879.151.

(b) If a majority of the voters favor the increase in the district's tax rate, the district may impose an ad valorem tax at the increased rate. (Acts 71st Leg., R.S., Ch. 712, Sec. 11(b).)

CHAPTER 8880. GONZALES COUNTY UNDERGROUND WATER CONSERVATION

DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8880.001. DEFINITIONS

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8880.051. SINGLE-MEMBER DIRECTOR PRECINCTS

CHAPTER 8880. GONZALES COUNTY UNDERGROUND WATER CONSERVATION

DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8880.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Gonzales County Underground Water Conservation District. (Acts 74th Leg., R.S., Ch. 368, Sec. 1; New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8880.051. SINGLE-MEMBER DIRECTOR PRECINCTS. (a) The board may divide the district into five single-member director precincts of substantially equal population for the purpose of electing directors.

(b) Notwithstanding Section 36.059(b), Water Code, the board may divide territory contained in a municipal corporation in the district into as many precincts as necessary to obtain precincts of substantially equal population. (Acts 74th Leg., R.S., Ch. 368, Sec. 2.)

CHAPTER 8881. MESA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8881.001. DEFINITIONS

Sec. 8881.002. NATURE OF DISTRICT

Sec. 8881.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8881.004. DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8881.051. COMPOSITION OF BOARD; TERMS

Sec. 8881.052. ELECTION OF DIRECTORS

Sec. 8881.053. ELECTION DATE

Sec. 8881.054. QUALIFICATIONS FOR OFFICE

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8881.101. GENERAL POWERS AND DUTIES

Sec. 8881.102. CONTRACT AUTHORITY OF DISTRICT

Sec. 8881.103. ANNEXATION OF TERRITORY

CHAPTER 8881. MESA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8881.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Mesa Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 669, Secs. 1(a) (part), 2; New.)

Sec. 8881.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Dawson County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Secs. 1(a)

1 (part), (b).)

2 Sec. 8881.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
3 district is created to serve a public use and benefit.

4 (b) All land and other property included in the district
5 will benefit from the works and projects accomplished by the
6 district under the powers conferred by Section 59, Article XVI,
7 Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Sec. 5.)

8 Sec. 8881.004. DISTRICT TERRITORY. The district includes
9 the territory located in Dawson County, unless the district's
10 territory has been modified under:

11 (1) Section 8881.103 of this chapter or its
12 predecessor statute, former Section 11(c), Chapter 669, Acts of the
13 71st Legislature, Regular Session, 1989; or

14 (2) other law. (Acts 71st Leg., R.S., Ch. 669, Sec. 3;
15 New.)

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 8881.051. COMPOSITION OF BOARD; TERMS. (a) The
18 district is governed by a board of five elected directors.

19 (b) Directors serve staggered four-year terms. (Acts 71st
20 Leg., R.S., Ch. 669, Secs. 7(a) (part), (b) (part), (e).)

21 Sec. 8881.052. ELECTION OF DIRECTORS. One director is
22 elected from each county commissioners precinct in Dawson County
23 and one director is elected from the district at large. (Acts 71st
24 Leg., R.S., Ch. 669, Sec. 7(b) (part).)

25 Sec. 8881.053. ELECTION DATE. The district shall hold an
26 election to elect the appropriate number of directors on the
27 uniform election date in May of each even-numbered year or another

1 date authorized by law. (Acts 71st Leg., R.S., Ch. 669, Sec. 10;
2 New.)

3 Sec. 8881.054. QUALIFICATIONS FOR OFFICE. (a) A director
4 must be 18 years of age or older.

5 (b) To represent a county commissioners precinct, the
6 director must be a resident of that precinct. (Acts 71st Leg., R.S.,
7 Ch. 669, Secs. 7(a) (part), (b) (part).)

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8881.101. GENERAL POWERS AND DUTIES. The district has
10 all of the rights, powers, privileges, functions, and duties
11 provided by the general law of this state, including Chapter 36,
12 Water Code, applicable to groundwater conservation districts
13 created under Section 59, Article XVI, Texas Constitution. (Acts
14 71st Leg., R.S., Ch. 669, Sec. 6(a) (part).)

15 Sec. 8881.102. CONTRACT AUTHORITY OF DISTRICT. (a) The
16 district may contract for, sell, and distribute water from a water
17 import authority or other agency.

18 (b) The district may contract with other districts that have
19 powers similar to those of the district to achieve common goals.
20 (Acts 71st Leg., R.S., Ch. 669, Secs. 11(a), (b).)

21 Sec. 8881.103. ANNEXATION OF TERRITORY. (a) Territory may
22 be added to the district under:

23 (1) Subchapter J, Chapter 49, Water Code; or

24 (2) Subchapter O, Chapter 51, Water Code.

25 (b) If the district annexes territory, the board shall
26 determine the precincts to which annexed territory is added for the
27 purpose of electing directors. (Acts 71st Leg., R.S., Ch. 669, Sec.

11(c); New.)

CHAPTER 8882. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8882.001. DEFINITIONS

Sec. 8882.002. NATURE OF DISTRICT

Sec. 8882.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8882.004. DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8882.051. COMPOSITION OF BOARD; TERMS

Sec. 8882.052. ELECTION DATE

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8882.101. GENERAL POWERS AND DUTIES

CHAPTER 8882. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8882.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Sandy Land Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 673, Secs. 1(a) (part), 2; New.)

Sec. 8882.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Yoakum County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 673, Secs. 1(a) (part), (b).)

Sec. 8882.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

1 (b) All land and other property included in the district
2 will benefit from the works and projects accomplished by the
3 district under the powers conferred by Section 59, Article XVI,
4 Texas Constitution. (Acts 71st Leg., R.S., Ch. 673, Sec. 5.)

5 Sec. 8882.004. DISTRICT TERRITORY. The district includes
6 the territory located in Yoakum County unless the district's
7 territory has been modified under:

- 8 (1) Subchapter J or K, Chapter 36, Water Code; or
9 (2) other law. (Acts 71st Leg., R.S., Ch. 673, Sec. 3;
10 New.)

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 8882.051. COMPOSITION OF BOARD; TERMS. (a) The
13 district is governed by a board of five directors.

14 (b) Directors serve staggered four-year terms. (Acts 71st
15 Leg., R.S., Ch. 673, Secs. 7(a), (d).)

16 Sec. 8882.052. ELECTION DATE. The district shall hold an
17 election to elect the appropriate number of directors on the
18 uniform election date in May of every other year or another date
19 authorized by law. (Acts 71st Leg., R.S., Ch. 673, Sec. 10; New.)

20 SUBCHAPTER C. POWERS AND DUTIES

21 Sec. 8882.101. GENERAL POWERS AND DUTIES. The district has
22 the rights, powers, privileges, functions, and duties provided by
23 the general law of this state, including Chapters 36 and 50, Water
24 Code, applicable to groundwater conservation districts created
25 under Section 59, Article XVI, Texas Constitution. (Acts 71st
26 Leg., R.S., Ch. 673, Sec. 6(a) (part).)

CHAPTER 8883. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8883.001. DEFINITIONS

Sec. 8883.002. NATURE OF DISTRICT

Sec. 8883.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8883.004. DISTRICT TERRITORY

Sec. 8883.005. OWNERSHIP OF GROUNDWATER AND SURFACE

WATER RIGHTS

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8883.051. COMPOSITION OF BOARD; TERMS

Sec. 8883.052. ELIGIBILITY AND ELECTION OF DIRECTORS

Sec. 8883.053. ELECTION DATE

Sec. 8883.054. COMPENSATION; EXPENSES

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8883.101. GENERAL POWERS AND DUTIES

Sec. 8883.102. PAYMENT OF CERTAIN EXPENSES

Sec. 8883.103. APPEARANCE BEFORE RAILROAD COMMISSION

Sec. 8883.104. PROHIBITION: SUPPLY OF WATER

CHAPTER 8883. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8883.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Santa Rita Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 653, Secs. 1(a) (part), 2; New.)

Sec. 8883.002. NATURE OF DISTRICT. The district is a

1 groundwater conservation district in Reagan County created under
2 and essential to accomplish the purposes of Section 59, Article
3 XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Secs. 1(a)
4 (part), (b).)

5 Sec. 8883.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
6 district is created to serve a public use and benefit.

7 (b) All land and other property included in the district
8 will benefit from the works and projects accomplished by the
9 district under the powers conferred by Section 59, Article XVI,
10 Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Sec. 5.)

11 Sec. 8883.004. DISTRICT TERRITORY. (a) Except as provided
12 by Subsection (b), the district includes the territory in Reagan
13 County unless the district's territory has been modified under:

- 14 (1) Subchapter J or K, Chapter 36, Water Code; or
15 (2) other law.

16 (b) The district does not include any territory that was
17 annexed into the Glasscock County Underground Water Conservation
18 District under the then applicable annexation provisions of Chapter
19 51, Water Code, before June 14, 1989. (Acts 71st Leg., R.S., Ch.
20 653, Secs. 3, 14(a); New.)

21 Sec. 8883.005. OWNERSHIP OF GROUNDWATER AND SURFACE WATER
22 RIGHTS. The ownership and rights of the owner of land, the owner's
23 lessees, and assigns in groundwater and any surface water rights
24 are recognized, and this chapter does not deprive or divest the
25 owner, the owner's lessees, or assigns of those ownership rights.
26 (Acts 71st Leg., R.S., Ch. 653, Sec. 11(c).)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8883.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 653, Secs. 7(a) (part), (c).)

Sec. 8883.052. ELIGIBILITY AND ELECTION OF DIRECTORS. (a) A director must be:

(1) 18 years of age or older; and

(2) a resident of the district.

(b) One director is elected from each county commissioner precinct. One director is elected at large.

(c) Section 141.001(a)(5), Election Code, and Section 36.059(b), Water Code, do not apply to the district. (Acts 71st Leg., R.S., Ch. 653, Secs. 7(a) (part), (f), 10(a).)

Sec. 8883.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of each odd-numbered year or another date authorized by law. (Acts 71st Leg., R.S., Ch. 653, Sec. 10(b); New.)

Sec. 8883.054. COMPENSATION; EXPENSES. (a) Unless the board by resolution increases the fees of office to an amount authorized by Section 36.060(a), Water Code, each director is entitled to receive for the director's services \$25 a month in compensation.

(b) Each director may be reimbursed for actual expenses incurred in the performance of official duties.

(c) The expenses described by Subsection (b) must be:

(1) reported in the district's records; and

(2) approved by the board. (Acts 71st Leg., R.S., Ch. 653, Sec. 11(a); New.)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8883.101. GENERAL 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 71st Leg., R.S., Ch. 653, Sec. 6(a) (part).)

