

By: Paul

H.B. No. 2068

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the governance and territory of the Harris County Flood
3 Control District.

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

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

9 Sec. 1. Harris County Flood Control District Created. There
10 is hereby created and established within the State of Texas, in
11 addition to the districts into which the State has heretofore been
12 divided, in the form and manner hereinafter provided, a
13 conservation and reclamation district to be known as Harris County
14 Flood Control District, hereinafter called the District~~[, and~~
15 ~~consisting of that part of the State of Texas which is known as and~~
16 ~~included within the boundaries of the County of Harris]~~. Such
17 District shall be a governmental agency and body politic and
18 corporate, with the powers of government and with the authority to
19 exercise the rights, privileges, and functions hereinafter
20 specified, the creation and establishment of such District being
21 essential to the accomplishment of the purposes of Section 59 of
22 Article XVI of the Constitution of the State of Texas, as amended,
23 including the control, storing, preservation, and distribution of
24 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 1C of this Act;
25 (2) Subchapter J, Chapter 49, Water Code; or
26 (3) other law.

27 Sec. 1C. ADDITION OF ADJACENT COUNTY TO DISTRICT. (a) The

1 commissioners court of a county adjacent to Harris County may
2 petition to join the district by resolution of the commissioners
3 court.

4 (b) The board by resolution may approve the addition of the
5 county to the district if, after a hearing on the resolution, the
6 board finds that the addition of the county would benefit the
7 district.

8 (c) The addition of a county to the district under this
9 section is not final until ratified by a majority vote of the voters
10 in the county to be added voting in an election held for that
11 purpose.

12 (d) The ballot for the election shall be printed to provide
13 for voting for or against the proposition: "The inclusion of
14 _____ (name of county) County in the Harris County Flood
15 Control District."

16 Sec. 1D. BOARD; TERMS. (a) The board is composed of five
17 members who are appointed by the governor with the advice and
18 consent of the senate.

19 (b) The members of the board hold office for staggered terms
20 of four years, with the terms of two or three members expiring
21 January 1 of each odd-numbered year. Each member holds office until
22 a successor is appointed and has qualified.

23 (c) The governor shall designate one member as the presiding
24 officer of the board to serve at the will of the governor. The board
25 shall elect from among its members a secretary and a treasurer and
26 other officers the presiding officer considers necessary.

27 (d) A member of the board may not receive compensation but

1 is entitled to reimbursement of the travel expenses incurred by the
2 member while conducting the business of the board.

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

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

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

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

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

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

1 to the flood control project;

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

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

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

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

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

27 Sec. 2A. Right to Remove Property. [~~(a) In this section,~~

1 ~~"district" means the Harris County Flood Control District.~~

2 [(b)] In order to carry out district purposes, the district
3 may remove real or personal property placed on land owned by the
4 district or land subject to an easement held by the district,
5 regardless of when the real or personal property was put in place
6 and without the consent of the owner of the property. The district
7 must send notice by certified mail to the owner of property on which
8 the district intends to act under this section. Not earlier than
9 the 30th day after the date the notice is sent, the district must
10 send a second notice by certified mail. The district may use
11 existing civil lawsuit processes against the owner of the property
12 to recover the cost of removing the property not earlier than the
13 30th day after the date the second notice was received.

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

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

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

26 Sec. 5. Hearing. The Board [~~Commissioners Court~~] shall
27 have jurisdiction to hear, consider, and determine the matters

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

1 from time to time in like manner and under the same procedure.

2 Provided further, however, that the initial issuance of bonds
3 shall not be for a sum which will require a tax rate in excess of
4 Fifteen (15) Cents on the one hundred dollars valuation on the
5 property within said District, nor shall any subsequent issue of
6 said bonds be authorized the effect of which will be to increase the
7 tax rate for all outstanding bonds of said District including such
8 issue to an amount in excess of Fifteen (15) Cents on the one
9 hundred dollars valuation to pay the interest on said bonds and to
10 create a sinking fund to retire the same at maturity.

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

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

1 The [~~County~~] Treasurer shall keep a record in a well-bound
2 book of all bonds issued and shall register therein the amount of
3 bonds issued, the numbers, the denomination, rate of interest, date
4 due, date of issue, the paying agent, the amount received, and the
5 purchaser. The said book shall be at all times open to the
6 inspection of all proper parties, either taxpayers or bondholders
7 or officials of the State or a county in the District [~~County~~].

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

25 All bonds approved by the Attorney General, registered by the
26 Comptroller, and issued and sold in accordance with the proceedings
27 so approved, shall be valid and binding obligations of the [~~Harris~~

1 ~~County Flood Control~~] District [~~of Harris County, Texas,~~] and shall
2 be incontestable for any cause from and after the time of such
3 registration, except for forgery or fraud.

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

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

1 number of years as may be determined by the Board [~~Commissioners~~
2 ~~Court~~] not to exceed thirty (30) years.

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

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

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

1 matter.

