

By: Paul

H.B. No. 253

A BILL TO BE ENTITLED

AN ACT

relating to the governance and territory of the Harris County Flood Control District.

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

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

Sec. 1. Harris County Flood Control District Created. There is hereby created and established within the State of Texas, in addition to the districts into which the State has heretofore been divided, in the form and manner hereinafter provided, a conservation and reclamation district to be known as Harris County Flood Control District, hereinafter called the District~~[, and consisting of that part of the State of Texas which is known as and included within the boundaries of the County of Harris]~~. Such District shall be a governmental agency and body politic and corporate, with the powers of government and with the authority to exercise the rights, privileges, and functions hereinafter specified, the creation and establishment of such District being essential to the accomplishment of the purposes of Section 59 of Article XVI of the Constitution of the State of Texas, as amended, including the control, storing, preservation, and distribution of the storm and flood waters, and the waters of the rivers and streams

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

8 ~~[The Commissioners Court of Harris County, Texas, is hereby~~  
9 ~~designated as the governing body of such District and the agency~~  
10 ~~through which the management and control of the District shall be~~  
11 ~~administered, and it is hereby empowered to do any and all things~~  
12 ~~necessary to carry out the aims and purposes of this Act.]~~

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

14 (1) "Board" means the governing body of the district.

15 (2) "District" means the Harris County Flood Control  
16 District.

17 (3) "Presiding officer" means the presiding officer of  
18 the board.

19 (4) "Secretary" means the secretary of the board.

20 (5) "Treasurer" means the treasurer of the board.

21 Sec. 1B. DISTRICT TERRITORY. The district's boundaries are  
22 coextensive with the boundaries of Harris County unless the  
23 district's territory has been modified under:

24 (1) Section 1D of this Act;

25 (2) Subchapter J, Chapter 49, Water Code; or

26 (3) other law.

27 Sec. 1C. ELECTION TO AUTHORIZE EXPANSION OF DISTRICT. (a)

1 The district shall hold an election in the district to determine  
2 whether the district may be expanded so as to include counties that  
3 are adjacent to Harris County as provided by Section 1D of this Act.  
4 The board shall select a uniform election date, as provided by  
5 Section 41.001, Election Code, to hold the election not later than  
6 September 1, 2028.

7       **(b)** The ballots for the election shall be printed to provide  
8 for voting "For authorizing the expansion of the Harris County  
9 Flood Control District so as to include counties adjacent to Harris  
10 County" and "Against authorizing the expansion of the Harris County  
11 Flood Control District so as to include counties adjacent to Harris  
12 County."

13       **(c)** Immediately after the election, the presiding judge  
14 shall take returns of the results to the board. The board shall  
15 canvass the returns and issue an order declaring the results at the  
16 earliest practicable time, but not later than September 1, 2028.

17       **(d)** If a majority of the votes cast in the election favor  
18 authorizing the expansion of the district, the initial board shall  
19 issue an order declaring that the district may be expanded as  
20 provided by Section 1D of this Act. If a majority of the votes cast  
21 in the election are against authorizing the expansion of the  
22 district, the board shall issue an order declaring that the  
23 district may not be expanded as provided by Section 1D of this Act.

24       **(e)** A copy of an order issued under this section must be  
25 filed:

26               **(1)** in the deed records of Harris County and each  
27 county that is adjacent to Harris County; and

1           (2) with the Texas Commission on Environmental  
2 Quality.

3           Sec. 1D. ADDITION OF ADJACENT COUNTY TO DISTRICT. (a) If  
4 the voters at an election held under Section 1C of this Act favor  
5 authorizing the expansion of the district as provided by this  
6 section, then, not earlier than September 1, 2028, the  
7 commissioners court of a county adjacent to Harris County may  
8 petition to join the district by resolution of the commissioners  
9 court.

10           (b) The board by resolution may approve the addition of the  
11 county to the district if, after a hearing on the resolution, the  
12 board finds that the addition of the county would benefit the  
13 district.