Sec. 8883.102. PAYMENT OF CERTAIN EXPENSES. (a) The board may pay:

(1) all costs and expenses necessarily incurred in the creation and organization of the district;

(2) legal fees; and

(3) other incidental expenses.

(b) The board may reimburse a person for money advanced for a purpose described by Subsection (a). (Acts 71st Leg., R.S., Ch. 653, Sec. 11(d).)

Sec. 8883.103. APPEARANCE BEFORE RAILROAD COMMISSION. The district, through the directors or the district's general manager, may appear before the Railroad Commission of Texas and present evidence and information relating to a pending permit application for an injection well to be located in the district. (Acts 71st Leg., R.S., Ch. 653, Sec. 11(b).)

Sec. 8883.104. PROHIBITION: SUPPLY OF WATER. The district may not contract to or take an action to supply groundwater inside

1 or outside the district. (Acts 71st Leg., R.S., Ch. 653, Sec.
2 11(e).)

3 CHAPTER 8884. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 8884.001. DEFINITIONS

6 Sec. 8884.002. NATURE OF DISTRICT

7 Sec. 8884.003. FINDINGS OF PUBLIC USE AND BENEFIT

8 Sec. 8884.004. DISTRICT TERRITORY

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 8884.051. COMPOSITION OF BOARD; TERMS

11 Sec. 8884.052. ELECTION OF DIRECTORS

12 Sec. 8884.053. ELECTION DATE

13 Sec. 8884.054. QUALIFICATIONS FOR OFFICE

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 8884.101. GENERAL POWERS AND DUTIES

16 CHAPTER 8884. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 8884.001. DEFINITIONS. In this chapter:

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

20 (2) "Director" means a board member.

21 (3) "District" means the Saratoga Underground Water
22 Conservation District. (Acts 71st Leg., R.S., Ch. 519, Secs. 1(a)
23 (part), 2; New.)

24 Sec. 8884.002. NATURE OF DISTRICT. The district is a
25 groundwater conservation district in Lampasas County created under
26 and essential to accomplish the purposes of Section 59, Article
27 XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Secs. 1(a)

1 (part), (b).)

2 Sec. 8884.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
3 district is created to serve a public use and benefit.

4 (b) All land and other property included in the district
5 will benefit from the works and projects accomplished by the
6 district under the powers conferred by Section 59, Article XVI,
7 Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Sec. 5.)

8 Sec. 8884.004. DISTRICT TERRITORY. The district includes
9 the territory located in Lampasas County, unless the district's
10 territory has been modified under:

- 11 (1) Subchapter J or K, Chapter 36, Water Code; or
12 (2) other law. (Acts 71st Leg., R.S., Ch. 519, Sec. 3;
13 New.)

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8884.051. COMPOSITION OF BOARD; TERMS. (a) The
16 district is governed by a board of five elected directors.

17 (b) Directors serve staggered four-year terms. (Acts 71st
18 Leg., R.S., Ch. 519, Secs. 7(a) (part), (b).)

19 Sec. 8884.052. ELECTION OF DIRECTORS. (a) Directors are
20 elected according to the commissioners precinct method as provided
21 by this section.

22 (b) One director is elected by the voters of the entire
23 district. One director is elected from each county commissioners
24 precinct by the voters of that precinct.

25 (c) A person shall indicate on the application for a place
26 on the ballot:

- 27 (1) the precinct that the person seeks to represent;

1 or

2 (2) that the person seeks to represent the district at
3 large.

4 (d) When the boundaries of the county commissioners
5 precincts are redrawn under Section 18, Article V, Texas
6 Constitution, a director in office on the effective date of the
7 change, or elected or appointed before the effective date of the
8 change to a term of office beginning on or after the effective date
9 of the change, shall serve the term or the remainder of the term
10 representing the precinct from which the person was elected or
11 appointed even though the change in boundaries places the person's
12 residence outside that precinct. (Acts 71st Leg., R.S., Ch. 519,
13 Secs. 7(a) (part), (d), (f), (g).)

14 Sec. 8884.053. ELECTION DATE. The district shall hold an
15 election to elect the appropriate number of directors on the
16 uniform election date in November of each even-numbered year. (Acts
17 71st Leg., R.S., Ch. 519, Sec. 7(c).)

18 Sec. 8884.054. QUALIFICATIONS FOR OFFICE. (a) Except as
19 provided by Section 8884.052(d), to be eligible to be a candidate
20 for or to serve as director at large, a person must be a registered
21 voter of the district.

22 (b) To be a candidate for or to serve as director from a
23 county commissioners precinct, a person must be a registered voter
24 of that precinct. (Acts 71st Leg., R.S., Ch. 519, Sec. 7(e).)

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 8884.101. GENERAL POWERS AND DUTIES. The district has
27 the rights, powers, privileges, functions, and duties provided by

the general law of this state, including Chapters 36 and 50, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Sec. 6(a) (part).)

CHAPTER 8885. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8885.001. DEFINITIONS

Sec. 8885.002. NATURE OF DISTRICT

Sec. 8885.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8885.004. DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8885.051. COMPOSITION OF BOARD; TERMS

Sec. 8885.052. ELECTION OF DIRECTORS

Sec. 8885.053. ELECTION DATE

Sec. 8885.054. QUALIFICATIONS FOR OFFICE

Sec. 8885.055. BOARD VACANCY

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8885.101. GENERAL POWERS AND DUTIES

CHAPTER 8885. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8885.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the South Plains Underground Water Conservation District. (Acts 72nd Leg., R.S., Ch. 46, Secs. 1(a) (part), 2; New.)

Sec. 8885.002. NATURE OF DISTRICT. The district is a

1 groundwater conservation district in Terry County created under and
2 essential to accomplish the purposes of Section 59, Article XVI,
3 Texas Constitution. (Acts 72nd Leg., R.S., Ch. 46, Secs. 1(a)
4 (part), (b).)

5 Sec. 8885.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
6 district is created to serve a public use and benefit.

7 (b) All land and other property included in the district
8 will benefit from the works and projects accomplished by the
9 district under the powers conferred by Section 59, Article XVI,
10 Texas Constitution. (Acts 72nd Leg., R.S., Ch. 46, Sec. 4.)

11 Sec. 8885.004. DISTRICT TERRITORY. The district's
12 boundaries are coextensive with the boundaries of Terry County,
13 unless the district's territory has been modified under:

- 14 (1) Subchapter J or K, Chapter 36, Water Code; or
15 (2) other law. (Acts 72nd Leg., R.S., Ch. 46, Sec. 3;
16 New.)

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 8885.051. COMPOSITION OF BOARD; TERMS. (a) The
19 district is governed by a board of five directors.

20 (b) Directors serve staggered four-year terms. (Acts 72nd
21 Leg., R.S., Ch. 46, Secs. 7(a), 8(c).)

22 Sec. 8885.052. ELECTION OF DIRECTORS. (a) Directors are
23 elected according to the commissioners precinct method as provided
24 by this section.

25 (b) One director is elected by the voters of the entire
26 district. One director is elected from each county commissioners
27 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 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 their terms. (Acts 72nd Leg., R.S., Ch. 46, Sec. 6.)

Sec. 8885.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of each even-numbered year or another date authorized by law. (Acts 72nd Leg., R.S., Ch. 46, Sec. 11; New.)

Sec. 8885.054. QUALIFICATIONS FOR OFFICE. To be eligible to serve as director, a person must be a registered voter in:

(1) the precinct from which the person is elected or appointed if representing a precinct; or

(2) the district if representing the district at large. (Acts 72nd Leg., R.S., Ch. 46, Sec. 7(c).)

Sec. 8885.055. 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 72nd Leg., R.S., Ch. 46, Sec. 7(b).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8885.101. GENERAL 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 72nd Leg., R.S., Ch. 46, Sec. 5(a) (part).)

CHAPTER 8886. SUTTON COUNTY UNDERGROUND WATER CONSERVATION

DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8886.001. DEFINITIONS

Sec. 8886.002. NATURE OF DISTRICT

Sec. 8886.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8886.004. CONFLICTS OF LAW

SUBCHAPTER B. TERRITORY

Sec. 8886.051. DISTRICT TERRITORY

Sec. 8886.052. LAND EXCLUSION

Sec. 8886.053. ANNEXATION OF TERRITORY

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8886.101. COMPOSITION OF BOARD; TERMS

Sec. 8886.102. ELECTION OF DIRECTORS

Sec. 8886.103. ELECTION DATE

Sec. 8886.104. QUALIFICATIONS FOR OFFICE

SUBCHAPTER D. POWERS AND DUTIES

- Sec. 8886.151. GENERAL POWERS AND DUTIES
- Sec. 8886.152. ADMINISTRATIVE PROCEDURES
- Sec. 8886.153. WELL PERMITS
- Sec. 8886.154. WELL SPACING AND PRODUCTION
- Sec. 8886.155. LOGS
- Sec. 8886.156. AVAILABLE GROUNDWATER
- Sec. 8886.157. SURVEYS
- Sec. 8886.158. RESEARCH AND DETERMINATIONS REGARDING
GROUNDWATER WITHDRAWAL
- Sec. 8886.159. COLLECTION AND PRESERVATION OF
INFORMATION
- Sec. 8886.160. CONTRACT FOR SALE AND DISTRIBUTION OF
WATER
- Sec. 8886.161. ACQUISITION OF LAND
- Sec. 8886.162. ELECTIONS

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

- Sec. 8886.201. TAX AND BOND PROVISIONS

SUBCHAPTER F. DISSOLUTION OF DISTRICT

- Sec. 8886.251. DISSOLUTION OF DISTRICT

CHAPTER 8886. SUTTON COUNTY UNDERGROUND WATER CONSERVATION
DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 8886.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Sutton County Underground

Water Conservation District. (Acts 69th Leg., R.S., Ch. 377, Sec. 3; New.)

Sec. 8886.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution, to provide for the conservation, preservation, protection, recharge, and prevention of waste of the groundwater reservoirs located under district land, consistent with the objectives of Section 59, Article XVI, Texas Constitution, and Chapters 36 and 51, Water Code. (Acts 69th Leg., R.S., Ch. 377, Secs. 1 (part), 6.)

Sec. 8886.003. FINDINGS OF PUBLIC USE AND BENEFIT. The legislature finds that:

(1) the organization of the district is feasible and practicable;

(2) the land to be included in and the residents of the district will benefit from the creation of the district;

(3) there is a public necessity for the district; and

(4) the creation of the district will further the public welfare. (Acts 69th Leg., R.S., Ch. 377, Sec. 4.)

