

By: VanDeaver

H.B. No. 3402

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 (1) To control, store, preserve and distribute its waters
2 and flood waters, the waters of its rivers and streams, for all
3 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 same for
10 municipal, domestic, irrigation and industrial purposes, subject
11 to the requirements of Chapter 1, Title 128, Revised Civil Statutes
12 of Texas, 1925, as amended.

13 (3) To dispose of property or rights therein when the same
14 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 Texas,
18 the United States of America, or with any of their departments or
19 agencies now existing, or which may hereafter be created, to carry
20 out any of the powers or to further any of the purposes of the
21 District and, for such purposes, to receive grants, loans or
22 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 accomplishment
5 of its purposes including the acquisition within or without said
6 District of land, easements, and rights-of-way and any other
7 character of property incident to, or necessary in carrying out the
8 purposes and work of the District by way of gift, device, purchase,
9 leasehold or condemnation. The right of eminent domain is hereby
10 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, under Section 52, Article III, Texas Constitution,
3 design, acquire, construct, finance, improve, operate, maintain,
4 and convey to this state, a county, or a municipality for operation
5 and maintenance macadamized, graveled, or paved roads, or
6 improvements, including storm drainage, in aid of those roads. A
7 road project must meet all applicable construction standards,
8 zoning and subdivision requirements, and regulations of each
9 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. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

7 (c) The Texas Commission on Environmental Quality has filed
8 its recommendations relating to this Act with the governor, the
9 lieutenant governor, and the speaker of the house of
10 representatives with the required time.

11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act are fulfilled
14 and accomplished.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2021.