2 Sec. 9. Use of Public Property. In the prosecution of the
3 flood control plans of the [~~Harris County Flood Control~~] District,
4 the District shall be recognized to have the right to make use of
5 the bed and banks of the bayous, rivers, and streams lying within
6 the District, subject to the prior right and authority of the Port
7 of [~~Harris County~~] Houston Authority of Harris County, Texas, [~~Ship~~
8 ~~Channel Navigation District~~] over the navigable streams in the
9 Authority [~~Navigation District~~] and the submerged lands heretofore
10 given by the State of Texas to that Authority [~~Navigation~~
11 ~~District~~].

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

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

25 Sec. 10. Eminent Domain. The [~~Harris County Flood Control~~]
26 District shall have the right and power of eminent domain for the
27 purpose of acquiring by condemnation any and all property of any

1 kind, real, personal, or mixed, or any interest therein, within the
2 boundaries of the District, necessary or convenient to the exercise
3 of the rights, powers, privileges, and functions conferred upon it
4 by this Act, in the manner provided by General Law with respect to
5 condemnation, or, at the option of the Board [~~Commissioners Court~~],
6 in the manner provided by Statutes relative to condemnation by
7 districts organized under General Law pursuant to Section 59 of
8 Article XVI of the Constitution of the State of Texas, as amended.

9 In condemnation proceedings being prosecuted by said
10 District, the District shall not be required to give bond for appeal
11 or bond for costs.

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

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

1 ~~Control District~~].

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

24 The Board [~~Commissioners Court~~], in its discretion, may
25 utilize the tax funds donated and granted by the State of Texas for
26 the construction of flood control improvements and other
27 improvements and purposes authorized by such enactments and the

1 maintenance or operation thereof; or may deposit the same in a
2 sinking fund to pay interest on and to redeem bonds of said District
3 or other obligations issued for such purposes, in the manner
4 hereinafter provided.

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

23 In the event the Board [~~Commissioners Court of Harris County,~~
24 ~~Texas,~~] shall determine by a majority vote on a Resolution entered
25 of record, giving the reasons therefor and showing that a necessity
26 exists for utilizing any tax funds hereafter donated and granted by
27 the State of Texas for the issuance of bonds in order to facilitate

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

1 provisions of Subdivisions 1 and 2 of Title 22, Revised Civil
2 Statutes, 1925, and any amendments thereto applicable to bonds
3 issued by a county.

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

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

27 SECTION 3. Sections 2 and 3, Chapter 407, Acts of the 50th

1 Legislature, Regular Session, 1947, are amended to read as follows:

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

23 Sec. 3. The Board shall have authority to issue refunding
24 bonds bearing the same or a lower rate of interest to refund any
25 bonds of the District theretofore issued and outstanding.
26 Refunding bonds may be issued serially or otherwise for any term of
27 years not exceeding thirty (30). Statutes governing refunding of

1 county bonds shall apply to refunding bonds of the [~~Harris County~~
2 ~~Flood Control~~] District so far as applicable, except where
3 otherwise expressly provided by the laws relating to said District.

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

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

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

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

25 Sec. 1. RECREATIONAL AND ENVIRONMENTAL IMPROVEMENTS. (a)
26 The Harris County Flood Control District, in connection with flood
27 control facilities and projects, may provide for or participate in

1 the development, operation, or maintenance of:

2 (1) linear parks along drainage courses maintained and
3 operated by the district;

4 (2) hike and bike trails;

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

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

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

13 (1) the federal government, a federal agency, or a
14 federally sponsored organization;

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

17 (3) a nonprofit corporation or foundation;

18 (4) a private individual or corporation; or

19 (5) a public service organization or neighborhood
20 association.

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

24 (d) The use by the district of any property owned or managed
25 by or otherwise available to the district for the purposes of
26 Subsection (a) of this section is determined to be consistent with
27 the use of that property for flood control purposes if the

1 improvements do not significantly impede the flow of floodwaters or
2 reduce the carrying capacity of the drainage facilities of the
3 district.

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

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

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

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

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

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

24 SECTION 6. Section 1, Chapter 410, Acts of the 73rd
25 Legislature, Regular Session, 1993, is amended to read as follows:

26 Sec. 1. (a) The Harris County Flood Control District may
27 engage in wetlands mitigation projects and programs as provided by

1 Article 6, Chapter 3, Acts of the 72nd Legislature, 1st Called
2 Session, 1991 (Article 5421u, Vernon's Texas Civil Statutes), and
3 its subsequent amendments.

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

8 SECTION 7. The following provisions are repealed:

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

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

13 SECTION 8. (a) As soon as practicable after the effective
14 date of this Act, the governor shall appoint members to the
15 governing body of the Harris County Flood Control District as
16 required under Section 1D, Chapter 360, Acts of the 45th
17 Legislature, Regular Session, 1937, as added by this Act.

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

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

1 SECTION 9. The Harris County Flood Control District retains
2 all rights, powers, privileges, authority, duties, and functions
3 that it had before the effective date of this Act.

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

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

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

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

22 SECTION 11. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this Act takes effect September 1, 2025.