Sec. 8886.004. CONFLICTS OF LAW. (a) Except as otherwise provided by this chapter, if there is a conflict between this chapter and Chapter 49, 51, or 36, Water Code, this chapter controls.

(b) If there is a conflict between Chapter 49 or 51, Water Code, and Chapter 36, Water Code, Chapter 36 controls. (Acts 69th Leg., R.S., Ch. 377, Sec. 17.)

SUBCHAPTER B. TERRITORY

Sec. 8886.051. DISTRICT TERRITORY. The district is

1 composed of the territory in Sutton County, other than the
2 territory in Sections 60, 67, and 90, Block No. A, HE&WTRyCoSurvey,
3 Sutton County, unless the district's territory has been modified
4 under:

5 (1) Section 8886.052 or 8886.053 of this chapter or
6 their predecessor statutes, former Section 11 or 14, Chapter 377,
7 Acts of the 69th Legislature, Regular Session, 1985; or

8 (2) other law. (Acts 69th Leg., R.S., Ch. 377, Sec. 5;
9 New.)

10 Sec. 8886.052. LAND EXCLUSION. Land may be excluded from
11 the district in accordance with the procedures prescribed in
12 Sections 49.303-49.308, Water Code. (Acts 69th Leg., R.S., Ch.
13 377, Sec. 11.)

14 Sec. 8886.053. ANNEXATION OF TERRITORY. (a) Territory may
15 be added to the district as provided by:

16 (1) Subchapter J, Chapter 49, Water Code; or

17 (2) Subchapter O, Chapter 51, Water Code.

18 (b) If the district annexes territory, the board shall
19 determine the precincts to which annexed territory is added for the
20 purpose of electing directors. (Acts 69th Leg., R.S., Ch. 377, Sec.
21 14; New.)

22 SUBCHAPTER C. BOARD OF DIRECTORS

23 Sec. 8886.101. COMPOSITION OF BOARD; TERMS. (a) The
24 district is governed by a board of five directors.

25 (b) The directors serve staggered four-year terms. (Acts
26 69th Leg., R.S., Ch. 377, Secs. 15(a), (f); Acts 72nd Leg., R.S.,
27 Ch. 757, Sec. 3(b) (part).)

1 Sec. 8886.102. ELECTION OF DIRECTORS. One director is
2 elected from each county commissioners precinct in Sutton County.
3 One director is elected at large. (Acts 69th Leg., R.S., Ch. 377,
4 Sec. 15(c).)

5 Sec. 8886.103. ELECTION DATE. The district shall hold an
6 election to elect directors on the uniform election date in May of
7 each odd-numbered year or another date authorized by law. (Acts
8 69th Leg., R.S., Ch. 377, Sec. 15(e); New.)

9 Sec. 8886.104. QUALIFICATIONS FOR OFFICE. (a) To be
10 qualified for election as a director, a person must be:

11 (1) a resident of the district; and

12 (2) at least 18 years of age.

13 (b) To be qualified for election as a director from a
14 precinct, a person must be a resident of the precinct from which the
15 person is elected. (Acts 69th Leg., R.S., Ch. 377, Secs. 15(b),
16 (d).)

17 SUBCHAPTER D. POWERS AND DUTIES

18 Sec. 8886.151. GENERAL POWERS AND DUTIES. Except as
19 otherwise provided by this chapter, the district may exercise:

20 (1) the powers essential to accomplish the purposes of
21 Section 59, Article XVI, Texas Constitution; and

22 (2) the rights, powers, and functions provided by this
23 chapter and Chapters 36 and 51, Water Code. (Acts 69th Leg., R.S.,
24 Ch. 377, Sec. 2.)

25 Sec. 8886.152. ADMINISTRATIVE PROCEDURES. Except as
26 otherwise provided by this chapter, the administrative and
27 procedural provisions of Chapters 36 and 51, Water Code, apply to

1 the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 8.)

2 Sec. 8886.153. WELL PERMITS. (a) The board may:

3 (1) require a permit for drilling, equipping, or
4 completing a well in a groundwater reservoir in the district; and

5 (2) issue a permit that imposes terms relating to
6 drilling, equipping, or completing a well that are necessary to
7 prevent waste or conserve, preserve, and protect groundwater.

8 (b) The board may not deny an owner of land, or the owner's
9 heirs, assigns, and lessees, a permit to drill a well on that land
10 or the right to produce groundwater from that well, subject to rules
11 adopted under this chapter. (Acts 69th Leg., R.S., Ch. 377, Secs.
12 7(b), (c) (part).)

13 Sec. 8886.154. WELL SPACING AND PRODUCTION. To minimize as
14 far as practicable the drawdown of the water table or the reduction
15 of the artesian pressure, the board may provide for spacing wells
16 that are producing water from a groundwater reservoir in the
17 district and may regulate the production from those wells. (Acts
18 69th Leg., R.S., Ch. 377, Sec. 7(c) (part).)

19 Sec. 8886.155. LOGS. The board may require that:

20 (1) accurate driller's logs be kept of wells in any
21 groundwater reservoir in the district; and

22 (2) a copy of driller's logs and of any electric logs
23 that are made of the wells be filed with the district. (Acts 69th
24 Leg., R.S., Ch. 377, Sec. 7(d) (part).)

25 Sec. 8886.156. AVAILABLE GROUNDWATER. The board shall
26 determine the quantity of the groundwater available for production
27 and use and the improvements, developments, and recharges that will

1 be necessary for any groundwater reservoirs in the district. (Acts
2 69th Leg., R.S., Ch. 377, Sec. 7(f) (part).)

3 Sec. 8886.157. SURVEYS. The board may have a licensed
4 engineer survey the groundwater of any groundwater reservoir in the
5 district and the facilities for the development, production, and
6 use of groundwater from any reservoir in the district. (Acts 69th
7 Leg., R.S., Ch. 377, Sec. 7(f) (part).)

8 Sec. 8886.158. RESEARCH AND DETERMINATIONS REGARDING
9 GROUNDWATER WITHDRAWAL. The district may carry out research
10 projects, develop information, and determine limitations, if any,
11 that should be placed on the withdrawal of groundwater. (Acts 69th
12 Leg., R.S., Ch. 377, Sec. 7(h).)

13 Sec. 8886.159. COLLECTION AND PRESERVATION OF INFORMATION.
14 The district may collect and preserve information regarding the use
15 of the groundwater and the practicability of recharge of a
16 groundwater reservoir in the district. (Acts 69th Leg., R.S., Ch.
17 377, Sec. 7(i).)

18 Sec. 8886.160. CONTRACT FOR SALE AND DISTRIBUTION OF WATER.
19 The district may contract for, sell, and distribute water from a
20 water import authority or other agency. (Acts 69th Leg., R.S., Ch.
21 377, Sec. 7(k).)

22 Sec. 8886.161. ACQUISITION OF LAND. The board may acquire
23 land to:

- 24 (1) erect a dam;
25 (2) drain a lake, draw, depression, or creek; and
26 (3) install pumps and other equipment necessary to
27 recharge a groundwater reservoir in the district. (Acts 69th Leg.,

1 R.S., Ch. 377, Sec. 7(e).)

2 Sec. 8886.162. ELECTIONS. The district shall conduct
3 elections in the manner provided by Chapter 51, Water Code. (Acts
4 69th Leg., R.S., Ch. 377, Sec. 16 (part).)

5 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

6 Sec. 8886.201. TAX AND BOND PROVISIONS. (a) Except as
7 otherwise provided by this chapter, the tax and bond provisions of
8 Chapters 36 and 51, Water Code, apply to the district.

9 (b) On approval of the majority of the voters in an election
10 called for that purpose, the district may impose an ad valorem tax
11 to pay the principal of and interest on bonds and to maintain the
12 district. The tax approved under this subsection may not exceed
13 five cents on each \$100 of assessed valuation.

14 (c) At a regular meeting of the board, if the board
15 determines that the tax imposed under Subsection (b) is no longer
16 sufficient for the purposes stated in that subsection, the board
17 may call an election to be held to approve the imposition of an ad
18 valorem tax in excess of the limitation provided by Subsection (b).
19 If a majority of the voters approve the imposition of taxes in
20 excess of the limitation provided by Subsection (b), the district
21 may impose taxes in the amount approved by the voters at the
22 election called and held under this subsection. (Acts 69th Leg.,
23 R.S., Ch. 377, Secs. 12(a), (b) (part), (c).)

24 SUBCHAPTER F. DISSOLUTION OF DISTRICT

25 Sec. 8886.251. DISSOLUTION OF DISTRICT. The district may
26 be dissolved as provided by Chapter 36, Water Code. (Acts 69th
27 Leg., R.S., Ch. 377, Sec. 13.)

CHAPTER 8887. NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8887.001. DEFINITIONS

Sec. 8887.002. NATURE OF DISTRICT

Sec. 8887.003. FINDING OF BENEFIT

Sec. 8887.004. DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8887.051. TERMS

Sec. 8887.052. ELECTION DATE

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8887.101. GENERAL POWERS AND DUTIES

Sec. 8887.102. WELL PERMITS

Sec. 8887.103. WELL SPACING AND PRODUCTION

Sec. 8887.104. RECORDS AND REPORTS

Sec. 8887.105. LOGS

Sec. 8887.106. SURVEYS

Sec. 8887.107. RESEARCH AND DETERMINATIONS REGARDING

GROUNDWATER WITHDRAWAL

Sec. 8887.108. COLLECTION AND PRESERVATION OF

INFORMATION

Sec. 8887.109. RULES: PREVENTION OF WASTE

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8887.151. LIMITATION ON MAINTENANCE AND OPERATION

TAX

Sec. 8887.152. MAINTENANCE AND OPERATION TAX ELECTION

Sec. 8887.153. DISTRICT DEBT

CHAPTER 8887. NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8887.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the North Plains Groundwater Conservation District. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part); New.)

Sec. 8887.002. NATURE OF DISTRICT. The district is a groundwater conservation district created under Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 498, Secs. 1 (part), 4 (part).)

Sec. 8887.003. FINDING OF BENEFIT. (a) All land and other property in the district benefit from the:

(1) creation of the district;

(2) carrying out of the purposes for which the district was created; and

(3) acquisition and construction of improvements to carry out those purposes.

(b) The district is necessary to carry out the purposes of Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 498, Sec. 4 (part).)

