By:  VanDeaver (Senate Sponsor - Hughes) H.B. No. 3402

(In the Senate - Received from the House April 19, 2021; April 21, 2021, read first time and referred to Committee on Local Government; May 20, 2021, reported favorably by the following vote: Yeas 6, Nays 0; May 20, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Menéndez          X

Eckhardt          X

Gutierrez         X

Hall                       X

Nichols                    X

Paxton            X

Springer          X

Zaffirini                  X

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Franklin County Water District.

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

SECTION 1.  Section 4, Chapter 719, Acts of the 59th Legislature, Regular Session, 1965, is amended to read as follows:

Sec. 4.  DISTRICT POWERS. The District herein created shall have and possess and is hereby vested with all the rights, powers and privileges conferred by the General Laws of this State now in force and effect or hereafter enacted applicable to water control and improvement districts created under the authority of Article XVI, Section 59, of the Texas Constitution, but to the extent that said General Laws may be inconsistent or in conflict herewith, the provisions of this Act shall prevail. It is further the intention of the Legislature that the District herein created shall have all the power and authority necessary to fully qualify and gain the benefits of any and all laws which are in any wise helpful in carrying out the purposes for which the District is created and the provisions of all such laws of which the District may lawfully avail itself are hereby adopted by this reference and made applicable to the District.

Without limiting the generality of the foregoing, the District shall and is hereby empowered to exercise the following powers, privileges and functions:

(1)  To control, store, preserve and distribute its waters and flood waters, the waters of its rivers and streams, for all useful purposes and to accomplish these ends by all practicable means including the construction, maintenance and operation of all appropriate improvements, plants, works and facilities, the acquisition of water rights and all other properties, lands, tenements, easements and all other rights necessary to the purpose of the organization of the District.

(2)  To process and store such waters and distribute same for municipal, domestic, irrigation and industrial purposes, subject to the requirements of Chapter 1, Title 128, Revised Civil Statutes of Texas, 1925, as amended.

(3)  To dispose of property or rights therein when the same are no longer needed for the purposes for which the District is created or to lease same for purposes which will not interfere with the use of the property of the District.

(4)  To cooperate with and contract with the State of Texas, the United States of America, or with any of their departments or agencies now existing, or which may hereafter be created, to carry out any of the powers or to further any of the purposes of the District and, for such purposes, to receive grants, loans or advancements therefrom.

(5)  To make or cause to be made surveys and engineering investigations for the information of the District to facilitate the accomplishment of its purposes and to employ a general manager, attorneys, accountants, engineers, financial experts, or other technical or nontechnical employees or assistants; further to fix the amount and manner of their compensation and to provide for the payment of all expenditures deemed essential to the proper operation and maintenance of the District and its affairs.

(6)  To exercise all functions to permit the accomplishment of its purposes including the acquisition within or without said District of land, easements, and rights-of-way and any other character of property incident to, or necessary in carrying out the purposes and work of the District by way of gift, device, purchase, leasehold or condemnation. The right of eminent domain is hereby expressly conferred on said District and the procedure with reference to condemnation, the assessment of and estimating of damages, payment, appeal, the entering upon the property pending appeal and other procedures prescribed in Title 52 of the Revised Civil Statutes of Texas, 1925, as heretofore or hereafter amended, shall apply to said District. In the event the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder makes necessary the taking of any property or the relocation, raising, re-routing or changing the grade, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary taking, relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the expense of the District. It is provided, however, that the expense of the District shall be strictly confined to that amount which is equal to the actual cost of the property taken or work required without enhancement thereof and after deducting the net salvage value which may be derived from any property taken.

(7)  To design, acquire, construct, 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. The district may finance the road project with notes secured by non-tax revenue. 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. If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located. If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

(8)  To do any and all other acts or things necessary or proper to carry into effect the purpose for which the District is created and organized.

SECTION 2.  The Franklin County Water District retains all rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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