H.B. No. 4172

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.  NAVIGATION DISTRICTS AND PORT AUTHORITIES. Subtitle A, Title 5, Special District Local Laws Code, is amended by adding Chapters 5012, 5016, 5018, and 5019 to read as follows:

CHAPTER 5012. SABINE PASS PORT AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5012.0001.  DEFINITIONS

Sec. 5012.0002.  LEGISLATIVE FINDINGS OF PURPOSE AND

                   BENEFIT

Sec. 5012.0003.  AUTHORITY TERRITORY

SUBCHAPTER B. AUTHORITY ADMINISTRATION

Sec. 5012.0051.  COMMISSION; TERMS; ELECTION

Sec. 5012.0052.  QUALIFICATIONS FOR OFFICE

Sec. 5012.0053.  NOTICE OF COMMISSIONERS' ELECTION

Sec. 5012.0054.  ELECTION RESULTS

Sec. 5012.0055.  COMMISSIONERS' OATH AND BOND

Sec. 5012.0056.  VOTING REQUIREMENT

Sec. 5012.0057.  OFFICERS

Sec. 5012.0058.  COMPENSATION OF COMMISSIONERS;

                   EXPENSES

SUBCHAPTER C. POWERS AND DUTIES

Sec. 5012.0101.  GENERAL POWERS

Sec. 5012.0102.  POWERS REGARDING PORTS, WATERWAYS, AND

                   FACILITIES

Sec. 5012.0103.  BYLAWS AND RULES

Sec. 5012.0104.  GIFT OR PURCHASE OF PROPERTY

Sec. 5012.0105.  EMINENT DOMAIN

Sec. 5012.0106.  LEASE OF AUTHORITY FACILITIES

Sec. 5012.0107.  SALE OF SURPLUS PROPERTY

Sec. 5012.0108.  GENERAL AUTHORITY TO MAKE CONTRACTS

                   AND EXECUTE INSTRUMENTS

Sec. 5012.0109.  COMPETITIVE BIDDING FOR CERTAIN

                   CONTRACTS

Sec. 5012.0110.  OFFICERS, AGENTS, AND EMPLOYEES

Sec. 5012.0111.  SEAL

Sec. 5012.0112.  AUTHORITY TO SUE AND BE SUED

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 5012.0151.  MAINTENANCE AND OPERATIONS TAX

Sec. 5012.0152.  TAX ASSESSOR AND COLLECTOR

Sec. 5012.0153.  AUTHORITY TO BORROW MONEY, ACCEPT

                   GRANTS, AND ISSUE ASSOCIATED REVENUE

                   BONDS

Sec. 5012.0154.  AUTHORITY TO BORROW MONEY FOR CURRENT

                   EXPENSES; EVIDENCE OF OBLIGATION

SUBCHAPTER E. BONDS

Sec. 5012.0201.  AUTHORITY TO ISSUE BONDS; ELECTION

Sec. 5012.0202.  FORM OF BONDS

Sec. 5012.0203.  TERMS OF ISSUANCE

Sec. 5012.0204.  DEPOSIT OF PROCEEDS

Sec. 5012.0205.  RESOLUTION PROVISIONS

Sec. 5012.0206.  BOND ANTICIPATION NOTES

Sec. 5012.0207.  REFUNDING BONDS

CHAPTER 5012. SABINE PASS PORT AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5012.0001.  DEFINITIONS. In this chapter:

(1)  "Authority" means the Sabine Pass Port Authority.

(2)  "Commission" means the authority's port commission.

(3)  "Commissioner" means a commission member. (Acts 63rd Leg., R.S., Ch. 379, Secs. 1 (part), 2 (part).)

Sec. 5012.0002.  LEGISLATIVE FINDINGS OF PURPOSE AND BENEFIT. (a) The authority is a port district essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b)  All territory in the authority benefits from the authority's improvements, works, and facilities. (Acts 63rd Leg., R.S., Ch. 379, Sec. 1 (part).)

Sec. 5012.0003.  AUTHORITY TERRITORY. The authority is composed of the territory in Jefferson County described by Section 1, Chapter 379, Acts of the 63rd Legislature, 1973, as that territory may have been modified under:

(1)  Subchapter H, Chapter 62, Water Code; or

(2)  other law. (Acts 63rd Leg., R.S., Ch. 379, Sec. 1 (part); New.)

SUBCHAPTER B. AUTHORITY ADMINISTRATION

Sec. 5012.0051.  COMMISSION; TERMS; ELECTION. (a) The authority is governed by a commission composed of five elected commissioners.

(b)  Commissioners serve staggered two-year terms, with two commissioners elected in each even-numbered year and three commissioners elected in each odd-numbered year.

(c)  The commission:

(1)  is the authority's governing body; and

(2)  has the powers conferred on navigation and canal commissioners of navigation districts and the commissioners court by the Water Code. (Acts 63rd Leg., R.S., Ch. 379, Secs. 2(2) (part), 4 (part), 5 (part).)

Sec. 5012.0052.  QUALIFICATIONS FOR OFFICE. Each commissioner must:

(1)  be a resident of the authority;

(2)  own taxable property in the authority; and

(3)  be a qualified voter. (Acts 63rd Leg., R.S., Ch. 379, Sec. 4 (part).)

Sec. 5012.0053.  NOTICE OF COMMISSIONERS' ELECTION. Notice of a commissioner's election shall be given by publishing notice once each week for two consecutive weeks in a newspaper with general circulation in the authority, with the first publication being made not earlier than the 60th day before the date of the election, and not later than the 21st day before the date of the election. (Acts 63rd Leg., R.S., Ch. 379, Sec. 5 (part).)

Sec. 5012.0054.  ELECTION RESULTS. As soon as practicable after each election held by the authority, the commission shall declare the results of the election. (Acts 63rd Leg., R.S., Ch. 379, Sec. 6 (part).)

Sec. 5012.0055.  COMMISSIONERS' OATH AND BOND. (a) Each commissioner shall:

(1)  take an oath of office that contains the applicable provisions provided by law for members of the commissioners court; and

(2)  execute a bond for $10,000 payable to the authority, conditioned on the faithful performance of the commissioner's duties as a commissioner.

(b)  A commissioner's bond must be approved by the commission. (Acts 63rd Leg., R.S., Ch. 379, Sec. 6 (part).)

Sec. 5012.0056.  VOTING REQUIREMENT. The concurrence of a majority of the commissioners present at a meeting where a quorum is present is sufficient in any matter relating to authority business. (Acts 63rd Leg., R.S., Ch. 379, Sec. 6 (part).)

Sec. 5012.0057.  OFFICERS. (a) As soon as practicable after each election of commissioners, the commission shall elect one commissioner presiding officer and one commissioner secretary.

(b)  The presiding officer shall preside at commission meetings.

(c)  The secretary shall be responsible for maintaining and preserving the minutes, records, and other documents of the authority.

(d)  The commission may select other officers and prescribe their duties. (Acts 63rd Leg., R.S., Ch. 379, Sec. 6 (part).)

Sec. 5012.0058.  COMPENSATION OF COMMISSIONERS; EXPENSES. (a) Unless otherwise provided, each commissioner is entitled to receive a fee of not more than $50 a day for each day of service necessary to discharge the duties of a commissioner.

(b)  Each commissioner is entitled to reimbursement for actual expenses incurred on behalf of the authority and approved by the commission. (Acts 63rd Leg., R.S., Ch. 379, Sec. 6 (part).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 5012.0101.  GENERAL POWERS. The authority may exercise:

(1)  the rights, privileges, and functions provided by this chapter; and

(2)  all powers, rights, privileges, and functions conferred by Chapters 60 and 62, Water Code. (Acts 63rd Leg., R.S., Ch. 379, Secs. 1 (part), 3 (part).)

Sec. 5012.0102.  POWERS REGARDING PORTS, WATERWAYS, AND FACILITIES. The authority may:

(1)  acquire, take over, construct, maintain, repair, operate, develop, and regulate wharves, docks, warehouses, grain elevators, ship repair facilities, belt railways, lands, and all other facilities or aids consistent with or necessary for the operation or development of ports, waterways, or maritime commerce inside or outside the authority's boundaries; and

(2)  construct, extend, improve, repair, maintain, reconstruct, own, use, and operate any facility necessary or convenient to the exercise of such powers, rights, privileges, and functions granted by this chapter. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

Sec. 5012.0103.  BYLAWS AND RULES. The authority may adopt bylaws and rules for the management and regulation of its affairs. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

Sec. 5012.0104.  GIFT OR PURCHASE OF PROPERTY. The authority by gift or purchase may acquire any property or any interest in property that is:

(1)  inside or outside the authority's boundaries; and

(2)  necessary or convenient to exercising a power, right, privilege, or function conferred on the authority by this chapter. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

Sec. 5012.0105.  EMINENT DOMAIN. (a) To exercise a power provided by law, the authority may exercise the power of eminent domain to acquire any property and any interest in property inside the authority's boundaries. The authority must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

(b)  The authority is a municipal corporation for the purposes of Section 21.021, Property Code.

(c)  The authority is not required to give bond for appeal or bond for costs in any judicial proceeding related to the authority's exercise of eminent domain.

(d)  The authority's authority to exercise the power of eminent domain expired on September 1, 2013, unless the authority submitted a letter to the comptroller in accordance with Section 2206.101(b), Government Code, not later than December 31, 2012. (Acts 63rd Leg., R.S., Ch. 379, Secs. 3 (part), 11; New.)

Sec. 5012.0106.  LEASE OF AUTHORITY FACILITIES. A lease under Section 60.101, Water Code, may contain any provision the commission determines is advantageous to the authority, including a provision for:

(1)  the sale of a leased property at the termination of the lease; and

(2)  the management and operation of a leased property by the lessee. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

Sec. 5012.0107.  SALE OF SURPLUS PROPERTY. The commission may order authority property sold as provided in Section 60.101, Water Code, if the property is not considered reasonably required to carry out the authority's plans. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

Sec. 5012.0108.  GENERAL AUTHORITY TO MAKE CONTRACTS AND EXECUTE INSTRUMENTS. The authority may make a contract or execute an instrument necessary or convenient to exercising a power, right, privilege, or function conferred on the authority by this chapter. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

Sec. 5012.0109.  COMPETITIVE BIDDING FOR CERTAIN CONTRACTS. (a) Before the commission enters into a contract for the expenditure of an amount of $25,000 or more, the authority shall submit the proposed contract for competitive bids as provided by this section.

(b)  The commission shall publish notice of the time and place for the opening of sealed bids on a contract described by Subsection (a) in one or more newspapers of general circulation in this state, one of which must be a newspaper published in Jefferson County. The notice must be published once a week for two consecutive weeks, with the first publication being made not later than the 14th day before the date set for the opening of bids.

(c)  The commission may reject any bid submitted under this section, but if the commission accepts a bid, the bid must be the lowest and best bid received.

(d)  This section does not apply to:

(1)  improvements performed by the United States;

(2)  emergencies that require immediate action to protect persons or property;

(3)  necessary emergency repairs to authority property; or

(4)  contracts for personal or professional services or work done by the authority and paid for by the day as the work progresses. (Acts 63rd Leg., R.S., Ch. 379, Sec. 9.)

Sec. 5012.0110.  OFFICERS, AGENTS, AND EMPLOYEES. The authority may employ, prescribe the duties of, and set the compensation of officers, agents, and employees. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

Sec. 5012.0111.  SEAL. The authority may adopt and use a corporate seal. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

Sec. 5012.0112.  AUTHORITY TO SUE AND BE SUED. The authority may sue and be sued in its corporate name. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 5012.0151.  MAINTENANCE AND OPERATIONS TAX. The commission may impose an annual tax for the maintenance and operation of the authority and the authority's improvements at a rate not to exceed 20 cents for each $100 valuation of taxable property in the authority. (Acts 63rd Leg., R.S., Ch. 379, Sec. 10 (part).)

Sec. 5012.0152.  TAX ASSESSOR AND COLLECTOR. (a) The commission shall appoint a tax assessor and collector.

(b)  The tax assessor and collector shall execute a bond in an amount set by the commission that is:

(1)  at least twice the average daily balance of the authority in its depository for the preceding year; and

(2)  not more than the estimated amount of revenues of the authority for any year. (Acts 63rd Leg., R.S., Ch. 379, Sec. 7.)

Sec. 5012.0153.  AUTHORITY TO BORROW MONEY, ACCEPT GRANTS, AND ISSUE ASSOCIATED REVENUE BONDS. The authority may:

(1)  borrow money for the authority's corporate purposes consistent with the constitution, this chapter, and Chapters 60-63, Water Code;

(2)  borrow money or accept a grant from the United States or from a corporation or agency created or designated by the United States and, in connection with the loan or grant, enter into any agreement the United States or the corporation or agency may require; and

(3)  make and issue bonds for money borrowed, in the manner provided by this chapter. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

Sec. 5012.0154.  AUTHORITY TO BORROW MONEY FOR CURRENT EXPENSES; EVIDENCE OF OBLIGATION. (a) The authority may:

(1)  borrow money for current expenses; and

(2)  evidence the borrowed money by warrants.

(b)  The total amount of the warrants may not exceed the anticipated revenue. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

SUBCHAPTER E. BONDS

Sec. 5012.0201.  AUTHORITY TO ISSUE BONDS; ELECTION. (a) The authority may issue bonds for any corporate purpose.

(b)  The authority may issue bonds for a purpose described by Section 5012.0102(1) or to acquire necessary or proper lands, rights of way, extension or improvements of belt railway lines, or construction or improvements of wharves, docks, ship repair facilities, or other facilities or aids to navigation.

(c)  The authority may secure bonds issued under Subsection (b) by liens on properties acquired, constructed, or improved and pledge available revenues as additional security.

(d)  An election to approve the issuance of bonds payable from taxes must be held in the manner provided for bond elections under Chapter 54, Water Code. (Acts 63rd Leg., R.S., Ch. 379, Secs. 3 (part), 8 (part).)

Sec. 5012.0202.  FORM OF BONDS. Authority bonds must be:

(1)  issued in the authority's name; and

(2)  signed by the commission's presiding officer. (Acts 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

Sec. 5012.0203.  TERMS OF ISSUANCE. Authority bonds may be:

(1)  sold for cash;

(2)  issued on terms the commission determines in exchange for any property, or any interest in property, that the commission considers necessary or convenient for the corporate purpose for which the bonds are issued; or

(3)  issued in exchange for like principal amounts of other obligations of the authority, whether matured or unmatured. (Acts 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

Sec. 5012.0204.  DEPOSIT OF PROCEEDS. The proceeds of sale of authority bonds shall be deposited in one or more banks or trust companies, and shall be paid out according to the terms on which the authority and the purchasers of the bonds agree. (Acts 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

Sec. 5012.0205.  RESOLUTION PROVISIONS. (a) A resolution authorizing bonds may contain provisions approved by the commission that are not inconsistent with this chapter, including provisions:

(1)  reserving the right to redeem the bonds or requiring the redemption of the bonds, at a time, in an amount, and at a price, not to exceed 105 percent of the principal amount of the bonds, plus accrued interest;

(2)  providing for the setting aside of sinking funds or reserve funds and the regulation and disposition of those funds;

(3)  securing the payment of the principal of and interest on the bonds and of the sinking fund or reserve fund payments associated with the bonds by pledging:

(A)  all or any part of the gross or net revenue subsequently received by the authority with respect to the property to be acquired or constructed with the bonds or the proceeds of the bonds; or

(B)  all or any part of the gross or net revenue subsequently received by the authority from any source;

(4)  securing the payment of the principal of and interest on the bonds by pledging taxes;

(5)  prescribing the purposes to which the bonds or any bonds subsequently issued, or the proceeds of the bonds, may be applied;

(6)  agreeing to set and collect rates and charges sufficient to produce revenue adequate to:

(A)  pay all expenses necessary to the operation, maintenance, and replacement of and additions to the authority's property;

(B)  pay the principal of, and the interest and premium, if any, on bonds issued under this chapter when the bonds become due and payable;

(C)  pay all sinking fund or reserve fund payments for those bonds out of those revenues as and when they become due and payable;

(D)  fulfill the terms of any agreements made with the holders of the bonds or with any person on their behalf; and

(E)  discharge all other lawful obligations of the authority as and when the obligations become due;

(7)  prescribing limitations on the issuance of additional bonds and subordinate lien bonds and on the agreements that may be made with the purchasers and successive holders of those bonds;

(8)  regarding the construction, extension, improvement, reconstruction, operation, maintenance, and repair of the authority's properties and the carrying of insurance on all or any part of those properties covering loss, damage, or loss of use and occupancy resulting from specified risks;

(9)  setting the procedure by which the authority may change the terms of a contract with the bondholders, the amount of bonds the holders of which must consent to that change, and the manner in which the consent may be given; and

(10)  providing for the execution and delivery by the authority to a bank or trust company authorized by law to accept trusts, or to the United States or any officer of the United States, of indentures and agreements for the benefit of the bondholders setting forth any of the agreements authorized by this chapter to be made with or for the benefit of the bondholders and any other provisions that are customary in such indentures or agreements.

(b)  A provision authorized by this section that is contained in a bond resolution is part of the contract between the authority and the bondholders. (Acts 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

Sec. 5012.0206.  BOND ANTICIPATION NOTES. (a) The commission may declare an emergency because money is not available to meet any of the authority's needs, including to pay the principal of and interest on authority bonds.

(b)  Bond anticipation notes may bear interest at a rate not to exceed 10 percent and must mature not later than one year after the date of issuance.

(c)  Bond anticipation notes issued by the authority must be taken up with the proceeds of the bonds, or the bonds may be issued and delivered in exchange for the bond anticipation notes. (Acts 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

Sec. 5012.0207.  REFUNDING BONDS. (a) The authority may make and issue bonds for the purpose of refunding or refinancing outstanding bonds authorized and issued by the authority under this chapter or other law and the interest and any premium on the bonds to maturity or on any earlier redemption date specified in the resolution authorizing the issuance of the refunding bonds.

(b)  Refunding bonds issued by the authority may:

(1)  be issued to refund more than one series of outstanding bonds;

(2)  combine the pledges of the outstanding bonds for the security of the refunding bonds; or

(3)  be secured by other or additional revenue.

(c)  The provisions of this chapter regarding the issuance of bonds, the terms and provisions of bonds, and the remedies of the bondholders apply to refunding bonds issued by the authority.

(d)  The comptroller shall register the refunding bonds issued by the authority on the surrender and cancellation of the bonds to be refunded.

(e)  Instead of issuing bonds to be registered on the surrender and cancellation of the bonds to be refunded, the authority, in the resolution authorizing the issuance of refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds at the places at which the bonds to be refunded are payable. In that case, the refunding bonds may be issued in an amount sufficient to pay the interest and premium, if any, on the bonds to be refunded to the bonds' maturity date or specified earlier redemption date, and the comptroller shall register the refunding bonds without the concurrent surrender and cancellation of the bonds to be refunded.

(f)  The authority may also refund outstanding bonds in the manner provided by Chapters 60-63, Water Code. (Acts 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

CHAPTER 5016. PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5016.0001.  DEFINITIONS

Sec. 5016.0002.  FORMER NAME OF AUTHORITY

SUBCHAPTER B. PORT COMMISSION

Sec. 5016.0051.  COMPOSITION OF PORT COMMISSION

Sec. 5016.0052.  APPOINTMENT OF PORT COMMISSIONERS;

                   TERMS; ELIGIBILITY

Sec. 5016.0053.  FILING OF FINANCIAL STATEMENT BY PORT

                   COMMISSIONERS

SUBCHAPTER C. POWERS AND DUTIES

Sec. 5016.0101.  USE AND DISPOSITION OF NAVAL PROPERTY

Sec. 5016.0102.  ELECTIONS

Sec. 5016.0103.  SECURITY AND LAW ENFORCEMENT

Sec. 5016.0104.  CONTRACTS FOR SECURITY AND LAW

                   ENFORCEMENT SERVICES

CHAPTER 5016. PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5016.0001.  DEFINITIONS. In this chapter:

(1)  "Adjacent property" means the approximately 433 acres that the authority owns in San Patricio County that is bounded on the east by the western boundary of the former Naval Station Ingleside, on the north by Farm-to-Market Road 1069, on the west by the corporate limits of the City of Ingleside on the Bay, and on the south by the corporate limits of the City of Ingleside on the Bay and the north shoreline of Corpus Christi Bay. The term does not include property:

(A)  that the authority purchased from this state under former Article 8225, Revised Statutes; or

(B)  that was granted to the authority by this state under any general or special law.

(2)  "Authority" means the Port of Corpus Christi Authority of Nueces County, Texas.

(3)  "Naval property" means:

(A)  the approximately 576.615 acres of land and submerged land in San Patricio and Nueces Counties, improvements, and personal property, if any, that reverted to the authority when former Naval Station Ingleside closed, other than property that the authority purchased from this state under former Article 8225, Revised Statutes, or that was granted to the authority by this state under any general or special law; and

(B)  the adjacent property.

(4)  "Port commission" means the authority's governing body.

(5)  "Port commissioner" means a member of the port commission. (Acts 67th Leg., R.S., Ch. 165, Sec. 2; Acts 68th Leg., R.S., Ch. 397, Secs. 1, 1A as added Acts 81st Leg., R.S., Ch. 53.)

Sec. 5016.0002.  FORMER NAME OF AUTHORITY. Before May 20, 1981, the authority was known as the Nueces County Navigation District No. 1. (Acts 67th Leg., R.S., Ch. 165, Sec. 1; New.)

SUBCHAPTER B. PORT COMMISSION

Sec. 5016.0051.  COMPOSITION OF PORT COMMISSION. The port commission is composed of seven port commissioners. (Acts 68th Leg., R.S., Ch. 397, Sec. 1A as added Acts 81st Leg., R.S., Ch. 498; Acts 78th Leg., R.S., Ch. 1334, Sec. 3 (part).)

Sec. 5016.0052.  APPOINTMENT OF PORT COMMISSIONERS; TERMS; ELIGIBILITY. (a) Port commissioners are appointed as follows:

(1)  the Commissioners Court of Nueces County shall appoint three port commissioners;

(2)  the city council of the City of Corpus Christi shall appoint three port commissioners; and

(3)  the Commissioners Court of San Patricio County shall appoint one port commissioner.

(b)  Port commissioners serve staggered three-year terms that expire in January.

(c)  A port commissioner may not serve more than four full terms.

(d)  A person must have been a resident of Nueces County for at least six months to be eligible for appointment to the port commission by the Commissioners Court of Nueces County or the city council of the City of Corpus Christi.

(e)  Subsections (c) and (d) do not apply to a person serving as a port commissioner on June 9, 1995. (Acts 68th Leg., R.S., Ch. 397, Secs. 2, 3, 4(c), (d); Acts 74th Leg., R.S., Ch. 469, Sec. 2; Acts 78th Leg., R.S., Ch. 1334, Sec. 3 (part).)

Sec. 5016.0053.  FILING OF FINANCIAL STATEMENT BY PORT COMMISSIONERS. (a) Not later than April 30 of each year, a port commissioner shall file with the Texas Ethics Commission a financial statement that complies with Sections 572.022-572.024, Government Code.

(b)  The filed statement is a public record. (Acts 68th Leg., R.S., Ch. 397, Sec. 4A.)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 5016.0101.  USE AND DISPOSITION OF NAVAL PROPERTY. (a) The authority may use naval property in ways that replace and enhance the economic benefits generated by the former Naval Station Ingleside through diversified activities, including uses to foster:

(1)  job creation and retention;

(2)  economic development;

(3)  industry;

(4)  commerce;

(5)  manufacturing;

(6)  housing;

(7)  recreation; and

(8)  infrastructure installation on naval property.

(b)  The port commission may:

(1)  declare any portion of naval property surplus if the property is not needed for a navigation-related project; and

(2)  sell or lease the surplus property on terms the port commission considers advisable to carry out the purposes of this chapter.

(c)  Notwithstanding any other law and subject to the terms of this subsection, the authority may sell or lease property declared surplus under this section with or without public bidding. The authority may not sell naval property declared surplus under this section in a private sale for less than the property's fair market value. The authority shall obtain an appraisal of the surplus property, which is conclusive evidence of the surplus property's fair market value.

(d)  The authority may contract with another person for assistance in accomplishing the purposes of this section by competitive bidding or negotiated contract as the port commission considers appropriate, desirable, and in the authority's best interests. (Acts 68th Leg., R.S., Ch. 397, Secs. 4B(a), (b), (c), (d) as added Acts 81st Leg., R.S., Ch. 498.)

Sec. 5016.0102.  ELECTIONS. An election relating to the authority must be held in the authority as a whole and not on a county-by-county basis. (Acts 68th Leg., R.S., Ch. 397, Sec. 4B as added Acts 81st Leg., R.S., Ch. 53; Acts 78th Leg., R.S., Ch. 1334, Sec. 4.)

Sec. 5016.0103.  SECURITY AND LAW ENFORCEMENT. (a) The port commission may adopt, amend, repeal, and enforce an ordinance, rule, or police regulation necessary to:

(1)  protect, secure, and defend the ship channels and waterways in the authority's jurisdiction and facilities served by those ship channels and waterways;

(2)  promote the health, safety, and general welfare of any person using the ship channels and waterways in the authority's jurisdiction; or

(3)  comply with a federal law or regulation or implement a directive or standard of the federal government, including the United States Department of Homeland Security and the United States Coast Guard, relating to securing ship channels and waterways and facilities served by ship channels and waterways and preventing terrorist attacks on ship channels, waterways, associated maritime facilities, and other facilities served by ship channels and waterways.

(b)  In the enforcement of an authority ordinance, rule, or police regulation, a sheriff, constable, or other licensed peace officer or a peace officer employed or appointed by the port commission may make arrests, serve criminal warrants, subpoenas, or writs, and perform any other service or duty that may be performed by any sheriff, constable, or other licensed peace officer in enforcing other laws of this state.

(c)  In adopting an ordinance, rule, or police regulation under Subsection (a) of this section, the port commission shall comply with the procedures provided by Sections 60.074 and 60.075, Water Code. (Acts 68th Leg., R.S., Ch. 397, Secs. 4C(a), (b), (c).)

Sec. 5016.0104.  CONTRACTS FOR SECURITY AND LAW ENFORCEMENT SERVICES. (a) The authority may enter into an interlocal agreement with this state or a county, municipality, or other political subdivision of this state to jointly provide, and share the costs of, security for the ship channels and waterways in the authority's jurisdiction.

(b)  To protect the public interest, the authority may contract with a qualified party, including the federal government, Nueces County, or San Patricio County, for the provision of law enforcement services in all or part of the authority's jurisdiction. (Acts 68th Leg., R.S., Ch. 397, Secs. 4C(d), (e).)

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CHAPTER 5018. ORANGE COUNTY NAVIGATION AND PORT DISTRICT OF ORANGE COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5018.0001.  DEFINITIONS. In this chapter:

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

(2)  "Commissioner" means a board member.

(3)  "District" means the Orange County Navigation and Port District of Orange County, Texas. (Acts 53rd Leg., R.S., Ch. 370, Sec. 1 (part); New.)

Sec. 5018.0002.  FINDINGS OF BENEFIT AND PURPOSE. (a) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, including, to the extent authorized by this chapter:

(1)  the supervision, maintenance, development, extension, and improvement of navigation in the district;

(2)  the maintenance, development, extension, and improvement of port facilities and dock facilities in the district; and

(3)  the development of the Port of Orange in the district.