14           (c) The addition of a county to the district under this  
15 section is not final until ratified by a majority vote of the voters  
16 voting in an election held for that purpose in the territory  
17 comprising the county to be added to the district and the counties  
18 that are included in the district.

19           (d) The ballot for the election shall be printed to provide  
20 for voting for or against the proposition: "The inclusion of  
21 \_\_\_\_\_ (name of county) County in the Harris County Flood  
22 Control District."

23           Sec. 1E. BOARD; TERMS. (a) The initial board is composed  
24 of five members appointed as follows:

25           (1) four members appointed by the governor with the  
26 advice and consent of the senate; and

27           (2) one member appointed by the commissioners court of

1 Harris County.

2 (b) If a county is added to the territory of the district as  
3 provided by Section 1D of this Act, two additional members shall be  
4 added to the board as follows:

5 (1) one member appointed by the governor with the  
6 advice and consent of the senate; and

7 (2) one member appointed by the commissioners court of  
8 the county that was added to the district.

9 (c) The members of the board hold office for staggered terms  
10 of four years, with the terms of as near as possible to one-half of  
11 the members expiring January 1 of each odd-numbered year. Each  
12 member holds office until a successor is appointed and has  
13 qualified.

14 (d) If members are added to the board as provided by  
15 Subsection (b) of this section, the added members shall draw lots to  
16 determine when the added members' terms will expire.

17 (e) The governor shall designate one member as the presiding  
18 officer of the board to serve at the will of the governor. The board  
19 shall elect from among its members a secretary and a treasurer and  
20 other officers the presiding officer considers necessary.

21 (f) A member of the board may not receive compensation but  
22 is entitled to reimbursement of the travel expenses incurred by the  
23 member while conducting the business of the board.

24 Sec. 1F. QUALIFICATIONS FOR OFFICE. A person may not be  
25 appointed as a member of the board unless the person resides in the  
26 district.

27 Sec. 2. Added Powers. In addition to the powers given to the

1 Board [~~Commissioners Court~~] by General Laws and in addition to the  
2 general powers herein given, it shall be authorized in connection  
3 with the [~~Harris County Flood Control~~] District to exercise the  
4 following added rights, powers, privileges, and functions:

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

8 b. To sell, trade, or otherwise dispose of land or other  
9 property or rights therein when the same are no longer needed for  
10 the project or flood control purposes;

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

15 d. To authorize its officers, employees, or agents to go  
16 upon any lands lying within the District for the purpose of making  
17 surveys and examining the same in connection with flood control  
18 plans and projects, and for any other lawful purpose within the  
19 scope of its authority;

20 e. To devise plans and construct works to lessen and control  
21 floods; to reclaim lands in the District; to prevent the deposit of  
22 silt in navigable streams; to remove obstructions, natural or  
23 artificial, from streams and water courses; to regulate the flow of  
24 surface and flood waters; and to provide drainage where essential  
25 to the flood control project;

26 f. To exercise all powers, rights, privileges, and  
27 functions conferred by general law upon flood control districts

1 created pursuant to Section 59 of Article XVI of the Constitution of  
2 Texas [~~, as amended, so far as the same may be applicable to Harris~~  
3 ~~County and essential to the flood control project~~];

4 g. To cooperate with and contract with the United States of  
5 America or with any of its agencies now existing, or which may be  
6 created hereafter, for grants, loans, or advancements to carry out  
7 any of the powers or to further any of the purposes set forth in this  
8 Act and to receive and use said moneys for such purposes; or to  
9 contribute to the United States of America or any of its agencies in  
10 connection with any project undertaken by it affecting or relating  
11 to flood control in the District [~~Harris County~~];

12 h. To cooperate [~~with,~~] or [~~to~~] contract with a municipality  
13 or county within the District, [~~the City of Houston, or~~] any  
14 adjacent county, or any agency or political subdivision of the  
15 State [~~, or any city or town within Harris County~~] in relation to  
16 surveys, the acquisition of land or right of ways, the construction  
17 or maintenance of projects or parts thereof or the financing of the  
18 same in connection with any matter within the scope of this Act;

