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- 1 (1) Subchapter H, Chapter 62, Water Code; or
2 (2) other law. (Acts 63rd Leg., R.S., Ch. 379, Sec. 1
3 (part); New.)

4 SUBCHAPTER B. AUTHORITY ADMINISTRATION

5 Sec. 5012.0051. COMMISSION; TERMS; ELECTION. (a) The
6 authority is governed by a commission composed of five elected
7 commissioners.

8 (b) Commissioners serve staggered two-year terms, with two
9 commissioners elected in each even-numbered year and three
10 commissioners elected in each odd-numbered year.

11 (c) The commission:

12 (1) is the authority's governing body; and

13 (2) has the powers conferred on navigation and canal
14 commissioners of navigation districts and the commissioners court
15 by the Water Code. (Acts 63rd Leg., R.S., Ch. 379, Secs. 2(2)
16 (part), 4 (part), 5 (part).)

17 Sec. 5012.0052. QUALIFICATIONS FOR OFFICE. Each
18 commissioner must:

19 (1) be a resident of the authority;

20 (2) own taxable property in the authority; and

21 (3) be a qualified voter. (Acts 63rd Leg., R.S., Ch.
22 379, Sec. 4 (part).)

23 Sec. 5012.0053. NOTICE OF COMMISSIONERS' ELECTION. Notice
24 of a commissioner's election shall be given by publishing notice
25 once each week for two consecutive weeks in a newspaper with general
26 circulation in the authority, with the first publication being made
27 not earlier than the 60th day before the date of the election, and

1 not later than the 21st day before the date of the election. (Acts
2 63rd Leg., R.S., Ch. 379, Sec. 5 (part).)

3 Sec. 5012.0054. ELECTION RESULTS. As soon as practicable
4 after each election held by the authority, the commission shall
5 declare the results of the election. (Acts 63rd Leg., R.S., Ch.
6 379, Sec. 6 (part).)

7 Sec. 5012.0055. COMMISSIONERS' OATH AND BOND. (a) Each
8 commissioner shall:

9 (1) take an oath of office that contains the
10 applicable provisions provided by law for members of the
11 commissioners court; and

12 (2) execute a bond for \$10,000 payable to the
13 authority, conditioned on the faithful performance of the
14 commissioner's duties as a commissioner.

15 (b) A commissioner's bond must be approved by the
16 commission. (Acts 63rd Leg., R.S., Ch. 379, Sec. 6 (part).)

17 Sec. 5012.0056. VOTING REQUIREMENT. The concurrence of a
18 majority of the commissioners present at a meeting where a quorum is
19 present is sufficient in any matter relating to authority business.
20 (Acts 63rd Leg., R.S., Ch. 379, Sec. 6 (part).)

21 Sec. 5012.0057. OFFICERS. (a) As soon as practicable after
22 each election of commissioners, the commission shall elect one
23 commissioner presiding officer and one commissioner secretary.

24 (b) The presiding officer shall preside at commission
25 meetings.

26 (c) The secretary shall be responsible for maintaining and
27 preserving the minutes, records, and other documents of the

1 authority.

2 (d) The commission may select other officers and prescribe
3 their duties. (Acts 63rd Leg., R.S., Ch. 379, Sec. 6 (part).)

4 Sec. 5012.0058. COMPENSATION OF COMMISSIONERS; EXPENSES.

5 (a) Unless otherwise provided, each commissioner is entitled to
6 receive a fee of not more than \$50 a day for each day of service
7 necessary to discharge the duties of a commissioner.

8 (b) Each commissioner is entitled to reimbursement for
9 actual expenses incurred on behalf of the authority and approved by
10 the commission. (Acts 63rd Leg., R.S., Ch. 379, Sec. 6 (part).)

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 5012.0101. GENERAL POWERS. The authority may
13 exercise:

14 (1) the rights, privileges, and functions provided by
15 this chapter; and

16 (2) all powers, rights, privileges, and functions
17 conferred by Chapters 60 and 62, Water Code. (Acts 63rd Leg., R.S.,
18 Ch. 379, Secs. 1 (part), 3 (part).)

19 Sec. 5012.0102. POWERS REGARDING PORTS, WATERWAYS, AND
20 FACILITIES. The authority may:

21 (1) acquire, take over, construct, maintain, repair,
22 operate, develop, and regulate wharves, docks, warehouses, grain
23 elevators, ship repair facilities, belt railways, lands, and all
24 other facilities or aids consistent with or necessary for the
25 operation or development of ports, waterways, or maritime commerce
26 inside or outside the authority's boundaries; and

27 (2) construct, extend, improve, repair, maintain,

1 reconstruct, own, use, and operate any facility necessary or
2 convenient to the exercise of such powers, rights, privileges, and
3 functions granted by this chapter. (Acts 63rd Leg., R.S., Ch. 379,
4 Sec. 3 (part).)

