

By: Paul

H.B. No. 5338

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the Harris County Flood Control District and the
3 transfer to it of the assets, programs, and facilities of the Harris
4 County Toll Road Authority; providing for the appointment of the
5 governing body.

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

7 SECTION 1. Chapter 360, Acts of the 45th Legislature,
8 Regular Session, 1937, is amended by amending Sections 1, 2, 2A, 3,
9 4, 5, 6, 7, 8, 9, 10, 11, 12, 12-a, and 12-b and adding Sections 1A,
10 1B, 1C, and 12-c to read as follows:

11 Sec. 1. Gulf Coast Resiliency [~~Harris County Flood Control~~]
12 District Created. There is hereby created and established within
13 the State of Texas, in addition to the districts into which the
14 State has heretofore been divided, in the form and manner
15 hereinafter provided, a conservation and reclamation district to be
16 known as the Gulf Coast Resiliency [~~Harris County Flood Control~~]
17 District, hereinafter called the District[, ~~and consisting of that~~
18 ~~part of the State of Texas which is known as and included within the~~
19 ~~boundaries of the County of Harris~~]. Such District shall be a
20 governmental agency and body politic and corporate, with the powers
21 of government and with the authority to exercise the rights,
22 privileges, and functions hereinafter specified, the creation and
23 establishment of such District being essential to the
24 accomplishment of the purposes of Section 59 of Article XVI of the

1 Constitution of the State of Texas, as amended, including the
2 control, storing, preservation, and distribution of the storm and
3 flood waters, and the waters of the rivers and streams within the
4 bounds of the District [~~in Harris County~~] and their tributaries,
5 for domestic, municipal, flood control, irrigation, and other
6 useful purposes, the reclamation and drainage of the overflow land
7 within the bounds of the District [~~of Harris County~~], the
8 conservation of forests, and to aid in the protection of navigation
9 on the navigable waters by regulating the flood and storm waters
10 that flow into said navigable streams.

11 The District is created to accomplish the purposes of Section
12 52, Article III, Texas Constitution, that relate to the
13 construction, acquisition, improvement, operation, or maintenance
14 of macadamized, graveled, or paved roads, or improvements,
15 including storm drainage, in aid of those roads. [~~The Commissioners~~
16 ~~Court of Harris County, Texas, is hereby designated as the~~
17 ~~governing body of such District and the agency through which the~~
18 ~~management and control of the District shall be administered, and~~
19 ~~it is hereby empowered to do any and all things necessary to carry~~
20 ~~out the aims and purposes of this Act.~~]

21 Sec. 1A. DEFINITIONS. In this Act:

22 (1) "Board" means the governing body of the District.

23 (2) "District" means the Gulf Coast Resiliency
24 District.

25 (3) "Presiding officer" means the presiding officer of
26 the Board.

27 (4) "Secretary" means the secretary of the Board.

1 (5) "Treasurer" means the treasurer of the Board.

2 Sec. 1B. DISTRICT TERRITORY. The boundaries of the
3 District are coextensive with the boundaries of Harris County.

4 Sec. 1C. BOARD; TERMS. (a) The Board is composed of five
5 members who are appointed by the governor with the advice and
6 consent of the senate.

7 (b) The members of the Board hold office for staggered terms
8 of four years, with the terms of two or three members expiring
9 January 1 of each odd-numbered year. Each member holds office until
10 a successor is appointed and has qualified.

11 (c) The governor shall designate one member as the presiding
12 officer of the Board to serve at the will of the governor. The Board
13 shall elect from among its members a secretary and a treasurer and
14 other officers the presiding officer considers necessary.

15 (d) A member of the Board may not receive compensation but
16 is entitled to reimbursement of the travel expenses incurred by the
17 member while conducting the business of the Board.

18 Sec. 2. Added Powers. In addition to the powers given to the
19 Board [~~Commissioners Court~~] by General Laws and in addition to the
20 general powers herein given, it shall be authorized in connection
21 with the [~~Harris County Flood Control~~] District to exercise the
22 following added rights, powers, privileges, and functions:

23 a. To acquire land and rights and interest therein and any
24 other character of property needed to carry on the work of flood
25 control, by gift, devise, purchase, or condemnation;

26 b. To sell, trade, or otherwise dispose of land or other
27 property or rights therein when the same are no longer needed for

1 the project or flood control purposes;

2 c. To hire [~~appoint~~] a flood control manager and other
3 [~~such~~] agents and employees [~~of the County~~] for flood control
4 purposes as may be necessary, including an engineer and counsel,
5 and to prescribe their duties and fix their bonds and compensation;

6 d. To authorize its officers, employees, or agents to go
7 upon any lands lying within the District for the purpose of making
8 surveys and examining the same in connection with flood control
9 plans and projects, and for any other lawful purpose within the
10 scope of its authority;

11 e. To devise plans and construct works to lessen and control
12 floods; to reclaim lands in the District; to prevent the deposit of
13 silt in navigable streams; to remove obstructions, natural or
14 artificial, from streams and water courses; to regulate the flow of
15 surface and flood waters; and to provide drainage where essential
16 to the flood control project;

17 f. To exercise all powers, rights, privileges, and
18 functions conferred by general law upon flood control districts
19 created pursuant to Section 59 of Article XVI of the Constitution of
20 Texas [~~, as amended, so far as the same may be applicable to Harris~~
21 ~~County and essential to the flood control project~~];