Sec. 8887.004. DISTRICT TERRITORY. The district is composed of the territory described by Section 1, Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, as that territory may have been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 54th Leg., R.S., Ch. 498, Sec. 1 (part); New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8887.051. TERMS. Directors serve staggered four-year terms. (Acts 54th Leg., R.S., Ch. 498, Sec. 1A(a).)

Sec. 8887.052. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on a uniform election date in each even-numbered year. (Acts 54th Leg., R.S., Ch. 498, Sec. 1A(b).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8887.101. GENERAL POWERS AND DUTIES. The district has all of the rights, powers, privileges, and duties provided by general law applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution, and Chapter 36, Water Code. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.102. WELL PERMITS. (a) The district may:

(1) require a permit for drilling, equipping, or completing a well in a groundwater reservoir in the district; and

(2) issue a permit subject to terms relating to drilling, equipping, or completing a well that are necessary to prevent waste or contamination.

(b) The district may not deny an owner of land, or the owner's heirs, assigns, and lessees, a permit to drill a well on that land or to produce groundwater from that well subject to rules adopted to prevent waste or contamination. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

1 Sec. 8887.103. WELL SPACING AND PRODUCTION. To minimize as
2 far as practicable the drawdown of the water table or the reduction
3 of the artesian pressure, the district may provide for the spacing
4 of wells producing from a groundwater reservoir or a subdivision of
5 a groundwater reservoir in the district and regulate the production
6 from those wells. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

7 Sec. 8887.104. RECORDS AND REPORTS. The district may
8 require that records be kept and reports be made of the drilling,
9 equipping, and completion of a well in a groundwater reservoir or a
10 subdivision of a groundwater reservoir in the district and the
11 taking and use of groundwater from those reservoirs or subdivisions
12 of those reservoirs. (Acts 54th Leg., R.S., Ch. 498, Sec. 2
13 (part).)

14 Sec. 8887.105. LOGS. The district may require that:

15 (1) accurate driller's logs be kept of the drilling,
16 equipping, and completion of a well in a groundwater reservoir or a
17 subdivision of a groundwater reservoir in the district; and

18 (2) a copy of a driller's log and of any electric log
19 that is made of the well be filed with the district. (Acts 54th
20 Leg., R.S., Ch. 498, Sec. 2 (part).)

21 Sec. 8887.106. SURVEYS. The district may have a licensed
22 engineer or qualified groundwater scientist survey the groundwater
23 of a groundwater reservoir or a subdivision of a groundwater
24 reservoir in the district and the facilities for the development,
25 production, and use of that groundwater to determine the:

26 (1) quantity of the groundwater available for
27 production and use; and

1 (2) improvements, developments, and recharges needed
2 for the groundwater reservoir or subdivision of a groundwater
3 reservoir. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

4 Sec. 8887.107. RESEARCH AND DETERMINATIONS REGARDING
5 GROUNDWATER WITHDRAWAL. The district may carry out research
6 projects, develop information, and determine limitations, if any,
7 that should be made on the withdrawal of water from a groundwater
8 reservoir or a subdivision of a groundwater reservoir in the
9 district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

10 Sec. 8887.108. COLLECTION AND PRESERVATION OF INFORMATION.
11 The district may collect and preserve information regarding the use
12 of groundwater and the practicability of recharge of a groundwater
13 reservoir or a subdivision of a groundwater reservoir in the
14 district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

15 Sec. 8887.109. RULES: PREVENTION OF WASTE. (a) In this
16 section, "waste" has the meaning assigned by Section 36.001, Water
17 Code.

18 (b) The district may adopt and enforce rules to prevent the
19 waste of the groundwater of any groundwater reservoir or
20 subdivision of a groundwater reservoir in the district. (Acts 54th
21 Leg., R.S., Ch. 498, Sec. 2 (part).)

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 8887.151. LIMITATION ON MAINTENANCE AND OPERATION TAX.
24 To pay the maintenance and operating expenses of the district,
25 including the maintenance of its installations and activities, the
26 district may impose ad valorem taxes annually at a rate not to
27 exceed five cents on each \$100 of assessed valuation on property in

the district subject to taxation. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.152. MAINTENANCE AND OPERATION TAX ELECTION. The district may order an election to impose taxes for the maintenance of the district and its installations and activities. The election must be held as is provided for elections authorizing the issuance of bonds. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.153. DISTRICT DEBT. The district may incur all indebtedness necessary to the achievement of the purposes for which the district is created. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

CHAPTER 8888. NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY

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23 CHAPTER 8888. NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 8888.001. DEFINITIONS. In this chapter:

26 (1) "Agricultural crop" means:

27 (A) a food or fiber commodity grown for resale or

1 commercial purposes that provides food, clothing, or animal feed;
2 or

3 (B) a nursery product or florist item that is in
4 the possession of a nursery grower.

5 (2) "Authority" means the North Harris County Regional
6 Water Authority.

7 (3) "Board" means the authority's board of directors.

8 (4) "Commission" means the Texas Commission on
9 Environmental Quality.

10 (5) "Director" means a member of the board.

11 (6) "Florist item" means a cut flower, potted plant,
12 blooming plant, inside foliage plant, bedding plant, corsage
13 flower, cut foliage, floral decoration, or live decorative
14 material.

15 (7) "Groundwater reduction plan" means a plan adopted
16 or implemented to supply water, reduce reliance on groundwater,
17 regulate groundwater pumping and water usage, or require and
18 allocate water usage among persons in order to comply with or exceed
19 the minimum requirements imposed by the subsidence district,
20 including any applicable groundwater reduction requirements.

21 (8) "Local government" means a municipality, county,
22 special district, or other political subdivision of this state or a
23 combination of two or more of those entities.

24 (9) "Nursery grower" means a person who grows, in any
25 medium, more than 50 percent of the nursery products or florist
26 items that the person sells or leases, regardless of the variety
27 sold, leased, or grown. For the purposes of this definition, "grow"

means the actual cultivation or propagation of the nursery product or florist item beyond the mere holding or maintaining of the item before sale or lease and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.

(10) "Nursery product" includes a tree, shrub, vine, cutting, graft, scion, grass, bulb, or bud that is grown for, kept for, or capable of propagation and distribution for sale or lease.

(11) "Subsidence" means the lowering in elevation of the surface of land by the withdrawal of groundwater.

(12) "Subsidence district" means the Harris-Galveston Subsidence District.

(13) "System" means a network of pipelines, conduits, canals, pumping stations, force mains, and treatment plants, and any other construction, device, or related appurtenance, used to treat or transport water.

(14) "Water" includes:

(A) groundwater, percolating or otherwise;

(B) any surface water, natural or artificial, navigable or nonnavigable; and

(C) industrial and municipal wastewater. (Acts 76th Leg., R.S., Ch. 1029, Secs. 1.01(a) (part), 1.02(1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12) as added Acts 77th Leg., R.S., Ch. 232, (12) as added Acts 77th Leg., R.S., Ch. 1296, (13), (14).)

Sec. 8888.002. NATURE OF AUTHORITY. The authority is a regional water authority in Harris County created under and

1 essential to accomplish the purposes of Section 59, Article XVI,
2 Texas Constitution. (Acts 76th Leg., R.S., Ch. 1029, Secs. 1.01(a)
3 (part), (b).)

4 Sec. 8888.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
5 authority is created to serve a public use and benefit.

6 (b) All land and other property included in the authority
7 will benefit from the works and projects accomplished by the
8 authority under the powers provided by this chapter. (Acts 76th
9 Leg., R.S., Ch. 1029, Sec. 1.06.)

10 Sec. 8888.004. DISTRICTS IN AUTHORITY'S BOUNDARIES. A
11 district in the authority's boundaries retains the district's
12 separate identity, powers, and duties. The district is subject to
13 the authority's powers and duties, including those powers and
14 duties necessary to develop, implement, and enforce a groundwater
15 reduction plan. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.14.)

16 Sec. 8888.005. APPLICABILITY OF OTHER LAW. (a) This
17 chapter prevails over any inconsistent provision of general law.

18 (b) This chapter does not prevail over or preempt a
19 provision of Chapter 8801 of this code or Chapter 36, Water Code,
20 that is being implemented by the subsidence district.

21 (c) The following laws do not apply to the authority:

- 22 (1) Chapter 36, Water Code;
23 (2) Section 49.052, Water Code; and
24 (3) Sections 49.451-49.455, Water Code. (Acts 76th
25 Leg., R.S., Ch. 1029, Sec. 1.05.)

26 SUBCHAPTER B. TERRITORY

27 Sec. 8888.051. AUTHORITY TERRITORY. The authority is

1 composed of the territory described by Sections 1.03(a), (b),
2 (b-1), (b-2), (c), and (e), Chapter 1029, Acts of the 76th
3 Legislature, Regular Session, 1999, as that territory may have been
4 modified under:

5 (1) this subchapter or the following predecessor
6 statutes:

7 (A) Sections 1.03(f) and (g), Chapter 1029, Acts
8 of the 76th Legislature, Regular Session, 1999; or

9 (B) Section 1.045, Chapter 1029, Acts of the 76th
10 Legislature, Regular Session, 1999; or

11 (2) Subchapter J, Chapter 49, Water Code. (New.)

12 Sec. 8888.052. LOCAL GOVERNMENT ANNEXATION. Territory
13 annexed by a local government located in the authority becomes
14 territory of the authority on the effective date of the annexation
15 unless the annexed territory is included in another local
16 government's approved groundwater reduction plan as of the
17 effective date of the annexation. The authority by rule may require
18 the local government to send the authority:

19 (1) written notice of the effective date of an
20 annexation; and

21 (2) copies of documents describing the annexed land
22 and the new boundaries of the local government. (Acts 76th Leg.,
23 R.S., Ch. 1029, Sec. 1.03(f).)

24 Sec. 8888.053. ADDITION OF WATER SYSTEM SERVICE AREA. If
25 territory is added to the service area of a person owning a water
26 system located in the authority, the territory becomes territory of
27 the authority on the effective date of the territory's addition to

1 the service area unless the added territory is included in another
2 local government's approved groundwater reduction plan as of the
3 effective date of the addition. The authority by rule may require
4 the person to send the authority:

5 (1) written notice of the effective date of an
6 addition of territory; and

7 (2) copies of documents describing the added territory
8 and the new boundaries of the person's service area. (Acts 76th
9 Leg., R.S., Ch. 1029, Sec. 1.03(g).)

10 Sec. 8888.054. INCLUSION OF CERTAIN TERRITORY. (a) The
11 board of directors of a district organized under Section 52,
12 Article III, or Section 59, Article XVI, Texas Constitution, all or
13 part of which is not included in the authority, by petition may
14 request the district's territory to be included in the authority's
15 territory. The petition must:

16 (1) be filed with the authority; and

17 (2) include an accurate legal description of the
18 boundaries of the territory to be included.

