

By: VanDeaver

H.B. No. 3402

Substitute the following for H.B. No. 3402:

By: Bowers

C.S.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.