22 g. To cooperate with and contract with the United States of
23 America or with any of its agencies now existing, or which may be
24 created hereafter, for grants, loans, or advancements to carry out
25 any of the powers or to further any of the purposes set forth in this
26 Act and to receive and use said moneys for such purposes; or to
27 contribute to the United States of America or any of its agencies in

1 connection with any project undertaken by it affecting or relating
2 to flood control in the District [~~Harris County~~];

3 h. To cooperate [~~with,~~] or [~~to~~] contract with a municipality
4 or county within the District, [~~the City of Houston, or~~] any
5 adjacent county, or any agency or political subdivision of the
6 State [~~, or any city or town within Harris County~~] in relation to
7 surveys, the acquisition of land or right of ways, the construction
8 or maintenance of projects or parts thereof or the financing of the
9 same in connection with any matter within the scope of this Act;

10 i. To sue and be sued in any proper case under the laws of
11 this State; and all courts shall take judicial notice of the
12 establishment of the said District; and

13 j. To do any and all other acts or things necessary or proper
14 to carry into effect the foregoing powers.

15 Sec. 2A. Right to Remove Property. [~~(a) In this section,~~
16 ~~"district" means the Harris County Flood Control District.~~

17 [~~(b)~~] In order to carry out district purposes, the district
18 may remove real or personal property placed on land owned by the
19 district or land subject to an easement held by the district,
20 regardless of when the real or personal property was put in place
21 and without the consent of the owner of the property. The district
22 must send notice by certified mail to the owner of property on which
23 the district intends to act under this section. Not earlier than
24 the 30th day after the date the notice is sent, the district must
25 send a second notice by certified mail. The district may use
26 existing civil lawsuit processes against the owner of the property
27 to recover the cost of removing the property not earlier than the

1 30th day after the date the second notice was received.

2 Sec. 3. Petition for Hearing. A petition may be filed with
3 the Board [~~County Clerk of Harris County for submission to the~~
4 ~~Commissioners Court~~], signed by not less than fifty (50) qualified
5 property taxpaying voters resident of the District [~~said County~~]
6 who own and assess property therein, accompanied by the certificate
7 of the Assessor and Collector of Taxes showing that such persons
8 have correctly stated the facts with respect to their
9 qualifications to sign the petition, which petition may request the
10 submission to the qualified voters the question of the issuance of a
11 named amount of bonds for flood control purposes under the
12 provisions of Section 59 of Article XVI of the Constitution of the
13 State of Texas, as amended. Said petition shall set out the general
14 nature of the work to be done, the necessity therefor, the
15 feasibility thereof, and a reasonable amount of detail with respect
16 to the matters alleged, sufficient to inform the Board
17 [~~Commissioners Court~~] fully of the purpose, utility, feasibility,
18 and necessity therefor. The petition shall state the estimated
19 cost of the project as then estimated and its operating costs and
20 shall give such additional information as may be available for the
21 purpose. The petition shall request that the Board [~~Commissioners~~
22 ~~Court~~] hear evidence of the feasibility, practicability, and cost
23 of the project and whether or not the same would be a public benefit
24 and is needed, and that an election be called to determine whether
25 or not said bonds shall be issued.

26 Sec. 4. Notice of Hearing. Notice of such hearing shall be
27 given by publication once a week for two (2) consecutive weeks prior

1 to the date fixed for such hearing and exclusive thereof in a daily
2 newspaper published in the District [~~Harris County~~] which said
3 notice shall consist of a certified copy of the petition and of the
4 order of the Board [~~Court~~] setting the same for hearing and shall be
5 signed by the presiding officer [~~County Judge~~]. In addition
6 thereto, the Sheriff of each county in the District [~~Harris County~~]
7 shall post at least fifteen (15) days prior to the date of hearing,
8 one copy of said notice at each of four (4) public places in each
9 county in the District [~~Harris County~~] and one copy thereof at the
10 Courthouse door of each county in the District, and said sheriff and
11 the editor of the newspaper in which said notice is published shall
12 make due return under oath showing the dates of posting and
13 publication, respectively.

14 Sec. 5. Hearing. The Board [~~Commissioners Court~~] shall
15 have jurisdiction to hear, consider, and determine the matters
16 brought before it in said petition and by the evidence produced in
17 favor of and against the proposition to issue bonds. The hearing
18 may be continued from day to day. Should the Board [~~Court~~] refuse
19 said petition it shall so find and its orders shall be recorded in
20 its minutes refusing said petition and giving its reasons therefor.
21 Should the Board [~~Commissioners Court~~] determine that the
22 proposition to issue such bonds should be submitted at an election
23 called for the purpose it shall thereupon enter its order making its
24 findings with respect to the matters herein provided for and shall
25 be authorized to submit in accordance with the provisions of the
26 Constitution and with Subdivisions 1 and 2 of Title 22 of the
27 Revised Civil Statutes of Texas of 1925, to an election of the

1 qualified property taxpaying voters resident of the District [~~said~~
2 ~~County~~] who own and assess property therein, the question of a bond
3 issue for the purpose of providing said funds, and the District
4 [~~said County~~] is given the right, after a majority vote of the
5 electors qualified as herein required in favor of the proposition
6 to issue bonds, to issue flood control bonds as authorized by
7 Section 59 of Article XVI of the Constitution of the State of Texas,
8 as amended, upon a compliance with the provisions of Subdivisions 1
9 and 2 of Title 22, Revised Civil Statutes of Texas of 1925, and with
10 this Section, and within the limitations therein prescribed; and to
11 levy and assess upon all the property subject to taxation in the
12 District [~~said County~~], and thereafter to collect such taxes as may
13 annually be required to pay the interest on the bonds voted at said
14 election and to create a sinking fund sufficient to retire said
15 bonds at maturity; provided that additional bonds may be issued
16 from time to time in like manner and under the same procedure.