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

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

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

26 [~~(b)~~] In order to carry out district purposes, the district  
27 may remove real or personal property placed on land owned by the

1 district or land subject to an easement held by the district,  
 2 regardless of when the real or personal property was put in place  
 3 and without the consent of the owner of the property. The district  
 4 must send notice by certified mail to the owner of property on which  
 5 the district intends to act under this section. Not earlier than  
 6 the 30th day after the date the notice is sent, the district must  
 7 send a second notice by certified mail. The district may use  
 8 existing civil lawsuit processes against the owner of the property  
 9 to recover the cost of removing the property not earlier than the  
 10 30th day after the date the second notice was received.

11       Sec. 3. Petition for Hearing. A petition may be filed with  
 12 the Board [~~County Clerk of Harris County for submission to the~~  
 13 ~~Commissioners Court~~], signed by not less than fifty (50) qualified  
 14 property taxpaying voters resident of the District [~~said County~~]  
 15 who own and assess property therein, accompanied by the certificate  
 16 of the Assessor and Collector of Taxes showing that such persons  
 17 have correctly stated the facts with respect to their  
 18 qualifications to sign the petition, which petition may request the  
 19 submission to the qualified voters the question of the issuance of a  
 20 named amount of bonds for flood control purposes under the  
 21 provisions of Section 59 of Article XVI of the Constitution of the  
 22 State of Texas, as amended. Said petition shall set out the general  
 23 nature of the work to be done, the necessity therefor, the  
 24 feasibility thereof, and a reasonable amount of detail with respect  
 25 to the matters alleged, sufficient to inform the Board  
 26 [~~Commissioners Court~~] fully of the purpose, utility, feasibility,  
 27 and necessity therefor. The petition shall state the estimated



1 cost of the project as then estimated and its operating costs and  
 2 shall give such additional information as may be available for the  
 3 purpose. The petition shall request that the Board [~~Commissioners~~  
 4 ~~Court~~] hear evidence of the feasibility, practicability, and cost  
 5 of the project and whether or not the same would be a public benefit  
 6 and is needed, and that an election be called to determine whether  
 7 or not said bonds shall be issued.

8       Sec. 4. Notice of Hearing. Notice of such hearing shall be  
 9 given by publication once a week for two (2) consecutive weeks prior  
 10 to the date fixed for such hearing and exclusive thereof in a daily  
 11 newspaper published in the District [~~Harris County~~] which said  
 12 notice shall consist of a certified copy of the petition and of the  
 13 order of the Board [~~Court~~] setting the same for hearing and shall be  
 14 signed by the presiding officer [~~County Judge~~]. In addition  
 15 thereto, the Sheriff of each county in the District [~~Harris County~~]  
 16 shall post at least fifteen (15) days prior to the date of hearing,  
 17 one copy of said notice at each of four (4) public places in each  
 18 county in the District [~~Harris County~~] and one copy thereof at the  
 19 Courthouse door of each county in the District, and said sheriff and  
 20 the editor of the newspaper in which said notice is published shall  
 21 make due return under oath showing the dates of posting and  
 22 publication, respectively.

23       Sec. 5. Hearing. The Board [~~Commissioners Court~~] shall  
 24 have jurisdiction to hear, consider, and determine the matters  
 25 brought before it in said petition and by the evidence produced in  
 26 favor of and against the proposition to issue bonds. The hearing  
 27 may be continued from day to day. Should the Board [~~Court~~] refuse