5 Sec. 5012.0103. BYLAWS AND RULES. The authority may adopt
6 bylaws and rules for the management and regulation of its affairs.
7 (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

8 Sec. 5012.0104. GIFT OR PURCHASE OF PROPERTY. The
9 authority by gift or purchase may acquire any property or any
10 interest in property that is:

- 11 (1) inside or outside the authority's boundaries; and
12 (2) necessary or convenient to exercising a power,
13 right, privilege, or function conferred on the authority by this
14 chapter. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

15 Sec. 5012.0105. EMINENT DOMAIN. (a) To exercise a power
16 provided by law, the authority may exercise the power of eminent
17 domain to acquire any property and any interest in property inside
18 the authority's boundaries. The authority must exercise the power
19 of eminent domain in the manner provided by Chapter 21, Property
20 Code.

21 (b) The authority is a municipal corporation for the
22 purposes of Section 21.021, Property Code.

23 (c) The authority is not required to give bond for appeal or
24 bond for costs in any judicial proceeding related to the
25 authority's exercise of eminent domain.

26 (d) The authority's authority to exercise the power of
27 eminent domain expired on September 1, 2013, unless the authority

1 submitted a letter to the comptroller in accordance with Section
2 2206.101(b), Government Code, not later than December 31, 2012.
3 (Acts 63rd Leg., R.S., Ch. 379, Secs. 3 (part), 11; New.)

4 Sec. 5012.0106. LEASE OF AUTHORITY FACILITIES. A lease
5 under Section 60.101, Water Code, may contain any provision the
6 commission determines is advantageous to the authority, including a
7 provision for:

8 (1) the sale of a leased property at the termination of
9 the lease; and

10 (2) the management and operation of a leased property
11 by the lessee. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

12 Sec. 5012.0107. SALE OF SURPLUS PROPERTY. The commission
13 may order authority property sold as provided in Section 60.101,
14 Water Code, if the property is not considered reasonably required
15 to carry out the authority's plans. (Acts 63rd Leg., R.S., Ch. 379,
16 Sec. 3 (part).)

17 Sec. 5012.0108. GENERAL AUTHORITY TO MAKE CONTRACTS AND
18 EXECUTE INSTRUMENTS. The authority may make a contract or execute
19 an instrument necessary or convenient to exercising a power, right,
20 privilege, or function conferred on the authority by this chapter.
21 (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

22 Sec. 5012.0109. COMPETITIVE BIDDING FOR CERTAIN CONTRACTS.

23 (a) Before the commission enters into a contract for the
24 expenditure of an amount of \$25,000 or more, the authority shall
25 submit the proposed contract for competitive bids as provided by
26 this section.

27 (b) The commission shall publish notice of the time and

1 place for the opening of sealed bids on a contract described by
2 Subsection (a) in one or more newspapers of general circulation in
3 this state, one of which must be a newspaper published in Jefferson
4 County. The notice must be published once a week for two
5 consecutive weeks, with the first publication being made not later
6 than the 14th day before the date set for the opening of bids.

7 (c) The commission may reject any bid submitted under this
8 section, but if the commission accepts a bid, the bid must be the
9 lowest and best bid received.

10 (d) This section does not apply to:

11 (1) improvements performed by the United States;

12 (2) emergencies that require immediate action to
13 protect persons or property;

14 (3) necessary emergency repairs to authority
15 property; or

16 (4) contracts for personal or professional services or
17 work done by the authority and paid for by the day as the work
18 progresses. (Acts 63rd Leg., R.S., Ch. 379, Sec. 9.)

19 Sec. 5012.0110. OFFICERS, AGENTS, AND EMPLOYEES. The
20 authority may employ, prescribe the duties of, and set the
21 compensation of officers, agents, and employees. (Acts 63rd Leg.,
22 R.S., Ch. 379, Sec. 3 (part).)

23 Sec. 5012.0111. SEAL. The authority may adopt and use a
24 corporate seal. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3 (part).)

25 Sec. 5012.0112. AUTHORITY TO SUE AND BE SUED. The authority
26 may sue and be sued in its corporate name. (Acts 63rd Leg., R.S.,
27 Ch. 379, Sec. 3 (part).)