17 Provided further, however, that the initial issuance of bonds
18 shall not be for a sum which will require a tax rate in excess of
19 Fifteen (15) Cents on the one hundred dollars valuation on the
20 property within said District, nor shall any subsequent issue of
21 said bonds be authorized the effect of which will be to increase the
22 tax rate for all outstanding bonds of said District including such
23 issue to an amount in excess of Fifteen (15) Cents on the one
24 hundred dollars valuation to pay the interest on said bonds and to
25 create a sinking fund to retire the same at maturity.

26 Sec. 6. BOND RECORD. Before any [~~Harris County Flood~~
27 ~~Control~~] District bonds authorized by this Act shall be sold, a

1 certified copy of the proceedings for the issuance thereof
2 including certificates showing the bonded indebtedness of the
3 District, certificates showing the assessed values of the property
4 in [~~of~~] the District [~~County~~], and certificates reflecting any
5 other information which the Attorney General of the State of Texas
6 may require, shall be submitted to the Attorney General; and if he
7 shall approve such bonds, he shall execute a certificate to that
8 effect, which shall be filed in the office of the Comptroller of
9 Public Accounts of the State of Texas.

10 No bonds shall be sold until the same shall have been
11 registered by the Comptroller who shall so register the same if the
12 Attorney General shall have filed with the Comptroller of Public
13 Accounts of the State of Texas his certificate approving the bonds
14 and the proceedings for the issuance thereof, as hereinabove
15 provided.

16 The [~~County~~] Treasurer shall keep a record in a well-bound
17 book of all bonds issued and shall register therein the amount of
18 bonds issued, the numbers, the denomination, rate of interest, date
19 due, date of issue, the paying agent, the amount received, and the
20 purchaser. The said book shall be at all times open to the
21 inspection of all proper parties, either taxpayers or bondholders
22 or officials of the State or County.

23 When such bonds have been registered with the [~~County~~]
24 Treasurer, the Board [~~Commissioners Court of said County~~] shall set
25 a date for the sale of such amount of bonds as may be needed to
26 procure funds to construct the improvements then contemplated and
27 pay the expenses incident thereto, and after advertising said bonds

1 for sale by notice published once a week for two (2) consecutive
2 weeks, shall sell such bonds upon the best terms and for the best
3 price obtainable, but none of said bonds shall be sold for less than
4 the face value thereof and accrued interest thereon to date of
5 delivery, and the purchase price of such bonds shall be paid to the
6 [~~County~~] Treasurer and shall be by him placed to the credit of the
7 [~~Harris County Flood Control~~] District and said funds shall be
8 available for the construction of the project and its operation as
9 voted; provided that the accrued interest and premium received
10 shall be credited to the interest and sinking fund of the District
11 [~~County~~] for such issue of bonds. No commission shall be paid for
12 the sale of any bonds.

13 All bonds approved by the Attorney General, registered by the
14 Comptroller, and issued and sold in accordance with the proceedings
15 so approved, shall be valid and binding obligations of the [~~Harris~~
16 ~~County Flood Control~~] District [~~of Harris County, Texas,~~] and shall
17 be incontestable for any cause from and after the time of such
18 registration, except for forgery or fraud.

19 The Board [~~Commissioners Court~~] shall have the right to pay
20 all the necessary expenses incident to the printing, registering,
21 issuance, sale, and approval of such bonds.

22 Sec. 7. Form, Issuance, and Eligibility of Bonds. All bonds
23 issued under the provisions of this Act shall be issued in the name
24 of the [~~Harris County Flood Control~~] District [~~of Harris County,~~
25 ~~Texas~~], and shall be signed by the presiding officer [~~County~~
26 ~~Judge~~], attested by the secretary [~~County Clerk~~], and the seal of
27 the District [~~Commissioners Court of Harris County~~] shall be

1 affixed to each of them. Said bonds shall be registered with the
2 Harris County Treasurer and his Certificate of Registration shall
3 be endorsed on said bonds. The Board [~~governing body of the Harris~~
4 ~~County Flood Control District~~], in the issuance of bonds voted by
5 the qualified taxpaying voters of said District, or in the issuance
6 of refunding bonds of said District, may issue such bonds in any
7 denomination it deems beneficial to the said District, as
8 determined in the order authorizing their issuance. The said bonds
9 shall bear interest at a rate not to exceed five (5) percentum per
10 annum, which interest shall be evidenced by attached coupons which
11 shall bear the facsimile signatures of the presiding officer
12 [~~County Judge~~] and of the secretary [~~County Clerk~~]. Said interest
13 shall be payable annually or semi-annually as determined by the
14 Board [~~governing body of the Harris County Flood Control District~~].
15 The bonds shall mature serially or otherwise in such number of years
16 as may be determined by the Board [~~Commissioners Court~~] not to
17 exceed thirty (30) years.