1 said petition it shall so find and its orders shall be recorded in  
2 its minutes refusing said petition and giving its reasons therefor.  
3 Should the Board [~~Commissioners Court~~] determine that the  
4 proposition to issue such bonds should be submitted at an election  
5 called for the purpose it shall thereupon enter its order making its  
6 findings with respect to the matters herein provided for and shall  
7 be authorized to submit in accordance with the provisions of the  
8 Constitution and with Subdivisions 1 and 2 of Title 22 of the  
9 Revised Civil Statutes of Texas of 1925, to an election of the  
10 qualified property taxpaying voters resident of the District [~~said~~  
11 ~~County~~] who own and assess property therein, the question of a bond  
12 issue for the purpose of providing said funds, and the District  
13 [~~said County~~] is given the right, after a majority vote of the  
14 electors qualified as herein required in favor of the proposition  
15 to issue bonds, to issue flood control bonds as authorized by  
16 Section 59 of Article XVI of the Constitution of the State of Texas,  
17 as amended, upon a compliance with the provisions of Subdivisions 1  
18 and 2 of Title 22, Revised Civil Statutes of Texas of 1925, and with  
19 this Section, and within the limitations therein prescribed; and to  
20 levy and assess upon all the property subject to taxation in the  
21 District [~~said County~~], and thereafter to collect such taxes as may  
22 annually be required to pay the interest on the bonds voted at said  
23 election and to create a sinking fund sufficient to retire said  
24 bonds at maturity; provided that additional bonds may be issued  
25 from time to time in like manner and under the same procedure.

26        Provided further, however, that the initial issuance of bonds  
27 shall not be for a sum which will require a tax rate in excess of

1 Fifteen (15) Cents on the one hundred dollars valuation on the  
2 property within said District, nor shall any subsequent issue of  
3 said bonds be authorized the effect of which will be to increase the  
4 tax rate for all outstanding bonds of said District including such  
5 issue to an amount in excess of Fifteen (15) Cents on the one  
6 hundred dollars valuation to pay the interest on said bonds and to  
7 create a sinking fund to retire the same at maturity.

8       Sec. 6. Bond record. Before any [~~Harris County Flood~~  
9 ~~Control~~] District bonds authorized by this Act shall be sold, a  
10 certified copy of the proceedings for the issuance thereof  
11 including certificates showing the bonded indebtedness of the  
12 District, certificates showing the assessed values of the property  
13 in [~~of~~] the District [~~County~~], and certificates reflecting any  
14 other information which the Attorney General of the State of Texas  
15 may require, shall be submitted to the Attorney General; and if he  
16 shall approve such bonds, he shall execute a certificate to that  
17 effect, which shall be filed in the office of the Comptroller of  
18 Public Accounts of the State of Texas.

19       No bonds shall be sold until the same shall have been  
20 registered by the Comptroller who shall so register the same if the  
21 Attorney General shall have filed with the Comptroller of Public  
22 Accounts of the State of Texas his certificate approving the bonds  
23 and the proceedings for the issuance thereof, as hereinabove  
24 provided.

25       The [~~County~~] Treasurer shall keep a record in a well-bound  
26 book of all bonds issued and shall register therein the amount of  
27 bonds issued, the numbers, the denomination, rate of interest, date

1 due, date of issue, the paying agent, the amount received, and the  
2 purchaser. The said book shall be at all times open to the  
3 inspection of all proper parties, either taxpayers or bondholders  
4 or officials of the State or a county in the District [~~County~~].

5 When such bonds have been registered with the [~~County~~]  
6 Treasurer, the Board [~~Commissioners Court of said County~~] shall set  
7 a date for the sale of such amount of bonds as may be needed to  
8 procure funds to construct the improvements then contemplated and  
9 pay the expenses incident thereto, and after advertising said bonds  
10 for sale by notice published once a week for two (2) consecutive  
11 weeks, shall sell such bonds upon the best terms and for the best  
12 price obtainable, but none of said bonds shall be sold for less than  
13 the face value thereof and accrued interest thereon to date of  
14 delivery, and the purchase price of such bonds shall be paid to the  
15 [~~County~~] Treasurer and shall be by him placed to the credit of the  
16 [~~Harris County Flood Control~~] District and said funds shall be  
17 available for the construction of the project and its operation as  
18 voted; provided that the accrued interest and premium received  
19 shall be credited to the interest and sinking fund of the District  
20 [~~County~~] for such issue of bonds. No commission shall be paid for  
21 the sale of any bonds.