(b)  The district:

(1)  is essential to the general welfare of this state for the development of maritime shipping to and from the state's ports;

(2)  is in the interest of national defense, the Port of Orange being strategically located on the Gulf Coast with an inland-protected harbor and in a rapidly developing industrial area in which shipyards and ship-storing basins are located; and

(3)  will result in:

(A)  material benefits and improvements to district territory;

(B)  the increase of the taxable value of property in the district; and

(C)  material benefit to that part of the state in which the district is located.

(c)  All property in the district and in this state will benefit from the district and the improvements and facilities acquired or constructed under this chapter. (Acts 53rd Leg., R.S., Ch. 370, Sec. 1 (part); Acts 55th Leg., R.S., Ch. 80, Sec. 4.)

Sec. 5018.0003.  DISTRICT TERRITORY. (a) The district's boundaries are coextensive with the boundaries of Orange County, unless the district's territory has been modified under:

(1)  Section 3 or 3a, Chapter 103, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8263a, Vernon's Texas Civil Statutes), before August 30, 1971;

(2)  Subchapter H, Chapter 62, Water Code; or

(3)  other law.

(b)  The district includes all of the property within the district's boundaries. (Acts 53rd Leg., R.S., Ch. 370, Sec. 1 (part); New.)

Sec. 5018.0004.  LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect its purposes. (Acts 53rd Leg., R.S., Ch. 370, Sec. 19.)

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 5018.0051.  BOARD OF COMMISSIONERS; TERM; ELECTION. (a) The district is governed by a board composed of five elected commissioners.

(b)  Commissioners serve staggered four-year terms.

(c)  The district shall hold an election in the district on the uniform election date in May of each even-numbered year to elect commissioners.

(d)  The board has the rights and powers conferred and imposed on navigation and canal commissioners and commissioners courts by Chapter 62, Water Code. (Acts 53rd Leg., R.S., Ch. 370, Secs. 3 (part), 8(a) (part), (c).)

Sec. 5018.0052.  COMPOSITION OF BOARD; QUALIFICATIONS. (a) One commissioner must reside in each county commissioners precinct of Orange County and one commissioner must reside in the county at large.

(b)  Each commissioner must:

(1)  be a qualified voter of the district; and

(2)  own taxable real property located in the district.

(c)  The candidates receiving the highest number of votes from each county commissioners precinct and the county at large shall be declared elected. (Acts 53rd Leg., R.S., Ch. 370, Secs. 3 (part), 8(a) (part).)

Sec. 5018.0053.  POLLING PLACES. For all elections held under this chapter, the board, in each election order, shall designate the number and location of polling places, provided that at least one polling place is located in each of the county commissioners precincts. (Acts 53rd Leg., R.S., Ch. 370, Sec. 17 (part).)

Sec. 5018.0054.  COMMISSIONER'S OATH AND BOND. Not later than the 10th day after the date of the commissioner's election, each commissioner shall:

(1)  take and subscribe an oath of office with conditions in the oath as provided by law for members of the county commissioners court; and

(2)  enter into a good and sufficient bond in the amount of $1,000 payable to the district, conditioned on the faithful performance of the commissioner's duties as a commissioner. (Acts 53rd Leg., R.S., Ch. 370, Sec. 13.)

Sec. 5018.0055.  COMPENSATION OF COMMISSIONERS; EXPENSES. (a) At the first meeting after each election, the commissioners by order shall set the amount of compensation to be received by a commissioner for each day served, not to exceed $600 per year, plus actual traveling expenses.

(b)  Each month or as soon as practicable following each month, each commissioner shall file with the district's secretary a statement showing the amount owed to the commissioner. A check may not be issued to the commissioner until the commissioner has filed the statement with the secretary. (Acts 53rd Leg., R.S., Ch. 370, Sec. 10.)

Sec. 5018.0056.  VACANCIES. (a) A vacancy on the board shall be filled by board appointment until the next commissioners' election. If the vacant position is not regularly scheduled to be filled at that election, the person elected to fill the position serves only for the remainder of the unexpired term.

(b)  A person appointed under this section must have the same qualifications as a person elected to the board. (Acts 53rd Leg., R.S., Ch. 370, Sec. 8(e).)

Sec. 5018.0057.  OFFICERS AND EMPLOYEES. (a) As soon as practicable after each election of commissioners, the board shall elect a president, vice president, and secretary and treasurer.

(b)  The board may:

(1)  employ a port director and other officers as required to manage and operate the district and, subject to the board's orders, delegate that authority;

(2)  employ and prescribe the duties of officers, agents, and employees;

(3)  set the compensation of officers, agents, and employees; and

(4)  remove any employee. (Acts 53rd Leg., R.S., Ch. 370, Secs. 2 (part), 7, 11 (part).)

Sec. 5018.0058.  OFFICER'S OR EMPLOYEE'S SURETY BOND. (a) A bond required of a district officer or employee must be executed by a surety company authorized to do business in this state as surety on the bond.

(b)  The district may pay the premium on the bond. (Acts 53rd Leg., R.S., Ch. 370, Sec. 11 (part).)

Sec. 5018.0059.  DISTRICT OFFICE. A regular office shall be established and maintained for conducting district business in the district's territory. (Acts 53rd Leg., R.S., Ch. 370, Sec. 9 (part).)

Sec. 5018.0060.  CONFLICT OF INTEREST; CRIMINAL PENALTY. (a) A district commissioner, engineer, or employee, personally or as an agent for another person, may not benefit directly or indirectly from a sale, purchase, or contract entered into by the board.

(b)  A person commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by:

(1)  a fine not to exceed $1,000;

(2)  confinement in the county jail for not less than six months or more than one year; or

(3)  both the fine and confinement. (Acts 53rd Leg., R.S., Ch. 370, Sec. 11 (part).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 5018.0101.  GENERAL AND NAVIGATION DISTRICT POWERS. The district has:

(1)  the powers of government and the authority to exercise the rights, privileges, and functions specified by this chapter; and

(2)  all powers, rights, privileges, and functions conferred by general law, including Chapter 62, Water Code, on any navigation district created or operating under Section 59, Article XVI, Texas Constitution. (Acts 53rd Leg., R.S., Ch. 370, Secs. 1 (part), 2 (part), 3 (part).)

Sec. 5018.0102.  POWERS REGARDING WHARVES, DOCKS, AND OTHER FACILITIES. The district may:

(1)  acquire, take over, construct, maintain, repair, operate, develop, and regulate wharves, docks, warehouses, grain elevators, dumping facilities, belt railways, lands, and other facilities or aids consistent with or necessary to the operation or development of ports or waterways in the district; and

(2)  construct, extend, improve, repair, maintain, and reconstruct, cause to be constructed, extended, improved, repaired, maintained, and reconstructed, and own, rent, lease, use, and operate any facility of any kind necessary or convenient to the exercise of the powers, rights, privileges, and functions granted by this chapter. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

Sec. 5018.0103.  LIMITATION ON CERTAIN POWERS. This chapter may not be construed as granting the district or the board any power over the appointment, operations, or conduct of:

(1)  a branch pilot appointed under Section 69.037, Transportation Code; or

(2)  the board of pilot commissioners described by Section 69.011, Transportation Code. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2(j) (part).)

Sec. 5018.0104.  BYLAWS AND RULES. The district may adopt bylaws and rules to manage and regulate its affairs. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

Sec. 5018.0105.  ACQUISITION OF PROPERTY; EMINENT DOMAIN; DAMAGES. (a) In this section, "property" means property of any kind, including a lighter, a tug, a barge, and other floating equipment of any nature.

(b)  If necessary or convenient to exercising a power, right, privilege, or function conferred on the district by this chapter, the district:

(1)  by gift or purchase may acquire property or an interest in property that is inside or outside the district's boundaries; or

(2)  by exercising the power of eminent domain may acquire property or an interest in property that is inside the district's boundaries.

(c)  The district may exercise the power of eminent domain to acquire the fee simple title to or an easement or right-of-way over and through any land, water, or land under water, private or public, in the district that the board determines is necessary or convenient to carry out a purpose or power granted to the district by this chapter.

(d)  The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except that the district is not required to give bond for appeal or bond for costs in any judicial proceeding.

(e)  In exercising the power of eminent domain against a person that has the power of eminent domain or a receiver or trustee for that person, the district may acquire an easement only and not the fee simple title.

(f)  A condemnation proceeding is under the board's direction and must be in the district's name.

(g)  Except as provided by Subsections (h) and (i), the assessment of damages and all procedures with reference to condemnation, appeal, and payment must conform to Chapter 21, Property Code.

(h)  If the district's exercise of a power granted by this chapter makes necessary the relocation of a railroad line or right-of-way, the district shall pay the cost of the relocation and any damage incurred in changing and adjusting the railroad lines and grades.

(i)  The damages to the owner of public utilities and communication facilities and properties must include the actual loss, costs, and expenses incident to the removal and relocation of the facilities and properties, including:

(1)  the costs of installing the facilities in a new location;

(2)  the costs of any land or rights or interest in land; and

(3)  any other property rights acquired to accomplish the removal and relocation.

(j)  The district's authority under this section to exercise the power of eminent domain expired on September 1, 2013, unless the district submitted a letter to the comptroller in accordance with Section 2206.101(b), Government Code, not later than December 31, 2012. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part); New.)

Sec. 5018.0106.  ACQUISITION OF PROPERTY FROM CITY OF ORANGE. (a) The district may acquire from the City of Orange, with the consent of the City of Orange as provided by the city's charter, the city's port properties, lands, assets, liabilities, contracts, improvement plans, money on hand, and facilities acquired by the city for port purposes.

(b)  The manner of the acquisition authorized under this section must be determined between the City of Orange's city commission and the board. (Acts 53rd Leg., R.S., Ch. 370, Sec. 4.)

Sec. 5018.0107.  GENERAL AUTHORITY TO MAKE CONTRACTS AND EXECUTE INSTRUMENTS. The district may make a contract or execute an instrument necessary or convenient to exercise a power, right, privilege, or function granted to the district by this chapter. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

Sec. 5018.0108.  AUTHORITY TO SUE AND BE SUED. The district may sue and be sued in its corporate name. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

Sec. 5018.0109.  SEAL. The district may adopt and use a corporate seal. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

Sec. 5018.0110.  POWERS AND LIMITATIONS REGARDING LEVINGSTON ISLAND IN LOUISIANA. (a) On approval by resolution of the board, the district may purchase for the district the following property: Levingston Island, also known as Harbor Island, located in the bend of the Sabine River, opposite the City of Orange and located in Calcasieu Parish, Louisiana.

(b)  The property purchased under this section is not territory in the district's boundaries. The authority to purchase the property described in this section and the purchase of that property is not the annexation or attempted annexation of the property to the State of Texas from the State of Louisiana.

(c)  The district may:

(1)  provide projects and facilities on the property purchased under this section for purposes of economic development to benefit the district; and

(2)  issue bonds and other obligations of the district secured by the revenue from the projects and facilities provided on the property purchased under this section for the purposes of constructing, acquiring, and maintaining those projects and facilities.

(d)  The district may not impose ad valorem taxes in the district to finance the projects and facilities provided under this section. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2A.)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 5018.0151.  DEPOSITORY. The board shall select a depository or depositories for the district in the manner provided by law for the selection of a county depository. (Acts 53rd Leg., R.S., Ch. 370, Sec. 12.)

Sec. 5018.0152.  ACCOUNTS, CONTRACTS, AND OTHER RECORDS; PUBLIC INSPECTION. (a) The board shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping.

(b)  The secretary shall:

(1)  keep a true and full account of board meetings and proceedings; and

(2)  preserve board minutes, contracts, notices, accounts, receipts, and other records in a fireproof vault or safe.

(c)  The records kept and preserved by the secretary under Subsection (b) are:

(1)  district property; and

(2)  subject to public inspection. (Acts 53rd Leg., R.S., Ch. 370, Sec. 9 (part).)

Sec. 5018.0153.  AUTHORITY TO BORROW MONEY, ACCEPT GRANTS, AND ISSUE ASSOCIATED BONDS. (a) The district may:

(1)  borrow money for any purpose that is provided by:

(A)  this chapter; or

(B)  the general laws relating to navigation districts;

(2)  borrow money or accept a grant from the United States or from a corporation or agency created or designated by the United States and, in connection with the loan or grant, enter into any agreement the United States or the corporation or agency requires; and

(3)  make and issue bonds for money borrowed, in the manner and to the extent provided by this chapter.

(b)  The district may make and issue bonds under Subsection (a)(3) that are:

(1)  revenue bonds;

(2)  tax bonds; or

(3)  combination tax-revenue bonds. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

Sec. 5018.0154.  AUTHORITY TO BORROW MONEY FOR CURRENT EXPENSES; EVIDENCE OF OBLIGATION. (a) The district may:

(1)  borrow money for current expenses; and

(2)  evidence the borrowed money by warrants payable not later than the close of the calendar year for which the loan is made.

(b)  The amount of the warrants may not exceed the anticipated revenue. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

Sec. 5018.0155.  AD VALOREM TAX FOR MAINTENANCE AND OPERATIONS; ELECTION PROCEDURE. (a) The district may impose an annual ad valorem tax at a rate not to exceed 15 cents on each $100 valuation of taxable property in the district for the maintenance, operation, and upkeep of the district and the facilities, properties, and improvements constructed or acquired by the district.

(b)  Elections may be held to increase, reduce, or abate a tax imposed under this section, subject to the limit prescribed by Subsection (a).

(c)  A maintenance tax election must be held in the same manner as a bond election. (Acts 53rd Leg., R.S., Ch. 370, Secs. 5 (part), 17 (part).)

Sec. 5018.0156.  IMPOSITION OF TAXES; TAX CERTIFICATION; TAX ASSESSOR-COLLECTOR. (a) A tax authorized by this chapter, whether for bonds or maintenance purposes, must be imposed by the board.

(b)  Each year, the board shall certify to the Orange County tax assessor-collector the rate or rates of tax that the board has imposed for bonds and maintenance purposes.

(c)  The Orange County tax assessor-collector shall assess and collect taxes imposed by the board in the manner provided by Chapter 62, Water Code. (Acts 53rd Leg., R.S., Ch. 370, Sec. 3 (part).)

SUBCHAPTER E. BONDS

Sec. 5018.0201.  DEFINITION. In this subchapter, "net revenue" means the gross revenue derived from the operation of the district's improvements and facilities the income of which is pledged to the payment of district bonds less the reasonable expense of maintaining and operating those improvements and facilities, including necessary repair, upkeep, and insurance expenses for those improvements and facilities. (Acts 53rd Leg., R.S., Ch. 370, Sec. 14(a) (part).)

Sec. 5018.0202.  AUTHORITY TO ISSUE BONDS. (a) To provide money for any purpose provided by this chapter or another law relating to navigation districts, the board may issue bonds secured:

(1)  solely by a pledge of and payable from the net revenue derived from the operation of all or a designated part of the district's improvements and facilities then in existence or to be constructed or acquired;

(2)  by a pledge of and payable from an ad valorem tax on all taxable property in the district under Section 59, Article XVI, Texas Constitution; or

(3)  by a combination of the methods prescribed under Subdivisions (1) and (2).

(b)  If bonds issued under Subsection (a)(1) are outstanding, the board shall charge and collect fees, tolls, and charges sufficient to:

(1)  pay all maintenance and operation expenses of the improvements and facilities, the income of which is pledged;

(2)  pay the interest on the bonds as it accrues;

(3)  pay the principal of the bonds as it matures; and

(4)  make any other payments prescribed in the bond order or resolution.

(c)  If bonds issued under Subsection (a)(2) are outstanding, the board shall annually impose a tax sufficient to pay:

(1)  the interest on the bonds as it accrues; and

(2)  the principal of the bonds as it matures.

(d)  If bonds issued under Subsection (a)(3) are outstanding, the board shall charge and collect fees, tolls, and charges so that, in the manner prescribed in the bond order or resolution, the amount of tax to be collected may be reduced or abated to the extent that the revenue from the operation of the improvements and facilities, the income of which is pledged, is sufficient to:

(1)  meet the requirements for maintenance and operation of the improvements and facilities; and

(2)  provide money for the bonds as prescribed in the bond order or resolution.

(e)  All district bonds must be authorized by board resolution or order.

(f)  Bonds payable solely from net revenue may be issued without an election. (Acts 53rd Leg., R.S., Ch. 370, Secs. 14(a) (part), (b) (part), (c) (part), (e) (part).)

Sec. 5018.0203.  ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES. (a) Bonds, other than refunding bonds, payable wholly or partly from ad valorem taxes may not be issued unless authorized by an election called by the board at which a majority of the votes cast favor the bond issuance.

(b)  Notice of the election must be given by publishing a substantial copy of the order calling the election in a newspaper of general circulation in the district on the same day in each of two successive weeks. The first publication must be not later than the 14th day before the date of the election. No other notice of the election is necessary.

(c)  If the bonds are to be payable solely from taxes, the ballot must have printed on it "For the bonds and the levy of taxes in payment thereof" and the contrary of that proposition.

(d)  If the bonds are to be payable both from net revenue and taxes, the ballot must have printed on it "For the bonds, the pledge of net revenues, and the levy of taxes adequate to provide for the payment thereof" and the contrary of that proposition. (Acts 53rd Leg., R.S., Ch. 370, Secs. 14(b) (part), (e) (part).)

Sec. 5018.0204.  PROVISIONS OF CERTAIN BOND RESOLUTIONS OR ORDERS; AUTHORITY TO ADOPT OR EXECUTE OTHER PROCEEDINGS OR INSTRUMENTS. (a) In the resolution or order adopted by the board authorizing the issuance of bonds payable wholly or partly from net revenue, the board may:

(1)  provide for:

(A)  the flow of money; and

(B)  the establishment and maintenance of an interest and sinking fund, a reserve fund, and any other funds;

(2)  make any additional covenants with respect to the bonds, the pledged revenue, and the operation, maintenance, and upkeep of the improvements and facilities the income of which is pledged, including a provision for the leasing of all or a part of the improvements and facilities and the use or pledge of money derived from those leases, as the board considers appropriate;

(3)  prohibit the further issuance of bonds or other obligations payable from the pledged net revenue;

(4)  reserve the right to issue additional bonds to be secured by a pledge of and payable from the net revenue on a parity with, or subordinate to, the lien and pledge in support of the bonds being issued, subject to any conditions provided by the resolution or order; or

(5)  include any other provision or covenant, as determined by the board, that is not prohibited by the Texas Constitution or this chapter.

(b)  The board may adopt and execute any other proceeding or instrument necessary or convenient to issue the bonds. (Acts 53rd Leg., R.S., Ch. 370, Sec. 14(a) (part).)

Sec. 5018.0205.  FORM OF BONDS. District bonds must be:

(1)  issued in the district's name;

(2)  signed by the president; and

(3)  attested by the secretary. (Acts 53rd Leg., R.S., Ch. 370, Sec. 14(c) (part).)

Sec. 5018.0206.  MATURITY. District bonds must mature not later than 40 years after the date of their issuance. (Acts 53rd Leg., R.S., Ch. 370, Sec. 14(c) (part).)

Sec. 5018.0207.  USE OF BOND PROCEEDS. The board may appropriate or set aside out of the proceeds from the sale of any district bonds:

(1)  an amount for the payment of interest expected to accrue during the period of construction of the improvements or facilities; and

(2)  an amount necessary to pay all expenses incurred and to be incurred in the issuance, sale, and delivery of the bonds. (Acts 53rd Leg., R.S., Ch. 370, Sec. 14(d).)

Sec. 5018.0208.  REFUNDING BONDS. (a) The board may issue refunding bonds of the district to refund any outstanding district bonds and accrued interest on those bonds.

(b)  Refunding bonds may:

(1)  as to outstanding bonds payable wholly from taxes, be issued to refund more than one series or issue of the outstanding bonds; and

(2)  as to outstanding bonds payable wholly or partly from net revenue:

(A)  be issued to refund more than one series or issue of the outstanding bonds;

(B)  combine the pledges for the outstanding bonds for the security of the refunding bonds; and

(C)  be secured by other or additional revenue.

(c)  Bonds payable solely from net revenue may not be refunded into bonds secured by taxes unless the issuance of the bonds is authorized by a majority of the voters voting at an election held in the same manner as a bond election.

(d)  Refunding under this section may not impair the contract rights of the holders of any of the outstanding bonds that are not to be refunded.

(e)  Refunding bonds must:

(1)  be authorized by a board resolution or order;

(2)  be executed and mature as provided by this chapter for original bonds; and

(3)  bear interest at the same or a lower rate than that of the bonds refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid.

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

(g)  Instead of issuing bonds to be registered on the surrender and cancellation of the bonds to be refunded, the district, in the resolution or order authorizing the issuance of the refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds in the place or places at which the bonds to be refunded are payable. In that case, the refunding bonds may be issued in an amount sufficient to pay the interest on the bonds to be refunded to their option date or maturity date, and the comptroller shall register the refunding bonds without the surrender and cancellation of the bonds to be refunded. (Acts 53rd Leg., R.S., Ch. 370, Sec. 15 (part).)

CHAPTER 5019. CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT

Sec. 5019.0001.  DEFINITIONS

Sec. 5019.0002.  APPOINTMENT OF DISTRICT COMMISSIONERS

Sec. 5019.0003.  TERM OF OFFICE

CHAPTER 5019. CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT

Sec. 5019.0001.  DEFINITIONS. In this chapter:

(1)  "Commissioner" means a member of the district's navigation and canal commission.

(2)  "District" means the Chambers-Liberty Counties Navigation District. (New.)

Sec. 5019.0002.  APPOINTMENT OF DISTRICT COMMISSIONERS. (a) Notwithstanding Section 62.072, Water Code, commissioners are appointed as provided by this section.

(b)  The commissioners court of Chambers County by majority vote shall appoint two commissioners. The commissioners court of Liberty County by majority vote shall appoint two commissioners. The two commissioners courts shall appoint a fifth commissioner at a joint meeting of the two commissioners courts called and presided over by the county judge of Chambers County.

(c)  Each of the county judges and county commissioners composing the commissioners courts of both counties is entitled to one vote in appointing the fifth commissioner. A majority vote of those present at the meeting is sufficient to make the appointment. (Acts 76th Leg., R.S., Ch. 1145, Secs. 1(a), (b), (c).)

Sec. 5019.0003.  TERM OF OFFICE. Notwithstanding Section 62.065, Water Code, commissioners serve staggered four-year terms. (Acts 76th Leg., R.S., Ch. 1145, Sec. 1(d).)

SECTION 1.02.  MUNICIPAL UTILITY DISTRICTS. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapters 8018, 8020, 8021, 8022, 8023, and 8024 to read as follows:

CHAPTER 8018. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 319

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8018.0001.  DEFINITIONS

Sec. 8018.0002.  NATURE OF DISTRICT

Sec. 8018.0003.  FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8018.0004.  DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8018.0051.  COMPOSITION OF BOARD

Sec. 8018.0052.  BOARD VACANCY

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8018.0101.  MUNICIPAL UTILITY DISTRICT POWERS

Sec. 8018.0102.  WATER CONSERVATION PROGRAM

CHAPTER 8018. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 319

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8018.0001.  DEFINITIONS. In this chapter:

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

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

(3)  "District" means the Harris County Municipal Utility District No. 319. (Acts 69th Leg., R.S., Ch. 787, Secs. 1(a) (part), 2; New.)

Sec. 8018.0002.  NATURE OF DISTRICT. The district is a conservation and reclamation district in Harris County created under Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 787, Sec. 1(a) (part).)

Sec. 8018.0003.  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.

(c)  The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 787, Secs. 1(b), 5.)

Sec. 8018.0004.  DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 3, Chapter 787, Acts of the 69th Legislature, Regular Session, 1985, as that territory may have been modified under:

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

(2)  Subchapter H, Chapter 54, Water Code; or

(3)  other law.

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

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

(2)  the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bonds;

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

(4)  the legality or operation of the district or its governing body. (Acts 69th Leg., R.S., Ch. 787, Sec. 4; New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8018.0051.  COMPOSITION OF BOARD. The district is governed by a board of five elected directors. (Acts 69th Leg., R.S., Ch. 787, Secs. 8(a), (b) (part).)

Sec. 8018.0052.  BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy in the office of director shall be filled in the manner provided by Section 49.105, Water Code.

(b)  The Texas Commission on Environmental Quality shall appoint directors to fill the vacancies on the board whenever the number of qualified directors is fewer than three. (Acts 69th Leg., R.S., Ch. 787, Sec. 8(e) (part); New.)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8018.0101.  MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions provided by general law, including Chapters 49 and 54, Water Code, applicable to a municipal utility district created under Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch. 787, Sec. 6(a) (part); New.)

Sec. 8018.0102.  WATER CONSERVATION PROGRAM. (a) In this section, "water conservation program" means the practices, techniques, and technologies that will reduce water consumption, reduce water loss or waste, improve efficiency in water use, or increase water recycling and reuse so that a water supply is available for future or alternative uses.

(b)  The district shall adopt and implement a water conservation program consistent with rules and criteria adopted and enforceable by the Texas Commission on Environmental Quality for similarly situated districts in the region. (Acts 69th Leg., R.S., Ch. 787, Sec. 7.)

CHAPTER 8020. POLK COUNTY FRESH WATER SUPPLY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8020.0001.  DEFINITION

Sec. 8020.0002.  NATURE OF DISTRICT

Sec. 8020.0003.  DISTRICT TERRITORY

Sec. 8020.0004.  DISTRICT NAME CHANGE

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8020.0051.  MUNICIPAL UTILITY DISTRICT POWERS

CHAPTER 8020. POLK COUNTY FRESH WATER SUPPLY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8020.0001.  DEFINITION. In this chapter, "district" means the Polk County Fresh Water Supply District No. 2. (Acts 75th Leg., R.S., Ch. 814, Sec. 1 (part); New.)

Sec. 8020.0002.  NATURE OF DISTRICT. The district is a municipal utility district converted from a fresh water supply district by Chapter 814, Acts of the 75th Legislature, Regular Session, 1997. (Acts 75th Leg., R.S., Ch. 814, Sec. 1 (part); New.)

Sec. 8020.0003.  DISTRICT TERRITORY. (a) The district's boundaries are those confirmed by Section 3, Chapter 814, Acts of the 75th Legislature, Regular Session, 1997, as those boundaries may have been modified under:

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

(2)  Subchapter H, Chapter 54, Water Code; or

(3)  other law.

(b)  The confirmation of boundaries described by Subsection (a):

(1)  does not enlarge or diminish the district as it existed on September 1, 1997; and

(2)  includes the property in the district that was being served or taxed on September 1, 1997. (Acts 75th Leg., R.S., Ch. 814, Sec. 3 (part); New.)

Sec. 8020.0004.  DISTRICT NAME CHANGE. The district's board of directors may change the name of the district in an open meeting for which proper notice has been given. (Acts 75th Leg., R.S., Ch. 814, Sec. 2.)

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8020.0051.  MUNICIPAL UTILITY DISTRICT POWERS. (a) Except as provided by Subsection (b), the district has the rights, powers, privileges, and functions conferred by Chapter 54, Water Code.

(b)  The district may not exercise any authority with regard to firefighting or to municipal solid waste disposal. (Acts 75th Leg., R.S., Ch. 814, Sec. 1 (part).)