19 (b) If the authority has bonds, notes, or other obligations
20 outstanding, the board shall require the petitioning district to
21 assume the district's share of the outstanding bonds, notes, or
22 other obligations.

23 (c) Before the 61st day after the date the authority
24 receives the petition, the board shall hold a hearing to consider
25 the petition. The board may grant the petition and order the
26 territory described in the petition to be included in the
27 authority's territory if:

1 (1) it is feasible, practicable, and to the advantage
2 of the authority; and

3 (2) the authority's system and other improvements of
4 the authority are sufficient or will be sufficient to supply the
5 added territory without injuring the territory already included in
6 the authority.

7 (d) If the board grants the petition, the board shall file
8 for recording in the office of the county clerk of Harris County:

9 (1) a copy of the order; and

10 (2) a description of the authority's boundaries as
11 they exist after the inclusion of the territory.

12 (e) The order including the territory is effective
13 immediately after the order and description are recorded.

14 (f) Except as provided by Subsection (g), a district that
15 petitions to be included in the authority's territory is subject to
16 the fees and reimbursements that are in effect at the time of the
17 district's petition and are applicable to such a petitioner.

18 (g) The authority may not require a district that petitioned
19 before January 1, 2002, to be included in the authority's territory
20 to pay a fee to the authority for admission or reimbursement for
21 activities the authority has undertaken since the authority's
22 creation in the furtherance of the authority's duties and
23 functions. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.045.)

24 SUBCHAPTER C. AUTHORITY ADMINISTRATION

25 Sec. 8888.101. COMPOSITION OF BOARD. The authority is
26 governed by a board of five elected directors. (Acts 76th Leg.,
27 R.S., Ch. 1029, Secs. 2.01(a), 2.02(a) (part).)

1 Sec. 8888.102. ELECTION OF DIRECTORS. (a) One director is
2 elected from each of five single-member voting districts by the
3 voters of the voting district.

4 (b) A person shall indicate on the application for a place
5 on the ballot the voting district the person seeks to represent.

6 (c) In the manner described by Section 49.103(d), Water
7 Code, the board shall redraw the single-member voting districts as
8 soon as practicable after each federal decennial census and as
9 otherwise required by law.

10 (d) At the first election after each time the voting
11 districts are redrawn:

12 (1) five new directors shall be elected to represent
13 the single-member voting districts; and

14 (2) the directors elected shall draw lots to determine
15 the directors' terms so that:

16 (A) two directors serve two-year terms; and

17 (B) three directors serve four-year terms.

18 (e) Subchapter C, Chapter 146, Election Code, applies to the
19 consideration of votes for a write-in candidate for director as if
20 the authority were a municipality. (Acts 76th Leg., R.S., Ch. 1029,
21 Sec. 2.02.)

22 Sec. 8888.103. ELECTION DATE. The authority shall hold an
23 election to elect the appropriate number of directors to the board
24 on a uniform election date in each even-numbered year. (Acts 76th
25 Leg., R.S., Ch. 1029, Sec. 2.06.)

26 Sec. 8888.104. QUALIFICATION FOR OFFICE. To be eligible to
27 serve as a director, a person must be a qualified voter in the

1 voting district from which the person is elected or appointed.

2 (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.01(c).)

3 Sec. 8888.105. BOARD VACANCY. (a) The board shall appoint
4 a person to fill a vacancy in the office of director.

5 (b) The appointed person serves until the next directors'
6 election.

7 (c) If the position is not scheduled to be filled at the
8 election, the person elected to fill the position serves only for
9 the remainder of the unexpired term. (Acts 76th Leg., R.S., Ch.
10 1029, Sec. 2.01(b).)

11 Sec. 8888.106. MEETINGS. The board shall meet at least four
12 times each year and may meet at any other time the board considers
13 appropriate. (Acts 76th Leg., R.S., Ch. 1029, Sec. 3.01.)

14 Sec. 8888.107. GENERAL MANAGER. (a) The board shall employ
15 a general manager to serve as the chief administrative officer of
16 the authority. The board may delegate to the general manager the
17 full authority to manage and operate the affairs of the authority
18 subject only to the orders of the board.

19 (b) The duties of the general manager include:

20 (1) administering board orders;

21 (2) coordinating with state, federal, and local
22 agencies;

23 (3) overseeing development of authority plans and
24 programs; and

25 (4) performing other duties assigned by the board.

26 (c) The board shall determine the terms of office and
27 employment and the compensation of the general manager.

1 (d) The board may discharge the general manager by a
2 majority vote of the board. (Acts 76th Leg., R.S., Ch. 1029, Sec.
3 3.02.)

4 Sec. 8888.108. EMPLOYEES. (a) The general manager shall
5 employ all persons necessary to properly handle authority business
6 and operations. The general manager may employ attorneys,
7 bookkeepers, engineers, and other expert and specialized employees
8 the board considers necessary.

9 (b) The general manager shall determine the compensation to
10 be paid by the authority.

11 (c) The general manager may discharge an authority
12 employee. (Acts 76th Leg., R.S., Ch. 1029, Secs. 3.03(a), (b).)

13 Sec. 8888.109. FIDELITY BOND. The general manager and each
14 authority employee or contractor who is charged with the
15 collection, custody, or payment of any authority money shall
16 execute a fidelity bond in an amount determined by the board and in
17 a form and with a surety approved by the board. The authority shall
18 pay for the bond. (Acts 76th Leg., R.S., Ch. 1029, Sec. 3.03(c).)

19 SUBCHAPTER D. POWERS AND DUTIES

20 Sec. 8888.151. GENERAL POWERS AND DUTIES. (a) The
21 authority has the rights, powers, privileges, functions, and duties
22 necessary and convenient to accomplish the purposes of this
23 chapter, including those provided by Chapter 49, Water Code.

24 (b) The authority shall exercise its rights, powers, and
25 privileges in a manner that will promote regionalization of water
26 treatment and distribution. (Acts 76th Leg., R.S., Ch. 1029, Secs.
27 4.01(a), (d).)

1 Sec. 8888.152. ADDITIONAL POWERS. The authority may:

2 (1) provide for the conservation, preservation,
3 protection, recharge, and prevention of waste of groundwater in a
4 manner consistent with the purposes of Section 59, Article XVI,
5 Texas Constitution;

6 (2) for the purposes of reducing groundwater
7 withdrawals and subsidence, acquire or develop surface water and
8 groundwater supplies from sources inside or outside the authority
9 and may conserve, store, transport, treat, purify, distribute,
10 sell, and deliver water to persons inside and outside the
11 authority;

12 (3) coordinate water services provided inside,
13 outside, or into the authority;

14 (4) provide for the reduction of groundwater
15 withdrawals by the development, implementation, or enforcement of a
16 groundwater reduction plan as provided by Section 8888.157;

17 (5) identify sources of water other than groundwater
18 to be provided by the authority;

19 (6) specify the rates and terms under which sources of
20 water other than groundwater will be provided by the authority,
21 which may be changed as considered necessary by the authority;

22 (7) specify the dates and extent to which each person
23 in the authority shall accept water from the authority; and

24 (8) administer and enforce this chapter. (Acts 76th
25 Leg., R.S., Ch. 1029, Sec. 4.01(b) (part).)

26 Sec. 8888.153. AUTHORITY RULES. (a) The authority shall
27 adopt and enforce rules reasonably required to implement this

chapter, including rules governing procedures before the board.

(b) The board shall compile the authority's rules in a book and make the rules available for use and inspection at the authority's principal office. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.02.)

Sec. 8888.154. FEES, RATES, AND CHARGES. As necessary to enable the authority to fulfill the authority's purposes and regulatory obligations provided by this chapter, the authority may establish:

- (1) fees, rates, and charges; and
- (2) classifications of fee and rate payers. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.03(a).)

Sec. 8888.155. FEE AMOUNTS. Fees established by the board must be sufficient to:

- (1) achieve water conservation;
- (2) prevent waste of water;
- (3) serve as a disincentive to pumping groundwater;
- (4) accomplish the purposes of this chapter, including making available alternative water supplies;
- (5) enable the authority to meet operation and maintenance expenses; and
- (6) pay the principal of and interest on debt issued in connection with the exercise of the authority's general powers and duties. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.03(c).)

Sec. 8888.156. PRODUCTION FEES. (a) The authority may charge the owner of a well located in the authority a fee on the amount of water pumped from the well. The board shall establish the

1 rate of a fee under this subsection only after a special meeting on
2 the fee.

3 (b) The board by rule shall exempt from the fee established
4 under Subsection (a) each class of wells that is not subject to a
5 groundwater reduction requirement imposed by the subsidence
6 district. If an exempted class of wells becomes subject to a
7 groundwater reduction requirement imposed by the subsidence
8 district, the authority may charge the fee established under
9 Subsection (a) on the wells of that class. The board by rule may
10 exempt any other class of wells from the fee established under
11 Subsection (a).

12 (c) Notwithstanding any other law, the authority may charge
13 a fee established under Subsection (a) on a well or class of wells
14 located in the authority that, on or after June 30, 2013:

15 (1) ceases to be subject to a groundwater reduction
16 requirement imposed by the subsidence district; or

17 (2) is no longer subject to the regulatory provisions,
18 permitting requirements, or jurisdiction of the subsidence
19 district.

20 (d) The board may not apply the fee established under
21 Subsection (a) to a well:

22 (1) with a casing diameter of less than five inches
23 that serves a single-family dwelling;

24 (2) regulated under Chapter 27, Water Code;

25 (3) used for irrigation of agricultural crops; or

26 (4) used solely for electric generation. (Acts 76th
27 Leg., R.S., Ch. 1029, Secs. 4.03(b), (e).)

1 Sec. 8888.157. GROUNDWATER REDUCTION PLAN. (a) The
2 authority may develop, implement, participate in, and enforce a
3 groundwater reduction plan. The groundwater reduction plan is
4 binding on persons and wells in the authority.

5 (b) The groundwater reduction plan may be amended at the
6 discretion of the authority subject to the requirements and
7 procedures of the subsidence district applicable to the amendment
8 of groundwater reduction plans.

9 (c) The groundwater reduction plan may exceed the minimum
10 requirements imposed by the subsidence district, including any
11 applicable groundwater reduction requirements.