22 All bonds approved by the Attorney General, registered by the  
23 Comptroller, and issued and sold in accordance with the proceedings  
24 so approved, shall be valid and binding obligations of the [~~Harris~~  
25 ~~County Flood Control~~] District [~~of Harris County, Texas,~~] and shall  
26 be incontestable for any cause from and after the time of such  
27 registration, except for forgery or fraud.

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

Sec. 7. Form, Issuance, and Eligibility of Bonds. All bonds issued under the provisions of this Act shall be issued in the name of the [~~Harris County Flood Control~~] District [~~of Harris County, Texas~~], and shall be signed by the presiding officer [~~County Judge~~], attested by the secretary [~~County Clerk~~], and the seal of the District [~~Commissioners Court of Harris County~~] shall be affixed to each of them. Said bonds shall be registered with the Harris County Treasurer and his Certificate of Registration shall be endorsed on said bonds. The Board [~~governing body~~] of the [~~Harris County Flood Control~~] District, in the issuance of bonds voted by the qualified taxpaying voters of said District, or in the issuance of refunding bonds of said District, may issue such bonds in any denomination it deems beneficial to the said District, as determined in the order authorizing their issuance. The said bonds shall bear interest at a rate not to exceed five (5) percentum per annum, which interest shall be evidenced by attached coupons which shall bear the facsimile signatures of the presiding officer [~~County Judge~~] and of the secretary [~~County Clerk~~]. Said interest shall be payable annually or semi-annually as determined by the Board [~~governing body~~] of the [~~Harris County Flood Control~~] District. The bonds shall mature serially or otherwise in such number of years as may be determined by the Board [~~Commissioners Court~~] not to exceed thirty (30) years.

Payment of principal and interest may be made at such places

1 as may be determined by the Board [~~governing body~~] of such District  
2 in the Order authorizing the issuance of such bonds.

3 All bonds of the [~~Harris County Flood Control~~] District shall  
4 be and are hereby declared to be legal and authorized investments  
5 for banks, savings banks, trust companies, building and loan  
6 associations, savings and loan associations, insurance companies,  
7 fiduciaries, trustees and sinking funds of cities, towns and  
8 villages, counties, school districts, or other political  
9 subdivisions of the State of Texas, and for all public funds of the  
10 State of Texas or its agencies, including the State Permanent  
11 School Fund. Such bonds shall be eligible to secure deposit of any  
12 and all public funds of the State of Texas, and any and all public  
13 funds of cities, towns, villages, counties, school districts or  
14 other political subdivisions or corporations of the State of Texas;  
15 and such bonds shall be lawful and sufficient security for said  
16 deposits to the extent of their value, when accompanied by all  
17 unmatured coupons appurtenant thereto.

18 Sec. 8. State Laws Applicable. All existing State Laws,  
19 General or Special, applicable to contracts and to the receipt and  
20 disbursement of, and accounting for, public funds in the District  
21 [~~Harris County~~] are hereby made applicable to the contracts and to  
22 the receipt and disbursement of, and accounting for, any funds  
23 collected and disbursed under the terms of this Act. The provisions  
24 of this Act shall be cumulative of any other laws upon the subject  
25 matter.

26 Sec. 9. Use of Public Property. In the prosecution of the  
27 flood control plans of the [~~Harris County Flood Control~~] District,

1 the District shall be recognized to have the right to make use of  
2 the bed and banks of the bayous, rivers, and streams lying within  
3 the District, subject to the prior right and authority of the Port  
4 of [Harris County] Houston Authority of Harris County, Texas, [Ship  
5 Channel Navigation District] over the navigable streams in the  
6 Authority [Navigation District] and the submerged lands heretofore  
7 given by the State of Texas to that Authority [Navigation  
8 District].

9 The ~~[Harris County Flood Control]~~ District shall have a right  
10 of way and easement over and across the roads and highways of the  
11 State and its subdivisions for the construction and maintenance of  
12 the flood control projects of the District, subject, however, to  
13 the concurrence of the Texas Transportation [State Highway]  
14 Commission whenever such projects require the relocation or  
15 bridging of State highways.

