

By: VanDeaver

H.B. No. 3402

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers and duties of the Franklin County Water
3 District.

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

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

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

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

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

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

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

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

23 (5) To make or cause to be made surveys and engineering
24 investigations for the information of the District to facilitate
25 the accomplishment of its purposes and to employ a general manager,
26 attorneys, accountants, engineers, financial experts, or other
27 technical or nontechnical employees or assistants; further to fix

1 the amount and manner of their compensation and to provide for the
2 payment of all expenditures deemed essential to the proper
3 operation and maintenance of the District and its affairs.

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

1 any property taken.

2 (7) To design, acquire, construct, improve, operate,
3 maintain, and convey to this state, a county, or a municipality for
4 operation and maintenance macadamized, graveled, or paved roads, or
5 improvements, including storm drainage, in aid of those roads. The
6 district may finance the road project with notes secured by non-tax
7 revenue. A road project must meet all applicable construction
8 standards, zoning and subdivision requirements, and regulations of
9 each municipality in whose corporate limits or extraterritorial
10 jurisdiction the road project is located. If a road project is not
11 located in the corporate limits or extraterritorial jurisdiction of
12 a municipality, the road project must meet all applicable
13 construction standards, subdivision requirements, and regulations
14 of each county in which the road project is located. If the state
15 will maintain and operate the road, the Texas Transportation
16 Commission must approve the plans and specifications of the road
17 project.

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

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

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

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1 Act takes effect September 1, 2021.