12 (d) The authority may contract on mutually agreeable terms
13 with a person located outside the authority to allow the person to
14 be included in the groundwater reduction plan. A contract entered
15 into under this subsection has the same force and effect as if the
16 person were located in the authority, except that the person is not
17 entitled to vote in an election for members of the board. (Acts 76th
18 Leg., R.S., Ch. 1029, Secs. 4.01(e), (f), (g), (h).)

19 Sec. 8888.158. WATER SUPPLY AND DROUGHT CONTINGENCY PLANS.
20 As needed but not less frequently than every five years, the
21 authority by rule shall develop, prepare, revise, and adopt
22 comprehensive water supply and drought contingency plans for
23 various areas of the authority. The plans must:

- 24 (1) be consistent with regional planning; and
25 (2) include 10-year, 20-year, and 50-year projections
26 of water needs in the authority. (Acts 76th Leg., R.S., Ch. 1029,
27 Sec. 4.05.)

1 Sec. 8888.159. ACQUISITION, CONSTRUCTION, AND OPERATION OF
2 SYSTEMS. (a) The authority may:

3 (1) by purchase, gift, lease, contract, or any other
4 legal means, acquire and provide a water treatment or supply
5 system, or any other work, plant, improvement, or facility
6 necessary or convenient to accomplish the purposes of the
7 authority, or any interest in those assets, inside or outside the
8 authority;

9 (2) design, finance, or construct a water treatment or
10 supply system, or other supply system, or any other work, plant,
11 improvement, or facility necessary or convenient to accomplish the
12 purposes of the authority, and provide water services inside or
13 outside the authority;

14 (3) maintain, operate, lease, or sell a water
15 treatment or supply system, or any other work, plant, improvement,
16 or facility necessary or convenient to accomplish the purposes of
17 the authority, that the authority constructs or acquires inside or
18 outside the authority; or

19 (4) contract with a person who owns a water treatment
20 or supply system to operate or maintain the system.

21 (b) The authority shall give a person outside the authority,
22 including the City of Houston, the option to contract for available
23 excess capacity of the authority's water treatment or supply system
24 or, before construction of a water treatment or supply system
25 begins, for additional capacity of the system. The authority must
26 offer a contract that would enable the person to pay for the excess
27 or additional capacity in accordance with the person's pro rata

1 share of the capital investment and operational and maintenance
2 costs for providing the excess or additional capacity. (Acts 76th
3 Leg., R.S., Ch. 1029, Sec. 4.06.)

4 Sec. 8888.160. STORAGE, SALE, OR REUSE OF WATER OR
5 BY-PRODUCT. The authority may store, sell, or reuse:

6 (1) water; or

7 (2) any by-product from the authority's operations.
8 (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.07.)

9 Sec. 8888.161. GENERAL CONTRACTING AUTHORITY. (a) The
10 authority may enter into a contract with any person on terms the
11 board considers desirable, fair, and advantageous for the
12 performance of its rights and powers under this chapter.

13 (b) The authority may enter into a contract with any person
14 regarding the performance of any purpose or function of the
15 authority, including a contract to jointly construct, finance, own,
16 or operate works, improvements, facilities, plants, equipment, or
17 appliances necessary to accomplish a purpose or function of the
18 authority. A contract may be of unlimited duration.

19 (c) Notwithstanding any inconsistent provision of general
20 law or of a home-rule municipal charter or ordinance, the authority
21 and a municipality may, after January 1, 2002, enter into a contract
22 of unlimited duration. (Acts 76th Leg., R.S., Ch. 1029, Secs.
23 4.01(b) (part), 4.09(a), 4.10(d); Acts 78th Leg., R.S., Ch. 381,
24 Sec. 6.)

25 Sec. 8888.162. SPECIFIC CONTRACTING AUTHORITY. The
26 authority may contract for:

27 (1) the purchase or sale of water or water rights;

1 (2) the performance of activities within the powers of
2 the authority to promote the continuing and orderly development of
3 land and property in the authority through the purchase,
4 construction, or installation of works, improvements, facilities,
5 plants, equipment, or appliances so that, to the greatest extent
6 possible considering sound engineering practices and economic
7 feasibility, all the land and property in the authority may receive
8 services of the works, improvements, facilities, plants,
9 equipment, or appliances of the authority; or

10 (3) the construction, ownership, maintenance, or
11 operation of any works, improvements, facilities, plants,
12 equipment, or appliances of the authority or another person. (Acts
13 76th Leg., R.S., Ch. 1029, Sec. 4.09(c).)

14 Sec. 8888.163. PURCHASE OF SURPLUS PROPERTY. (a) The
15 authority may purchase surplus property from this state, the United
16 States, or another public entity through a negotiated contract
17 without bids.

18 (b) An officer, agent, or employee of the authority who is
19 financially interested in a contract described by Subsection (a)
20 shall disclose the interest to the board before the board votes on
21 the acceptance of the contract. (Acts 76th Leg., R.S., Ch. 1029,
22 Secs. 4.09(d), (e).)

23 Sec. 8888.164. PURCHASE OF INTEREST IN PROJECT. The
24 authority may purchase an interest in a project used for a purpose
25 or function of the authority. (Acts 76th Leg., R.S., Ch. 1029, Sec.
26 4.09(b).)

27 Sec. 8888.165. COOPERATION WITH PUBLIC ENTITIES. (a) In

1 implementing this chapter, the board may cooperate with and request
2 the assistance of the Texas Water Development Board, the
3 commission, the United States Geological Survey, the subsidence
4 district, other local governments, and other agencies of the United
5 States and this state.

6 (b) The subsidence district may:

7 (1) enter into an interlocal contract with the
8 authority to carry out the authority's purposes; and

9 (2) carry out the governmental functions and services
10 specified in the interlocal contract.

11 (c) The board shall coordinate with the City of Houston to
12 develop an interregional plan for a system to distribute treated
13 surface water in an economical and efficient manner. (Acts 76th
14 Leg., R.S., Ch. 1029, Secs. 4.10(a), (b), (c).)

15 Sec. 8888.166. SURFACE WATER DELIVERY SYSTEM. (a) In this
16 section, "surface water delivery system":

17 (1) includes a facility that is to be constructed and
18 that will be:

19 (A) used to transport groundwater between
20 utility districts;

21 (B) used temporarily to transport groundwater
22 between utility districts if there is a reasonable probability that
23 the facility will be used for that purpose on a permanent basis in
24 the future; or

25 (C) necessary to accomplish an authority
26 purpose, including management of water, water conservation, or
27 water reuse; and

1 (2) does not include the use of the bed and banks to
2 transport water or wastewater.

3 (b) The authority may expedite the financing and
4 construction of a surface water delivery system, or other projects
5 of the authority, to accomplish a conversion from reliance on
6 groundwater to reliance on surface water not later than the earlier
7 of:

8 (1) the date required by the subsidence district; or

9 (2) the date determined by the board to be in the
10 interest of the authority or one or more districts inside or outside
11 the authority.

12 (c) It is the intent of the legislature that the commission
13 cooperate with and assist the authority in developing a surface
14 water delivery system or other authority project in an expedited
15 manner as provided by Subsection (b).

16 (d) The commission and the authority may enter into a
17 memorandum of understanding that relates to the construction of a
18 surface water delivery system. The memorandum of understanding
19 may:

20 (1) establish standard procedures for the commission
21 to grant conditional or final approval of authority construction
22 projects;

23 (2) establish standing waivers or conditions
24 applicable to those construction projects;

25 (3) delegate powers to the authority to carry out any
26 commission duty relating to an activity that the authority may
27 undertake if the delegation:

(A) does not violate federal law; and

(B) is not inconsistent with any agreement of this state with, or any delegation of authority to this state from, the United States Environmental Protection Agency;

(4) set minimum standards for construction or other projects; or

(5) address any other matter that relates to an activity that the authority may undertake and that the commission may regulate. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(e), (f), (g) (part), (j).)

Sec. 8888.167. CONDITIONAL APPROVAL OF CONSTRUCTION PROJECTS. (a) The commission may grant conditional approval of a construction project or waive a requirement of any law or commission rule with respect to a construction project if the conditional approval or waiver does not compromise public health or safety.

(b) If the commission grants conditional approval of or a waiver for a construction project, the authority shall make any subsequent changes required by the commission in the construction project necessary to protect the public health or safety.

(c) The commission may not require that the authority enter into a contract with another person as a condition for approving an authority construction project. The authority may meet the authority's obligations under commission rules that require certain issues to be addressed by contract by adopting rules that address the commission issues and that allocate responsibility as necessary between the authority and a person in the authority.

(Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(g) (part), (h), (i).)

Sec. 8888.168. STATEMENT OF AMOUNTS OF WATER TO BE DELIVERED. To comply with commission rules that would require the authority to state specific amounts of water that may or will be provided to another entity receiving water from the authority, the authority may state the amount in ranges that the authority may change on prompt notification to the commission. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.10(k).)

Sec. 8888.169. EFFECT OF MUNICIPAL ANNEXATION ON FEES AND SERVICES. (a) Except to the extent the authority agrees in writing, a municipality's annexation of territory that is in the authority does not affect the authority's ability to assess and collect inside the annexed territory the types of fees, rates, charges, or special assessments that the authority was assessing and collecting at the time the municipality initiated the annexation.

(b) The authority's ability to assess and collect the types of fees, rates, charges, or special assessments described by Subsection (a) terminates on the later of:

(1) the date of final payment or defeasance of any bonds or other indebtedness, including any refunding bonds, that are secured by those fees, rates, charges, or special assessments; or

(2) the date that the authority no longer provides services inside the annexed territory.

(c) The authority shall continue to provide services to the annexed territory in accordance with contracts in effect at the

1 time of the annexation unless a written agreement between the board
2 and the governing body of the municipality provides otherwise.
3 (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(d).)

4 Sec. 8888.170. CIVIL PENALTY; CIVIL ACTION; INJUNCTION.

5 (a) A person who violates a rule or order of the authority is
6 subject to a civil penalty of not less than \$50 and not more than
7 \$5,000 for each violation or each day of a continuing violation.

8 (b) The authority may bring an action to recover the penalty
9 in a district court in the county where the violation occurred. The
10 penalty shall be paid to the authority.

11 (c) The authority may bring an action for injunctive relief
12 in a district court in the county where a violation of an authority
13 rule or order occurs or is threatened to occur. The court may grant
14 to the authority, without bond or other undertaking, a prohibitory
15 or mandatory injunction that the facts warrant, including a
16 temporary restraining order, temporary injunction, or permanent
17 injunction.

18 (d) The authority may bring an action for a civil penalty
19 and injunctive relief in the same proceeding.