16 The District shall have the power and authority to overflow  
17 or inundate any public lands and public property, and to require the  
18 relocation of roads and highways, in the manner and to the extent  
19 permitted to any district organized under General Laws, pursuant to  
20 Section 59 of Article XVI of the Constitution of this State, as  
21 amended.

22 Sec. 10. Eminent Domain. The ~~[Harris County Flood Control]~~  
23 District shall have the right and power of eminent domain for the  
24 purpose of acquiring by condemnation any and all property of any  
25 kind, real, personal, or mixed, or any interest therein, within the  
26 boundaries of the District, necessary or convenient to the exercise  
27 of the rights, powers, privileges, and functions conferred upon it

1 by this Act, in the manner provided by General Law with respect to  
2 condemnation, or, at the option of the Board [~~Commissioners Court~~],  
3 in the manner provided by Statutes relative to condemnation by  
4 districts organized under General Law pursuant to Section 59 of  
5 Article XVI of the Constitution of the State of Texas, as amended.

6 In condemnation proceedings being prosecuted by said  
7 District, the District shall not be required to give bond for appeal  
8 or bond for costs.

9 Sec. 11. Taxes. All laws of the State of Texas relating to  
10 the assessing and collecting of State and County Taxes are by this  
11 Act made available for, and shall be applied to, the collection of  
12 both current and delinquent taxes of the [~~Harris County Flood~~  
13 ~~Control~~] District in so far as such laws are applicable.

14 Sec. 12. Officers. The presiding officer, secretary,  
15 treasurer, and Board of the District [~~County Judge, County~~  
16 ~~Commissioners~~], the Assessor and Collector of Taxes of each county  
17 in the District, [~~the County Treasurer,~~] and the District's  
18 depository are authorized to, and shall be required to, perform all  
19 duties in connection with the [~~Flood Control~~] District required of  
20 them by law in connection with official matters for [~~Harris County,~~  
21 ~~and the County Auditor shall be the Auditor for~~] the [~~Harris County~~  
22 ~~Flood Control~~] District [~~and all of the provisions of Articles 1667~~  
23 ~~through 1673, as amended, Acts of the Forty-third Legislature,~~  
24 ~~Regular Session, 1933, shall apply to the Harris County Flood~~  
25 ~~Control District~~].

26 Sec. 12-a. Tax Collector's Reports. If at any time after  
27 the enactment of this law, the Legislature of the State of Texas



1 shall make any donation or grant or diversion or remission of taxes  
2 to or affecting a county in the District [~~Harris County, Texas,~~] or  
3 the District [~~flood control district herein created, in H.B. 24 or~~  
4 ~~in H.B. 158, Acts Regular Session, Forty-fifth Legislature]~~, at the  
5 end of each month [~~after the effective date of such Act,~~] the  
6 Assessor and Collector of Taxes of each county in the District  
7 [~~Harris County~~] shall make an itemized report under oath to the  
8 Comptroller of Public Accounts of the State of Texas on forms to be  
9 furnished by the Comptroller showing each and every item of the  
10 State taxes collected by him upon property and from persons within  
11 the District; and he shall accompany the same with an itemized  
12 statement listing all taxes received and showing full disposal of  
13 all such taxes collected. The said Assessor and Collector of Taxes  
14 shall forward his report to the Comptroller, and shall make a like  
15 report to the Treasurer [~~County Auditor,~~] and [~~he shall~~] pay over to  
16 the [~~County~~] Treasurer all moneys collected by him as State taxes so  
17 donated or granted under Legislative authority, less such amounts  
18 as are allowed by law for assessing and collecting same, and shall  
19 remit the balance to the proper authority as required by then  
20 existing laws.

21       The Board [~~Commissioners Court~~], in its discretion, may  
22 utilize the tax funds donated and granted by the State of Texas for  
23 the construction of flood control improvements and other  
24 improvements and purposes authorized by such enactments and the  
25 maintenance or operation thereof; or may deposit the same in a  
26 sinking fund to pay interest on and to redeem bonds of said District  
27 or other obligations issued for such purposes, in the manner

1 hereinafter provided.