CHAPTER 8021. LAKEWAY MUNICIPAL UTILITY DISTRICT

Sec. 8021.0001.  DEFINITIONS

Sec. 8021.0002.  EXCLUSION OF LAND

Sec. 8021.0003.  NOTICE OF HEARING

Sec. 8021.0004.  EXCLUSION WITH BOND REFUNDING

Sec. 8021.0005.  APPLICABILITY OF CERTAIN OTHER LAW

CHAPTER 8021. LAKEWAY MUNICIPAL UTILITY DISTRICT

Sec. 8021.0001.  DEFINITIONS. In this chapter:

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

(2)  "District" means the Lakeway Municipal Utility District, Travis County. (Acts 75th Leg., R.S., Ch. 1272, Sec. 1.)

Sec. 8021.0002.  EXCLUSION OF LAND. (a) The board may, at its discretion, call a hearing to consider excluding land from the district or determine not to call a hearing to exclude land from the district.

(b)  If the board holds a hearing under Subsection (a), the board may by order exclude land from the district on any of the grounds for exclusion provided by Section 49.306, Water Code, provided that:

(1)  the board receives a petition, signed by the owners of the land to be excluded and consented to by all lienholders, requesting exclusion of the land as described by metes and bounds; and

(2)  the owners of the land pay to the district a payment and any other fees or costs required by the district. (Acts 75th Leg., R.S., Ch. 1272, Sec. 2.)

Sec. 8021.0003.  NOTICE OF HEARING. (a) Except as provided by Section 8021.0004, in addition to the notice required by Section 49.304, Water Code, the district shall, not later than the 30th day before the date of the exclusion hearing under Section 8021.0002(a):

(1)  publish notice of the exclusion hearing in a nationally recognized financial journal; and

(2)  mail notice of the exclusion hearing by certified mail to the paying agent or registrar of the district's outstanding bonds.

(b)  The notice required by Subsection (a) must advise any district bondholder, taxpayer, or other interested party that the person may appear at the exclusion hearing in support of or in opposition to the petition for exclusion. (Acts 75th Leg., R.S., Ch. 1272, Sec. 3; New.)

Sec. 8021.0004.  EXCLUSION WITH BOND REFUNDING. (a) Land may be excluded as authorized by this chapter in conjunction with a refunding of the district's outstanding bonds.

(b)  If land is excluded in the manner provided by Subsection (a), the only notice required is the notice specified by Section 49.304, Water Code. (Acts 75th Leg., R.S., Ch. 1272, Sec. 4.)

Sec. 8021.0005.  APPLICABILITY OF CERTAIN OTHER LAW. Sections 49.307 and 49.308, Water Code, apply to an exclusion of land carried out under this chapter. (Acts 75th Leg., R.S., Ch. 1272, Sec. 5.)

CHAPTER 8022. TANGLEWOOD FOREST LIMITED DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8022.0001.  DEFINITION

SUBCHAPTER B. FINANCIAL PROVISIONS

Sec. 8022.0051.  USE OF GENERAL OPERATING FUNDS

CHAPTER 8022. TANGLEWOOD FOREST LIMITED DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8022.0001.  DEFINITION. In this chapter, "district" means the Tanglewood Forest Limited District. (Acts 74th Leg., R.S., Ch. 675, Sec. 1.)

SUBCHAPTER B. FINANCIAL PROVISIONS

Sec. 8022.0051.  USE OF GENERAL OPERATING FUNDS. Notwithstanding Section 54.236, Water Code, the district may use general operating funds to install, operate, and maintain street or security lighting in an area in the district:

(1)  that has had water utilities and streets installed for not less than eight years; and

(2)  in which the developer of the area has not installed street or security lighting as required as a condition of the municipality's granting its consent to the creation of the district under Section 54.016, Water Code. (Acts 74th Leg., R.S., Ch. 675, Sec. 2.)

CHAPTER 8023. THE WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT

Sec. 8023.0001.  DEFINITION

Sec. 8023.0002.  EXCLUSION OF TERRITORY

Sec. 8023.0003.  ANNEXATION OR ADDITION OF TERRITORY

CHAPTER 8023. THE WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT

Sec. 8023.0001.  DEFINITION. In this chapter, "district" means The Woodlands Metro Center Municipal Utility District, of Montgomery County, Texas. (Acts 72nd Leg., R.S., Ch. 322, Sec. 1(2).)

Sec. 8023.0002.  EXCLUSION OF TERRITORY. (a) The district may exclude territory from the district after a bond election has been called or bonds have been issued only if:

(1)  the exclusion of the territory is not expressly prohibited by the orders or resolutions calling the bond election or authorizing the issuance of the bonds;

(2)  the district annexes or adds territory into the district that is sufficient to avoid an impairment of the security for payment of the voted or issued bonds and of any other contract obligations that are wholly or partly payable from or secured by ad valorem taxes or net revenues of the district; and

(3)  the exclusion and addition of territory is accomplished in conformity with the notice and hearing requirements relating to the exclusion and addition of territory prescribed by Subchapter J, Chapter 49, Water Code.

(b)  The district must finally annex or include the additional territory prescribed by Subsection (a)(2) simultaneously with the exclusion of the territory or not earlier than the 30th day before the date the territory is excluded.

(c)  Before the effective date of the exclusion, the district must receive from the territory proposed to be excluded payments of all rates, fees, and charges for water, sewer, or other district services provided to the territory, and of all ad valorem taxes, standby fees, and associated penalties and interest relating to the territory, that are due or overdue.

(d)  If ad valorem taxes or standby fees have not been established for the year in which the territory is to be excluded, the territory shall pay an amount determined by the district to be equal to the estimated ad valorem taxes or standby fees the district will establish for the year. (Acts 72nd Leg., R.S., Ch. 322, Sec. 2.)

Sec. 8023.0003.  ANNEXATION OR ADDITION OF TERRITORY. (a) Territory annexed or added to the district is sufficient to avoid an impairment of the security for payment of an obligation of the district if:

(1)  the taxable value of the additional territory is equal to or greater than the taxable value of the excluded territory, as determined by the most recent certified county property tax rolls; and

(2)  the estimated cost to provide district facilities and services to the additional territory is equal to or less than the estimated cost to provide district facilities and services to the excluded territory, as determined by the district's engineer.

(b)  In addition to the requirements of Subsection (a), if the district's outstanding bonds or contract obligations are wholly or partly payable from or secured by the net revenues from the ownership or operation of the district's waterworks or sewer systems, the projected net revenues to be derived from the additional territory during the period ending on the anniversary of the date on which the territory is added must be equal to or greater than the projected net revenues that would be derived during that period from the excluded territory, as determined by the district's engineer. (Acts 72nd Leg., R.S., Ch. 322, Sec. 3.)

CHAPTER 8024. BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8024.0001.  DEFINITIONS

Sec. 8024.0002.  FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8024.0003.  CONFLICTS OF LAW

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8024.0051.  ROAD UTILITY DISTRICT POWERS AND

                   DUTIES

Sec. 8024.0052.  ROAD PROJECTS

Sec. 8024.0053.  RAPID TRANSIT AUTHORITY POWERS

SUBCHAPTER C. FINANCIAL PROVISIONS

Sec. 8024.0101.  ELECTIONS REGARDING TAXES OR BONDS

Sec. 8024.0102.  MAINTENANCE TAX

CHAPTER 8024. BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8024.0001.  DEFINITIONS. In this chapter:

(1)  "City" means the City of Houston, Texas.

(2)  "District" means the Baybrook Municipal Utility District No. 1. (Acts 77th Leg., R.S., Ch. 1386, Secs. 2(2), (3).)

Sec. 8024.0002.  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 52, Article III, Texas Constitution. (Acts 77th Leg., R.S., Ch. 1386, Sec. 3.)

Sec. 8024.0003.  CONFLICTS OF LAW. (a) This section applies only to laws enacted on or before June 16, 2001.

(b)  Chapter 49 or 54, Water Code, controls over a conflicting or inconsistent provision in general law relating to road utility districts. (Acts 77th Leg., R.S., Ch. 1386, Sec. 5 (part).)

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8024.0051.  ROAD UTILITY DISTRICT POWERS AND DUTIES. (a) The district has road utility district authority under Section 52(b)(3), Article III, Texas Constitution, and Chapter 441, Transportation Code, including:

(1)  the authority to repair and maintain streets and roadways in the district; and

(2)  the ability to make contracts in the same manner as a road utility district under Subchapter E, Chapter 441, Transportation Code.

(b)  The district has all of the rights, powers, privileges, authority, duties, and functions conferred by the general laws applicable to a road utility district created under Section 52, Article III, Texas Constitution, to the extent those provisions can be made applicable.

(c)  The district is not subject to the requirements of Subchapter B, Chapter 441, Transportation Code. (Acts 77th Leg., R.S., Ch. 1386, Secs. 1 (part), 4, 5 (part), 9.)

Sec. 8024.0052.  ROAD PROJECTS. (a) To the extent authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, and operate macadamized, graveled, or paved roads and turnpikes or improvements in aid of those roads or turnpikes in the district.

(b)  The improvements under Subsection (a) may include drainage or landscaping improvements and lights, signs, or signals that are incidental to the roads and turnpikes and the construction, maintenance, or operation of the roads and turnpikes.

(c)  A project authorized by this section must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of the city.

(d)  On completion of a project authorized by this chapter, the district, with the consent of the city, may convey the project to the city if the conveyance is free of all district debt. If the city becomes the owner of a project, the city is responsible for all future maintenance and the district has no further responsibility for the project or its maintenance. (Acts 77th Leg., R.S., Ch. 1386, Sec. 6.)

Sec. 8024.0053.  RAPID TRANSIT AUTHORITY POWERS. (a) The district has the powers of a metropolitan rapid transit authority under Section 451.065, Transportation Code.

(b)  The municipal consent and contract requirements in Section 451.065(d), Transportation Code, do not apply to the district. (Acts 77th Leg., R.S., Ch. 1386, Sec. 1 (part).)

SUBCHAPTER C. FINANCIAL PROVISIONS

Sec. 8024.0101.  ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue bonds, notes, and other obligations secured by revenues or contract payments from any lawful source other than ad valorem taxes without an election.

(b)  The district may issue bonds, notes, and other obligations secured wholly or partly by ad valorem taxes only if the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose. (Acts 77th Leg., R.S., Ch. 1386, Sec. 7.)

Sec. 8024.0102.  MAINTENANCE TAX. The district may impose a maintenance tax at a rate not to exceed 25 cents on each $100 of assessed valuation of property in the district to be used for any authorized purpose of the district if the authority to impose the tax is approved by a majority of district voters voting at an election held for that purpose. (Acts 77th Leg., R.S., Ch. 1386, Sec. 8.)

SECTION 1.03.  RIVER AUTHORITIES. Subtitle G, Title 6, Special District Local Laws Code, is amended by adding Chapters 8508 and 8509 to read as follows:

CHAPTER 8508. SULPHUR RIVER BASIN AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8508.0001.  DEFINITIONS

Sec. 8508.0002.  NATURE OF AUTHORITY

Sec. 8508.0003.  PURPOSE OF CHAPTER

Sec. 8508.0004.  FINDING OF BENEFIT

Sec. 8508.0005.  REVIEW SCHEDULE UNDER SUNSET ACT

Sec. 8508.0006.  TERRITORY

Sec. 8508.0007.  LIBERAL CONSTRUCTION OF CHAPTER

SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

Sec. 8508.0051.  MEMBERSHIP OF BOARD

Sec. 8508.0052.  TERMS

Sec. 8508.0053.  REMOVAL

Sec. 8508.0054.  VACANCY

Sec. 8508.0055.  BOND REQUIREMENT FOR DIRECTORS

Sec. 8508.0056.  COMPENSATION OF DIRECTORS

Sec. 8508.0057.  OFFICERS

Sec. 8508.0058.  DIRECTOR TRAINING PROGRAM

Sec. 8508.0059.  INTEREST IN CONTRACT

Sec. 8508.0060.  COMMITTEES

Sec. 8508.0061.  EXECUTIVE DIRECTOR

Sec. 8508.0062.  SEPARATION OF POLICYMAKING AND

                   MANAGEMENT FUNCTIONS

Sec. 8508.0063.  DIRECTORS' AND EMPLOYEES' FIDELITY

                   BONDS

Sec. 8508.0064.  AUTHORITY'S OFFICE

Sec. 8508.0065.  NEGOTIATED RULEMAKING AND ALTERNATIVE

                   DISPUTE RESOLUTION

Sec. 8508.0066.  COMPLAINTS

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8508.0101.  GENERAL POWERS AND DUTIES

Sec. 8508.0102.  EFFECT OF POWERS OF AUTHORITY ON

                   POWERS OF OTHER DISTRICTS;

                   COORDINATION AND JOINT UNDERTAKINGS

                   AMONG DISTRICTS

Sec. 8508.0103.  GENERAL POWERS RELATING TO WORKS AND

                   WATER

Sec. 8508.0104.  CONTROL AND USE OF WATERS

Sec. 8508.0105.  USE OF BEDS AND BANKS OF SULPHUR RIVER

                   AND ITS TRIBUTARIES

Sec. 8508.0106.  WATER CONSERVATION PROGRAM

Sec. 8508.0107.  GROUNDWATER

Sec. 8508.0108.  APPLICABILITY OF CERTAIN ENVIRONMENTAL

                   LAWS

Sec. 8508.0109.  PERMITS AND LICENSES

Sec. 8508.0110.  CONSULTATION WITH COUNTY JUDGE FOR

                   CERTAIN PROPOSED PROJECTS

Sec. 8508.0111.  SERVICE CONTRACTS AND CHARGES

Sec. 8508.0112.  ACQUISITION, MAINTENANCE, AND

                   OPERATION OF PROPERTY

Sec. 8508.0113.  ACQUISITION, CONSTRUCTION,

                   MAINTENANCE, AND OPERATION OF

                   FACILITIES

Sec. 8508.0114.  EMINENT DOMAIN

Sec. 8508.0115.  COST OF RELOCATING OR ALTERING

                   PROPERTY

Sec. 8508.0116.  SALE, LEASE, EXCHANGE, OR OTHER

                   DISPOSITION OF PROPERTY

Sec. 8508.0117.  GENERAL CONTRACT POWERS

Sec. 8508.0118.  POWER OF PERSONS TO CONTRACT WITH

                   AUTHORITY

Sec. 8508.0119.  AWARD OF CERTAIN CONTRACTS

Sec. 8508.0120.  CONSTRUCTION CONTRACTS: PAYMENT

Sec. 8508.0121.  CONFLICT OF INTEREST IN CONTRACT

Sec. 8508.0122.  SURVEYS AND ENGINEERING INVESTIGATIONS

Sec. 8508.0123.  PLANS

Sec. 8508.0124.  ACCESS TO AUTHORITY PROPERTY

Sec. 8508.0125.  AUTHORITY TO EXERCISE POWERS OF

                   POLITICAL SUBDIVISIONS UNDER WATER

                   CODE

Sec. 8508.0126.  LIMITATIONS ON POWERS AND DUTIES OF

                   AUTHORITY; COMMISSION APPROVAL OF

                   CERTAIN PLANS

Sec. 8508.0127.  SUITS

SUBCHAPTER D. REGULATORY POWERS; ENFORCEMENT AND COURT REVIEW PROVISIONS

Sec. 8508.0151.  ADOPTION AND ENFORCEMENT OF RULES

Sec. 8508.0152.  CIVIL PENALTY; INJUNCTIVE RELIEF

Sec. 8508.0153.  COURT REVIEW

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8508.0201.  DISBURSEMENT OF MONEY

Sec. 8508.0202.  ACCOUNTS, CONTRACTS, AND OTHER

                   RECORDS; PUBLIC INSPECTION

Sec. 8508.0203.  FEES AND CHARGES

Sec. 8508.0204.  TRUST MONEY

Sec. 8508.0205.  TAXES AND TAX DEBT PROHIBITED

Sec. 8508.0206.  DEPOSITORY

Sec. 8508.0207.  INVESTMENT OF AUTHORITY MONEY;

                   APPLICATION OF INCOME FROM

                   INVESTMENTS

Sec. 8508.0208.  FISCAL YEAR

Sec. 8508.0209.  AUDIT

SUBCHAPTER F. OBLIGATIONS RELATING TO BORROWED MONEY OR GRANTS

Sec. 8508.0251.  LOANS AND GRANTS

Sec. 8508.0252.  POWER TO APPLY FOR MONEY FOR

                   ENGINEERING SURVEYS, DATA

                   COMPILATION AND COLLECTION, AND

                   OTHER PURPOSES

Sec. 8508.0253.  POWER TO ISSUE BONDS OR OTHER

                   OBLIGATIONS

Sec. 8508.0254.  REFUNDING BONDS

Sec. 8508.0255.  FORM OF OBLIGATIONS

Sec. 8508.0256.  MATURITY

Sec. 8508.0257.  TRUST INDENTURE

Sec. 8508.0258.  ADDITIONAL OBLIGATIONS

Sec. 8508.0259.  ADDITIONAL PROVISIONS IN RESOLUTION

                   AUTHORIZING OBLIGATIONS OR TRUST

                   INDENTURE

CHAPTER 8508. SULPHUR RIVER BASIN AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8508.0001.  DEFINITIONS. In this chapter:

(1)  "Authority" means the Sulphur River Basin Authority.

(2)  "Basin" means the watersheds of the Sulphur River inside the authority's territory as defined by Section 8508.0006.

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

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

(5)  "Development board" means the Texas Water Development Board.

(6)  "Director" means a board member.

(7)  "Public agency" means any government or governmental subdivision or agency.

(8)  "State" means the State of Texas or any of its agencies, departments, boards, political subdivisions, or other entities.

(9)  "Waste" means sewage, industrial waste, municipal waste, recreational waste, agricultural waste, or waste heat. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 2(1), (2), (3), (4), (6), (8), (9), (11); New.)

Sec. 8508.0002.  NATURE OF AUTHORITY. The authority is a conservation and reclamation district created under Section 59, Article XVI, Texas Constitution. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 1(a).)

Sec. 8508.0003.  PURPOSE OF CHAPTER. The purpose of this chapter is to authorize the authority to provide for the conservation and development of this state's natural resources inside the basin, including:

(1)  the control, storage, preservation, and distribution of this state's water for domestic and municipal uses, industrial uses, irrigation, mining and recovery of minerals, stock raising, underground water recharge, electric power generation, navigation, and other beneficial uses and purposes;

(2)  the reclamation and irrigation of land needing irrigation;

(3)  the reclamation and drainage of overflowed land and other land needing drainage;

(4)  the maintenance and enhancement of the quality of the water;

(5)  the conservation and development of the water;

(6)  the navigation of inland water; and

(7)  the provision of systems, facilities, and procedures for the collection, transportation, handling, treatment, and disposal of waste. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 4.)

Sec. 8508.0004.  FINDING OF BENEFIT. The legislature finds that all land included in the authority will benefit from the improvements to be acquired and constructed by the authority. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 3(b).)

Sec. 8508.0005.  REVIEW SCHEDULE UNDER SUNSET ACT. A review of the authority under Section 325.025, Government Code, shall be conducted as if the authority were a state agency scheduled to be abolished September 1, 2029, and every 12th year after that year. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 1A(a) (part).)

Sec. 8508.0006.  TERRITORY. (a) Unless modified under Subchapter J, Chapter 49, Water Code, or other law, the authority's territory is composed of the territory in each county in Texas, other than Fannin County, that is located wholly or partly in the watershed of the Sulphur River and its tributaries with confluences with the Sulphur River upstream from the eastern boundary of Texas, as those watersheds and tributaries are defined by maps on file with the development board.

(b)  The boundaries of the authority form a closure. A mistake in the description of the boundaries in the legislative process or another mistake does not affect:

(1)  the authority's organization, existence, or validity;

(2)  the authority's right to issue any type of bond for a purpose for which the authority is created or to pay the principal of or interest on the bond; or

(3)  the legality or operation of the authority or its governing body. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 3(a), 52; New.)

Sec. 8508.0007.  LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to achieve its purposes. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 5 (part).)

SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

Sec. 8508.0051.  MEMBERSHIP OF BOARD. (a) The board consists of seven directors appointed by the governor with the advice and consent of the senate.

(b)  The governor shall appoint one director to represent the authority at large.

(c)  The governor shall appoint two directors from each of the following regions:

(1)  Region 1: Bowie and Red River Counties;

(2)  Region 2: Cass, Franklin, Hunt, Morris, and Titus Counties; and

(3)  Region 3: Delta, Hopkins, and Lamar Counties.

(d)  Each director must be a qualified voter.

(e)  A director appointed under Subsection (c) must be a resident of a county in the region for which the director is appointed. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 6(a) (part), (b).)

Sec. 8508.0052.  TERMS. Directors serve for staggered terms of six years with two or three directors' terms expiring on February 1 of each odd-numbered year. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 6(c); Acts 85th Leg., R.S., Ch. 276, Sec. 15(c).)

Sec. 8508.0053.  REMOVAL. (a) The governor may remove a director from office for:

(1)  inefficiency;

(2)  neglect of duty;

(3)  misconduct in office; or

(4)  absence from three consecutive regular board meetings.

(b)  Before a director is removed from office, the board shall call and hold a hearing on the charges against the director, and the director is entitled to appear at the hearing and present evidence to show why the director should not be removed from office.

(c)  Not later than the 30th day before the date of the hearing, the board shall give the accused director notice of:

(1)  the charges against the director; and

(2)  the time and place for the hearing.

(d)  An affirmative vote of not fewer than four of the directors is required to approve a recommendation for removal.

(e)  A recommendation for removal shall be forwarded to the governor for the governor's consideration and action as provided by this section. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 6(f).)

Sec. 8508.0054.  VACANCY. A vacancy on the board shall be filled in the manner provided by Section 8508.0051 for making the original appointment. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 6(e).)

Sec. 8508.0055.  BOND REQUIREMENT FOR DIRECTORS. As a qualification for office, a director must execute a bond in an amount determined by the board conditioned on the faithful performance of the director's duties. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 6(d).)

Sec. 8508.0056.  COMPENSATION OF DIRECTORS. (a) A director is entitled to receive $25 a day and reimbursement for actual and necessary expenses incurred:

(1)  for each day the director spends attending meetings of the board; and

(2)  for each day the director spends attending to the business of the authority that is authorized by the board.

(b)  A director is not entitled to receive a per diem allowance for more than 50 days in a calendar year.

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

(d)  A director's compensation may be increased as authorized by Section 49.060, Water Code, by resolution adopted by the board in accordance with Subsection (e) of that section on or after September 1, 1995. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 8; New.)

Sec. 8508.0057.  OFFICERS. (a) The governor shall designate a director as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

(b)  The board shall elect one or more vice presidents, a secretary, a treasurer, and other officers as the directors consider necessary.

(c)  The presiding officer and each vice president must be a director, but other officers are not required to be directors.

(d)  The offices of the secretary and treasurer may be combined, and the offices of assistant secretary and assistant treasurer may be combined. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 6(i), (j).)

Sec. 8508.0058.  DIRECTOR TRAINING PROGRAM. (a) A person who is appointed to and qualifies for office as a director may not vote, deliberate, or be counted as a director in attendance at a board meeting until the person completes a training program that complies with this section.

(b)  The training program must provide the person with information regarding:

(1)  the law governing the authority's operations;

(2)  the authority's programs, functions, rules, and budget;

(3)  the scope of and limitations on the authority's rulemaking authority;

(4)  the results of the authority's most recent formal audit;

(5)  the requirements of:

(A)  laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B)  other laws applicable to members of the governing body of a river authority in performing their duties; and

(6)  any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c)  A person appointed to the board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d)  The board shall create a training manual that includes the information required by Subsection (b). The board shall distribute a copy of the training manual annually to each director. On receipt of the training manual, each director shall sign a statement acknowledging receipt of the training manual. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 6A.)

Sec. 8508.0059.  INTEREST IN CONTRACT. (a) A director who has a financial interest in an authority contract for the purchase, sale, lease, rental, or supply of property, including supplies, materials, and equipment, or for the construction of facilities, shall disclose that fact to the other directors and may not vote on or participate in discussions during board meetings on the acceptance of the contract.

(b)  A director's financial interest does not affect the validity of a contract if disclosure is made and the director with the financial interest does not vote on the question of entering into the contract. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 7.)

Sec. 8508.0060.  COMMITTEES. (a) The board may appoint or establish committees from the board's directors as necessary or desirable to assist in conducting the authority's business.

(b)  Subject to the applicable rules of law on delegation of powers, the board may assign or delegate or provide for the assignment or delegation of any powers, duties, and functions to its committees as the board may provide by rule or resolution. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 9.)

Sec. 8508.0061.  EXECUTIVE DIRECTOR. (a) The board may employ an executive director and set the executive director's salary and other compensation by majority vote of the qualified directors.

(b)  The executive director is the chief executive officer of the authority.

(c)  Under policies established by the board, the executive director is responsible to the board for:

(1)  administering the board's directives;

(2)  keeping the authority's records, including minutes of the meetings of the board and the executive committee;

(3)  coordinating with state, federal, and local agencies;

(4)  developing plans and programs for the approval of the board or the executive committee;

(5)  hiring, supervising, training, and discharging the authority's employees, as authorized by the board or the executive committee;

(6)  contracting for or retaining technical, scientific, legal, fiscal, and other professional services, as authorized by the board; and

(7)  performing any other duties assigned by the board.

(d)  The board may discharge the executive director on a majority vote of the qualified directors. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 10.)

Sec. 8508.0062.  SEPARATION OF POLICYMAKING AND MANAGEMENT FUNCTIONS. The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and staff of the authority. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 10A.)

Sec. 8508.0063.  DIRECTORS' AND EMPLOYEES' FIDELITY BONDS. (a) The executive director, the treasurer, and any other officer, agent, or employee of the authority who has responsibilities that involve the collection, custody, or payment of authority money shall execute a fidelity bond.

(b)  The board must approve the form, amount, and surety of the bond.

(c)  The authority shall pay the premiums on the bonds required under this chapter. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 11.)

Sec. 8508.0064.  AUTHORITY'S OFFICE. The authority shall maintain its principal office inside its boundaries. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 12.)

Sec. 8508.0065.  NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop a policy to encourage the use of:

(1)  negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of authority rules; and

(2)  appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the authority's jurisdiction.

(b)  The authority's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c)  The authority shall:

(1)  coordinate the implementation of the policy adopted under Subsection (a);

(2)  provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3)  collect data concerning the effectiveness of those procedures. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 6B.)

Sec. 8508.0066.  COMPLAINTS. (a) The authority shall maintain a system to promptly and efficiently act on complaints filed with the authority. The authority shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b)  The authority shall make information available describing its procedures for complaint investigation and resolution.

(c)  The authority shall periodically notify the parties to the complaint of the status of the complaint until final disposition. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 13A.)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8508.0101.  GENERAL POWERS AND DUTIES. (a) The authority shall:

(1)  administer this chapter; and

(2)  use its facilities and powers to accomplish the purposes of this chapter.

(b)  The authority may:

(1)  exercise the powers, rights, and privileges necessary or convenient for accomplishing the purposes of this chapter; and

(2)  perform any act necessary or convenient to the exercise of the powers, rights, privileges, or functions conferred by this chapter or other laws.

(c)  The board may provide for any expenditures it considers essential or useful in the maintenance, operation, and administration of the authority. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 16(a), (b), 38.)