18 Payment of principal and interest may be made at such places
19 as may be determined by the Board [~~governing body of such District~~]
20 in the Order authorizing the issuance of such bonds.

21 All bonds of the [~~Harris County Flood Control~~] District shall
22 be and are hereby declared to be legal and authorized investments
23 for banks, savings banks, trust companies, building and loan
24 associations, savings and loan associations, insurance companies,
25 fiduciaries, trustees and sinking funds of cities, towns and
26 villages, counties, school districts, or other political
27 subdivisions of the State of Texas, and for all public funds of the

1 State of Texas or its agencies, including the State Permanent
2 School Fund. Such bonds shall be eligible to secure deposit of any
3 and all public funds of the State of Texas, and any and all public
4 funds of cities, towns, villages, counties, school districts or
5 other political subdivisions or corporations of the State of Texas;
6 and such bonds shall be lawful and sufficient security for said
7 deposits to the extent of their value, when accompanied by all
8 unmatured coupons appurtenant thereto.

9 Sec. 8. State Laws Applicable. All existing State Laws,
10 General or Special, applicable to contracts and to the receipt and
11 disbursement of, and accounting for, public funds in the District
12 [~~Harris County~~] are hereby made applicable to the contracts and to
13 the receipt and disbursement of, and accounting for, any funds
14 collected and disbursed under the terms of this Act. The provisions
15 of this Act shall be cumulative of any other laws upon the subject
16 matter.

17 Sec. 9. Use of Public Property. In the prosecution of the
18 flood control plans of the [~~Harris County Flood Control~~] District,
19 the District shall be recognized to have the right to make use of
20 the bed and banks of the bayous, rivers, and streams lying within
21 the District, subject to the prior right and authority of the Port
22 of [~~Harris County~~] Houston Authority of Harris County [~~Ship Channel~~
23 ~~Navigation District~~] over the navigable streams in the Authority
24 [~~Navigation District~~] and the submerged lands heretofore given by
25 the State of Texas to that Authority [~~Navigation District~~].

26 The [~~Harris County Flood Control~~] District shall have a right
27 of way and easement over and across the roads and highways of the

1 State and its subdivisions for the construction and maintenance of
2 the flood control projects of the District, subject, however, to
3 the concurrence of the Texas Transportation [~~State Highway~~]
4 Commission whenever such projects require the relocation or
5 bridging of State highways.

6 The District shall have the power and authority to overflow
7 or inundate any public lands and public property, and to require the
8 relocation of roads and highways, in the manner and to the extent
9 permitted to any district organized under General Laws, pursuant to
10 Section 59 of Article XVI of the Constitution of this State, as
11 amended.

12 Sec. 10. Eminent Domain. The [~~Harris County Flood Control~~]
13 District shall have the right and power of eminent domain for the
14 purpose of acquiring by condemnation any and all property of any
15 kind, real, personal, or mixed, or any interest therein, within the
16 boundaries of the District, necessary or convenient to the exercise
17 of the rights, powers, privileges, and functions conferred upon it
18 by this Act, in the manner provided by General Law with respect to
19 condemnation, or, at the option of the Board [~~Commissioners Court~~],
20 in the manner provided by Statutes relative to condemnation by
21 districts organized under General Law pursuant to Section 59 of
22 Article XVI of the Constitution of the State of Texas, as amended.

23 In condemnation proceedings being prosecuted by said
24 District, the District shall not be required to give bond for appeal
25 or bond for costs.

26 Sec. 11. Taxes. All laws of the State of Texas relating to
27 the assessing and collecting of State and County Taxes are by this

1 Act made available for, and shall be applied to, the collection of
2 both current and delinquent taxes of the [~~Harris County Flood~~
3 ~~Control~~] District in so far as such laws are applicable.

4 Sec. 12. Officers. The presiding officer, secretary,
5 treasurer, and Board of the District [~~County Judge, County~~
6 ~~Commissioners~~], the Assessor and Collector of Taxes of each county
7 in the District, [~~the County Treasurer,~~] and the District's
8 depository are authorized to, and shall be required to, perform all
9 duties in connection with the [~~Flood Control~~] District required of
10 them by law in connection with official matters for [~~Harris County,~~
11 ~~and the County Auditor shall be the Auditor for~~] the [~~Harris County~~
12 ~~Flood Control~~] District [~~and all of the provisions of Articles 1667~~
13 ~~through 1673, as amended, Acts of the Forty-third Legislature,~~
14 ~~Regular Session, 1933, shall apply to the Harris County Flood~~
15 ~~Control District~~].

16 Sec. 12-a. Tax Collector's Reports. If at any time after
17 the enactment of this law, the Legislature of the State of Texas
18 shall make any donation or grant or diversion or remission of taxes
19 to or affecting a county in the District [~~Harris County, Texas,~~] or
20 the District [~~flood control district herein created, in H.B. 24 or~~
21 ~~in H.B. 158, Acts Regular Session, Forty-fifth Legislature~~], at the
22 end of each month [~~after the effective date of such Act,~~] the
23 Assessor and Collector of Taxes of each county in the District
24 [~~Harris County~~] shall make an itemized report under oath to the
25 Comptroller of Public Accounts of the State of Texas on forms to be
26 furnished by the Comptroller showing each and every item of the
27 State taxes collected by him upon property and from persons within

1 the District; and he shall accompany the same with an itemized
2 statement listing all taxes received and showing full disposal of
3 all such taxes collected. The said Assessor and Collector of Taxes
4 shall forward his report to the Comptroller, and shall make a like
5 report to the Treasurer [~~County Auditor,~~] and [~~he shall~~] pay over to
6 the [~~County~~] Treasurer all moneys collected by him as State taxes so
7 donated or granted under Legislative authority, less such amounts
8 as are allowed by law for assessing and collecting same, and shall
9 remit the balance to the proper authority as required by then
10 existing laws.