20 (e) The authority may bring an action in a district court
21 against a person located in the authority or included in the
22 authority's groundwater reduction plan to:

23 (1) recover any fees, rates, charges, assessments,
24 collection expenses, attorney's fees, interest, penalties, or
25 administrative penalties due the authority; or

26 (2) enforce the authority's rules or orders.

27 (f) Governmental immunity from suit or liability of a

1 district or other political subdivision is waived for the purposes
2 of an action described by Subsection (e). (Acts 76th Leg., R.S.,
3 Ch. 1029, Sec. 4.04.)

4 Sec. 8888.171. EMINENT DOMAIN. (a) The authority may
5 exercise the power of eminent domain in the authority to acquire
6 property of any kind to further the authorized purposes of the
7 authority.

8 (b) The authority may exercise the power of eminent domain
9 outside the authority to acquire any land, easements, or other
10 property for the purpose of pumping, treating, storing, or
11 transporting water.

12 (c) The authority may not exercise the power of eminent
13 domain under Subsection (b):

14 (1) for the condemnation of land for the purpose of
15 acquiring groundwater rights, water, or water rights; or

16 (2) to acquire property of any kind that is:

17 (A) owned by a municipality with a population of
18 1.6 million or more or any instrumentality of a municipality with a
19 population of 1.6 million or more, including any local government
20 corporation created by the municipality; or

21 (B) located in the corporate boundaries of a
22 municipality with a population of 1.6 million or more as of February
23 1, 2001.

24 (d) Notwithstanding Subsection (c)(2)(B), the authority may
25 exercise the power of eminent domain under Subsection (b) to
26 acquire property in the corporate boundaries of a municipality with
27 a population of 1.6 million or more if:

1 (1) the condemnation is to be used to provide
2 facilities between two points that are in the authority and the area
3 in the municipality is bounded by a line parallel to and 150 feet
4 north of the north side of Greens Bayou and by a line parallel to and
5 150 feet south of the south side of Greens Bayou;

6 (2) annexation of the territory by the municipality
7 was completed between January 1, 1962, and January 1, 1964; or

8 (3) the municipality grants permission for the
9 condemnation.

10 (e) The authority may not exercise the power of eminent
11 domain to acquire property of any kind in Galveston County.

12 (f) The authority must exercise the power of eminent domain
13 in the manner provided by Chapter 21, Property Code. The authority
14 is not required to give bond for appeal or bond for costs in a
15 condemnation suit, or other suit to which the authority is a party,
16 and is not required to deposit more than the amount of an award in a
17 suit.

18 (g) The authority may elect to condemn either the fee simple
19 or a lesser property interest when exercising the power of eminent
20 domain.

21 (h) The authority's authority under this section to
22 exercise the power of eminent domain expired on September 1, 2013,
23 unless the authority submitted a letter to the comptroller in
24 accordance with Section 2206.101(b), Government Code, not later
25 than December 31, 2012. (Acts 76th Leg., R.S., Ch. 1029, Secs.
26 4.08(a), (b), (c), (d), (e); New.)

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8888.201. GIFT OR GRANT FROM SUBSIDENCE DISTRICT. The authority may accept a gift or grant from money collected by the subsidence district under Chapter 8801 to fund a water treatment or supply system. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.11 (part).)

Sec. 8888.202. AUTHORIZATION OF DISBURSEMENT. A disbursement of the authority must be signed by at least two directors. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.12(b) (part).)

Sec. 8888.203. AD VALOREM TAX PROHIBITED. The authority may not impose an ad valorem tax. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.13.)

Sec. 8888.204. COOPERATIVE FUNDING. (a) The authority may develop a procedure for funding cooperatively a project of the authority with money from a political subdivision located entirely in the authority, and may develop a procedure for funding cooperatively a project of the authority with money from a political subdivision located wholly or partly outside the authority, a water supply corporation, or other private entity, if the authority project fulfills a governmental purpose of both the authority and the political subdivision, or fulfills a governmental purpose of the authority that the authority determines would be furthered by cooperative funding from a private entity.

(b) A political subdivision may enter into a contract with the authority for the political subdivision to finance a portion of the proposed project with the political subdivision's resources instead of using only the proceeds from bonds of the authority for that purpose. The contract must be executed before the authority

1 issues the bonds. As provided in the contract, the authority may:

2 (1) reduce the value of the bond issuance to the degree
3 that the political subdivision provides project funding; and

4 (2) credit the political subdivision for the political
5 subdivision's contribution to the project financing and adjust the
6 allocation of revenue pledged to the payment of the bonds so that
7 the authority avoids using, to a degree reasonably commensurate
8 with the contribution, revenue from the political subdivision to
9 service the authority's bond debt or interest. (Acts 76th Leg.,
10 R.S., Ch. 1029, Sec. 5.05.)

11 SUBCHAPTER F. NOTES AND BONDS

12 Sec. 8888.251. REVENUE NOTES. (a) The board, without an
13 election, may borrow money on negotiable notes of the authority
14 payable solely from the revenue from any source, including:

- 15 (1) tolls, charges, and fees the authority imposes;
16 (2) the sale of water, water or sewer services, or any
17 other service or product of the authority;
18 (3) grants or gifts;
19 (4) the ownership and operation of all or a designated
20 part of the authority's works, improvements, facilities, plants, or
21 equipment; and
22 (5) contracts between the authority and any person.

23 (b) The notes may be first or subordinate lien notes at the
24 board's discretion. An obligation may not be a charge on the
25 property of the authority. An obligation may only be a charge on
26 revenue pledged for the payment of the obligation. (Acts 76th Leg.,
27 R.S., Ch. 1029, Sec. 5.01.)

1 Sec. 8888.252. REVENUE AND BOND ANTICIPATION NOTES. (a)

2 The board may issue negotiable revenue anticipation notes or
3 negotiable bond anticipation notes to borrow the money needed by
4 the authority without advertising or giving notice of the sale.

5 (b) The board may also issue negotiable combination revenue
6 and bond anticipation notes. Negotiable combination revenue and
7 bond anticipation notes may contain any term authorized under this
8 section for revenue anticipation notes or bond anticipation notes.

9 (c) Any note issued must mature not later than one year
10 after its date of issuance.

11 (d) A revenue anticipation note:

12 (1) may be issued to enable the authority to carry out
13 any purpose authorized by this chapter; and

14 (2) must be secured by the proceeds of revenue to be
15 collected by the authority in the 12-month period following the
16 date of issuance of the note.

17 (e) The board may covenant with the purchasers of revenue
18 anticipation notes that the board will charge and collect
19 sufficient revenue to pay the principal of and interest on the notes
20 and pay the cost of collecting the revenue.

21 (f) A bond anticipation note may be issued:

22 (1) for any purpose for which a bond of the authority
23 may be issued; or

24 (2) to refund previously issued revenue or bond
25 anticipation notes.

26 (g) The authority may covenant with the purchasers of the
27 bond anticipation notes that the authority will use the proceeds of

1 the sale of any bonds in the process of issuance for the purpose of
2 refunding the bond anticipation notes, in which case the board
3 shall use the proceeds received from the sale of the bonds in the
4 process of issuance to pay the principal, interest, or redemption
5 price on the bond anticipation notes.

6 (h) For purposes of Section [1202.007](#), Government Code, a
7 note issued under this section is considered to be payable only out
8 of:

9 (1) current revenue collected in the year the note is
10 issued; or

11 (2) the proceeds of other public securities. (Acts
12 76th Leg., R.S., Ch. 1029, Sec. 5.01A.)

13 Sec. 8888.253. BONDS AND NOTES. (a) To carry out a power
14 conferred by this chapter, the authority may issue bonds secured by
15 all or part of the revenue from any source, including any source
16 described by Section 8888.251(a).

17 (b) In issuing or securing a bond or note of the authority,
18 the authority may exercise any power of an issuer under Chapter
19 [1371](#), Government Code.

20 (c) The authority may conduct a public, private, or
21 negotiated sale of the bonds.

22 (d) The bonds must:

23 (1) be authorized by board resolution;

24 (2) be issued in the authority's name;

25 (3) be signed by the board president or vice
26 president;

27 (4) be attested by the board secretary; and

(5) bear the authority's seal or facsimile seal.

(e) The bonds may be secured by an indenture of trust with a corporate trustee.

(f) The authority may issue bonds in more than one series as required for carrying out the purposes of this chapter. In issuing bonds secured by the authority's revenue, the authority may reserve the right to issue additional bonds secured by the authority's revenue that are on a parity with or are senior or subordinate to the bonds issued earlier.

(g) The resolution authorizing the bonds or the trust indenture securing the bonds may specify additional provisions that constitute a contract between the authority and the authority's bondholders. The board may provide for:

(1) additional bond provisions; and

(2) a corporate trustee or receiver to take possession of the authority's facilities if the authority defaults.

(h) Section [49.181](#), Water Code, does not apply to bonds or notes issued by the authority. (Acts 76th Leg., R.S., Ch. 1029, Secs. 5.02(a), (b), (c), (d) (part), (e), (f), (g), (h).)

Sec. 8888.254. BONDS SECURED BY CONTRACT PROCEEDS: APPROVAL. (a) If bonds issued under this subchapter are secured by a pledge of the proceeds of a contract between the authority and a municipality or other governmental agency, authority, or district, the authority shall submit to the attorney general a copy of the contract and the proceedings of the municipality or other governmental agency, authority, or district authorizing the contract.

(b) If the attorney general finds that the bonds have been authorized and the contract has been made in accordance with law, the attorney general shall approve the bonds and contract. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.04 (part).)

Sec. 8888.255. REFUNDING BONDS. The provisions of this subchapter regarding the issuance of other bonds, their security, and the remedies of the holders apply to refunding bonds. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.03.)

Sec. 8888.256. VALIDITY OF BONDS AFTER ADDITION OF TERRITORY. The annexation or addition of territory to the authority under Section 8888.052 or 8888.053 does not affect the validity of bonds issued by the authority. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(h).)

SECTION 1.05. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapters 9048 and 9070 to read as follows:

CHAPTER 9048. EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9048.001. DEFINITION

Sec. 9048.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 9048.003. DISTRICT TERRITORY

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9048.051. GENERAL POWERS AND DUTIES

Sec. 9048.052. POWERS RELATING TO SANITARY SEWER

SYSTEM

SUBCHAPTER C. BONDS

Sec. 9048.101. BOND ELECTION REQUIRED

CHAPTER 9048. EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9048.001. DEFINITION. In this chapter, "district" means the El Paso County Water Control and Improvement District No. 4. (Acts 54th Leg., R.S., Ch. 58, Sec. 2A(a).)