Sec. 8508.0102.  EFFECT OF POWERS OF AUTHORITY ON POWERS OF OTHER DISTRICTS; COORDINATION AND JOINT UNDERTAKINGS AMONG DISTRICTS. (a) The powers granted to the authority by this chapter are not intended to restrict the powers of any conservation and reclamation district created under Section 59, Article XVI, Texas Constitution, inside the basin or area of the authority. It is the legislature's intent that the authority and those districts exercise their respective powers in a cooperative manner.

(b)  A district created under Section 59, Article XVI, or Sections 52(b)(1) and (2), Article III, Texas Constitution, on or before August 29, 1985, may:

(1)  coordinate its plans with the authority; and

(2)  enter into joint undertakings with the authority for the purposes for which the entities are created.

(c)  The acts taken under Subsection (b) must be approved by a majority of the boards of directors of the district and authority. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 16(c) (part), (d).)

Sec. 8508.0103.  GENERAL POWERS RELATING TO WORKS AND WATER. (a) The authority may exercise all the rights and powers of an independent agency and a body politic and corporate to construct, maintain, and operate, inside this state and in the watershed of the Sulphur River and its tributaries inside or outside the boundaries of the authority, any work considered essential:

(1)  to the authority's operation; and

(2)  for its administration in controlling, storing, preserving, and distributing the water, including storm water and floodwater, of the Sulphur River and its tributary streams.

(b)  The authority may exercise the power of control and regulation over the water of the Sulphur River and its tributaries as this state may exercise, subject to the constitution and laws of this state. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 1(d).)

Sec. 8508.0104.  CONTROL AND USE OF WATERS. (a) The authority may exercise power over the storm water and floodwater of the basin.

(b)  The authority may exercise the powers of control and use of the state's water in the following manner and for the following purposes:

(1)  to provide for the control and coordination of water use in the basin as a unit;

(2)  to provide by adequate organization and administration for the preservation of the rights of the people of the different sections of the basin in the beneficial use of water;

(3)  to provide for conserving storm water, floodwater, and the unappropriated flow of the basin, including the storage, control, transportation, treatment, and distribution of that water, and the prevention of the escape of water without the maximum of public service;

(4)  to provide for the prevention of the devastation of land from recurrent overflows;

(5)  to provide for the protection of life and property in the basin from uncontrolled floodwater;

(6)  to provide for the conservation of water essential for domestic and other water uses of the people of the basin, including necessary water supplies for municipalities and industrial districts;

(7)  to provide for the irrigation of land in the basin where irrigation is required for agricultural purposes or is considered helpful to more profitable agricultural production;

(8)  to provide for the equitable distribution of storm water, floodwater, and unappropriated flow water to meet the regional potential requirements for all uses;

(9)  to provide for the encouragement and development of drainage systems and provisions for the drainage of land in the valleys of the basin needing drainage for profitable agricultural and livestock production and industrial activities, and other drainage of land for the most advantageous use;

(10)  to provide for the conservation of soil against destructive erosion to prevent the increased flood menace incident to erosion;

(11)  to control and make available for use storm water, floodwater, and unappropriated flow water as authorized by the commission in the development of commercial and industrial enterprises in all sections of the watershed area of the authority;

(12)  to provide for each purpose and use for which storm water, floodwater, and unappropriated flow water when controlled and conserved may be used in the performance of a useful service as contemplated and authorized by the provisions of the constitution and laws of this state;

(13)  to control, store, and preserve the water of the basin inside the authority for any useful purpose;

(14)  to use, distribute, and sell water for any beneficial purpose inside and outside the authority; and

(15)  to acquire water and water rights inside and outside the authority.

(c)  The plans and works provided by the authority or under the power of the authority should give primary consideration to the necessary and potential needs for water by or in the various areas in the watershed of the basin. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 17(a), (b), (c).)

Sec. 8508.0105.  USE OF BEDS AND BANKS OF SULPHUR RIVER AND ITS TRIBUTARIES. Subject to the approval of the commission, the authority may use the beds and banks of the Sulphur River and its tributary streams for any purpose necessary to accomplish the authority's plans for storing, controlling, conserving, transporting, and distributing storm water, floodwater, and appropriated flow waters for useful purposes. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 36.)

Sec. 8508.0106.  WATER CONSERVATION PROGRAM. (a) In this section, "program of water conservation" means the use of practices, techniques, and technologies that will reduce water consumption, reduce water loss or waste, improve efficiency in water use, or increase water recycling and reuse so that a water supply is available for future uses.

(b)  The authority shall adopt and implement a program of water conservation consistent with rules and criteria adopted and enforceable by the commission and development board for similarly situated authorities. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 17(d).)

Sec. 8508.0107.  GROUNDWATER. (a) The authority may conduct surveys and studies of the groundwater supplies in the authority to:

(1)  determine the location and quantity of available groundwater; and

(2)  develop and ascertain other information that in the judgment of the board may be necessary to fully develop water uses from the groundwater in the authority.

(b)  With the approval and under the supervision of the commission, the authority may appropriate storm water and floodwater to recharge underground freshwater-bearing sand and aquifers in the basin. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 19.)

Sec. 8508.0108.  APPLICABILITY OF CERTAIN ENVIRONMENTAL LAWS. The authority is a river authority for the purposes and definitions of Chapter 30, Water Code, and Chapter 383, Health and Safety Code, as they apply to the authority. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 20 (part).)

Sec. 8508.0109.  PERMITS AND LICENSES. (a) The authority must apply for any permit, license, or other grant of authority required from the commission.

(b)  The authority may apply for any permit, license, or financial assistance it may need from any federal, state, or local governmental agency. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 23(a), (b).)

Sec. 8508.0110.  CONSULTATION WITH COUNTY JUDGE FOR CERTAIN PROPOSED PROJECTS. Before voting on a proposed project for which the board will seek a permit, the board shall obtain advice on the project from the county judge of each county in which the project is proposed to be located. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 23(c).)

Sec. 8508.0111.  SERVICE CONTRACTS AND CHARGES. (a) The authority may enter into service contracts and may adopt resolutions and orders establishing rates and providing for the collection of fees and charges for:

(1)  the sale or use of water;

(2)  the services of water transmission, treatment, and storage facilities;

(3)  liquid waste collection, treatment, and disposal services and facilities;

(4)  the sale of power and electric energy; and

(5)  any other services or facilities sold, furnished, or supplied by the authority.

(b)  The fees and charges must be sufficient to produce revenues adequate to:

(1)  pay expenses necessary for the operation and maintenance of the authority's property and facilities;

(2)  pay the principal of and interest on any bonds or other obligations issued by the authority when due and payable;

(3)  fulfill any reserve or other fund obligations of the authority in connection with the bonds or other obligations; and

(4)  pay any other expenses the board may consider necessary and proper for the authority's operations. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 24.)

Sec. 8508.0112.  ACQUISITION, MAINTENANCE, AND OPERATION OF PROPERTY. The authority may purchase, lease, acquire by gift, maintain, use, and operate property of any kind inside or outside the authority that is appropriate for the exercise of its powers or the accomplishment of its purposes. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 26(a).)

Sec. 8508.0113.  ACQUISITION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF FACILITIES. The authority may acquire, construct, extend, improve, maintain, reconstruct, use, and operate facilities inside or outside the authority that are necessary or convenient for the exercise of its powers, rights, duties, and functions or the accomplishment of its purposes. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 27.)

Sec. 8508.0114.  EMINENT DOMAIN. (a) The authority may exercise the power of eminent domain to acquire land inside or outside the authority to carry out a power, right, privilege, or function authorized by this chapter if the board, after notice and hearing, determines that the action is necessary.

(b)  The authority must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except that the authority is not required to:

(1)  give bond for appeal or bond for costs in a condemnation suit or other suit to which it is a party; or

(2)  deposit double the amount of any award in any suit.

(c)  The authority's authority under this section to exercise the power of eminent domain expired on September 1, 2013, unless the authority submitted a letter to the comptroller in accordance with Section 2206.101(b), Government Code, not later than December 31, 2012. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 25(a), (b); New.)

Sec. 8508.0115.  COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) to provide comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value derived from the old facility.

(b)  If the authority's exercise of the power of eminent domain makes necessary relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a highway, railroad, electric transmission or distribution line, telephone or telegraph property or facility, or pipeline, the necessary action shall be accomplished at the sole expense of the authority. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 25(c).)

Sec. 8508.0116.  SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION OF PROPERTY. The authority may:

(1)  sell any property or interest in property owned by the authority by installments or otherwise, including a sale in any manner prescribed or authorized by:

(A)  Section 552.014, Local Government Code;

(B)  Chapter 30, Water Code; or

(C)  Chapter 383, Health and Safety Code; or

(2)  lease, exchange, or otherwise dispose of any property or interest in property. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 26(b).)

Sec. 8508.0117.  GENERAL CONTRACT POWERS. (a) The authority may enter into a contract or execute an instrument that is necessary or convenient for the exercise of its powers, rights, duties, and functions or the accomplishment of its purposes.

(b)  Notwithstanding any other law, the authority may:

(1)  undertake and carry out an activity that is related to or necessary in carrying out or performing a power or function of the authority;

(2)  enter into a contract, loan agreement, lease, or installment sales agreement;

(3)  acquire, purchase, construct, own, operate, maintain, repair, improve, or extend, or loan, lease, sell, or otherwise dispose of, including by such methods as a loan payment, rental, sale, or installment sale, as the parties may agree, any facility, plant, building, structure, equipment, or appliance or property or any interest in property; and

(4)  use any or all money or proceeds of bonds and other obligations. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 29(a), (b).)

Sec. 8508.0118.  POWER OF PERSONS TO CONTRACT WITH AUTHORITY. (a) A person may contract with the authority in any manner authorized by this chapter, Chapter 30, Water Code, or Chapter 383, Health and Safety Code, with respect to water, waste, pollution control, or any other facility or any service provided by the authority.

(b)  A public agency may enter into and execute a contract described by Subsection (a) with the authority and may determine, agree, and pledge that all or any part of its payments under the contract is payable from the source described in Section 30.030(c), Water Code, subject only to the authorization of the contract, pledge, and payments by the public agency's governing body. The public agency also may use and pledge any other available revenue or resource for payment of amounts due under the contract as an additional source of payment or as the sole source of payment.

(c)  A public agency may:

(1)  set fees, rates, charges, rentals, and other amounts, including water charges and garbage collection or handling fees, for any services or facilities provided by any utility operated by it, or provided pursuant to or in connection with any contract with the authority;

(2)  charge those amounts to and collect those amounts from its inhabitants or from any users or beneficiaries of the utility, services, or facilities; and

(3)  use and pledge that money to make payments to the authority required under the contract and may covenant to do so in amounts sufficient to make all or any part of those payments to the authority when due.

(d)  If a public agency and the authority agree in a contract, the payments made by the public agency to the authority under the contract are an expense of operation of any facilities or utility operated by the public agency. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 29(c), (d).)

Sec. 8508.0119.  AWARD OF CERTAIN CONTRACTS. (a) The authority shall award a contract to the lowest and best bidder if:

(1)  the contract is a:

(A)  construction, maintenance, operation, or repair contract;

(B)  contract for the purchase of material, equipment, or supplies; or

(C)  contract for services other than technical, scientific, legal, fiscal, or other professional services; and

(2)  the contract:

(A)  will require an estimated expenditure of more than $10,000; or

(B)  is for a term of six months or more.

(b)  If the board finds that an extreme emergency exists, the board may award a contract necessary to protect and preserve the public health and welfare or the property of the authority without using bidding procedures.

(c)  The authority shall publish notice to bidders once each week for three consecutive weeks before the date set for awarding the contract. The notice must be published in a newspaper with general circulation in the authority and may also be published in any other appropriate publication.

(d)  The notice is sufficient if it states:

(1)  the time and place at which the bids will be opened;

(2)  the terms on which copies of the plans, specifications, or other pertinent information may be obtained;

(3)  the general nature of the work to be done; and

(4)  the material, equipment, or supplies to be purchased or the nonprofessional services to be rendered.

(e)  A person who desires to bid on the construction of a work or project that is advertised for bids shall, on written application to the authority, be provided a copy of the plans and specifications or other engineering and architectural documents showing all of the details of the work to be done. The authority may make a charge to cover the cost of making the copy.

(f)  A bid must be:

(1)  in writing;

(2)  sealed and delivered to the authority; and

(3)  accompanied by a certified check drawn on a responsible bank in this state or, at the discretion of the authority, a bid bond from a company approved by the authority, in an amount equal to at least one percent of the total amount bid.

(g)  The authority shall open bids at the place specified in the published notice. The authority shall announce the bids. The place where the bids are opened and announced must be open to the public. The board shall make the award of the contract.

(h)  The person with whom a contract is made shall provide the performance and payment bonds required by law.

(i)  A check or bond provided under Subsection (f) is forfeited to the authority if the successful bidder fails or refuses to:

(1)  enter into a proper contract; or

(2)  provide a bond as required by law.

(j)  The authority may reject any or all bids and may waive any irregularity in the bids.

(k)  This section does not prohibit the authority from taking the following actions by negotiated contract and without necessity for advertising for bids:

(1)  purchasing or acquiring land or an interest in land from any person;

(2)  acquiring, constructing, or improving pollution control or waste collection and disposal facilities as provided by Chapter 30, Water Code, Chapter 383, Health and Safety Code, or other applicable law; or

(3)  purchasing or acquiring surplus property from a governmental entity. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 30(a), (b), (c), (d), (e), (g), (h).)

Sec. 8508.0120.  CONSTRUCTION CONTRACTS: PAYMENT. (a) The contract price of any construction contract of the authority may be paid in partial payments as the work progresses, but the payments may not exceed 90 percent of the amount due at the time of the payments as shown by the report of the engineer of the authority.

(b)  During the progress of the work, the executive director shall inspect the construction or have the construction inspected by the authority's engineer or the engineer's assistants.

(c)  On certification of the executive director and the authority's engineer of the completion of the contract in accordance with its terms and, in the case of any construction contract for which notice to bidders is required by this chapter, on approval of the board, the board shall draw a warrant on its depository to pay the balance due on the contract. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 30(f).)

Sec. 8508.0121.  CONFLICT OF INTEREST IN CONTRACT. An officer, agent, or employee of the authority who is financially interested in a contract shall disclose that fact to the board before the board votes on the acceptance of the contract. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 30(i).)

Sec. 8508.0122.  SURVEYS AND ENGINEERING INVESTIGATIONS. The authority may make surveys and engineering investigations to develop information for its use. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 34 (part).)

Sec. 8508.0123.  PLANS. The board may make and determine plans necessary to accomplish the purposes for which the authority is created and may carry out the plans. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 34 (part).)

Sec. 8508.0124.  ACCESS TO AUTHORITY PROPERTY. (a) To provide for the safety and welfare of persons and their property or for the protection and security of the authority's property and facilities, the board may adopt rules with respect to the authority's property and any water reservoir or dam the construction, operation, or management of which is participated in by the authority to control and regulate:

(1)  ingress, egress, and use; and

(2)  the operation of land and water vehicles.

(b)  All public roads, streets, and state highways that as of August 29, 1985, traversed the areas to be covered by any impounded water shall remain open as a way of public passing to and from the lakes created, unless changed by the authority. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 35.)

Sec. 8508.0125.  AUTHORITY TO EXERCISE POWERS OF POLITICAL SUBDIVISIONS UNDER WATER CODE. The authority may exercise:

(1)  the powers vested in political subdivisions under Title 2, Water Code; and

(2)  the powers necessary to enable the authority to participate in programs administered by the development board, including programs for:

(A)  the acquisition and development of facilities;

(B)  the sale or lease of facilities; and

(C)  financial assistance to political subdivisions. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 37.)

Sec. 8508.0126.  LIMITATIONS ON POWERS AND DUTIES OF AUTHORITY; COMMISSION APPROVAL OF CERTAIN PLANS. (a) The powers granted and duties prescribed by this chapter are subject to all legislative declarations of public policy in the maximum use of the storm water, floodwater, and unappropriated flow water of the basin for the purposes for which the authority is created.

(b)  The commission shall consider the adequacy of, and approve or refuse to approve, any flood control or conservation improvement plan that:

(1)  is devised by the authority to achieve a plan or purpose for which the authority was created; and

(2)  contemplates improvements that are to be supervised by the commission under general law. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 39(a) (part), (b).)

Sec. 8508.0127.  SUITS. (a) The authority may sue and be sued in the name of the authority.

(b)  Service of process may be accomplished by serving the presiding officer or a vice president of the board or the executive director. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 15(a), (b).)

SUBCHAPTER D. REGULATORY POWERS; ENFORCEMENT AND COURT REVIEW PROVISIONS

Sec. 8508.0151.  ADOPTION AND ENFORCEMENT OF RULES. (a) The authority may adopt and enforce rules reasonably required to carry out this chapter.

(b)  The board shall adopt rules necessary for the conduct of the authority's business.

(c)  In adopting rules, the board shall comply, as appropriate, with the requirements of Chapters 2001 and 2002, Government Code.

(d)  The board shall print its rules and provide copies to any person on written request. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 6(h), 31.)

Sec. 8508.0152.  CIVIL PENALTY; INJUNCTIVE RELIEF. (a) A person who violates a rule or order of the authority is subject to a civil penalty of not less than $50 or more than $1,000 for each day of violation.

(b)  The authority may sue to recover the penalty in a district court in the county in which the violation occurred. A penalty shall be paid to the authority.

(c)  The authority may sue for injunctive relief in a district court in the county in which the violation of a rule or order occurred or is threatened.

(d)  The authority may sue for injunctive relief and a penalty in the same proceeding. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 32.)

Sec. 8508.0153.  COURT REVIEW. (a) A person who is adversely affected by a rule or order of the authority may sue the authority in a district court to set aside the rule or order before the 31st day after the date on which the rule or order takes effect.

(b)  Venue for a suit under Subsection (a) is in any county located wholly or partly in the authority. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 33.)

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8508.0201.  DISBURSEMENT OF MONEY. The authority may disburse its money only by a check, draft, order, or other instrument signed by the person or persons authorized in the board's rules or by board resolution. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 40.)

Sec. 8508.0202.  ACCOUNTS, CONTRACTS, AND OTHER RECORDS; PUBLIC INSPECTION. (a) The authority shall keep complete and accurate accounts of its business transactions in accordance with generally accepted methods of accounting.

(b)  The authority shall keep its accounts, contracts, documents, minutes, and other records at its principal office.

(c)  Except as otherwise required by law, the authority may not disclose any records that it has relating to trade secrets or the economics of operation of any business or industry.

(d)  Except as provided by Subsection (c), the authority shall permit reasonable public inspection of its records during regular business hours under rules adopted by the board. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 13(a), (c), (d), (e).)

Sec. 8508.0203.  FEES AND CHARGES. (a) The authority shall establish fees and charges.

(b)  The fees and charges may not exceed the amount necessary to fulfill the obligations imposed by this chapter. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 41.)

Sec. 8508.0204.  TRUST MONEY. Money collected by or donated, granted, loaned, or advanced to the authority is trust money for the purposes provided by this chapter. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 44.)

Sec. 8508.0205.  TAXES AND TAX DEBT PROHIBITED. The authority may not:

(1)  impose a tax; or

(2)  create debt payable from taxes. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 1(c).)

Sec. 8508.0206.  DEPOSITORY. (a) The board shall designate one or more banks inside or outside the authority to serve as a depository for the authority's money.

(b)  Authority money shall be deposited in a depository bank, except that the following may be handled as provided in a trust indenture or resolution:

(1)  bond proceeds or proceeds of other obligations;

(2)  money pledged to pay the obligations described by Subdivision (1);

(3)  money placed in special funds; and

(4)  money remitted to a bank of payment for the payment of the principal of and interest on obligations.

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

(d)  The board shall prescribe the term of service for a depository.

(e)  Before designating a depository bank, the board shall:

(1)  publish notice one time in one or more newspapers of general circulation in the authority that are specified by the board; or

(2)  mail a copy of the notice to each bank inside the authority.

(f)  The notice must:

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

(2)  invite the banks to submit an application to be designated a depository.

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

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

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

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

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

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

(i)  If the board does not receive an application before the time stated in the notice, the board shall designate one or more banks inside or outside the authority as a depository on terms the board considers advantageous to the authority. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 47.)

Sec. 8508.0207.  INVESTMENT OF AUTHORITY MONEY; APPLICATION OF INCOME FROM INVESTMENTS. (a) Money in the treasury that is not required for the current payment of obligations of the authority or for sinking funds and that the board considers available for investment may be invested or reinvested by the authority in:

(1)  direct obligations of the United States;

(2)  obligations the principal and interest of which are guaranteed by the United States;

(3)  direct obligations of or participation certificates guaranteed by:

(A)  a farm credit bank;

(B)  the Federal National Mortgage Association;

(C)  a federal home loan bank; or

(D)  a bank for cooperatives;

(4)  certificates of deposit of a bank or trust company the deposits of which are fully secured by a pledge of securities of any of the institutions specified by this subsection;

(5)  other securities eligible for investment under other laws; or

(6)  a combination of the investments listed in this subsection.

(b)  The board shall determine the type and maturity of investments made under this section.

(c)  A resolution relating to the issuance of bonds or other obligations must include appropriate provisions relating to the investment of money in funds established in connection with the authorization of those bonds or other obligations.

(d)  The board shall direct the application of income from investments made under this section. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 45.)

Sec. 8508.0208.  FISCAL YEAR. The authority's fiscal year ends on August 31 of each year. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 46(a).)

Sec. 8508.0209.  AUDIT. (a) In addition to including the information required by Subchapter G, Chapter 49, Water Code, the audit report prepared under that subchapter must state:

(1)  the amount of money received by the authority under this chapter during the preceding fiscal year; and

(2)  how, to whom, and for what purpose the money was spent.

(b)  A copy of the audit report prepared under Subchapter G, Chapter 49, Water Code, shall be filed:

(1)  as required by Section 49.194, Water Code;

(2)  with the governor;

(3)  with the lieutenant governor;

(4)  with the speaker of the house of representatives;

(5)  with the attorney general; and

(6)  with the comptroller. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 46(c), (d); New.)

SUBCHAPTER F. OBLIGATIONS RELATING TO BORROWED MONEY OR GRANTS

Sec. 8508.0251.  LOANS AND GRANTS. (a) The authority may:

(1)  borrow money or accept a grant or donation for its corporate purposes from any person, including a private source, the United States, this state, or a local government; and

(2)  enter into an agreement in connection with a loan, grant, or donation accepted under Subdivision (1).

(b)  The source of money accepted by the authority is public information. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 42.)

Sec. 8508.0252.  POWER TO APPLY FOR MONEY FOR ENGINEERING SURVEYS, DATA COMPILATION AND COLLECTION, AND OTHER PURPOSES. (a) The authority may apply to this state, the United States, or any other person for money necessary to:

(1)  secure engineering surveys and the compilation and collection of data relating to regional and general conditions entering into and influencing the character and extent of the improvements necessary to accomplish the storage, control, transportation, treatment, conservation, and equitable distribution to the greatest public advantage of the storm water, floodwater, and normal flow water that is stored and controlled; or

(2)  accomplish or carry out any of the other purposes of this chapter.

(b)  The authority:

(1)  shall request an amount it considers sufficient;

(2)  may make the necessary agreements with the party providing the money; and

(3)  may appropriate the amount of the estimated equitable contribution of the costs of developing essential engineering data. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 43.)

Sec. 8508.0253.  POWER TO ISSUE BONDS OR OTHER OBLIGATIONS. (a) For the purpose of carrying out any power provided by this chapter, including the payment of the expenses of preparing the master plan and the payment of engineering and other expenses, the authority may issue bonds or other obligations in one general class secured by a pledge of all or part of the revenue accruing to the authority from any source, including the revenue received from:

(1)  the sale of water or other products;

(2)  the rendition of services;

(3)  tolls; and

(4)  charges.

(b)  The obligations must be authorized by a board resolution. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 48(a), (b) (part).)

Sec. 8508.0254.  REFUNDING BONDS. (a) The authority may issue refunding bonds to refund outstanding obligations issued under this chapter.

(b)  Refunding bonds may be issued in the manner provided by Chapter 1207, Government Code. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 49 (part).)

Sec. 8508.0255.  FORM OF OBLIGATIONS. Authority obligations must:

(1)  be in the form prescribed by the board;

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

(3)  be signed by the presiding officer or a vice president;

(4)  be attested by the secretary; and

(5)  bear the authority seal. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 48(b) (part), (c) (part).)

Sec. 8508.0256.  MATURITY. Authority obligations must mature not later than 50 years after the date of their issuance. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 48(c) (part).)

Sec. 8508.0257.  TRUST INDENTURE. Authority obligations may be further secured by a trust indenture with a corporate trustee. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 48(c) (part).)

Sec. 8508.0258.  ADDITIONAL OBLIGATIONS. A pledge of revenue may reserve the right, under specified conditions, to issue additional obligations that will be on a parity with or subordinate to the obligations then being issued. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 48(d) (part).)

Sec. 8508.0259.  ADDITIONAL PROVISIONS IN RESOLUTION AUTHORIZING OBLIGATIONS OR TRUST INDENTURE. (a) The resolution authorizing obligations or the trust indenture further securing obligations may specify additional provisions that constitute a contract between the authority and the owners of those obligations.

(b)  The board may provide for the additional provisions, including a corporate trustee or receiver provided by the authority to take possession of authority facilities in the event of the authority's default in fulfilling the covenants. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 48(f).)

CHAPTER 8509. PALO DURO WATER DISTRICT

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CHAPTER 8509. PALO DURO WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8509.0001.  DEFINITIONS. In this chapter:

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

(2)  "Commission" means the Texas Commission on Environmental Quality.

(3)  "Director" means a board member.

(4)  "District" means the Palo Duro Water District.

(5)  "Member entity" means a county or municipality that is a member of the district. (Acts 63rd Leg., R.S., Ch. 438, Sec. 1B.)

Sec. 8509.0002.  NATURE OF DISTRICT. The district is a conservation and reclamation district created under Section 59, Article XVI, Texas Constitution, and a political subdivision of this state. (Acts 63rd Leg., R.S., Ch. 438, Sec. 1.)

Sec. 8509.0003.  FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The legislature finds that:

(1)  all land included in the district will benefit from the improvements to be acquired and constructed by the district; and

(2)  the district is created to serve a public use and benefit.

(b)  The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries. The district, in carrying out the purposes of this chapter, will be performing an essential public function under the Texas Constitution. (Acts 63rd Leg., R.S., Ch. 438, Secs. 2 (part), 26 (part).)

Sec. 8509.0004.  DISTRICT TERRITORY. Unless modified under Subchapter J, Chapter 49, Water Code, this chapter or its predecessor statute, Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, or other law, the district's territory comprises all of the territory contained in:

(1)  Hansford and Moore Counties; and

(2)  the City of Stinnett. (Acts 63rd Leg., R.S., Ch. 438, Sec. 2 (part); New.)

Sec. 8509.0005.  CORRECTION OF INVALID PROCEDURES. If a court holds that any procedure under this chapter violates the Texas Constitution or the United States Constitution, the board by resolution may provide an alternative procedure that conforms with the constitution. (Acts 63rd Leg., R.S., Ch. 438, Sec. 31 (part).)

SUBCHAPTER B. PROCEDURES FOR ANNEXATION, WITHDRAWAL, OR DISSOLUTION

Sec. 8509.0051.  ANNEXATION OF TERRITORY. (a) Territory, whether or not contiguous to the district, may be annexed to the district in the manner provided by this section.