11 The Board [~~Commissioners Court~~], in its discretion, may
12 utilize the tax funds donated and granted by the State of Texas for
13 the construction of flood control improvements and other
14 improvements and purposes authorized by such enactments and the
15 maintenance or operation thereof; or may deposit the same in a
16 sinking fund to pay interest on and to redeem bonds of said District
17 or other obligations issued for such purposes, in the manner
18 hereinafter provided.

19 Sec. 12-b. Issuance of Bonds. The District may [~~County of~~
20 ~~Harris, Texas, acting by and through its Commissioners Court, shall~~
21 ~~have authority and it is hereby authorized to~~] issue [~~its~~
22 negotiable bonds secured by a pledge of [~~any such~~] taxes hereafter
23 donated, granted, diverted or remitted by the State of Texas to [~~it~~
24 ~~or~~] the [~~Flood Control~~] District [~~created herein by the terms of~~
25 ~~H.B. 24 or H.B. 158 of the Regular Session, Forty-fifth~~
26 ~~Legislature~~], and the proceeds of the sale of such bonds may be used
27 for purchasing lands, easements, right of ways, structures, and for

1 the construction of improvements, including dams, reservoirs, and
2 all other works suitable for use in connection with the flood
3 control program and projects in the District [~~said County~~] and the
4 maintenance and operation thereof, and doing all things necessary
5 to the execution of the purposes for which the grant and donation is
6 made; provided, however, that the aggregate amount of bonds to be
7 issued shall not exceed such sum as the donation and grant of the
8 State taxes will service so as to pay interest and to create a
9 sinking fund sufficient to pay said bonds at maturity.

10 In the event the Board [~~Commissioners Court of Harris County,~~
11 ~~Texas,~~] shall determine by a majority vote on a Resolution entered
12 of record, giving the reasons therefor and showing that a necessity
13 exists for utilizing any tax funds hereafter donated and granted by
14 the State of Texas for the issuance of bonds in order to facilitate
15 the construction of improvements and make funds immediately
16 available, said bonds may be issued in the form and manner
17 hereinafter prescribed. The bonds so authorized and issued in
18 accordance with the provisions of this Act need not be issued at one
19 time. The amount of money necessary to provide a sinking fund to
20 mature said bonds and to pay the interest thereon shall be set aside
21 annually from the first of such hereafter donated and granted funds
22 received from an [~~the~~] Assessor and Collector of Taxes and said
23 funds may not be diverted to any other purpose. The Board [~~Officers~~
24 ~~of the County~~] and the District's Depository are forbidden to
25 authorize the payment of any amount from said State taxes hereafter
26 so donated and granted until there has first been set aside
27 therefrom an amount sufficient to cover all servicing charges for

1 the bonds for the year. Thereupon and after the treasurer [~~Auditor~~]
2 has filed a certificate showing the deposit to the interest and
3 sinking fund of a sufficient amount to cover such servicing charges
4 for the year, any taxes hereafter donated, granted, diverted or
5 remitted to [~~Harris County or~~] the [~~Flood Control~~] District
6 [~~created herein by the State of Texas under the terms of H.B. 24 or~~
7 ~~H.B. 158, Acts Regular Session, Forty-fifth Legislature,~~]
8 collected during the remainder of the year may be utilized for
9 purposes consistent with this Act. Should the necessity arise, the
10 Board [~~Commissioners Court~~] may supplement from its general funds
11 any State taxes hereafter donated and granted, but no tax shall ever
12 be levied or any debt be created against a [~~the~~] County in the
13 District for such purpose without a vote of the people. Any bonds
14 issued under this Section shall be in accordance with the
15 provisions of Subdivisions 1 and 2 of Title 22, Revised Civil
16 Statutes, 1925, and any amendments thereto applicable to bonds
17 issued by a county.

18 Sec. 12-c. OPERATION OF TOLL PROJECTS. (a) The District
19 shall have all the powers and duties of Chapter 284, Transportation
20 Code, as if the District were a county to which that chapter
21 applies.

22 (b) The District and the commissioners court of Harris
23 County shall enter into an agreement for the independent operation
24 and transfer of the assets, facilities, and programs of the Harris
25 County Toll Road Authority to the District.

26 SECTION 2. Section 1, Chapter 406, Acts of the 50th
27 Legislature, Regular Session, 1947, is amended to read as follows:

1 Sec. 1. In eminent domain proceedings brought by the Gulf
2 Coast Resiliency [~~Harris County Flood Control~~] District, the
3 District shall not be required to give any security for costs at any
4 stage of the proceedings. In the event that the District should
5 desire to take possession of the property sought to be condemned, it
6 may do so at any time after the award of the Special Commissioners
7 in eminent domain proceedings shall have been filed with the Judge
8 of the County Court in which the proceedings took place, or County
9 Court at Law in which the proceedings took place as the case may be,
10 upon deposit with the County Clerk of the county in which the
11 proceedings took place of the amount of the award. The District
12 shall not be required to deposit any further sums, nor to give any
13 bond for costs. No appeal from the finding and assessment of
14 damages by the Special Commissioners appointed for that purpose
15 shall have the effect of causing the suspension of work by the
16 District in connection with the land condemned or the right of way,
17 easement or other interest sought to be acquired. The findings of
18 the District's governing board [~~Commissioners Court~~] as to the plan
19 of the work, the necessity, the location and the type of improvement
20 shall be final and not subject to review except upon proof of actual
21 fraud or malfeasance in office.