2           Sec. 12-b. Issuance of Bonds. The District may ~~[County of~~  
3 ~~Harris, Texas, acting by and through its Commissioners Court, shall~~  
4 ~~have authority and it is hereby authorized to]~~ issue [its]  
5 negotiable bonds secured by a pledge of ~~[any such]~~ taxes hereafter  
6 donated, granted, diverted or remitted by the State of Texas to ~~[it~~  
7 ~~or]~~ the ~~[Flood Control]~~ District ~~[created herein by the terms of~~  
8 ~~H.B. 24 or H.B. 158 of the Regular Session, Forty-fifth~~  
9 ~~Legislature]~~, and the proceeds of the sale of such bonds may be used  
10 for purchasing lands, easements, right of ways, structures, and for  
11 the construction of improvements, including dams, reservoirs, and  
12 all other works suitable for use in connection with the flood  
13 control program and projects in the District ~~[said County]~~ and the  
14 maintenance and operation thereof, and doing all things necessary  
15 to the execution of the purposes for which the grant and donation is  
16 made; provided, however, that the aggregate amount of bonds to be  
17 issued shall not exceed such sum as the donation and grant of the  
18 State taxes will service so as to pay interest and to create a  
19 sinking fund sufficient to pay said bonds at maturity.

20           In the event the Board ~~[Commissioners Court of Harris County,~~  
21 ~~Texas]~~ shall determine by a majority vote on a Resolution entered  
22 of record, giving the reasons therefor and showing that a necessity  
23 exists for utilizing any tax funds hereafter donated and granted by  
24 the State of Texas for the issuance of bonds in order to facilitate  
25 the construction of improvements and make funds immediately  
26 available, said bonds may be issued in the form and manner  
27 hereinafter prescribed. The bonds so authorized and issued in

1 accordance with the provisions of this Act need not be issued at one  
2 time. The amount of money necessary to provide a sinking fund to  
3 mature said bonds and to pay the interest thereon shall be set aside  
4 annually from the first of such hereafter donated and granted funds  
5 received from an ~~[the]~~ Assessor and Collector of Taxes and said  
6 funds may not be diverted to any other purpose. The Board ~~[Officers~~  
7 ~~of the County]~~ and the District's Depository are forbidden to  
8 authorize the payment of any amount from said State taxes hereafter  
9 so donated and granted until there has first been set aside  
10 therefrom an amount sufficient to cover all servicing charges for  
11 the bonds for the year. Thereupon and after the treasurer ~~[Auditor]~~  
12 has filed a certificate showing the deposit to the interest and  
13 sinking fund of a sufficient amount to cover such servicing charges  
14 for the year, any taxes hereafter donated, granted, diverted or  
15 remitted to ~~[Harris County or]~~ the ~~[Flood Control]~~ District  
16 ~~[created herein by the State of Texas under the terms of H.B. 24 or~~  
17 ~~H.B. 158, Acts Regular Session, Forty-fifth Legislature,]~~  
18 collected during the remainder of the year may be utilized for  
19 purposes consistent with this Act. Should the necessity arise, the  
20 Board ~~[Commissioners Court]~~ may supplement from its general funds  
21 any State taxes hereafter donated and granted, but no tax shall ever  
22 be levied or any debt be created against a ~~[the]~~ County in the  
23 District for such purpose without a vote of the people. Any bonds  
24 issued under this Section shall be in accordance with the  
25 provisions of Subdivisions 1 and 2 of Title 22, Revised Civil  
26 Statutes, 1925, and any amendments thereto applicable to bonds  
27 issued by a county.