(b)  The board may annex territory or a municipality under this section only if a petition requesting annexation is filed with the board. The petition must:

(1)  describe the territory to be annexed by metes and bounds, or otherwise, except that if the territory is the same as that contained in the boundaries of a municipality, the petition is sufficient if it states that the territory to be annexed is the territory contained in the municipal boundaries; and

(2)  be signed by 50 registered voters of the territory or municipality to be annexed, or a majority of the registered voters of that territory or municipality, whichever is fewer.

(c)  If the board determines that the petition complies with Subsection (b), that the annexation would be in the best interest of the territory or municipality and the district, and that the district will be able to supply water to the territory or municipality, the board shall:

(1)  adopt a resolution stating the conditions, if any, under which the territory or municipality may be annexed to the district; and

(2)  set a time and place to hold a hearing on the question of whether the territory or municipality to be annexed will benefit from:

(A)  the improvements, works, or facilities owned or operated or contemplated to be owned or operated by the district; or

(B)  the other functions of the district.

(d)  At least 10 days before the date of the hearing, notice of the adoption of the resolution must be published one time in a newspaper of general circulation in the territory or municipality proposed to be annexed. The notice must:

(1)  state the time and place of the hearing; and

(2)  describe the territory in the same manner in which Subsection (b) requires or permits the petition to describe the territory.

(e)  The hearing may proceed in the order and under the rules prescribed by the board and may be recessed.

(f)  Any interested person may appear at the hearing and offer evidence for or against the annexation.

(g)  If, at the conclusion of the hearing, the board finds that the property in the territory or municipality will benefit from the district's present or contemplated improvements, works, or facilities, the board shall adopt a resolution making a finding of the benefit and calling an election in the territory or municipality to be annexed.

(h)  The resolution must state:

(1)  the date of the election;

(2)  each place where the election will be held; and

(3)  the proposition to be voted on.

(i)  At least 10 days before the date set for the election, notice of the election must be given by publishing a substantial copy of the resolution calling the election one time in a newspaper of general circulation in the territory proposed to be annexed.

(j)  If a majority of the votes cast at the election are in favor of annexation, the board by resolution shall annex the territory to the district.

(k)  An annexation under this section is incontestable except in the manner and within the time for contesting elections under the Election Code.

(l)  In calling an election on the proposition for annexation of the territory or municipality, the board may include, as part of the same proposition or as a separate proposition, a proposition for:

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

(2)  an ad valorem tax to be imposed on taxable property in the territory along with the tax in the rest of the district for payment of the bonds and maintenance taxes to be imposed as permitted by Section 8509.0252.

(m)  If an election under Subsection (l) fails, the annexed territory or municipality shall be excluded from the district. (Acts 63rd Leg., R.S., Ch. 438, Secs. 13(d)(1), (2) (part), (3) (part).)

Sec. 8509.0052.  WITHDRAWAL FROM OR DISSOLUTION OF DISTRICT. (a) A county or municipality may withdraw from the district or the district may dissolve according to this section.

(b)  To withdraw from the district or to dissolve the district, the governing body of a member entity must issue an order or adopt a resolution declaring the intent to withdraw from or to dissolve the district. The order or resolution must state:

(1)  the intention to withdraw from the district or to call for the dissolution of the district; and

(2)  the reasons supporting the withdrawal or dissolution.

(c)  Not later than the 30th day after the date the district receives an order issued or resolution adopted under Subsection (b), the district shall hold a public hearing on the matter described by the order or resolution.

(d)  For a proposed withdrawal of a county or municipality from the district, the member entities must reach a financial agreement that provides for sufficient revenue for maintaining the Palo Duro Reservoir and the dam that impounds the water in the reservoir.

(e)  For a proposed dissolution of the district, the member entities must reach a financial agreement that provides for the transfer of:

(1)  the ownership rights of the dam that impounds the water in the Palo Duro Reservoir to an entity that assumes responsibility for the maintenance of the dam and liability for actions related to the dam;

(2)  all district assets and liabilities to other entities; and

(3)  the responsibility for the continued provision of services, if the district provides services.

(f)  The board must provide an opportunity for the public to comment on the financial agreement described by Subsection (d) or (e) before the board votes as described by Subsection (g). The period for public comment must last not less than 10 days.

(g)  After consideration of the public comments submitted under Subsection (f), the board shall vote on the issue described by the order issued or resolution adopted under Subsection (b). The board may proceed with the withdrawal or dissolution only if two-thirds of all of the members of the board vote in favor of withdrawal or dissolution.

(h)  If the board votes in favor of withdrawal or dissolution as provided by Subsection (g), the governing body of each member entity shall vote on the matter of withdrawal or dissolution.

(i)  A withdrawal or dissolution authorized under this section does not take effect until:

(1)  the governing body of each county and municipality has voted in favor of withdrawal or dissolution;

(2)  all conditions specified in the financial agreement described by Subsection (d) or (e) have been met; and

(3)  all actions described in the financial agreement described by Subsection (d) or (e) have been completed. (Acts 63rd Leg., R.S., Ch. 438, Sec. 13A.)

SUBCHAPTER C. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

Sec. 8509.0101.  COMPOSITION OF BOARD; TERMS. (a) Four directors are appointed by the commissioners court of each county contained in the district, except for Hutchinson County, and one director is appointed by the city council of the City of Stinnett.

(b)  Directors serve staggered two-year terms expiring December 31.

(c)  Each December the commissioners court of each county contained in the district, except for Hutchinson County, and the city council of the City of Stinnett shall appoint a director or directors from that county or city to succeed the director or directors appointed by that commissioners court or city council whose terms expire on the 31st day of that month. (Acts 63rd Leg., R.S., Ch. 438, Secs. 17(a), (b) (part), (c) (part).)

Sec. 8509.0102.  QUALIFICATIONS FOR OFFICE. (a) A person may be appointed a director by the commissioners court of a county only if the person resides in and owns taxable property in the county from which the person is appointed.

(b)  A person may be appointed director by the city council of the City of Stinnett only if the person resides in and owns taxable property in the city.

(c)  A member of a governing body of a county or of the City of Stinnett or an employee of a county or of the City of Stinnett may not be appointed director. (Acts 63rd Leg., R.S., Ch. 438, Secs. 17(b) (part), (c) (part).)

Sec. 8509.0103.  REMOVAL. Not earlier than the 10th day after the date a director receives written notice of a charge against the director, and after an opportunity to be heard in person or through the appearance of counsel at a public hearing on the matter of the charge described by the notice, the board may remove a director for:

(1)  inefficiency;

(2)  neglect of duty; or

(3)  misconduct in office. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19C.)

Sec. 8509.0104.  VACANCY. (a) If a director appointed by the commissioners court of a county ceases to reside in the county or otherwise ceases to serve as a director, the commissioners court of that county shall appoint a director to fill the vacancy for the unexpired term.

(b)  If a director appointed by the city council of the City of Stinnett ceases to reside in the city or otherwise ceases to serve as a director, the city council of that city shall appoint a director to fill the vacancy for the unexpired term. (Acts 63rd Leg., R.S., Ch. 438, Secs. 17(b) (part), (c) (part).)

Sec. 8509.0105.  OFFICERS. (a) The board shall elect from the board's membership a president, a vice president, and any other officers as the board determines necessary. The president is the district's chief executive officer and the board's presiding officer. Except as provided by Section 8509.0106, the vice president shall act as president if the president is absent or fails or declines to act.

(b)  The board shall appoint a secretary and a treasurer, who are not required to be directors. The board may combine the offices of secretary and treasurer. (Acts 63rd Leg., R.S., Ch. 438, Sec. 18 (part).)

Sec. 8509.0106.  VOTE BY BOARD PRESIDENT. The president has the same right to vote as any other director. The vice president may not exercise the president's right to vote. (Acts 63rd Leg., R.S., Ch. 438, Sec. 18 (part).)

Sec. 8509.0107.  EMPLOYEES. The board may employ a general manager, attorneys, accountants, engineers, or other technical or nontechnical employees or assistants and set the amount and manner of their compensation. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19 (part).)

Sec. 8509.0108.  DIRECTOR'S AND TREASURER'S BONDS. (a) Each director shall give bond in the amount of $5,000 conditioned on the faithful performance of the director's duties.

(b)  The treasurer shall give bond in an amount required by the board. The treasurer's bond must be conditioned on the treasurer's faithful accounting for all money that comes into the treasurer's custody as district treasurer. (Acts 63rd Leg., R.S., Ch. 438, Secs. 17(c) (part), 18 (part).)

Sec. 8509.0109.  COMPENSATION OF DIRECTORS. (a) Unless the board by resolution increases the fee to an amount authorized by Section 49.060, Water Code, each director:

(1)  shall receive a fee for attending each board meeting not to exceed $25 for a meeting or $50 in one calendar month; and

(2)  is entitled to an additional amount not to exceed $25 for each day that the director devotes to serving the district's business if the service is expressly approved by the board.

(b)  In all areas of conflict with Subsection (a) of this section, Section 49.060, Water Code, takes precedence. (Acts 63rd Leg., R.S., Ch. 438, Sec. 17(d) (part); New.)

Sec. 8509.0110.  INTEREST IN CONTRACT. (a) A director who has a financial interest in a contract under consideration by the district for the purchase, sale, lease, rental, or supply of property, including supplies, materials, and equipment, or the construction of facilities, shall disclose that fact to the other directors and may not vote on or participate in discussions during board meetings on the acceptance of the contract.

(b)  A director's financial interest does not affect the validity of a contract if disclosure is made and the director with the financial interest does not vote on the question of entering into the contract. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19B.)

Sec. 8509.0111.  DIRECTOR TRAINING PROGRAM. (a) A person who is appointed to and qualifies for office as a director may not vote, deliberate, or be counted as a director in attendance at a board meeting until the person completes a training program that complies with this section.

(b)  The training program must provide the person with information regarding:

(1)  the law governing district operations;

(2)  the district's programs, functions, rules, and budget;

(3)  the scope of and limitations on the district's rulemaking authority;

(4)  the results of the district's most recent formal audit;

(5)  the requirements of:

(A)  laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B)  other laws applicable to members of the governing body of a water district in performing their duties; and

(6)  any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c)  A person appointed to the board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d)  The board shall create a training manual that includes the information required by Subsection (b). The board shall distribute a copy of the training manual annually to each director. On receipt of the training manual, each director shall sign a statement acknowledging receipt of the training manual. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19D.)

Sec. 8509.0112.  SEPARATION OF POLICYMAKING AND MANAGEMENT FUNCTIONS. The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the district's general manager and staff. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19E.)

Sec. 8509.0113.  COMPLAINTS. (a) The district shall maintain a system to promptly and efficiently act on complaints filed with the district. The district shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b)  The district shall make information available describing its procedures for complaint investigation and resolution.

(c)  The district shall periodically notify the parties to the complaint of the status of the complaint until final disposition. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19F.)

Sec. 8509.0114.  NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) The district shall develop a policy to encourage the use of:

(1)  negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of district rules; and

(2)  appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the district's jurisdiction.

(b)  The district's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c)  The district shall:

(1)  coordinate the implementation of the policy adopted under Subsection (a);

(2)  provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3)  collect data concerning the effectiveness of those procedures. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19G.)

Sec. 8509.0115.  PUBLIC COMMENT POLICY. The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any agenda item at board meetings. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19A.)

Sec. 8509.0116.  EXPENDITURES. The board may provide for the payment of expenditures considered essential to the proper maintenance of the district and its affairs. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19 (part).)

Sec. 8509.0117.  SEAL. The board may adopt a seal for the district. (Acts 63rd Leg., R.S., Ch. 438, Sec. 18 (part).)

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8509.0151.  GENERAL WATER SUPPLY POWERS. (a) The district, inside or outside its boundaries, may:

(1)  develop, construct, or purchase a dam or reservoir;

(2)  in order to preserve and protect the purity of the waters of the state and of the district and conserve and reclaim those waters for beneficial use by the district's inhabitants, provide any plant, work, facility, or appliance incident to or helpful or necessary to the collection, transportation, processing, disposal, or control of those waters for agricultural, municipal, domestic, oil field flooding, mining, or industrial purposes;

(3)  construct or purchase any plant or other facility necessary or useful to:

(A)  provide a source of water supply;

(B)  store or process the water; or

(C)  transport or distribute the water for irrigation, livestock raising, agricultural, municipal, domestic, or industrial purposes;

(4)  impound, store, control, and conserve the storm and flood waters and the unappropriated flow waters, including the storm and flood waters and unappropriated flow waters of Palo Duro Creek and Horse Creek, by complying with Subchapters A-D, Chapter 11, and Subchapter B, Chapter 12, Water Code;

(5)  acquire or construct a dam or any work, plant, or other facility necessary or useful to impound, process, or transport water to a municipality or other entity for municipal, agricultural, domestic, industrial, oil field flooding, or mining purposes; and

(6)  develop or purchase additional sources of water, subject to Section 8509.0157.

(b)  The district may acquire land inside or outside the district's boundaries and construct, lease, or otherwise acquire any work, plant, or other facility necessary or useful to:

(1)  divert, further impound, or store water;

(2)  process the water; or

(3)  transport the water to a municipality or other entity for agricultural, municipal, domestic, industrial, oil field flooding, or mining purposes.

(c)  The board shall determine the size of a dam and reservoir developed, constructed, or purchased under Subsection (a), taking into consideration probable future increases in water requirements. The size of the dam may not be limited by the amount of water the commission initially authorizes to be impounded by the dam.

(d)  The district may lease or otherwise acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person or from the United States. (Acts 63rd Leg., R.S., Ch. 438, Secs. 3 (part), 8, 9, 12 (part).)

Sec. 8509.0152.  GENERAL PROPERTY POWER. In addition to powers granted the district under other law, the district has the power to purchase, construct, maintain, or in any other manner acquire, provide, and develop all works, facilities, improvements, lands, easements, and properties that may be necessary or useful in fulfilling any district purpose. (Acts 63rd Leg., R.S., Ch. 438, Sec. 11 (part).)

Sec. 8509.0153.  CONTRACTS TO SUPPLY WATER AND OPERATE FACILITIES. (a) The district may contract with a municipality or other entity to supply water to the municipality or entity.

(b)  The district may contract with a municipality for the rental or leasing of or for the operation of the municipality's water production, water supply, and water filtration or purification facilities on the consideration agreed to by the district and the municipality.

(c)  A contract entered into under this section may:

(1)  be on terms and for the time agreed to by the parties; and

(2)  provide that the contract will continue in effect until bonds specified in the contract and refunding bonds issued in lieu of the bonds are paid. (Acts 63rd Leg., R.S., Ch. 438, Sec. 6.)

Sec. 8509.0154.  CONTROL OF STORM AND FLOOD WATERS. The district may:

(1)  control, store, conserve, protect, distribute, and use the storm and flood waters in the district for all useful purposes permitted by law; and

(2)  implement flood prevention and control measures in the district and prevent or aid in preventing damage to district lands and the soil and fertility of those lands. (Acts 63rd Leg., R.S., Ch. 438, Sec. 11 (part).)

Sec. 8509.0155.  DISTRICT TO RECEIVE AND ACCEPT TECHNICAL AND FINANCIAL ASSISTANCE. The district may receive and accept technical and financial assistance from other districts or state agencies or from the United States to accomplish the purposes described by Sections 8509.0152 and 8509.0154. (Acts 63rd Leg., R.S., Ch. 438, Sec. 11 (part).)

Sec. 8509.0156.  WATER APPROPRIATION PERMITS. (a) Through an appropriate hearing, the district may obtain an appropriation permit from the commission, as provided by Subchapters A-D, Chapter 11, and Subchapter B, Chapter 12, Water Code.

(b)  On application of the district or at the will of the commission and after an appropriate hearing, the commission may modify an appropriation permit obtained by the district from the commission to increase or decrease the amount of water that may be appropriated and the amount that may be stored by the district to meet fluctuating demands.

(c)  On application by the district or by the commission's own action, the commission shall redetermine the maximum amount of water that the district may store in the district's reservoir. In making this determination, the commission shall consider the needs of the municipalities and other entities that purchase water from the district.

(d)  The district may acquire a water appropriation permit from a permit owner. (Acts 63rd Leg., R.S., Ch. 438, Secs. 7, 12 (part).)

Sec. 8509.0157.  UNDERGROUND SOURCES OF WATER. The district may not develop or otherwise acquire underground sources of water. (Acts 63rd Leg., R.S., Ch. 438, Sec. 5(a) (part).)

Sec. 8509.0158.  LIMITATION ON CONSTRUCTION OF CERTAIN FACILITIES. The district may not construct a dam or other facility for impounding water unless the plans for the dam or facility are approved by the commission. (Acts 63rd Leg., R.S., Ch. 438, Sec. 5(a) (part).)

Sec. 8509.0159.  DISPOSAL OF DISTRICT PROPERTY. The district may sell, trade, or otherwise dispose of any property considered by the district not to be needed for district purposes, subject to the terms of any deed of trust or other indenture. (Acts 63rd Leg., R.S., Ch. 438, Sec. 5(b).)

Sec. 8509.0160.  EMINENT DOMAIN. (a) To carry out a power conferred by this chapter, the district may exercise the power of eminent domain to acquire:

(1)  the fee simple title to land and other property and easements inside the district, including land needed for a reservoir or dam or a flood easement above the probable high-water line around a reservoir; and

(2)  the fee simple title to land and other property and easements outside the district, except for land, other property, and easements to be used for a dam or facility for the impoundment or storage of water.

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

(c)  The district is a municipal corporation for the purposes of Section 21.021, Property Code.

(d)  The district may not exercise the power of eminent domain to acquire property owned by any other political subdivision.

(e)  In exercising the power of eminent domain against a person that has the power of eminent domain or a receiver or trustee for that person, the district may acquire an easement only and not the fee title.

(f)  The board shall determine the amount of and the type of interest in land, other property, or easements to be acquired under this section.

(g)  The district's authority under this section to exercise the power of eminent domain expired on September 1, 2013, unless the district submitted a letter to the comptroller in accordance with Section 2206.101(b), Government Code, not later than December 31, 2012. (Acts 63rd Leg., R.S., Ch. 438, Sec. 10; New.)

Sec. 8509.0161.  COST OF RELOCATING OR ALTERING PROPERTY. If the district's exercise of the power of eminent domain, the power of relocation, or any other power granted by this chapter makes necessary relocating, raising, rerouting, changing the grade of, or altering the construction of a highway, railroad, electric transmission line, telephone or telegraph property or facility, or pipeline, the necessary action shall be accomplished at the district's sole expense. (Acts 63rd Leg., R.S., Ch. 438, Sec. 15.)

Sec. 8509.0162.  CERTAIN POWERS RELATED TO DISTRICT PROPERTY. The district may:

(1)  lease the hunting rights on property owned by the district;

(2)  develop, manage, or lease property owned by the district for any recreational purpose; and

(3)  lease property owned by the district to a person seeking to develop renewable energy resources. (Acts 63rd Leg., R.S., Ch. 438, Sec. 3A.)

Sec. 8509.0163.  PARKS AND RECREATION FACILITIES. The district may establish or otherwise provide for public parks and recreation facilities and may acquire land in the district for those purposes. (Acts 63rd Leg., R.S., Ch. 438, Sec. 14.)

Sec. 8509.0164.  SURVEYS AND INVESTIGATIONS. The board may conduct a survey or an engineering investigation to provide information for the district to facilitate the accomplishment of a district purpose. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19 (part).)

SUBCHAPTER E. REGULATORY POWERS

Sec. 8509.0201.  ADOPTION OF RULES. The board may adopt reasonable rules to:

(1)  secure, maintain, and preserve the sanitary condition of water in and water that flows into any reservoir owned by the district;

(2)  prevent waste of or the unauthorized use of water; and

(3)  regulate residence, hunting, fishing, boating, camping, and any other recreational or business privilege along or around any reservoir, body of land, or easement owned by the district. (Acts 63rd Leg., R.S., Ch. 438, Sec. 13(a).)

Sec. 8509.0202.  ENFORCEMENT OF RULES; PENALTY. (a) The district by rule may prescribe reasonable penalties for the violation of a district rule.

(b)  A penalty may consist of a fine not to exceed $200.

(c)  A penalty prescribed under this section is in addition to any other penalty provided by the laws of this state. (Acts 63rd Leg., R.S., Ch. 438, Sec. 13(b) (part).)

Sec. 8509.0203.  NOTICE OF RULE PROVIDING PENALTY. (a) If the district adopts a rule that provides a penalty, the district must publish a substantive statement of the rule and the penalty once a week for two consecutive weeks in each county in which any part of the reservoir to which the rule applies is situated.

(b)  A single statement must be as condensed as possible so that the act prohibited by the rule can be easily understood.

(c)  The statement may include notice of any number of rules.

(d)  The notice must state that:

(1)  a person who violates the rule is subject to a penalty; and

(2)  the rule is on file in the district's principal office, where the rule may be read by any interested person.

(e)  A rule takes effect five days after the date of second publication of the statement under this section. (Acts 63rd Leg., R.S., Ch. 438, Sec. 13(b) (part).)

Sec. 8509.0204.  JUDICIAL NOTICE OF RULES. A court shall take judicial notice of a rule adopted under this subchapter and published as required by Section 8509.0203, and the court shall consider the rule to be similar in nature to a penal ordinance of a municipality. (Acts 63rd Leg., R.S., Ch. 438, Sec. 13(b) (part).)

Sec. 8509.0205.  ENFORCEMENT BY PEACE OFFICERS. (a) A licensed peace officer may make an arrest when necessary to prevent or abate the commission of an offense:

(1)  in violation of a district rule or a law of this state that occurs or threatens to occur on any land, water, or easement owned or controlled by the district; or

(2)  involving damage to any property owned or controlled by the district.

(b)  A peace officer may make an arrest under Subsection (a)(2) at any location. (Acts 63rd Leg., R.S., Ch. 438, Sec. 13(c).)

SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

Sec. 8509.0251.  TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b)  The board is not required to hold a hearing on the adoption of a plan of taxation. (Acts 63rd Leg., R.S., Ch. 438, Sec. 16 (part).)

Sec. 8509.0252.  AUTHORITY TO IMPOSE TAX; LIMITATION ON TAX RATE; TAX ELECTION. (a) If a tax is authorized at an election under Section 49.107, Water Code, the district annually may impose an ad valorem tax on the taxable property in the district to provide money:

(1)  necessary to construct or acquire, maintain, and operate dams, works, plants, and facilities considered essential or beneficial to the district and the district's purposes; or

(2)  adequate to defray the cost of the district's maintenance, operation, and administration.

(b)  The district may not impose an ad valorem tax for the district's maintenance, operation, and administration that exceeds 50 cents on the $100 assessed valuation of the taxable property in the district.

(c)  An election for the imposition of taxes authorized by this section must be:

(1)  ordered by the board; and

(2)  held and conducted in the manner provided by this chapter relating to elections for the authorization of bonds. (Acts 63rd Leg., R.S., Ch. 438, Sec. 27 (part).)

Sec. 8509.0253.  DEPOSITORY. (a) The board shall designate one or more banks in the district 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 depositories.

(e)  Before designating a depository bank, the board shall issue a notice that:

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

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

(f)  The notice must be published one time in a newspaper or newspapers published in the district and specified by the board.

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

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

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

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

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

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

(i)  If the board does not receive any applications before the time stated in the notice, the board shall designate one or more banks located inside or outside the district on terms that the board finds advantageous to the district. (Acts 63rd Leg., R.S., Ch. 438, Sec. 29.)

Sec. 8509.0254.  PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED. The district is not required to pay a tax or assessment on a district project or any part of the project. (Acts 63rd Leg., R.S., Ch. 438, Sec. 26 (part).)

SUBCHAPTER G. BONDS

Sec. 8509.0301.  AUTHORITY TO ISSUE BONDS. (a) The district may issue bonds to carry out any power conferred by this chapter, including to provide a source of water supply for municipalities and other users for agricultural, municipal, domestic, industrial, oil field flooding, and mining purposes.

(b)  The bonds must be authorized by a board resolution. (Acts 63rd Leg., R.S., Ch. 438, Secs. 20(a) (part), (b) (part), (c), (e) (part).)

Sec. 8509.0302.  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 63rd Leg., R.S., Ch. 438, Sec. 20(b) (part).)

Sec. 8509.0303.  MATURITY. District bonds must mature not later than 40 years after the date of their issuance. (Acts 63rd Leg., R.S., Ch. 438, Sec. 20(b) (part).)

Sec. 8509.0304.  ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES. (a) Bonds, other than refunding bonds, payable wholly or partly from ad valorem taxes may not be issued unless authorized by a majority vote of the voters voting at an election held for that purpose.

(b)  The board may call an election under this section without a petition. The resolution calling the election must specify:

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

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

(3)  the maximum amount of the bonds;

(4)  the maximum maturity of the bonds;

(5)  the form of the ballot; and

(6)  the presiding judge for each polling place.

(c)  Notice of the election must be given by publishing a substantial copy of the resolution calling the election in one newspaper published in each municipality contained in the district for two consecutive weeks. The first publication must be not later than the 21st day before the date of the election. In any municipality in which a newspaper is not published, notice must be given by posting a copy of the resolution in three public places.

(d)  The district may issue bonds not payable wholly or partly from ad valorem taxes without an election. (Acts 63rd Leg., R.S., Ch. 438, Secs. 23(a), (b).)

Sec. 8509.0305.  BONDS PAYABLE FROM REVENUE. (a) In this section, "net revenue" means the district's gross revenue and income from all sources less the amount necessary to pay the cost of maintaining and operating the district and the district's property.

(b)  Bonds issued under this subchapter may be secured under board resolution by a pledge of:

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

(2)  the net revenue of one or more contracts made before or after the issuance of the bonds; or

(3)  other revenue or income specified by board resolution or in the trust indenture.

(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. (Acts 63rd Leg., R.S., Ch. 438, Secs. 20(a) (part), (d).)

Sec. 8509.0306.  BONDS PAYABLE FROM AD VALOREM TAXES. The board may issue bonds payable, as pledged by board resolution, from:

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

(2)  ad valorem taxes and revenue of the district. (Acts 63rd Leg., R.S., Ch. 438, Secs. 20(a) (part), (e) (part).)

Sec. 8509.0307.  TAX AND RATE REQUIREMENTS. (a) If the district issues bonds payable wholly or partly from ad valorem taxes, the board shall impose an ad valorem tax on the taxable property in the district sufficient to pay the principal of and the interest on the bonds as the bonds and interest become due without limit as to the rate or the amount. The board may adopt the rate of the tax for any year after considering the money received from the pledged revenue available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

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

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

(1)  pay the expense of operating and maintaining the district's facilities;

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

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

(d)  For bonds payable partly from revenue, the rates of compensation must be sufficient to assure compliance with the resolution authorizing the issuance of the bonds. (Acts 63rd Leg., R.S., Ch. 438, Secs. 20(e) (part), (f), 28(h).)