22 SECTION 3. Sections 1, 2, and 3, Chapter 407, Acts of the
23 50th Legislature, Regular Session, 1947, are amended to read as
24 follows:

25 Sec. 1. The governing body of the Gulf Coast Resiliency
26 [~~Harris County Flood Control~~] District, (hereinafter called
27 "Board") may upon the petition of fifty (50) or more resident

1 qualified voters who own taxable property in the District and who
2 have rendered it for taxation, order an election for the purpose of
3 submitting to the resident qualified voters therein who own taxable
4 property therein and who have duly rendered it for taxation the
5 question of whether or not the Board shall be authorized to issue
6 the bonds of said District and to levy a tax for maintenance and
7 operation purposes; provided that the amount of the tax for bonds
8 and maintenance together in any one (1) year shall not exceed thirty
9 cents (30¢) on the One Hundred Dollars (\$100) valuation of taxable
10 property in said District. The petition shall conform as near as
11 may be to the requirements of law now governing petitions for
12 election for bonds in such District, and the election shall not be
13 ordered until notice of hearing be published, and public hearing
14 had, as now provided by law for the holding of elections for the
15 issuance of bonds in said District.

16 Sec. 2. The time, place, manner and method of ordering,
17 giving notice of and holding the election, the questions and
18 propositions to be submitted, the form of the ballot, the time and
19 method of declaring the result and the issuance of the bonds shall
20 be governed as near as may be by the Statutes governing the holding
21 of elections and the issuance of [~~county~~] bonds as provided in
22 Chapters 1 and 2 of Title 22, Revised Civil Statutes, 1925[~~, as~~
23 ~~modified by the Statutes creating the Harris County Flood Control~~
24 ~~District~~]. The District may issue its bonds to mature serially or
25 otherwise not to exceed thirty (30) years after their date. The
26 governing body may also determine whether or not bonds shall
27 contain an option of redemption, and if so, the form and date of

1 such option. If the election be for a maintenance tax, then the
2 ballot shall have written or printed thereon the words "For the
3 Flood Control Maintenance Tax" and, "Against the Flood Control
4 Maintenance Tax," and the voter shall strike out one of said
5 expressions, leaving the other standing as his vote. When
6 authorized, the Board may thereafter levy annually a tax sufficient
7 to operate and maintain works and improvements owned or constructed
8 by the District, provided the amount of such tax does not exceed the
9 limit authorized.

10 Sec. 3. The Board shall have authority to issue refunding
11 bonds bearing the same or a lower rate of interest to refund any
12 bonds of the District theretofore issued and outstanding.
13 Refunding bonds may be issued serially or otherwise for any term of
14 years not exceeding thirty (30). Statutes governing refunding of
15 county bonds shall apply to refunding bonds of the [~~Harris County~~
16 ~~Flood Control~~] District so far as applicable, except where
17 otherwise expressly provided by the laws relating to said District.

18 SECTION 4. Section 1, Chapter 258, Acts of the 55th
19 Legislature, Regular Session, 1957, is amended to read as follows:

20 Sec. 1. The governing body of the Gulf Coast Resiliency
21 [~~Harris County Flood Control~~] District shall have the right to
22 provide for and administer a retirement, disability and death
23 compensation fund for the appointive officers and employees of the
24 District as the governing body of the District may from time to time
25 determine; and the governing body of said District shall have power
26 and authority to adopt such plan or plans to effectuate the purpose
27 of this Act, including such forms of insurance or annuities,

1 (either or both), all as may be determined advisable by the
2 governing body of the District; providing that said governing body
3 of the District shall have the power and authority from time to
4 time, after notice to their employees and the hearing thereon, to
5 change any such plan, rule or regulation.

6 SECTION 5. Sections 1 and 4, Chapter 118, Acts of the 58th
7 Legislature, Regular Session, 1963, are amended to read as follows:

8 Sec. 1. Where the following defined words appear in this
9 Bill they are used in the manner set out below:

10 (1) "District" means the Gulf Coast Resiliency [~~Harris~~
11 ~~County Flood Control~~] District.

12 (2) "Waterway" shall include any river, creek, bayou,
13 stream or other waterway, or any part thereof.

14 (3) "Landowner" means the person owning land affected by a
15 building setback line.

16 (4) "Notice by certified mail" means notice addressed to the
17 landowner at the last known address appearing in the records of the
18 Assessor and Collector of Taxes in connection with the land in
19 question, and deposited in the United States mail as certified
20 mail.

21 (5) The term "to erect any structure" includes erecting,
22 reconstructing, or substantially repairing any building or
23 structure, but "structure" shall not be deemed to include those
24 necessary or practical for the purpose of preventing erosion of
25 banks.