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

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

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

26           Sec. 2. The time, place, manner and method of ordering,  
27 giving notice of and holding the election, the questions and

1 propositions to be submitted, the form of the ballot, the time and  
 2 method of declaring the result and the issuance of the bonds shall  
 3 be governed as near as may be by the Statutes governing the holding  
 4 of elections and the issuance of [~~county~~] bonds as provided in  
 5 Chapters 1 and 2 of Title 22, Revised Civil Statutes, 1925[~~, as~~  
 6 ~~modified by the Statutes creating the Harris County Flood Control~~  
 7 ~~District~~]. The District may issue its bonds to mature serially or  
 8 otherwise not to exceed thirty (30) years after their date. The  
 9 governing body may also determine whether or not bonds shall  
 10 contain an option of redemption, and if so, the form and date of  
 11 such option. If the election be for a maintenance tax, then the  
 12 ballot shall have written or printed thereon the words "For the  
 13 Flood Control Maintenance Tax" and, "Against the Flood Control  
 14 Maintenance Tax," and the voter shall strike out one of said  
 15 expressions, leaving the other standing as his vote. When  
 16 authorized, the Board may thereafter levy annually a tax sufficient  
 17 to operate and maintain works and improvements owned or constructed  
 18 by the District, provided the amount of such tax does not exceed the  
 19 limit authorized.

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

SECTION 4. Section 4, Chapter 118, Acts of the 58th Legislature, Regular Session, 1963, is amended to read as follows:

Sec. 4. a. After the governing body of the District has completed such hearings and shall have found that the establishing of such building setback lines is for the public health, safety and general welfare of the people within the District, and for the accomplishment of the purposes of Section 59 of Article XVI of the Constitution of the State of Texas, as amended, said governing body shall pass its resolution adopting such building setback lines. Such resolution shall contain a description of the area included within such building setback lines by either field notes or by map or plat or by both, and a certified copy thereof shall be filed for record immediately with the County Clerk of the affected county ~~of Harris County~~.

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

SECTION 5. Section 1, Chapter 409, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1. RECREATIONAL AND ENVIRONMENTAL IMPROVEMENTS. (a) The Harris County Flood Control District, in connection with flood control facilities and projects, may provide for or participate in the development, operation, or maintenance of:

(1) linear parks along drainage courses maintained and 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 6. Section 1, Chapter 410, Acts of the 73rd  
22 Legislature, Regular Session, 1993, is amended to read as follows:

23 Sec. 1. (a) The Harris County Flood Control District may  
24 engage in wetlands mitigation projects and programs as provided by  
25 Article 6, Chapter 3, Acts of the 72nd Legislature, 1st Called  
26 Session, 1991 (Article 5421u, Vernon's Texas Civil Statutes), and  
27 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 7. 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 8. (a) As soon as practicable after the effective  
11 date of this Act, the governor and the commissioners court of Harris  
12 County shall appoint members to the governing body of the Harris  
13 County Flood Control District as required under Section 1E, Chapter  
14 360, Acts of the 45th Legislature, Regular Session, 1937, as added  
15 by this Act.

16          (b) At the first meeting of the governing body of the Harris  
17 County Flood Control District that follows the effective date of  
18 this Act, the members appointed by the governor and the  
19 commissioners court of Harris County shall draw lots to determine  
20 which two members will serve terms that expire January 1, 2027, and  
21 which three members will serve terms that expire January 1, 2029.

22          (c) A member of the governing body of the Harris County  
23 Flood Control District serving on the effective date of this Act  
24 shall continue in office until the member's successor is appointed  
25 and qualifies for office.

26          SECTION 9. The Harris County Flood Control District retains  
27 all rights, powers, privileges, authority, duties, and functions

1 that it had before the effective date of this Act.

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

9       (b) The governor, one of the required recipients, has  
10 submitted the notice and Act to the Texas Commission on  
11 Environmental Quality.

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

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

20       SECTION 11. This Act takes effect immediately if it  
21 receives a vote of two-thirds of all the members elected to each  
22 house, as provided by Section 39, Article III, Texas Constitution.  
23 If this Act does not receive the vote necessary for immediate  
24 effect, this Act takes effect on the 91st day after the last day of  
25 the legislative session.