Sec. 8509.0308.  ADDITIONAL SECURITY. (a) District bonds, including refunding bonds, that are not payable wholly from ad valorem taxes may be additionally secured, at the board's discretion, by a deed of trust or mortgage lien on the district's physical property and all franchises, easements, water rights and appropriation permits, leases, and contracts and all rights appurtenant to the property, vesting in the trustee power to:

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

(2)  operate the property; and

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

(b)  A purchaser under a sale under the deed of trust lien, if one is given:

(1)  is the absolute owner of the property, facilities, and rights purchased; and

(2)  is entitled to maintain and operate the property, facilities, and rights. (Acts 63rd Leg., R.S., Ch. 438, Sec. 22 (part).)

Sec. 8509.0309.  TRUST INDENTURE. (a) District bonds, including refunding bonds, that are not payable wholly from ad valorem taxes may be additionally secured by a trust indenture. The trustee may be a bank with trust powers located inside or outside the state.

(b)  A trust indenture, regardless of the existence of a deed of trust or mortgage lien on property, may:

(1)  provide for the security of the bonds and the preservation of the trust estate as prescribed by the board;

(2)  provide for amendment or modification of the trust indenture;

(3)  provide for the issuance of bonds to replace lost or mutilated bonds;

(4)  condition the right to spend district money or sell district property on the approval of a licensed engineer selected as provided by the trust indenture; and

(5)  provide for the investment of district money. (Acts 63rd Leg., R.S., Ch. 438, Sec. 22 (part).)

Sec. 8509.0310.  INTERIM BONDS OR NOTES. Before issuing definitive bonds, the board may issue interim bonds or notes exchangeable for definitive bonds. (Acts 63rd Leg., R.S., Ch. 438, Sec. 20(a) (part).)

Sec. 8509.0311.  USE OF BOND PROCEEDS. (a) The district may set aside an amount of proceeds from the sale of bonds issued under this subchapter for the payment of interest expected to accrue during construction and a reserve interest and sinking fund. The resolution authorizing the bonds may provide for setting aside and using the proceeds as provided by this subsection.

(b)  The district may use proceeds from the sale of the bonds to pay any expense necessarily incurred in accomplishing the district's purpose, including any expense of issuing and selling the bonds.

(c)  The proceeds from the sale of the bonds may be temporarily invested in direct obligations of the United States maturing not later than the first anniversary of the date of investment. (Acts 63rd Leg., R.S., Ch. 438, Sec. 20(g).)

Sec. 8509.0312.  APPOINTMENT OF RECEIVER. (a) On default or threatened default in the payment of principal of or interest on bonds issued under this subchapter that are payable wholly or partly from revenue, a court may, on petition of the holders of outstanding bonds, appoint a receiver for the district.

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

(c)  The receiver may be authorized to sell or contract for the sale of water or to renew those contracts with the approval of the court that appointed the receiver.

(d)  The court may vest the receiver with any other power or duty the court finds necessary to protect the bondholders. (Acts 63rd Leg., R.S., Ch. 438, Sec. 20(h) (part).)

Sec. 8509.0313.  REFUNDING BONDS. (a) The district may issue refunding bonds to refund outstanding bonds issued under this subchapter and interest on those bonds.

(b)  Refunding bonds may:

(1)  be issued to refund bonds of more than one series;

(2)  combine the pledges for the outstanding bonds for the security of the refunding bonds; or

(3)  be secured by a pledge of other or additional revenue or mortgage liens.

(c)  The provisions of this subchapter regarding the issuance of other bonds, their security, and the remedies of the holders apply to refunding bonds.

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

(e)  Instead of issuing bonds to be registered on the surrender and cancellation of the bonds to be refunded, the district, in the resolution authorizing the issuance of the refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds in a bank at which the bonds to be refunded are payable. In that case, the refunding bonds may be issued in an amount sufficient to pay the principal of and interest on the bonds to be refunded to their option date or maturity date, and the comptroller shall register the refunding bonds without the surrender and cancellation of the bonds to be refunded. (Acts 63rd Leg., R.S., Ch. 438, Sec. 21.)

Sec. 8509.0314.  LIMITATION ON RIGHTS OF BONDHOLDERS. The resolution authorizing the bonds or the trust indenture securing the bonds may limit or qualify the rights of the holders of less than all of the outstanding bonds payable from the same source to institute or prosecute litigation affecting the district's property or income. (Acts 63rd Leg., R.S., Ch. 438, Sec. 20(h) (part).)

Sec. 8509.0315.  BONDS EXEMPT FROM TAXATION. A district bond, the transfer of the bond, and the income from the bond, including profits made on the sale of the bond, are exempt from taxation in this state. (Acts 63rd Leg., R.S., Ch. 438, Sec. 26 (part).)

SECTION 1.04.  DISTRICTS GOVERNING GROUNDWATER. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapters 8893 and 8894 to read as follows:

CHAPTER 8893. LIVE OAK UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8893.0001.  DEFINITIONS

Sec. 8893.0002.  NATURE OF DISTRICT

Sec. 8893.0003.  DISTRICT TERRITORY

Sec. 8893.0004.  CONFLICTS OF LAW

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8893.0051.  COMPOSITION OF BOARD; TERMS

Sec. 8893.0052.  ELECTION OF DIRECTORS

Sec. 8893.0053.  ELECTION OF DIRECTORS AFTER ANNEXATION

Sec. 8893.0054.  ELECTION DATE

Sec. 8893.0055.  QUALIFICATIONS FOR OFFICE

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8893.0101.  GENERAL POWERS AND DUTIES

Sec. 8893.0102.  ADMINISTRATIVE PROCEDURES

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8893.0151.  TAX AND BOND PROVISIONS

CHAPTER 8893. LIVE OAK UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8893.0001.  DEFINITIONS. In this chapter:

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

(2)  "Director" means a board member.

(3)  "District" means the Live Oak Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 715, Sec. 2; New.)

Sec. 8893.0002.  NATURE OF DISTRICT. The district is created 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 Chapter 36, Water Code. (Acts 71st Leg., R.S., Ch. 715, Sec. 4.)

Sec. 8893.0003.  DISTRICT TERRITORY. The district includes the territory in Live Oak 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. 715, Sec. 3; New.)

Sec. 8893.0004.  CONFLICTS OF LAW. (a) This section applies only to a provision of Chapter 36, Water Code, enacted on or before June 12, 2017.

(b)  If there is a conflict between this chapter and Chapter 36, Water Code, this chapter controls. (Acts 71st Leg., R.S., Ch. 715, Sec. 13; New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8893.0051.  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. 715, Secs. 12(a), (d).)

Sec. 8893.0052.  ELECTION OF DIRECTORS. One director is elected from each county commissioners precinct in Live Oak County. One director is elected from the district at large. (Acts 71st Leg., R.S., Ch. 715, Sec. 12(c) (part).)

Sec. 8893.0053.  ELECTION OF DIRECTORS AFTER ANNEXATION. The board shall determine to which precinct annexed land will be added for purposes of election of directors. (Acts 71st Leg., R.S., Ch. 715, Sec. 11.)

Sec. 8893.0054.  ELECTION DATE. The district shall hold an election to elect the appropriate number of directors in each even-numbered year. (Acts 71st Leg., R.S., Ch. 715, Sec. 12(e).)

Sec. 8893.0055.  QUALIFICATIONS FOR OFFICE. (a) To be qualified for election as a director, a person must be:

(1)  a resident of the district; and

(2)  at least 18 years of age.

(b)  To represent a commissioner precinct, a person must be a resident of the precinct. (Acts 71st Leg., R.S., Ch. 715, Secs. 12(b), (c) (part).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8893.0101.  GENERAL POWERS AND DUTIES. The district has:

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

(2)  the rights, powers, duties, privileges, and functions provided by Chapter 36, Water Code, and other laws of this state relating to groundwater conservation districts. (Acts 71st Leg., R.S., Ch. 715, Secs. 1, 5.)

Sec. 8893.0102.  ADMINISTRATIVE PROCEDURES. Except as otherwise provided by this chapter, the administrative and procedural provisions of Chapter 36, Water Code, apply to the district. (Acts 71st Leg., R.S., Ch. 715, Sec. 6.)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8893.0151.  TAX AND BOND PROVISIONS. (a) Except as provided by Subsection (b), the tax and bond provisions of Subchapters F and G, Chapter 36, Water Code, apply to the district.

(b)  Notwithstanding Section 36.201(b), Water Code, the district may annually levy taxes to pay the maintenance and operating expenses of the district at a rate not to exceed five cents on each $100 of assessed valuation. (Acts 71st Leg., R.S., Ch. 715, Sec. 9.)

CHAPTER 8894. HEMPHILL COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8894.0001.  DEFINITIONS

Sec. 8894.0002.  NATURE OF DISTRICT

Sec. 8894.0003.  FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8894.0004.  DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8894.0051.  COMPOSITION OF BOARD; TERMS

Sec. 8894.0052.  ELECTION DATE

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8894.0101.  GENERAL POWERS AND DUTIES

Sec. 8894.0102.  NO EMINENT DOMAIN POWER

CHAPTER 8894. HEMPHILL COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8894.0001.  DEFINITIONS. In this chapter:

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

(2)  "Director" means a board member.

(3)  "District" means the Hemphill County Underground Water Conservation District. (Acts 74th Leg., R.S., Ch. 157, Secs. 1(a) (part), 2; New.)

Sec. 8894.0002.  NATURE OF DISTRICT. The district is a groundwater conservation district in Hemphill County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 157, Secs. 1(a) (part), (b).)

Sec. 8894.0003.  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 74th Leg., R.S., Ch. 157, Sec. 4.)

Sec. 8894.0004.  DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Hemphill County, unless the district's territory has been modified under:

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

(2)  other law. (Acts 74th Leg., R.S., Ch. 157, Sec. 3; New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8894.0051.  COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b)  Directors serve staggered four-year terms. (Acts 74th Leg., R.S., Ch. 157, Secs. 6(a), (d).)

Sec. 8894.0052.  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. (Acts 74th Leg., R.S., Ch. 157, Sec. 9; New.)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8894.0101.  GENERAL POWERS AND DUTIES. Except as otherwise provided by Section 8894.0102, 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 74th Leg., R.S., Ch. 157, Sec. 5(a) (part).)

Sec. 8894.0102.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain. (Acts 74th Leg., R.S., Ch. 157, Sec. 5(a) (part).)

SECTION 1.05.  WATER CONTROL AND IMPROVEMENT DISTRICTS. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapters 9075, 9077, 9078, 9079, 9080, and 9083 to read as follows:

CHAPTER 9075. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9075.0001.  DEFINITION

Sec. 9075.0002.  FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 9075.0003.  NATURE OF DISTRICT

Sec. 9075.0004.  DISTRICT TERRITORY

Sec. 9075.0005.  COST OF RELOCATING OR ALTERING

                   PROPERTY

SUBCHAPTER B. DEFINED AREA

Sec. 9075.0051.  CREATION OF DEFINED AREA; DESIGNATION

Sec. 9075.0052.  INITIAL TERRITORY

Sec. 9075.0053.  EXCLUSION OF LAND

Sec. 9075.0054.  PROCEDURE FOR ELECTION

Sec. 9075.0055.  TAXES FOR SERVICES, IMPROVEMENTS, AND

                   FACILITIES

Sec. 9075.0056.  ISSUANCE OF BONDS

Sec. 9075.0057.  POWERS AND DUTIES

Sec. 9075.0058.  AUTHORITY FOR ROAD PROJECTS

Sec. 9075.0059.  ROAD STANDARDS AND REQUIREMENTS

Sec. 9075.0060.  IMPROVEMENT PROJECTS AND SERVICES

Sec. 9075.0061.  ELECTIONS REGARDING TAXES AND BONDS

Sec. 9075.0062.  OPERATION AND MAINTENANCE TAX

Sec. 9075.0063.  AUTHORITY TO BORROW MONEY AND TO ISSUE

                   BONDS AND OTHER OBLIGATIONS

Sec. 9075.0064.  TAXES FOR BONDS

CHAPTER 9075. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9075.0001.  DEFINITION. In this chapter, "district" means the Fort Bend County Water Control and Improvement District No. 2 in Fort Bend County and Harris County. (Acts 57th Leg., R.S., Ch. 312, Sec. 1 (part); Acts 61st Leg., R.S., Ch. 381, Sec. 1 (part).)

Sec. 9075.0002.  FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district will serve a public use and benefit.

(b)  All land and other property in the district will benefit from the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 2; Acts 61st Leg., R.S., Ch. 381, Sec. 3.)

Sec. 9075.0003.  NATURE OF DISTRICT. The district is a conservation and reclamation district under Section 59, Article XVI, Texas Constitution. (Acts 61st Leg., R.S., Ch. 381, Sec. 1 (part).)

Sec. 9075.0004.  DISTRICT TERRITORY. The district is composed of the territory described by Section 1, Chapter 312, Acts of the 57th Legislature, Regular Session, 1961, as that territory may have been modified under:

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

(2)  Subchapter O, Chapter 51, Water Code; or

(3)  other law. (Acts 57th Leg., R.S., Ch. 312, Sec. 1 (part); New.)

Sec. 9075.0005.  COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) in providing comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value derived from the old facility.

(b)  If the district's exercise of the power of eminent domain, the power of relocation, or any other power granted by this chapter makes necessary relocating, raising, rerouting, changing the grade of, or altering the construction of a highway, railroad, electric transmission line, telephone or telegraph property or facility, or pipeline, the necessary action shall be accomplished at the sole expense of the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 6.)

SUBCHAPTER B. DEFINED AREA

Sec. 9075.0051.  CREATION OF DEFINED AREA; DESIGNATION. (a) A defined area is created in the district.

(b)  The defined area is designated to pay for improvements, facilities, or services that primarily benefit the defined area and do not generally benefit the district as a whole. (Acts 57th Leg., R.S., Ch. 312, Sec. 9.)

Sec. 9075.0052.  INITIAL TERRITORY. (a) The defined area is initially composed of the territory described by Section 2, Chapter 669, Acts of the 84th Legislature, Regular Session, 2015.

(b)  The boundaries and field notes contained in Section 2, Chapter 669, Acts of the 84th Legislature, Regular Session, 2015, 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 defined area's organization, existence, or validity;

(2)  the district's right to issue any type of bond or obligation for the purposes for which the defined area is designated, including to pay the principal of and interest on a bond;

(3)  the district's right to impose or collect a tax in the defined area; or

(4)  the legality or operation of the defined area or the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 10.)

Sec. 9075.0053.  EXCLUSION OF LAND. Subject to the City of Stafford providing written consent by ordinance or resolution, the district may exclude land from the defined area in the same manner as the district may exclude land from the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 11.)

Sec. 9075.0054.  PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes of the defined area, the governing body of the district must call and hold an election in the defined area only.

(b)  The governing body of the district may submit the proposition to the voters on the same ballot to be used in another election. (Acts 57th Leg., R.S., Ch. 312, Sec. 12.)

Sec. 9075.0055.  TAXES FOR SERVICES, IMPROVEMENTS, AND FACILITIES. On approval of the voters in the defined area, the district may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area to provide money to construct, administer, maintain, and operate services, improvements, and facilities that primarily benefit the defined area. (Acts 57th Leg., R.S., Ch. 312, Sec. 13.)

Sec. 9075.0056.  ISSUANCE OF BONDS. On approval of the voters in the defined area, the district may issue bonds to provide for any land, improvements, facilities, plants, equipment, and appliances for the defined area. (Acts 57th Leg., R.S., Ch. 312, Sec. 14.)

Sec. 9075.0057.  POWERS AND DUTIES. (a) For the benefit of the defined area, the district has the powers and duties provided by the general law of this state necessary to accomplish the purposes of:

(1)  Section 59, Article XVI, Texas Constitution;

(2)  Section 52, Article III, Texas Constitution, applicable to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads; and

(3)  except as provided by this chapter, Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

(b)  Except as provided by Subsection (c), the governing body of the district shall administer the defined area as provided by Chapter 51, Water Code.

(c)  Sections 51.518, 51.519, 51.520, 51.521, 51.522, 51.523, 51.524, 51.526, 51.527, 51.528, and 51.529, Water Code, do not apply to the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 15.)

Sec. 9075.0058.  AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, for the benefit of the defined area, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, including roads located outside the boundaries of the defined area that benefit the defined area. (Acts 57th Leg., R.S., Ch. 312, Sec. 16.)

Sec. 9075.0059.  ROAD STANDARDS AND REQUIREMENTS. A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located. (Acts 57th Leg., R.S., Ch. 312, Sec. 17.)

Sec. 9075.0060.  IMPROVEMENT PROJECTS AND SERVICES. For the benefit of the defined area, the district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter. (Acts 57th Leg., R.S., Ch. 312, Sec. 18.)

Sec. 9075.0061.  ELECTIONS REGARDING TAXES AND BONDS. (a) For the benefit of the defined area, the district may issue, without an election, bonds, notes, and other obligations secured by revenue other than ad valorem taxes.

(b)  The district must hold an election in the defined area to obtain approval of the voters of the defined area before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes in the defined area.

(c)  An election under this section does not require that an election be held in the part of the district located outside the defined area.

(d)  All or any part of any facilities or improvements that may be acquired by a district through the issuance of bonds may be submitted as a single proposition or as several propositions to be voted on at the election. (Acts 57th Leg., R.S., Ch. 312, Sec. 19.)

Sec. 9075.0062.  OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the voters in the defined area voting at an election held in accordance with Section 9075.0061, the district may impose an operation and maintenance tax on taxable property in the defined area in accordance with Section 49.107, Water Code, for any district purpose, including to:

(1)  maintain and operate the defined area;

(2)  construct or acquire improvements; or

(3)  provide a service.

(b)  The governing body of the district shall determine the tax rate. The rate may not exceed the rate approved at the election described by Subsection (a).

(c)  Section 49.107(h), Water Code, does not apply to the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 20.)

Sec. 9075.0063.  AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) For the benefit of the defined area, the district may borrow money on terms determined by the governing body of the district.

(b)  The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, grants, or other district money, or any combination of those sources of money from the defined area, to pay for any authorized district purpose.

(c)  The limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section 49.4645, Water Code, does not apply to the district.

(d)  The district must obtain approval from the Texas Commission on Environmental Quality as provided by Chapter 49, Water Code, before the district issues bonds to provide water, sewer, or drainage facilities for the benefit of the defined area. (Acts 57th Leg., R.S., Ch. 312, Sec. 21.)

Sec. 9075.0064.  TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes from the defined area, the governing body of the district shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 51.433 and 51.436, Water Code. (Acts 57th Leg., R.S., Ch. 312, Sec. 22.)

CHAPTER 9077. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 5

Sec. 9077.0001.  DEFINITION

Sec. 9077.0002.  EMINENT DOMAIN

CHAPTER 9077. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 5

Sec. 9077.0001.  DEFINITION. In this chapter, "district" means the Bell County Water Control and Improvement District No. 5 in Bell County. (Acts 56th Leg., R.S., Ch. 227, Sec. 1 (part); New.)

Sec. 9077.0002.  EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire real estate located in Bell County.

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

(c)  The district's authority under this section to exercise the power of eminent domain expired on September 1, 2013, unless the district submitted a letter to the comptroller in accordance with Section 2206.101(b), Government Code, not later than December 31, 2012. (Acts 56th Leg., R.S., Ch. 227, Sec. 1 (part); New.)

CHAPTER 9078. FANNIN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9078.0001.  DEFINITIONS

Sec. 9078.0002.  NATURE OF DISTRICT

Sec. 9078.0003.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT

Sec. 9078.0004.  DISTRICT TERRITORY

Sec. 9078.0005.  LIBERAL CONSTRUCTION OF CHAPTER

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9078.0051.  GENERAL POWERS AND DUTIES

Sec. 9078.0052.  WATER CONTROL AND IMPROVEMENT DISTRICT

                   POWERS

Sec. 9078.0053.  CONTROL OF WATER AND FLOODWATER;

                   RECLAMATION

Sec. 9078.0054.  COST OF RELOCATING OR ALTERING

                   PROPERTY

SUBCHAPTER C. TAXES

Sec. 9078.0101.  IMPOSITION OF MAINTENANCE TAX;

                   ELECTION PROCEDURE

Sec. 9078.0102.  MAINTENANCE TAX RATE

Sec. 9078.0103.  TAX METHOD

SUBCHAPTER D. BONDS

Sec. 9078.0151.  DEFINITION OF NET REVENUES

Sec. 9078.0152.  AUTHORITY TO ISSUE BONDS

Sec. 9078.0153.  SECURITY FOR REVENUE BONDS

Sec. 9078.0154.  BOND ELECTION REQUIRED

Sec. 9078.0155.  REFUNDING BONDS

CHAPTER 9078. FANNIN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9078.0001.  DEFINITIONS. In this chapter:

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

(2)  "District" means the Fannin County Water Control and Improvement District No. 1. (Acts 57th Leg., R.S., Ch. 65, Sec. 1 (part); New.)

Sec. 9078.0002.  NATURE OF DISTRICT. The district is a conservation and reclamation district in Fannin County established under Section 59, Article XVI, Texas Constitution. (Acts 57th Leg., R.S., Ch. 65, Sec. 1 (part); Acts 58th Leg., R.S., Ch. 275, Secs. 1 (part), 7 (part).)

Sec. 9078.0003.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is essential to the accomplishment of the preservation and conservation of the natural resources of the state.

(b)  All land and property in the district will benefit from the improvements to be constructed, acquired, and operated by the district and from the preservation and conservation of the natural resources of the state.

(c)  This chapter addresses a subject in which the state is interested. (Acts 58th Leg., R.S., Ch. 275, Secs. 3 (part), 7 (part).)

Sec. 9078.0004.  DISTRICT TERRITORY. The district is composed of the territory described by metes and bounds in the resolution and order of the commissioners court of Fannin County creating the district, recorded in Volume 1, page 3, of the Water Control Improvement District minutes of Fannin County, as that territory may have been modified under:

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

(2)  Subchapter O, Chapter 51, Water Code; or

(3)  other law. (Acts 57th Leg., R.S., Ch. 65, Sec. 1 (part); New.)

Sec. 9078.0005.  LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect its purposes. (Acts 58th Leg., R.S., Ch. 275, Sec. 7 (part).)

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9078.0051.  GENERAL POWERS AND DUTIES. The district may exercise the powers essential to the accomplishment of the purposes of Section 59, Article XVI, Texas Constitution, and may exercise the rights, powers, privileges, prerogatives, and functions enumerated in or implied by that section, including those listed in this subchapter. (Acts 57th Leg., R.S., Ch. 65, Sec. 2 (part); Acts 58th Leg., R.S., Ch. 275, Sec. 1 (part); New.)

Sec. 9078.0052.  WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district has the rights, powers, privileges, and functions provided by general law applicable to a water control and improvement district including Chapters 49 and 51, Water Code, including the power to:

(1)  construct, acquire, improve, maintain, and repair a dam or other structure; and

(2)  acquire land, easements, properties, or equipment needed to use, control, and distribute water that may be impounded, diverted, or controlled by the district. (Acts 57th Leg., R.S., Ch. 65, Sec. 2 (part); Acts 58th Leg., R.S., Ch. 275, Sec. 1 (part); New.)

Sec. 9078.0053.  CONTROL OF WATER AND FLOODWATER; RECLAMATION. The district may:

(1)  control, store, preserve, and distribute the water and floodwater in the district for the irrigation of arid land, conservation, preservation, reclamation, and drainage of land in the district;

(2)  carry out flood prevention measures to prevent damage to land and property in the district; and

(3)  reclaim lands damaged before April 10, 1961, because of the prior failure to provide the facilities authorized to be constructed under this chapter. (Acts 57th Leg., R.S., Ch. 65, Sec. 2 (part).)

Sec. 9078.0054.  COST OF RELOCATING OR ALTERING PROPERTY. If the district's exercise of the power of eminent domain, the power of relocation, or any other power granted under this chapter makes necessary relocating, raising, rerouting, changing the grade of, or altering the construction of, a highway, railroad, electric transmission line, telephone or telegraph property or facility, or pipeline, the necessary action shall be accomplished at the district's sole expense. (Acts 57th Leg., R.S., Ch. 65, Sec. 2 (part).)

SUBCHAPTER C. TAXES

Sec. 9078.0101.  IMPOSITION OF MAINTENANCE TAX; ELECTION PROCEDURE. (a) If approved by a majority of the voters of the district voting at an election called for that purpose, the district may impose a maintenance tax for the purposes of:

(1)  maintaining structures;

(2)  securing and purchasing land rights;

(3)  purchasing rights-of-way, including moving utilities;

(4)  administering contracts; and

(5)  paying other general operating expenses.

(b)  A maintenance tax election shall be called and notice given in the same manner as for a bond election and may be held simultaneously with a bond election.

(c)  This chapter does not prevent the calling of a subsequent maintenance tax election to establish or increase the amount of tax if the board determines that a maintenance tax election is required. (Acts 57th Leg., R.S., Ch. 65, Sec. 3 (part).)

Sec. 9078.0102.  MAINTENANCE TAX RATE. In calling a maintenance tax election, the board must specify the maximum proposed tax rate. To impose a maintenance tax at a rate that exceeds the maximum rate approved by the voters, the board must submit the question of a tax rate increase to the voters. (Acts 57th Leg., R.S., Ch. 65, Sec. 3 (part).)

Sec. 9078.0103.  TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b)  The district is not required to conduct a hearing on the adoption of a plan of taxation. (Acts 58th Leg., R.S., Ch. 275, Sec. 4.)

SUBCHAPTER D. BONDS

Sec. 9078.0151.  DEFINITION OF NET REVENUES. In this subchapter, "net revenues" or "net operating revenues" means all income or increment from the ownership and operation of improvements and facilities operated by the district, minus the amount reasonably required to provide for the administration, efficient operation, and adequate maintenance of the improvements and facilities. The terms do not include money derived from taxation. (Acts 58th Leg., R.S., Ch. 275, Sec. 5 (part).)

Sec. 9078.0152.  AUTHORITY TO ISSUE BONDS. (a) The district may issue bonds to:

(1)  furnish land, easements, or permanent improvements to land or easements;

(2)  provide dams, structures, projects, and works of improvement for flood prevention, including structural and land treatment measures, and for agricultural phases of the conservation, development, use, and disposal of water, and for necessary facilities and equipment in connection therewith and for the improvement, maintenance, and repair of the same; and

(3)  exercise any other district power.

(b)  Except as otherwise provided by this chapter, district bonds must be authorized by a board resolution.

(c)  District bonds may be secured by and payable wholly from:

(1)  ad valorem taxes;

(2)  net operating revenues of the district, the net revenues of any contract made, or other revenues as specified in the resolution authorizing the issuance of the bonds; or

(3)  any combination of ad valorem taxes and net revenues as determined by the board.

(d)  In a resolution authorizing the issuance of bonds secured wholly or partly by district revenues, the board may reserve the right under conditions specified in the resolution to issue additional bonds on a parity with or subordinate to the bonds being issued. (Acts 57th Leg., R.S., Ch. 65, Sec. 3 (part); Acts 58th Leg., R.S., Ch. 275, Sec. 5 (part); New.)

Sec. 9078.0153.  SECURITY FOR REVENUE BONDS. For bonds authorized to be issued that are secured by and payable wholly or partly from net revenues, the board may mortgage and encumber:

(1)  any part or all of the district's property and facilities acquired or to be acquired;

(2)  a franchise of or revenues from the operation of the district's property and facilities acquired or to be acquired; and

(3)  anything pertaining to the district's property and facilities acquired or to be acquired or the operation of the district's property or facilities. (Acts 58th Leg., R.S., Ch. 275, Sec. 5 (part).)