26 Sec. 4. a. After the governing body of the District has
27 completed such hearings and shall have found that the establishing

1 of such building setback lines is for the public health, safety and
2 general welfare of the people within the District, and for the
3 accomplishment of the purposes of Section 59 of Article XVI of the
4 Constitution of the State of Texas, as amended, said governing body
5 shall pass its resolution adopting such building setback lines.
6 Such resolution shall contain a description of the area included
7 within such building setback lines by either field notes or by map
8 or plat or by both, and a certified copy thereof shall be filed for
9 record immediately with the County Clerk of the affected county [~~of~~
10 ~~Harris County~~].

11 b. Thereafter the governing body of the District may, upon
12 public hearing with like notice thereof, amend, supplement, grant
13 exceptions thereto, or alter the building setback lines so
14 established as may be determined necessary under the same standards
15 as provided in "a" above.

16 SECTION 6. Sections 1, 2, 3, and 4, Chapter 394, Acts of the
17 59th Legislature, Regular Session, 1965, are amended to read as
18 follows:

19 Sec. 1. For the purpose of promoting the public health,
20 safety and general welfare, and accomplishing the purposes of
21 Section 59 of Article XVI of the Constitution of the State of Texas,
22 as amended, the governing body of the Gulf Coast Resiliency [~~Harris~~
23 ~~County Flood Control~~] District is hereby authorized to designate
24 areas within the boundaries of the [~~Harris County Flood Control~~]
25 District as flood hazard areas.

26 Sec. 2. Whenever the governing body of the [~~Harris County~~
27 ~~Flood Control~~] District deems that the public health, safety and

1 general welfare, and the purposes of Section 59 of Article XVI of
2 the Constitution of the State of Texas, as amended, will be promoted
3 thereby, it shall, by resolution, designate flood hazard areas.
4 Such resolution or resolutions shall contain a description of the
5 area included within such flood hazard areas by either field notes
6 or by map or by both. The governing body of the [~~Harris County Flood~~
7 ~~Control~~] District is further authorized to change and amend by
8 resolution the designation of such flood hazard areas thereafter as
9 in its discretion it may determine necessary.

10 Sec. 3. Before passing any resolution designating flood
11 hazard areas within the boundaries of the [~~Harris County Flood~~
12 ~~Control~~] District, the governing body of the [~~Harris County Flood~~
13 ~~Control~~] District shall hold at least one public hearing related
14 thereto after having given at least fifteen (15) days' notice of the
15 time and place of such hearing by the publication thereof in the
16 English language in a daily newspaper published within and having
17 general circulation within the [~~Harris County Flood Control~~]
18 District, such publication being at least fifteen (15) days prior
19 to the date of the hearing. Any hearing so set by the governing body
20 of the [~~Harris County Flood Control~~] District may be continued from
21 time to time until within the discretion of said governing body all
22 interested persons shall have had an opportunity to be heard. After
23 the governing body of the [~~Harris County Flood Control~~] District
24 has heard all interested persons and shall have found that the
25 designation of such flood hazard areas is for the public health,
26 safety and general welfare of the [~~Harris County Flood Control~~]
27 District, and for the accomplishment of the purposes of Section 59

1 of Article XVI of the Constitution of the State of Texas, as
2 amended, said governing body shall pass its resolution designating
3 such flood hazard areas. Thereafter the governing body of the
4 [~~Harris County Flood Control~~] District may, upon public hearing
5 with like notice thereof, change and amend the designated flood
6 hazard areas so established as in its discretion it may determine
7 necessary.

8 Sec. 4. Upon written request by any person, the [~~Harris~~
9 ~~County Flood Control~~] District will prepare and furnish to said
10 person a report as to whether or not a particular lot or tract of
11 land, or any part thereof, lies within a designated flood hazard
12 area. The governing body of the [~~Harris County Flood Control~~]
13 District may charge a reasonable fee for such reports. The amount of
14 such fee, if any, shall be fixed by a resolution of the governing
15 body of the [~~Harris County Flood Control~~] District. The governing
16 body of the [~~Harris County Flood Control~~] District is further
17 authorized to change, by resolution, the amount of such fee
18 thereafter as in its discretion it may determine proper.

19 SECTION 7. Section 1, Chapter 409, Acts of the 73rd
20 Legislature, Regular Session, 1993, is amended to read as follows:

21 Sec. 1. RECREATIONAL AND ENVIRONMENTAL IMPROVEMENTS. (a)
22 The Gulf Coast Resiliency [~~Harris County Flood Control~~] District,
23 in connection with flood control facilities and projects, may
24 provide for or participate in the development, operation, or
25 maintenance of:

26 (1) linear parks along drainage courses maintained and
27 operated by the district;

1 (2) hike and bike trails;

2 (3) nonenclosed recreational facilities, including
3 game fields and playgrounds; and

4 (4) other environmental improvements, including
5 public or private nature reserves or wildlife habitat restoration
6 and improvement projects.

7 (b) In order to carry out the purposes of Subsection (a) of
8 this section, the district may execute contracts or enter into
9 cooperative agreements with:

10 (1) the federal government, a federal agency, or a
11 federally sponsored organization;

12 (2) the state, a state agency, a political subdivision
13 of the state, or any unit of local government;

14 (3) a nonprofit corporation or foundation;

15 (4) a private individual or corporation; or

16 (5) a public service organization or neighborhood
17 association.

18 (c) The district may use property, rights-of-way,
19 easements, or other land owned or managed by or otherwise available
20 to the district for the purposes of Subsection (a) of this section.