Sec. 9048.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) Except for property owned by a railroad or public utility that does not use the facilities of the district, all land included in the boundaries of the district will be benefited. (Acts 54th Leg., R.S., Ch. 58, Sec. 2 (part).)

Sec. 9048.003. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 1, Chapter 268, Acts of the 82nd Legislature, Regular Session, 2011, 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 made 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. (Acts 54th Leg., R.S., Ch. 58, Secs. 2A(b), (c); New.)

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9048.051. GENERAL POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has all the rights, powers, privileges, and duties, including the control of storm and flood waters, 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. 58, Sec. 1 (part), Sec. 3 (part); New.)

Sec. 9048.052. POWERS RELATING TO SANITARY SEWER SYSTEM. The district may construct, maintain, and operate a sanitary sewer system. (Acts 54th Leg., R.S., Ch. 58, Sec. 1 (part).)

SUBCHAPTER C. BONDS

Sec. 9048.101. BOND ELECTION REQUIRED. The district may not issue bonds unless the bonds are authorized by a majority of the voters of the district voting at an election held for that purpose. (Acts 54th Leg., R.S., Ch. 58, Sec. 2 (part).)

CHAPTER 9070. FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT-MONUMENT HILL

Sec. 9070.001. DEFINITION

Sec. 9070.002. EXCLUSION OF TERRITORY

Sec. 9070.003. RIGHTS OF BONDHOLDERS

1 Sec. 9070.004. TAX LIABILITY OF EXCLUDED TERRITORY

2 CHAPTER 9070. FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT

3 DISTRICT-MONUMENT HILL

4 Sec. 9070.001. DEFINITION. In this chapter, "district"
5 means the Fayette County Water Control and Improvement
6 District-Monument Hill. (Acts 72nd Leg., R.S., Ch. 316, Sec. 1.)

7 Sec. 9070.002. EXCLUSION OF TERRITORY. The boundaries of
8 the district exclude the approximately 100 acres of territory
9 previously included in the district that are located across
10 Buckners Creek from the district. (Acts 72nd Leg., R.S., Ch. 316,
11 Sec. 2.)

12 Sec. 9070.003. RIGHTS OF BONDHOLDERS. The exclusion of
13 territory under this chapter does not diminish or impair the rights
14 of the holders of any outstanding and unpaid bonds, warrants, or
15 other certificates of indebtedness of the district. (Acts 72nd
16 Leg., R.S., Ch. 316, Sec. 3.)

17 Sec. 9070.004. TAX LIABILITY OF EXCLUDED TERRITORY. (a)
18 Territory excluded from the district under Section 9070.002 is not
19 released from the payment of its pro rata share of the district's
20 debt.

21 (b) The district shall continue to impose taxes each year on
22 the excluded territory at the same rate imposed on other district
23 property until the taxes collected from the excluded territory
24 equal its pro rata share of the district's debt at the time the
25 territory was excluded. The taxes collected shall be applied
26 exclusively to the payment of the excluded territory's pro rata
27 share of the debt.

1 (c) The owner of all or part of the excluded territory may
2 pay in full, at any time, the owner's share of the pro rata share of
3 the district's debt. (Acts 72nd Leg., R.S., Ch. 316, Sec. 4.)

4 ARTICLE 2. CONFORMING AMENDMENTS

5 SECTION 2.01. Section 1, Chapter 498, Acts of the 54th
6 Legislature, Regular Session, 1955, is amended to read as follows:

7 Sec. 1. The ~~[creation and establishment of]~~ North Plains
8 Groundwater Conservation District is~~[7]~~ composed of lands and
9 territories situated within all or a portion of the Texas Counties
10 of Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore,
11 Ochiltree and Sherman, the boundaries of said District being
12 described by metes and bounds in order canvassing returns and
13 declaring results of confirmation election, dated January 27, 1955,
14 recorded in Volume 1, Page 53, of the Ground Water Conservation
15 Records of Ochiltree County, Texas, and recorded in Volume 119,
16 Page 21 of the Deed Records of Ochiltree County, Texas~~[, to which~~
17 ~~reference is here made for a more complete description, and which is~~
18 ~~incorporated herein by reference the same as if copied herein in~~
19 ~~full, is hereby ratified, confirmed and validated. All acts of the~~
20 ~~Board of Water Engineers of the State of Texas in regard to the~~
21 ~~designation of Subdivision Number Two, of the Groundwater Reservoir~~
22 ~~in the Ogallala Formation, North of the Canadian River in Texas,~~
23 ~~dated August 16, 1954, in regard to the creation and establishing of~~
24 ~~said District, and the appointment of seven (7) directors, and all~~
25 ~~acts of the Board of Directors of said District in regard to the~~
26 ~~creation and establishment of said District and in regard to~~
27 ~~levying and collecting ad valorem taxes by said District are in all~~

~~things ratified, confirmed and validated, and said District, composed of the land and territory described above, is hereby declared to have been fully and duly created and established and authorized to collect ad valorem taxes from and after the confirmation and tax elections held within said District on January 21, 1955].~~

ARTICLE 3. REPEALERS

SECTION 3.01. The following statutes are repealed:

(1) Chapter 46, Acts of the 54th Legislature, Regular Session, 1955;

(2) Chapter 1168, Acts of the 71st Legislature, Regular Session, 1989;

(3) Chapter 21, Acts of the 68th Legislature, Regular Session, 1983;

(4) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955;

(5) Sections 1, 2(c), 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16A, 16B, 16C, 16D, 16E, 16F, and 16G, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983;

(6) Sections 3, 4, 5, and 6, Chapter 600, Acts of the 70th Legislature, Regular Session, 1987;

(7) Chapter 318, Acts of the 72nd Legislature, Regular Session, 1991;

(8) Chapter 1200, Acts of the 75th Legislature, Regular Session, 1997;

(9) Chapter 350, Acts of the 81st Legislature, Regular

1 Session, 2009;
2 (10) Chapter 524, Acts of the 71st Legislature,
3 Regular Session, 1989;
4 (11) Chapter 22, Acts of the 77th Legislature, Regular
5 Session, 2001;
6 (12) Chapter 64, Acts of the 81st Legislature, Regular
7 Session, 2009;
8 (13) Sections 1, 1A, 2, 4, 5, 6, 7, 8, 9, 10A, 10B, 11,
9 and 12, Chapter 712, Acts of the 71st Legislature, Regular Session,
10 1989;
11 (14) Chapter 1123, Acts of the 80th Legislature,
12 Regular Session, 2007;
13 (15) Chapter 368, Acts of the 74th Legislature,
14 Regular Session, 1995;
15 (16) Chapter 658, Acts of the 82nd Legislature,
16 Regular Session, 2011;
17 (17) Chapter 669, Acts of the 71st Legislature,
18 Regular Session, 1989;
19 (18) Chapter 673, Acts of the 71st Legislature,
20 Regular Session, 1989;
21 (19) Chapter 653, Acts of the 71st Legislature,
22 Regular Session, 1989;
23 (20) Chapter 879, Acts of the 81st Legislature,
24 Regular Session, 2009;
25 (21) Chapter 519, Acts of the 71st Legislature,
26 Regular Session, 1989;
27 (22) Chapter 1173, Acts of the 79th Legislature,

- 1 Regular Session, 2005;
- 2 (23) Chapter 46, Acts of the 72nd Legislature, Regular
- 3 Session, 1991;
- 4 (24) Chapter 377, Acts of the 69th Legislature,
- 5 Regular Session, 1985;
- 6 (25) Chapter 757, Acts of the 72nd Legislature,
- 7 Regular Session, 1991;
- 8 (26) Sections 1A, 2, 3, 4, 4a, and 5, Chapter 498, Acts
- 9 of the 54th Legislature, Regular Session, 1955;
- 10 (27) Chapter 760, Acts of the 68th Legislature,
- 11 Regular Session, 1983;
- 12 (28) Chapter 63, Acts of the 69th Legislature, Regular
- 13 Session, 1985;
- 14 (29) Sections 2, 3, 4, and 5, Chapter 1152, Acts of the
- 15 76th Legislature, Regular Session, 1999;
- 16 (30) Chapter 644, Acts of the 84th Legislature,
- 17 Regular Session, 2015;
- 18 (31) Sections 1.01, 1.02, 1.03(d), 1.03(f), 1.03(g),
- 19 1.03(h), 1.045, 1.05, and 1.06, Chapter 1029, Acts of the 76th
- 20 Legislature, Regular Session, 1999;
- 21 (32) Articles 2, 3, 4, 5, and 6, Chapter 1029, Acts of
- 22 the 76th Legislature, Regular Session, 1999;
- 23 (33) Chapter 232, Acts of the 77th Legislature,
- 24 Regular Session, 2001;
- 25 (34) Article 12, Chapter 966, Acts of the 77th
- 26 Legislature, Regular Session, 2001;
- 27 (35) Section 13.04, Chapter 966, Acts of the 77th

1 Legislature, Regular Session, 2001;
2 (36) Sections 1, 3, 4, 5, 6, and 7, Chapter 1296, Acts
3 of the 77th Legislature, Regular Session, 2001;
4 (37) Sections 39 and 40, Chapter 1423, Acts of the 77th
5 Legislature, Regular Session, 2001;
6 (38) Chapter 381, Acts of the 78th Legislature,
7 Regular Session, 2003;
8 (39) Section 2, Chapter 271, Acts of the 79th
9 Legislature, Regular Session, 2005;
10 (40) Sections 2, 3, 4, 5, and 7, Chapter 321, Acts of
11 the 82nd Legislature, Regular Session, 2011;
12 (41) Chapter 723, Acts of the 83rd Legislature,
13 Regular Session, 2013;
14 (42) Chapter 1343, Acts of the 79th Legislature,
15 Regular Session, 2005;
16 (43) Section 199, Chapter 1163, Acts of the 82nd
17 Legislature, Regular Session, 2011;
18 (44) Sections 1, 2, 2A(a), 2A(b), 2A(c), 3, and 4,
19 Chapter 58, Acts of the 54th Legislature, Regular Session, 1955;
20 (45) Chapter 491, Acts of the 54th Legislature,
21 Regular Session, 1955;
22 (46) Section 2, Chapter 268, Acts of the 82nd
23 Legislature, Regular Session, 2011;
24 (47) Chapter 316, Acts of the 72nd Legislature,
25 Regular Session, 1991; and
26 (48) Sections 2, 3, 6, 7, 8, 9, 10, 11, 13, and 14,
27 Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015.

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, 2019.