Sec. 9078.0154.  BOND ELECTION REQUIRED. (a) Bonds, other than refunding bonds, may not be issued unless approved by the voters of the district as provided by general law.

(b)  If a proposition submitted at an election is defeated, another election may be held in the district to vote on the same or a similar proposition at a time determined by the board.

(c)  The board may call an election under this section without a petition. The resolution calling the election must specify:

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

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

(3)  the maximum maturity date and maximum interest rate of the bonds;

(4)  the form of the ballot; and

(5)  the presiding judge for each voting place.

(d)  Notice of the election must be given by publishing a substantial copy of the resolution calling the election in a newspaper of general circulation in the district. The notice must be published once each week for two consecutive weeks. The first publication must be not later than the 14th day before the date of the election. (Acts 58th Leg., R.S., Ch. 275, Sec. 5 (part).)

Sec. 9078.0155.  REFUNDING BONDS. (a) The district may issue refunding bonds to refund outstanding district bonds and interest on those bonds.

(b)  Bonds issued to refund revenue-supported bonds may:

(1)  be issued to refund bonds of more than one series;

(2)  combine the pledges for the outstanding bonds for the security of the refunding bonds; and

(3)  be secured by other or additional revenues.

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

(d)  Instead of issuing refunding bonds to be registered on the surrender and cancellation of the bonds to be refunded as provided by Subsection (c), the district, in the resolution authorizing the issuance of the refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds in a bank at which the bonds to be refunded are payable. In that case, the refunding bonds may be issued in an amount sufficient to pay the principal of and interest on the bonds to be refunded to their option date or maturity date, and the comptroller shall register the refunding bonds without the surrender and cancellation of the bonds to be refunded. (Acts 58th Leg., R.S., Ch. 275, Sec. 5 (part).)

CHAPTER 9079. FORT HANCOCK WATER CONTROL AND IMPROVEMENT DISTRICT OF HUDSPETH COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9079.0001.  DEFINITIONS

Sec. 9079.0002.  FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 9079.0003.  DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9079.0051.  NOTICE OF DIRECTORS' ELECTION

Sec. 9079.0052.  DIRECTOR'S BOND

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9079.0101.  GENERAL POWERS AND DUTIES

Sec. 9079.0102.  COST OF RELOCATING OR ALTERING

                   PROPERTY

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9079.0151.  TAX METHOD

SUBCHAPTER E. BONDS

Sec. 9079.0201.  AUTHORITY TO ISSUE BONDS

Sec. 9079.0202.  NOTICE OF BOND ELECTION

CHAPTER 9079. FORT HANCOCK WATER CONTROL AND IMPROVEMENT DISTRICT OF HUDSPETH COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9079.0001.  DEFINITIONS. In this chapter:

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

(2)  "Director" means a board member.

(3)  "District" means the Fort Hancock Water Control and Improvement District of Hudspeth County, Texas. (Acts 57th Leg., R.S., Ch. 78, Sec. 3; New.)

Sec. 9079.0002.  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 57th Leg., R.S., Ch. 78, Sec. 9.)

Sec. 9079.0003.  DISTRICT TERRITORY. The district is composed of the territory described by Section 5, Chapter 78, Acts of the 57th Legislature, Regular Session, 1961, as that territory may have been modified under:

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

(2)  Subchapter O, Chapter 51, Water Code; or

(3)  other law. (New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9079.0051.  NOTICE OF DIRECTORS' ELECTION. Notice of a directors' election shall be posted in three or more public places in the district for at least 14 days before the date of the election. (Acts 57th Leg., R.S., Ch. 78, Sec. 4 (part).)

Sec. 9079.0052.  DIRECTOR'S BOND. Each director shall give bond in the amount of $1,000 for the faithful performance of the director's duties. (Acts 57th Leg., R.S., Ch. 78, Sec. 4 (part).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9079.0101.  GENERAL POWERS AND DUTIES. The district has the rights, powers, privileges, and duties provided by general law applicable to a water control and improvement district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code. (Acts 57th Leg., R.S., Ch. 78, Sec. 10 (part).)

Sec. 9079.0102.  COST OF RELOCATING OR ALTERING PROPERTY. If the district's exercise of a power granted under this chapter makes necessary relocating, raising, rerouting, changing the grade of, or altering the construction of a highway, railroad, electric transmission line, telephone or telegraph property or facility, or pipeline, the necessary action shall be accomplished at the sole expense of the district. (Acts 57th Leg., R.S., Ch. 78, Sec. 9a.)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9079.0151.  TAX METHOD. (a) The district shall use the ad valorem plan of taxation, and taxes levied by the district must be on the ad valorem basis.

(b)  A hearing on a plan of taxation is not required. (Acts 57th Leg., R.S., Ch. 78, Sec. 8.)

SUBCHAPTER E. BONDS

Sec. 9079.0201.  AUTHORITY TO ISSUE BONDS. (a) The district may issue bonds if authorized by a majority of district voters voting at an election held for that purpose.

(b)  The district may issue bonds for any purpose permitted to a water control and improvement district. (Acts 57th Leg., R.S., Ch. 78, Sec. 6 (part).)

Sec. 9079.0202.  NOTICE OF BOND ELECTION. Notice of a bond election must be posted at three public places in the district for at least 14 days before the date of the election. (Acts 57th Leg., R.S., Ch. 78, Sec. 6 (part).)

CHAPTER 9080. HALL AND DONLEY COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9080.0001.  DEFINITION

Sec. 9080.0002.  NATURE OF DISTRICT

Sec. 9080.0003.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT

Sec. 9080.0004.  DISTRICT TERRITORY

Sec. 9080.0005.  LIBERAL CONSTRUCTION OF CHAPTER

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9080.0051.  COMPOSITION OF BOARD

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9080.0101.  GENERAL POWERS

Sec. 9080.0102.  WATER CONTROL AND IMPROVEMENT DISTRICT

                   POWERS

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9080.0151.  TAX METHOD

CHAPTER 9080. HALL AND DONLEY COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9080.0001.  DEFINITION. In this chapter, "district" means the Hall and Donley Counties Water Control and Improvement District No. 1 of Hall and Donley Counties. (Acts 56th Leg., R.S., Ch. 424, Sec. 1 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 1 (part); New.)

Sec. 9080.0002.  NATURE OF DISTRICT. The district is a conservation and reclamation district established under Section 59, Article XVI, Texas Constitution. (Acts 56th Leg., R.S., Ch. 424, Sec. 1 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 1 (part).)

Sec. 9080.0003.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is essential to the accomplishment of the preservation and conservation of the natural resources of this state.

(b)  All land and other property in the district will benefit from the district and the district's improvements and from the preservation and conservation of the natural resources of this state.

(c)  This chapter addresses a subject in which the state is interested. (Acts 56th Leg., R.S., Ch. 424, Sec. 7 (part); Acts 59th Leg., R.S., Ch. 189, Secs. 2 (part), 7 (part).)

Sec. 9080.0004.  DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2, Chapter 189, Acts of the 59th Legislature, Regular Session, 1965, as that territory may have been modified under:

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

(2)  Subchapter O, Chapter 51, Water Code; or

(3)  other law.

(b)  The district includes all land and property in the district's territory. (Acts 59th Leg., R.S., Ch. 189, Sec. 2 (part); New.)

Sec. 9080.0005.  LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect the purpose and objectives stated in this chapter. (Acts 56th Leg., R.S., Ch. 424, Sec. 7 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 7 (part).)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9080.0051.  COMPOSITION OF BOARD. The district's board of directors is composed of five elected directors. (New.)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9080.0101.  GENERAL POWERS. The district may exercise the powers essential to the accomplishment of the purposes of Section 59, Article XVI, Texas Constitution, and may exercise the rights, powers, privileges, and functions implied by that section. (Acts 56th Leg., R.S., Ch. 424, Sec. 1 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 1 (part).)

Sec. 9080.0102.  WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district has the rights, powers, privileges, and functions provided by general law applicable to a water control and improvement district, including Chapters 49 and 51, Water Code. (Acts 56th Leg., R.S., Ch. 424, Sec. 1 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 1 (part).)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9080.0151.  TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b)  The district is not required to have a hearing on the plan of taxation. (Acts 56th Leg., R.S., Ch. 424, Sec. 5; Acts 59th Leg., R.S., Ch. 189, Sec. 5.)

CHAPTER 9083. HUDSPETH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9083.0001.  DEFINITION

Sec. 9083.0002.  NATURE OF DISTRICT

Sec. 9083.0003.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT

Sec. 9083.0004.  DISTRICT TERRITORY

Sec. 9083.0005.  LIBERAL CONSTRUCTION OF CHAPTER

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9083.0051.  COMPOSITION OF BOARD

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9083.0101.  GENERAL POWERS

Sec. 9083.0102.  WATER CONTROL AND IMPROVEMENT DISTRICT

                   POWERS

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9083.0151.  TAX METHOD

CHAPTER 9083. HUDSPETH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9083.0001.  DEFINITION. In this chapter, "district" means the Hudspeth County Water Control and Improvement District No. 1. (Acts 56th Leg., R.S., Ch. 299, Sec. 1 (part); New.)

Sec. 9083.0002.  NATURE OF DISTRICT. The district is a conservation and reclamation district established under Section 59, Article XVI, Texas Constitution. (Acts 56th Leg., R.S., Ch. 299, Secs. 1 (part), 7 (part).)

Sec. 9083.0003.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is essential to the accomplishment of the preservation and conservation of the natural resources of the state.

(b)  All land and other property included in the district will benefit from the district, the district's improvements, and the purposes for which the district is created.

(c)  This chapter addresses a subject in which the state is interested. (Acts 56th Leg., R.S., Ch. 299, Secs. 2 (part), 7 (part).)

Sec. 9083.0004.  DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2, Chapter 299, Acts of the 56th Legislature, Regular Session, 1959, as that territory may have been modified under:

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

(2)  Subchapter O, Chapter 51, Water Code; or

(3)  other law.

(b)  The district shall include all land and property in the district's territory. (Acts 56th Leg., R.S., Ch. 299, Sec. 2 (part); New.)

Sec. 9083.0005.  LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect its purposes. (Acts 56th Leg., R.S., Ch. 299, Sec. 7 (part).)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9083.0051.  COMPOSITION OF BOARD. The board of directors is composed of five elected directors. (New.)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9083.0101.  GENERAL POWERS. The district may exercise the powers essential to the accomplishment of the purposes of Section 59, Article XVI, Texas Constitution, and may exercise the rights, powers, privileges, and functions implied by that section. (Acts 56th Leg., R.S., Ch. 299, Sec. 1 (part).)

Sec. 9083.0102.  WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district has the rights, powers, privileges, and functions provided by general law applicable to a water control and improvement district, including Chapters 49 and 51, Water Code. (Acts 56th Leg., R.S., Ch. 299, Sec. 1 (part); New.)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9083.0151.  TAX METHOD. (a) Taxes imposed by the district shall be on the ad valorem basis.

(b)  The district is not required to hold a hearing on the plan of taxation. (Acts 56th Leg., R.S., Ch. 299, Sec. 5.)

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01.  SABINE PASS PORT AUTHORITY. Section 1, Chapter 379, Acts of the 63rd Legislature, Regular Session, 1973, is amended to read as follows:

Sec. 1.  [~~There is hereby created, in addition to the districts into which the state has heretofore been divided, a port district to be known as the Sabine Pass Port Authority, with boundaries as hereinafter set out. Such district shall be and is hereby declared to be a governmental agency and body politic and corporate with the powers of government and with the authority to exercise the rights, privileges, and functions hereinafter specified, and the creation of such district is hereby determined to be essential to the accomplishment of the purposes of Article XVI, Section 59, of the Texas Constitution.~~]

The boundaries of the Sabine Pass Port Authority [~~district~~] shall be the boundaries of the Sabine Pass Independent School District in Jefferson County, Texas, as the same exist on the date of passage of this Act, excluding that portion which is located within the Port of Port Arthur Navigation District of Jefferson County, Texas, and in addition thereto the district's boundaries shall include the contiguous territory described by metes and bounds as follows:

A 54.9 acre tract of land out of a part of the T. & N. O. Survey 122, Abst. 486--the T. & N. O. Survey 123, Abst. 251 and the South John Bennett Abst. 71, said tract described by metes and bounds as follows to:wit:

Commencing at a concrete monument the Northeast corner of the T. & N. O. Survey 123, Abst. 251 and being in the West line of the South John Bennett Survey;

THENCE, South 00 deg. 01 min. 30 sec. East, along said West line of the South John Bennett Survey, a distance of 465.15 feet to a point for turn in the East right-of-way line of State Highway 87;

THENCE, North 18 deg. 45 min. 00 sec. West, along said East right-of-way line, a distance of 35.28 feet to point for corner and point of beginning of the tract herein below described;

THENCE, South 18 deg. 45 min. 00 sec. East, along said East right-of-way line, a distance of 3566.03 feet to point for corner;

THENCE, South 18 deg. 36 min. 41 sec. East, along said East right-of-way line, a distance of 5887.34 feet to point for corner in the East extension of the South line of the South John Bennett Survey;

THENCE, East, along said extension a distance of 52.0 feet to point for corner in the West descending bank of the Port Arthur Ship Channel;

THENCE, along the meanders of said channel the following courses and distances:

North 12 deg. 29 min. 13 sec. West - 25.22 feet

North 58 deg. 00 min. 21 sec. West - 53.14 feet

North 13 deg. 25 min. 29 sec. West - 67.46 feet

North 70 deg. 50 min. 37 sec. West - 29.03 feet

North 20 deg. 54 min. 40 sec. West - 135.07 feet

North 11 deg. 53 min. 52 sec. West - 50.07 feet

South 82 deg. 13 min. 51 sec. East - 26.83 feet

North 10 deg. 46 min. 30 sec. West - 83.98 feet

North 20 deg. 17 min. 36 sec. West - 32.81 feet

North 17 deg. 31 min. 26 sec. East - 36.91 feet

North 19 deg. 17 min. 39 sec. West - 96.68 feet

North 24 deg. 35 min. 12 sec. West - 97.29 feet

North 16 deg. 43 min. 29 sec. West - 187.62 feet

North 38 deg. 40 min. 03 sec. West - 34.18 feet

North 00 deg. 49 min. 01 sec. West - 63.85 feet

North 08 deg. 56 min. 23 sec. West - 105.15 feet

North 18 deg. 31 min. 31 sec. West - 247.14 feet

North 49 deg. 47 min. 19 sec. West - 50.88 feet

North 14 deg. 48 min. 55 sec. West - 170.74 feet

North 24 deg. 51 min. 34 sec. East - 27.70 feet

North 23 deg. 03 min. 20 sec. West - 170.02 feet

North 35 deg. 47 min. 26 sec. West - 240.07 feet

North 15 deg. 49 min. 10 sec. West - 439.73 feet

North 13 deg. 06 min. 54 sec. West - 61.50 feet

North 03 deg. 06 min. 24 sec. West - 71.50 feet

North 11 deg. 14 min. 39 sec. West - 99.95 feet

North 39 deg. 20 min. 33 sec. East - 25.42 feet

North 14 deg. 25 min. 54 sec. West - 64.56 feet

North 12 deg. 46 min. 36 sec. East - 92.92 feet

North 19 deg. 15 min. 15 sec. West - 154.25 feet

North 22 deg. 08 min. 11 sec. West - 143.13 feet

North 24 deg. 08 min. 29 sec. West - 81.13 feet

North 22 deg. 20 min. 12 sec. West - 113.11 feet

North 02 deg. 25 min. 40 sec. East - 44.48 feet

North 23 deg. 53 min. 14 sec. West - 260.36 feet

North 22 deg. 31 min. 29 sec. West - 53.69 feet

North 14 deg. 26 min. 06 sec. East - 93.32 feet

North 38 deg. 26 min. 36 sec. West - 67.01 feet

North 14 deg. 47 min. 13 sec. West - 290.60 feet

North 60 deg. 26 min. 29 sec. West - 102.43 feet

North 21 deg. 17 min. 48 sec. East - 57.69 feet

South 70 deg. 26 min. 39 sec. East - 50.50 feet

North 27 deg. 56 min. 05 sec. East - 76.38 feet

North 08 deg. 40 min. 00 sec. West - 165.74 feet

North 15 deg. 59 min. 03 sec. West - 557.03 feet

North 09 deg. 09 min. 41 sec. West - 140.32 feet

North 21 deg. 31 min. 38 sec. West - 265.07 feet

North 43 deg. 13 min. 40 sec. West - 74.36 feet

South 80 deg. 03 min. 11 sec. East - 35.00 feet

North 27 deg. 11 min. 50 sec. West - 31.31 feet

North 29 deg. 12 min. 57 sec. West - 168.90 feet

North 06 deg. 56 min. 37 sec. East - 43.73 feet

North 30 deg. 39 min. 39 sec. West - 27.47 feet

North 40 deg. 01 min. 39 sec. West - 53.48 feet

North 50 deg. 59 min. 55 sec. West - 24.28 feet

North 54 deg. 50 min. 38 sec. East - 28.25 feet

North 33 deg. 25 min. 59 sec. West - 57.24 feet

North 64 deg. 12 min. 29 sec. West - 17.78 feet

North 10 deg. 44 min. 19 sec. East - 19.22 feet

North 28 deg. 27 min. 56 sec. West - 129.86 feet

North 39 deg. 11 min. 03 sec. East - 37.37 feet

North 02 deg. 04 min. 19 sec. East - 50.32 feet

North 10 deg. 09 min. 16 sec. West - 43.14 feet

North 22 deg. 20 min. 17 sec. West - 113.64 feet

North 53 deg. 13 min. 21 sec. East - 6.41 feet

North 26 deg. 37 min. 03 sec. West - 92.92 feet

North 13 deg. 14 min. 17 sec. West - 80.58 feet

North 19 deg. 41 min. 27 sec. West - 127.44 feet

North 27 deg. 21 min. 20 sec. West - 54.28 feet

South 47 deg. 29 min. 00 sec. West - 45.38 feet

South 09 deg. 30 min. 48 sec. East - 65.88 feet

South 20 deg. 15 min. 16 sec. West - 38.15 feet

North 87 deg. 42 min. 30 sec. West - 78.97 feet

North 25 deg. 58 min. 13 sec. West - 140.09 feet

North 19 deg. 47 min. 05 sec. West - 55.38 feet

North 70 deg. 01 min. 10 sec. West - 30.31 feet

North 49 deg. 49 min. 07 sec. East - 16.98 feet

North 18 deg. 47 min. 58 sec. East - 16.29 feet

North 12 deg. 41 min. 54 sec. West - 57.60 feet

North 40 deg. 14 min. 57 sec. East - 26.69 feet

North 75 deg. 52 min. 27 sec. West - 139.07 feet

North 36 deg. 55 min. 56 sec. West - 41.26 feet

South 82 deg. 08 min. 20 sec. East - 131.62 feet

North 24 deg. 39 min. 59 sec. West - 14.94 feet

North 55 deg. 13 min. 44 sec. East - 74.28 feet

South 48 deg. 57 min. 32 sec. East - 54.17 feet

North 58 deg. 32 min. 41 sec. East - 49.23 feet

North 24 deg. 34 min. 59 sec. East - 99.44 feet

North 46 deg. 00 min. 10 sec. West - 118.53 feet

North 06 deg. 03 min. 23 sec. West - 42.94 feet

North 42 deg. 29 min. 08 sec. West - 37.02 feet

North 47 deg. 31 min. 18 sec. East - 38.35 feet

North 69 deg. 57 min. 31 sec. West - 84.03 feet

North 39 deg. 20 min. 52 sec. West - 68.33 feet

North 23 deg. 24 min. 48 sec. West - 99.65 feet

North 14 deg. 27 min. 54 sec. West - 95.18 feet

North 02 deg. 30 min. 54 sec. East - 43.76 feet

North 34 deg. 28 min. 08 sec. West - 74.06 feet

North 14 deg. 22 min. 24 sec. West - 113.03 feet

North 49 deg. 49 min. 15 sec. East - 112.31 feet

North 20 deg. 04 min. 24 sec. West - 48.47 feet

North 83 deg. 20 min. 51 sec. West - 86.10 feet

North 26 deg. 04 min. 10 sec. West - 96.87 feet

North 09 deg. 11 min. 19 sec. West - 142.12 feet

North 67 deg. 36 min. 42 sec. East - 56.32 feet

North 30 deg. 49 min. 30 sec. East - 22.41 feet

North 22 deg. 47 min. 30 sec. West - 56.02 feet

North 13 deg. 56 min. 26 sec. West - 149.00 feet

North 18 deg. 02 min. 09 sec. West - 97.79 feet

North 53 deg. 50 min. 52 sec. West - 37.14 feet

North 22 deg. 15 min. 45 sec. East - 36.87 feet

North 23 deg. 42 min. 04 sec. West - 112.20 feet

North 09 deg. 30 min. 08 sec. West - 81.96 feet

North 18 deg. 58 min. 50 sec. West - 121.30 feet

North 38 deg. 00 min. 15 sec. West - 92.06 feet

North 24 deg. 38 min. 28 sec. West - 98.60 feet

North 00 deg. 34 min. 55 sec. West - 81.10 feet

North 19 deg. 00 min. 48 sec. West - 45.20 feet

North 56 deg. 21 min. 41 sec. East - 40.23 feet

North 48 deg. 14 min. 01 sec. West - 121.82 feet

North 31 deg. 30 min. 37 sec. West - 101.56 feet

North 07 deg. 43 min. 43 sec. West - 56.02 feet

North 14 deg. 46 min. 25 sec. East - 110.59 feet

North 32 deg. 20 min. 10 sec. West - 164.56 feet

North 02 deg. 36 min. 08 sec. West - 125.06 feet

North 27 deg. 24 min. 24 sec. West - 190.99 feet

North 01 deg. 12 min. 39 sec. West - 208.43 feet

North 57 deg. 21 min. 52 sec. West - 48.85 feet

North 01 deg. 30 min. 24 sec. West - 95.75 feet

North 40 deg. 07 min. 50 sec. West - 120.96 feet

North 17 deg. 51 min. 18 sec. East - 112.64 feet

North 63 deg. 12 min. 10 sec. West - 79.11 feet

North 17 deg. 05 min. 44 sec. West - 103.72 feet

North 28 deg. 18 min. 35 sec. East - 87.72 feet

North 16 deg. 40 min. 55 sec. West - 114.30 feet

North 24 deg. 51 min. 25 sec. West - 187.74 feet

North 14 deg. 12 min. 51 sec. East - 135.72 feet

North 62 deg. 31 min. 22 sec. West - 52.58 feet

North 18 deg. 51 min. 09 sec. West - 182.43 feet

North 07 deg. 40 min. 03 sec. East - 102.05 feet

North 27 deg. 21 min. 32 sec. West - 145.37 feet

North 30 deg. 57 min. 39 sec. West - 440.35 feet

South 04 deg. 36 min. 36 sec. East - 252.07 feet

North 89 deg. 20 min. 59 sec. West - 109.06 feet

South 42 deg. 59 min. 36 sec. West - 31.24 feet

North 60 deg. 39 min. 10 sec. West - 21.15 feet

North 85 deg. 25 min. 11 sec. West - 60.71 feet

North 74 deg. 59 min. 11 sec. West - 31.90 feet

South 11 deg. 23 min. 33 sec. East - 62.31 feet

South 50 deg. 34 min. 39 sec. West - 55.70 feet

South 18 deg. 45 min. 00 sec. East - 1430.87 feet

South 27 deg. 20 min. 30 sec. East - 572.29 feet

South 25 deg. 39 min. 30 sec. West - 122.18 feet to the point of beginning. The tract of land herein above described contains 54.9 acres of land, more or less.

[~~It is hereby found that all territory within the boundaries of the Sabine Pass Port Authority as enlarged is and will be benefited by the present and contemplated improvements, works, and facilities of said authority. Further, the governing body of said authority is authorized to call an election or elections over the entire authority as enlarged for the purpose of determining (1) whether the entire authority as enlarged shall assume the tax-supported bonds of the authority then outstanding and whether an ad valorem tax shall be levied on all taxable property within the authority as enlarged for the payment thereof, and (2) whether an ad valorem maintenance tax (for the maintenance, operation, and upkeep of the authority and its facilities), in such amount as is specified by the governing body of the authority, shall be levied on all taxable property within the authority as enlarged. Said election or elections shall be called and held, and notice thereof given, in the same manner (to the extent pertinent) as elections for the issuance of tax-supported bonds as provided in this Act, and if either or both of such propositions should carry, the governing body of the authority shall be authorized to levy and collect such bond tax and/or maintenance tax as voted.~~]

SECTION 2.02.  HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 319. Section 3, Chapter 787, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 3.  BOUNDARIES. The Harris County Municipal Utility District No. 319 [~~district~~] shall include all of the territory contained within the following described area: Being a tract or parcel containing 237.9940 acres of land in the William McCann Survey, Abstract 585, Harris County, Texas, said 237.9940 acre tract being more particularly described as follows:

COMMENCING for reference at the intersection of the east right-of-way (R.O.W.) line of Becker Road, 60.00 feet wide, and the southerly line of said William McCann Survey, Abstract 585;

THENCE, along the east R.O.W. line of said Becker Road the following courses and distances:

North 00°51'06" West, 700.00 feet to the POINT OF BEGINNING and the southwest corner of the herein described tract; North 00°51'06" West, 2641.14 feet to a point at the beginning of a curve; 143.75 feet along the arc of a curve to the right, having a central angle of 28°45'00", a radius of 286.48 feet and a chord which bears North 13°31'24" East, 142.25 feet to a point at the end of said curve; North 27°53'54" East, 203.27 feet to a point for the northwest corner of the herein described tract in the north line of the aforementioned William McCann Survey;

THENCE, along the north line of said William McCann Survey and the south line of the Harris County School Land Survey, Abstract 333, North 89°25'55" East, 3926.28 feet to a point for the northeast corner of the herein described tract;

THENCE, departing said survey line, South 01°00'00" East, 1492.66 feet to a point for corner;

THENCE, South 89°00'00" West, 665.66 feet to a point at the beginning of a curve;

THENCE, 1916.28 feet along the arc of a curve to the left, having a central angle of 87°50'10", a radius of 1250.00 feet and a chord which bears South 45°04'55" West, 1734.07 feet to a point at the end of said curve;

THENCE, South 01°09'50" West, 502.49 feet to a point at the beginning of a curve;

THENCE, 484.78 feet along the arc of a curve to the right, having a central angle of 22°13'15", a radius of 1250.00 feet and a chord which bears South 12°16'28" West, 481.75 feet to a point at the end of said curve;

THENCE, South 23°23'05" West, 150.00 feet to a point for the southeast corner of the herein described tract;

THENCE, North 66°36'55" West, 428.18 feet to a point at the beginning of a curve;

THENCE, 447.69 feet along the arc of a curve to the right, having a central angle of 12°49'31", a radius of 2000.00 feet and a chord which bears North 60°12'09" West, 446.75 feet to a point at the end of said curve;

THENCE, North 53°47'24" West, 109.55 feet to a point at the beginning of a curve;

THENCE, 1188.98 feet along the arc of a curve to the left, having a central angle of 34°03'42", a radius of 2000.00 feet and a chord which bears North 70°49'15" West, 1171.55 feet to the POINT OF BEGINNING and containing 237.9940 acres of land.