21 (d) The use by the district of any property owned or managed
22 by or otherwise available to the district for the purposes of
23 Subsection (a) of this section is determined to be consistent with
24 the use of that property for flood control purposes if the
25 improvements do not significantly impede the flow of floodwaters or
26 reduce the carrying capacity of the drainage facilities of the
27 district.

1 (e) The district shall exercise its powers and use its
2 property under this section:

3 (1) in an environmentally sensitive and aesthetically
4 pleasing manner that promotes public health, safety, and welfare;

5 (2) in compliance with all state and federal
6 requirements, including requirements imposed by law, by rule or
7 regulation, by grant conditions, or by program standards; and

8 (3) in a manner that qualifies for any reasonably
9 available source of funding for the improvements to be made.

10 (f) The district may spend its own funds for the purposes of
11 this section. The capital cost to the district of parks, trails,
12 facilities, and improvements under this section may not exceed five
13 percent of the total cost of the flood control facilities and
14 projects with which the improvements are associated. This section
15 does not limit the expenditure of funds from sources other than
16 taxes collected by the district.

17 (g) The exercise of powers, expenditure of funds, and use of
18 property by the district under this section are subject to the
19 control and discretion of the governing body of the district
20 [~~commissioners court~~].

21 SECTION 8. Section 1, Chapter 410, Acts of the 73rd
22 Legislature, Regular Session, 1993, is amended to read as follows:

23 Sec. 1. (a) The Gulf Coast Resiliency [~~Harris County Flood~~
24 ~~Control~~] District may engage in wetlands mitigation projects and
25 programs as provided by Article 6, Chapter 3, Acts of the 72nd
26 Legislature, 1st Called Session, 1991 (Article 5421u, Vernon's
27 Texas Civil Statutes), and its subsequent amendments.

1 (b) The [~~Harris County Flood Control~~] District may provide
2 for or participate in the development, operation, or maintenance of
3 local, state, or federal storm water quality control and
4 improvement programs.

5 SECTION 9. The following provisions are repealed:

6 (1) Section 3A, Chapter 360, Acts of the 45th
7 Legislature, Regular Session, 1937; and

8 (2) Chapter 196, Acts of the 51st Legislature, Regular
9 Session, 1949.

10 SECTION 10. (a) As soon as practicable after the effective
11 date of this Act, the governor shall appoint members to the
12 governing body the Gulf Coast Resiliency District as required under
13 Section 1C, Chapter 360, Acts of the 45th Legislature, Regular
14 Session, 1937, as added by this Act.

15 (b) At the first meeting of the governing body of the Gulf
16 Coast Resiliency District that follows the effective date of this
17 Act, the five directors appointed by the governor shall draw lots to
18 determine which two directors will serve terms that expire on
19 January 1, 2025, and which three directors will serve terms that
20 expire on January 1, 2027.

21 (c) A member of the governing body of the Gulf Coast
22 Resiliency District serving on the effective date of this Act shall
23 continue in office until the member's successor is appointed and
24 qualifies for office.

25 SECTION 11. (a) In this section:

26 (1) "District" means the Gulf Coast Resiliency
27 District.

1 (2) "Authority" means the Harris County Toll Road
2 Authority.

3 (b) As soon as practicable after the effective date of this
4 Act, the district and the commissioners court of Harris County
5 shall enter into an agreement for the independent operation and
6 transfer of the assets, facilities, and programs of the authority
7 to the district as required by Section 12-c, Chapter 360, Acts of
8 the 45th Legislature, Regular Session, 1937, as added by this Act.

9 (c) An agreement described by Subsection (b) of this section
10 must:

11 (1) require that the transfer be completed not later
12 than 180 days after the agreement is entered into;

13 (2) require that Harris County transfer to the
14 district all electronic toll collection customer account
15 information necessary for the operation of the programs of the
16 authority subject to the agreement;

17 (3) require that not later than 90 days before the
18 completion of the transfer, notice of the transfer be provided to
19 all electronic toll collection customers affected by Subdivision
20 (2) of this subsection;

21 (4) ensure that contracts of the authority are not
22 impaired;

23 (5) provide for the disposition of any outstanding
24 bonds, debts, or other obligations of the authority; and

25 (6) include any other matter the authority and the
26 district determine necessary for the transfer required by Section
27 12-c, Chapter 360, Acts of the 45th Legislature, Regular Session,

1 1937, as added by this Act.

2 SECTION 12. The Gulf Coast Resiliency District retains all
3 rights, powers, privileges, authority, duties, and functions that
4 it had before the effective date of this Act.

5 SECTION 13. (a) The legal notice of the intention to
6 introduce this Act, setting forth the general substance of this
7 Act, has been published as provided by law, and the notice and a
8 copy of this Act have been furnished to all persons, agencies,
9 officials, or entities to which they are required to be furnished
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
11 Government Code.

12 (b) The governor, one of the required recipients, has
13 submitted the notice and Act to the Texas Commission on
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has filed
16 its recommendations relating to this Act with the governor, the
17 lieutenant governor, and the speaker of the house of
18 representatives within the required time.

19 (d) All requirements of the constitution and laws of this
20 state and the rules and procedures of the legislature with respect
21 to the notice, introduction, and passage of this Act are fulfilled
22 and accomplished.

23 SECTION 14. This Act takes effect immediately if it
24 receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution.
26 If this Act does not receive the vote necessary for immediate
27 effect, this Act takes effect September 1, 2023.