SECTION 2.03.  POLK COUNTY FRESH WATER SUPPLY DISTRICT NO. 2. Section 3, Chapter 814, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

Sec. 3.  BOUNDARIES. The boundaries of Polk County Fresh Water Supply District No. 2 are hereby confirmed as follows:

BEGINNING at a point in the A.M. De La Jarza Survey A-43 on the shoreline of Lake Livingston, said point having a Stato Plane co-ordinate of Y=459,067.61, X=3,631,144.58;

THENCE, N 57° 51' 38" E, a distance to a point intersecting the west boundary line of the 695.13 acre tract described in the deed te James A. McAlister, Trustee for 711 LTD recorded in Volume 279, Page 892, of the Polk County Deed Records;

THENCE, along the boundary line of the said McAlister 695.13 acre tract, (more particularly described in the Deed of Trust Records, Volume 104, Page 226-234 of Polk County Records) being the boundary line of the Polk County Fresh Water Supply District No. 2 as amended according to the Minutes of the Annexation Meeting of December 15, 1981, of Polk County Fresh Wator Supply District No. 2, in a clockwise direction for several courses to it's intersection with the Trinity River Authority Lake Livingston "Fee Take" line, being the Northeast corner of the original Polk County Fresh Water Supply District No. 2 boundary as set forth in that certain Polk County Commissioners Court Minutes dated January 26, 1976, and recorded in Volume 22, Page 11-15 of the Records of Polk County, Texas; said point having a State Plane co-ordinate of Y=469,284.55, X=3,647,407.03;

THENCE, in a southerly direction with the meanders of the "Fee Take" line of Lake Livingston around a peninsula commonly called the Onalaska Peninsula to the point of beginning, the above to exclude the Area dedicated and named Stowaway Bay as described in tbe Plat Records of Polk County, Texas, and also excludes the Area dedicated and named Canyon Park as described in the Plat Records of Polk County, Texas, with the exception of those certain partials of land located in the Canyon Park Subdivision and located along and adjacent to FM 356, North Highway and described as:

Section 4, Lot 11, as described in the Plat Records Book 7, Page 27 of Polk County, Texas; and

Section 2, Lot 13; and Section 2, Lots 14, 15, and 16 as described in the Plat Records Book 7, Page 2 of Polk County, Texas, which shall be included within the boundaries of the Polk County Fresh Water Supply District No. 2

all of the foregoing land being encompassed within the boundaries of Polk County Fresh Water Supply District No. 2.

[~~This confirmation of boundaries does not enlarge or diminish the district as it exists and includes tbe property in the district that is being served or taxed on September 1, 1997.~~]

SECTION 2.04.  FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2. Section 1, Chapter 312, Acts of the 57th Legislature, Regular Session, 1961, is amended to read as follows:

Sec. 1.  The boundaries of the Fort Bend County Water Control and Improvement District No. 2 are [~~That Fort Bend County Water Control and Improvement District No. 2, lying in Fort Bend and Harris Counties, Texas, hereinafter sometimes referred to as "District," shall be enlarged, and the boundaries of such District, as enlarged, shall hereafter be defined~~] as follows:

BEGINNING at the point of intersection of the Northwest line of Section 8, B.B.B. & C. Railroad Co. Survey and the Fort Bend-Harris County line;

THENCE Northwesterly (from said point of intersection of said Northwest line of Section 8, B.B.B. & C. Railroad Co. Survey and the Fort Bend-Harris County line), along the Fort Bend-Harris County line to the point of intersection of said Fort Bend-Harris County line with the center line of a public road running through Section 7, B.B.B. & C. Railroad Co. Survey, along the division line between the Southwest one-half and the Northeast one-half of said Section 7, B.B.B. & C. Railroad Co. Survey, for a corner;

THENCE Northwest along the centerline of said public road to its intersection with the centerline of the Stafford-Bellaire Road, which point is in the Northwest line of Section 7, B.B.B. & C. Railroad Co. Survey, for a corner;

THENCE in a Northwesterly direction to the Northeast corner of Missouri City Estates Subdivision, which point is in the South line of Section 4, H.T. & B. Railroad Co. Survey, for a corner;

THENCE West, 1,107.3 feet along the North line of Missouri City Estates Subdivision and the South line of Section 4, H.T. & B. Railroad Co. Survey to the Northwest corner of Missouri City Estates Subdivision, for a corner;

THENCE South along the West line of Missouri City Estates Subdivision and its extension Southerly to a point in the centerline of Mula Road, for a corner;

THENCE in a Westerly direction along the centerline of Mula Road to its intersection with the centerline of Murphy Road;

THENCE generally in a Southerly direction in a straight line to the Northeast corner of the William Stafford League;

THENCE West along the North line of the William Stafford League to a point in the centerline of Lester Road, for a corner;

THENCE Southerly with the centerline of Lester Road to the Northeast corner of an 80 acre tract described in deed from Sugarland Industries, Inc. to Fort Bend Independent School District and recorded in Volume 399, Pages 433 thru 438 of the Deed Records of Fort Bend County, Texas which corner is South 0 degrees 19 minutes West 1,421.4 feet, measured along said centerline of Lester Road, from the centerline of the G.H. & S.A. Railway, for a corner;

THENCE North 89 degrees 41 minutes West, along the North line of said 80 acre tract, 1,291.36 feet to its Northwest corner, for a corner;

THENCE South 0 degrees 19 minutes West, along the West line of said 80 acre tract, 2,698.55 feet to its Southwest corner, for a corner;

THENCE South 89 degrees 41 minutes East, along the South line of said 80 acre tract, 1,291.36 feet to its Southeast corner, in the centerline of Lester Road, for a corner;

THENCE Southerly with the centerline of Lester Road, at 3,007.7 feet pass the Northeast corner of the Riverbend Country Club's 165.0 acre tract and continuing with the centerline of Lester Road to a point in the North right-of-way line of the American Canal Co. property, for a corner;

THENCE East Southeasterly along the North line of the American Canal Co. property to its intersection with the Southeast right-of-way line of Avenue E;

(15)  THENCE in a Northeasterly direction along the Southeast right-of-way line of Avenue E to its intersection with the centerline of Murphy Road, which point of intersection is in the East line of the William Stafford League, for a corner;

THENCE in an East Southeasterly direction in a straight line to a point at the intersection of the centerline of a road running in a Southerly direction from the Stafford-Blue Ridge Road to the Stafford Run Creek and a line 500 feet Southwest of and parallel with the Southwest boundary line of the F. P. Hoffman Survey, for a corner;

THENCE South 45 degrees East 500 feet from and parallel to said Southwest boundary line of said F. P. Hoffman Survey to a point in the M. Johnson 4.8 acre tract, which point is South 45 degrees West 500 feet from the Southwest boundary line of said F. P. Hoffman Survey and in the extended Southeast boundary line of the L. Ross 18.4 acre tract, for a corner;

THENCE South 45 degrees West to an intersection with the Northeast right-of-way line of the American Canal Co. property;

THENCE in a generally Southeasterly and Southerly direction with the Northeast and East right-of-way line of said American Canal Co. property to its intersection with the South line of the Wm. Neel Survey, for a corner;

THENCE East along the South line of the William Neel Survey to its most Easterly corner, same being in a Southwest line of the I. & G.N. Railroad Co. Survey, Abstract 264, for a corner;

THENCE Northwest along the common line of the William Neel Survey and the I. & G.N. Railroad Co. Survey, Abstract 264, to the South corner of the I. & G.N. Railroad Co. Survey, Abstract 360, for a corner;

THENCE Northeast along the Southeast line of the I. & G.N. Railroad Co. Survey, Abstract 360, to its East corner, for a corner;

THENCE Northwest along the Northeast line of the I. & G.N. Railroad Co. Survey, Abstract 360, to the South corner, Section 9, B.B.B. & C. Railroad Co. Survey, for a corner;

THENCE Northeast along the Southeast line of Sections 9 & 8, B.B.B. & C. Railroad Co. Surveys to the point of the intersection of the Southeast line of said Section 8, B.B.B. & C. Railroad Co. Survey with the Fort Bend-Harris County line, for a corner;

THENCE Northwesterly along the Fort Bend-Harris County line to the point of intersection with the Northwest line of Section 8, B.B.B. & C. Railroad Co. Survey, the point and place of BEGINNING.

SECTION 2.05.  HALL AND DONLEY COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES. Section 2, Chapter 189, Acts of the 59th Legislature, Regular Session, 1965, is amended to read as follows:

Sec. 2.  The boundaries of the Hall and Donley Counties Water Control and Improvement District No. 1 of Hall and Donley Counties are [~~said District heretofore and herein established~~] as follows:

BEGINNING at the common Southwest corner of Section 19 and the Southeast corner of Section 20, both Sections being in Block 2, of T. & P. R. R. Co. Survey in Hall County, Texas, the point of beginning also being on the North bank of the Prairie Dog Town Fork of Red River;

THENCE, North with the West line of said Section 19 and the East line of said Section 20, Block 2, T. & P. R. R. Co. Survey, to the South Bank of Mulberry Creek;

THENCE, in a Northwesterly direction with the South bank of Mulberry Creek to its intersection with the common East line of Briscoe County and the West line of Hall County;

THENCE, North with the said common County Lines to the North line of Section 121, Block 2, T. & P. R. R. Co. Survey in Hall County, Texas;

THENCE, East with the North line of said Section 121, Block 2, T. & P. R. R. Co. Survey, to the common Northeast corner of said Section 121 and the Southeast corner of Section 13, Block 2, J. Poitevent Survey in Hall County, Texas;

THENCE, North with the East line of said Section 13, Block 2, J. Poitevent Survey and crossing Section 1, Block 1, C. L. Benson Survey and also crossing Section 5, Block X, W. H. Martin Survey to a point of intersection with the South line of Section 6, Block B, John G. Adair Survey. All of the above Surveys being in Hall County, Texas;

THENCE, West with the South line of said Section 6, Block B, John G. Adair Survey to the Southwest corner of said Section 6;

THENCE, North with the West line of Section 6, Block B, John G. Adair Survey in Hall County, Texas, and the West line of Section 11, Block B, John G. Adair Survey in Hall and Donley Counties, Texas, to the Northwest corner of said Section 11;

THENCE, West to the Southeast corner of Section 36, Block G-7, Adair & Goodnight Survey in Donley County, Texas;

THENCE, North with the East line of said Section 36, Block G-7, Adair & Goodnight Survey to the common Northwest corner of Section 32, Block G-7, Adair & Goodnight Survey and the Southwest corner of Section 33, Block G-7, Adair & Goodnight Survey in Donley County, Texas;

THENCE, East with the South line of said Section 33, Block G-7, Adair & Goodnight Survey to the Southeast corner of said Section 33;

THENCE, North along the East line of said Section 33, Block G-7, Adair & Goodnight Survey and the West line of Section 29, Block G-7, Adair & Goodnight Survey in Donley County, Texas, to the Northwest corner of said Section 29;

THENCE, East with the North line of said Section 29, Block G-7, Adair & Goodnight Survey and across Section 68, W. M. Cross Survey in Donley County, Texas, to the intersection with the present East right of way line of State Highway 70 in Section 170, Block E, D. & P. R. R. Co. Survey in Donley County, Texas;

THENCE, in a North and Northeasterly direction with the present East right of way line of State Highway 70 thru Sections 170 and 169, Block E, D. & P. R. R. Co. Survey, Section 26, Block G-7, Adair & Goodnight Survey to a point located 752.5 varas and 20 feet South of the North line of Section 167, Block E, D. & P. R. R. Co. Survey in Donley County, Texas. The said point also being located 1,430.9 varas West of the East line of said Section 167;

THENCE, East 741 varas to a point;

THENCE, South 1,147.8 varas to a point in the South line of said Section 167, Block E, D. & P. R. R. Co. Survey and also 689.7 varas West of the Southeast corner of said Section 167;

THENCE, East with the North lines of Sections 166, 157 and 152, Block E, D. & P. R. R. Co. Survey in Donley County, Texas, to the Northeast corner of said Section 152 and the West line of Section 153, Block E, D. & P. R. R. Co. Survey in Donley County, Texas;

THENCE, South with the West line of said Section 153, Block E, D. & P. R. R. Co. Survey to its Southwest corner and the Northwest corner of Section 154, Block E, D. & P. R. R. Co. Survey in Donley County, Texas;

THENCE, East with the North line of said Section 154, Block E, D. & P. R. R. Co. Survey to its Northeast corner;

THENCE, South with the East line of said Section 154, Block E, D. & P. R. R. Co. Survey to its Southeast corner and the North line of Section 144, Block E, D. & P. R. R. Co. Survey in Donley County, Texas;

THENCE, East with the North line of said Section 144, Block E, D. & P. R. R. Co. Survey to its Northeast corner and the Southwest corner of Section 98, Block C-6, G. C. & S. F. R. R. Co. Survey in Donley County, Texas;

THENCE, East with the South line of said Section 98, Block C-6, G. C. & S. F. R. R. Co. Survey a distance of 950 varas;

THENCE, North 950 varas to a point;

THENCE, East 950 varas to a point in the East line of Section 98 and the West line of Section 97, Block C-6, G. C. & S. F. R. R. Co. Survey in Donley County, Texas;

THENCE, North with the said West line of Section 97, Block C-6, G. C. & S. F. R. R. Co. Survey 354.75 varas;

THENCE, East 950 varas to a point;

THENCE, South 354.75 varas to a point;

THENCE, East 950 varas to a point in the West line of Section 96, Block C-6, G. C. & S. F. R. R. Co. Survey in Donley County, Texas;

THENCE, South with the said West line of Section 96, Block C-6, G. C. & S. F. R. R. Co. Survey to its Southwest corner and the Northwest corner of Section 101, Block C-6, G. C. & S. F. R. R. Co. Survey in Donley County, Texas;

THENCE, East with the North line of said Section 101, Block C-6, G. C. & S. F. R. R. Co. Survey to its Northeast corner;

THENCE, South with the East line of said Section 101, Block C-6, G. C. & S. F. R. R. Co. Survey 1,600 varas;

THENCE, East to a point in the East line of Section 134, Block E, D. & P. R. R. Co. Survey in Donley County, Texas;

THENCE, South with the West lines of Sections 134 and 135, Block E, D & P. R. R. Co. Survey in Donley County, Texas, to the Southeast corner of said Section 135;

THENCE, East across Theo W. Wheeler Survey in Donley County, Texas, to the Northeast corner of Section 50, Block 20, H. & G. N. R. R. Co. Survey in Donley County, Texas;

THENCE, South with the East line of said Section 50, Block 20, H. & G. N. R. R. Co. Survey to its Southeast corner and the Northwest corner of Section 32, Block 20, H. & G. N. R. R. Co. Survey in Donley County, Texas;

THENCE, East with the North line of said Section 32, Block 20, H. & G. N. R. R. Co. Survey to the Northeast corner of said Section 32;

THENCE, South with the East line of said Section 32, Block 20, H. & G. N. R. R. Co. Survey to its Southeast corner and also the Northwest corner of Section 28, Block 20, H. & G. N. R. R. Co. Survey in Donley and Hall Counties, Texas;

THENCE, East to the Northeast corner of said Section 28, Block 20, H. & G. N. R. R. Co. Survey;

THENCE, South with the East line of said Section 28 and Section 13, Block 20, H. & G. N. R. R. Co. Survey in Hall County, Texas, to the Southeast corner of said Section 13;

THENCE, West to the Northeast corner of Section 9, Block 20, H. & G. N. R. R. Co. Survey in Hall County, Texas;

THENCE, South with the East lines of said Section 9, Block 20, and Sections 99, 62, and 59, Block 18, H. & G. N. R. R. Co. Survey in Hall County, Texas, to the Southeast corner of said Section 59 and the Northwest corner of Section 23, Block 18, W. & N. W. R. R. Co. Survey in Hall County, Texas;

THENCE, East with the North line of said Section 23, Block 18, H. & G. N. R. R. Co. Survey 950 varas;

THENCE, South 950 varas to a point;

THENCE, East 950 varas to a point in the East line of said Section 23, Block 18, H. & G. N. R. R. Co. Survey;

THENCE, South with the East lines of Sections 23 and 18, Block 18, H. & G. N. R. R. Co. Survey in Hall County, Texas, to the Southeast corner of said Section 18;

THENCE, West to the Northwest corner of Section 116, Block 1, S. P. Ry. Co. Survey in Hall County, Texas;

THENCE, South with the West line of said Section 116, Block 1, S. P. Ry. Co. Survey to its Southwest corner and the Northwest corner of Section 109, Block 1, S. P. Ry. Co. Survey in Hall County, Texas;

THENCE, East with the North line of said Section 109, Block 1, S. P. Ry. Co. Survey to its Northeast corner;

THENCE, East 950 varas to a point in the North line of Section 108, Block 1, S. P. Ry. Co. Survey in Hall County, Texas;

THENCE, South to a point in the South line of said Section 108, Block 1, S. P. Ry. Co. Survey and the North line of Section 9, Block R, T. A. Thomson Survey in Hall County, Texas;

THENCE, East with the North line of said Section 9, Block R, T. A. Thomson Survey to its Northeast corner;

THENCE, South with the East line of said Section 9, Block R, T. A. Thomson Survey to its Southeast corner and the North line of Section 67, Block 1, S. P. Ry. Co. Survey in Hall County, Texas;

THENCE, East with the North lines of Sections 67 and 68, Block 1, S. P. Ry. Co. Survey in Hall County, Texas, to the Northeast corner of said Section 68;

THENCE, South with the East lines of Sections 68 and 53, Block 1, S. P. Ry. Co. Survey in Hall County, Texas, to the Southeast corner of said Section 530 on the North Bank of the Prairie Dog Town Fork of Red River;

THENCE, in a Northwesterly direction with the meanders of the North bank of the Prairie Dog Town Fork of Red River to the PLACE OF BEGINNING[~~;~~

~~are hereby in all things and in all respects ratified, confirmed, approved and validated and said District shall embrace all land and property contained within the area delineated by said boundaries. It is hereby found and determined that all lands and other property included within the aforesaid boundaries are and will be benefited by the District and its improvements and it shall not be necessary for the District to hold any exclusion hearings and no exclusions shall be made~~].

SECTION 2.06.  HUDSPETH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1. Section 2, Chapter 299, Acts of the 56th Legislature, Regular Session, 1959, is amended to read as follows:

Sec. 2.  The boundaries of the Hudspeth County Water Control and Improvement [~~said~~] District No. 1 are [~~heretofore and herein established~~] as follows:

A tract of 2405 acres of land in Hudspeth County, Texas known as the SW1/4 of Sur. No. 2 and the S1/2 of Sur. No. 3, Blk. No. 59, P. S. L., the W1/2 of Sur. No. 2, Sur. No. 3, the E1/2 of Sur. No. 4, the NE1/4 of Sur. No. 7, the NE1/4 of Sur. No. 8 and the NW1/4 of Sur. No. 9, Blk. No. 61-1/2, Public School Land Surveys, including all land that would normally inure to said surveys, and is situated at the county site.

Beginning at an iron pipe at the NE corner of Sur. No. 4, Blk. No. 61-1/2 P. S. L.;

Thence West 950 vrs with the North line of said Sur. No. 4, to the NW corner of the E1/2 of said survey, for a NW corner of this tract.

Thence South at 1900 vrs, the SW corner of the E1/2 of said Sur. No. 4 and the NW corner of the NE1/4 of Sur. No. 7 and at 2850 vrs the SW corner of the NE1/4 of said Sur. No. 7, for a SW corner of this tract.

Thence East 950 vrs to the SE corner of the NE1/4 of said Sur. No. 7 in the East line of said survey, for a corner of this tract.

Thence North 950 vrs with the East line of said Sur. No. 7 to the NE corner of same, and the NW corner of Sur. No. 8, for a corner of this tract.

Thence East 950 vrs with the North line of Sur. No. 8, to the NW corner of the NE1/4 of said survey for a corner of this tract.

Thence South 950 vrs to the SW corner of the NE1/4 of said Sur. No. 8, for a corner of this tract.

Thence East at 950 vrs the SE corner of the NE1/4 of said Sur. No. 8, and the SW corner of the NW1/4 of Sur. No. 9, and at 1900 vrs the SE corner of the NW1/4 of said Sur. No. 9, for the SE corner of this tract.

Thence North at 950 vrs. the NE corner of the NW1/4 of said Sur. No. 9 and the SE corner of the W1/2 of Sur. No. 2, at 2850 vrs the NE corner of the W1/2 of said Sur. No. 2, Blk. No. 61-1/2 in the South line of Blk. No. 59, for a corner of this tract.

Thence East 300 vrs with the South line of said Blk. No. 59, to the SE corner of the SW1/4 of Sur. No. 2, said Blk. No. 59 for a corner of this tract.

Thence North 1427.5 vrs to the NE corner of the SW1/4 of said Sur. No. 2, for the NE corner of this tract.

Thence West at 850 vrs the NW corner of the SW1/4 of said Sur. No. 2, and the NE corner of the S1/2 of Sur. No. 3, and at 2550 vrs the NW corner of the S1/2 of said Sur. No. 3, for a NW corner of this tract.

Thence South 1427.5 vrs with the West line of said Sur. No. 3, to the SW corner of same, in the South line of Blk. No. 59 and the North line of Blk. No. 61-1/2, for a corner of this tract.

Thence West 600 vrs with the North line of said Blk. No. 61-1/2 to the place of beginning[~~; are hereby in all things and in all respects ratified, confirmed, approved and validated and said District shall embrace all land and property contained within the area delineated by said boundaries. It is hereby found and determined that all lands and other property included within the aforesaid boundaries are and will be benefited by the District and its improvements~~].

ARTICLE 3. REPEALERS

SECTION 3.01.  SABINE PASS PORT AUTHORITY. The following statutes are repealed:

(1)  Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Chapter 379, Acts of the 63rd Legislature, Regular Session, 1973;

(2)  Sections 2 and 3, Chapter 812, Acts of the 66th Legislature, Regular Session, 1979; and

(3)  Sections 2 and 3, Chapter 56, Acts of the 67th Legislature, Regular Session, 1981.

SECTION 3.02.  PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS. The following statutes are repealed:

(1)  Chapter 165, Acts of the 67th Legislature, Regular Session, 1981;

(2)  Chapter 397, Acts of the 68th Legislature, Regular Session, 1983;

(3)  Section 2, Chapter 469, Acts of the 74th Legislature, Regular Session, 1995; and

(4)  Sections 1, 2, 3, and 4, Chapter 1334, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 3.03.  ORANGE COUNTY NAVIGATION AND PORT DISTRICT OF ORANGE COUNTY, TEXAS. The following statutes are repealed:

(1)  Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953; and

(2)  Sections 2, 3, 4, and 5, Chapter 80, Acts of the 55th Legislature, Regular Session, 1957.

SECTION 3.04.  CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT. Chapter 1145, Acts of the 76th Legislature, Regular Session, 1999, is repealed.

SECTION 3.05.  HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 319. Sections 1, 2, 4, 5, 6, 7, 8, 9, and 10, Chapter 787, Acts of the 69th Legislature, Regular Session, 1985, are repealed.

SECTION 3.06.  POLK COUNTY FRESH WATER SUPPLY DISTRICT NO. 2. Sections 1, 2, and 4, Chapter 814, Acts of the 75th Legislature, Regular Session, 1997, are repealed.

SECTION 3.07.  LAKEWAY MUNICIPAL UTILITY DISTRICT. Chapter 1272, Acts of the 75th Legislature, Regular Session, 1997, is repealed.

SECTION 3.08.  TANGLEWOOD FOREST LIMITED DISTRICT. Chapter 675, Acts of the 74th Legislature, Regular Session, 1995, is repealed.

SECTION 3.09.  THE WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT. Chapter 322, Acts of the 72nd Legislature, Regular Session, 1991, is repealed.

SECTION 3.10.  BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1. Chapter 1386, Acts of the 77th Legislature, Regular Session, 2001, is repealed.

SECTION 3.11.  SULPHUR RIVER BASIN AUTHORITY. The following statutes are repealed:

(1)  Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985; and

(2)  Sections 15 and 17, Chapter 276, Acts of the 85th Legislature, Regular Session, 2017.

SECTION 3.12.  PALO DURO WATER DISTRICT. The following statutes are repealed:

(1)  Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973;

(2)  Sections 6, 7, 8, and 9, Chapter 115, Acts of the 64th Legislature, Regular Session, 1975;

(3)  Sections 5 and 6, Chapter 17, Acts of the 68th Legislature, Regular Session, 1983;

(4)  Sections 2, 3, and 4, Chapter 651, Acts of the 70th Legislature, Regular Session, 1987; and

(5)  Section 13, Chapter 1046, Acts of the 85th Legislature, Regular Session, 2017.

SECTION 3.13.  LIVE OAK UNDERGROUND WATER CONSERVATION DISTRICT. The following statutes are repealed:

(1)  Chapter 715, Acts of the 71st Legislature, Regular Session, 1989;

(2)  Sections 1, 2, 4, and 5, Chapter 305, Acts of the 73rd Legislature, Regular Session, 1993; and

(3)  Section 5, Chapter 653, Acts of the 85th Legislature, Regular Session, 2017.

SECTION 3.14.  HEMPHILL COUNTY UNDERGROUND WATER CONSERVATION DISTRICT. The following statutes are repealed:

(1)  Chapter 157, Acts of the 74th Legislature, Regular Session, 1995; and

(2)  Section 6, Chapter 208, Acts of the 85th Legislature, Regular Session, 2017.

SECTION 3.15.  FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2. The following statutes are repealed:

(1)  Sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, Chapter 312, Acts of the 57th Legislature, Regular Session, 1961;

(2)  Chapter 381, Acts of the 61st Legislature, Regular Session, 1969; and

(3)  Sections 3, 4, and 5, Chapter 669, Acts of the 84th Legislature, Regular Session, 2015.

SECTION 3.16.  BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 5. The following statutes are repealed:

(1)  Chapter 226, Acts of the 56th Legislature, Regular Session, 1959; and

(2)  Chapter 227, Acts of the 56th Legislature, Regular Session, 1959.

SECTION 3.17.  FANNIN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1. The following statutes are repealed:

(1)  Chapter 65, Acts of the 57th Legislature, Regular Session, 1961; and

(2)  Chapter 275, Acts of the 58th Legislature, Regular Session, 1963.

SECTION 3.18.  FORT HANCOCK WATER CONTROL AND IMPROVEMENT DISTRICT OF HUDSPETH COUNTY, TEXAS. Sections 1, 2, 3, 4, 6, 7, 8, 9, 9a, 10, and 11, Chapter 78, Acts of the 57th Legislature, Regular Session, 1961, are repealed.

SECTION 3.19.  HALL AND DONLEY COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES. The following statutes are repealed:

(1)  Chapter 424, Acts of the 56th Legislature, Regular Session, 1959; and

(2)  Sections 1, 3, 4, 5, 6, and 7, Chapter 189, Acts of the 59th Legislature, Regular Session, 1965.

SECTION 3.20.  HUDSPETH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1. Sections 1, 3, 4, 5, 6, and 7, Chapter 299, Acts of the 56th Legislature, Regular Session, 1959, are repealed.

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, 2021.

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    President of the Senate Speaker of the House

I certify that H.B. No. 4172 was passed by the House on May 3, 2019, by the following vote:  Yeas 140, Nays 0, 2 present, not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Clerk of the House

I certify that H.B. No. 4172 was passed by the Senate on May 21, 2019, by the following vote:  Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

           \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                  Governor