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 5012.0151. MAINTENANCE AND OPERATIONS TAX. The
3 commission may impose an annual tax for the maintenance and
4 operation of the authority and the authority's improvements at a
5 rate not to exceed 20 cents for each \$100 valuation of taxable
6 property in the authority. (Acts 63rd Leg., R.S., Ch. 379, Sec. 10
7 (part).)

8 Sec. 5012.0152. TAX ASSESSOR AND COLLECTOR. (a) The
9 commission shall appoint a tax assessor and collector.

10 (b) The tax assessor and collector shall execute a bond in
11 an amount set by the commission that is:

12 (1) at least twice the average daily balance of the
13 authority in its depository for the preceding year; and

14 (2) not more than the estimated amount of revenues of
15 the authority for any year. (Acts 63rd Leg., R.S., Ch. 379, Sec.
16 7.)

17 Sec. 5012.0153. AUTHORITY TO BORROW MONEY, ACCEPT GRANTS,
18 AND ISSUE ASSOCIATED REVENUE BONDS. The authority may:

19 (1) borrow money for the authority's corporate
20 purposes consistent with the constitution, this chapter, and
21 Chapters 60-63, Water Code;

22 (2) borrow money or accept a grant from the United
23 States or from a corporation or agency created or designated by the
24 United States and, in connection with the loan or grant, enter into
25 any agreement the United States or the corporation or agency may
26 require; and

27 (3) make and issue bonds for money borrowed, in the

1 manner provided by this chapter. (Acts 63rd Leg., R.S., Ch. 379,
2 Sec. 3 (part).)

3 Sec. 5012.0154. AUTHORITY TO BORROW MONEY FOR CURRENT
4 EXPENSES; EVIDENCE OF OBLIGATION. (a) The authority may:

5 (1) borrow money for current expenses; and

6 (2) evidence the borrowed money by warrants.

7 (b) The total amount of the warrants may not exceed the
8 anticipated revenue. (Acts 63rd Leg., R.S., Ch. 379, Sec. 3
9 (part).)

10 SUBCHAPTER E. BONDS

11 Sec. 5012.0201. AUTHORITY TO ISSUE BONDS; ELECTION. (a)
12 The authority may issue bonds for any corporate purpose.

13 (b) The authority may issue bonds for a purpose described by
14 Section 5012.0102(1) or to acquire necessary or proper lands,
15 rights of way, extension or improvements of belt railway lines, or
16 construction or improvements of wharves, docks, ship repair
17 facilities, or other facilities or aids to navigation.

18 (c) The authority may secure bonds issued under Subsection
19 (b) by liens on properties acquired, constructed, or improved and
20 pledge available revenues as additional security.

21 (d) An election to approve the issuance of bonds payable
22 from taxes must be held in the manner provided for bond elections
23 under Chapter 54, Water Code. (Acts 63rd Leg., R.S., Ch. 379, Secs.
24 3 (part), 8 (part).)

25 Sec. 5012.0202. FORM OF BONDS. Authority bonds must be:

26 (1) issued in the authority's name; and

27 (2) signed by the commission's presiding officer.

1 (Acts 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

2 Sec. 5012.0203. TERMS OF ISSUANCE. Authority bonds may be:

3 (1) sold for cash;

4 (2) issued on terms the commission determines in
5 exchange for any property, or any interest in property, that the
6 commission considers necessary or convenient for the corporate
7 purpose for which the bonds are issued; or

8 (3) issued in exchange for like principal amounts of
9 other obligations of the authority, whether matured or unmatured.

10 (Acts 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

11 Sec. 5012.0204. DEPOSIT OF PROCEEDS. The proceeds of sale
12 of authority bonds shall be deposited in one or more banks or trust
13 companies, and shall be paid out according to the terms on which the
14 authority and the purchasers of the bonds agree. (Acts 63rd Leg.,
15 R.S., Ch. 379, Sec. 8 (part).)

16 Sec. 5012.0205. RESOLUTION PROVISIONS. (a) A resolution
17 authorizing bonds may contain provisions approved by the commission
18 that are not inconsistent with this chapter, including provisions:

19 (1) reserving the right to redeem the bonds or
20 requiring the redemption of the bonds, at a time, in an amount, and
21 at a price, not to exceed 105 percent of the principal amount of the
22 bonds, plus accrued interest;

23 (2) providing for the setting aside of sinking funds
24 or reserve funds and the regulation and disposition of those funds;

25 (3) securing the payment of the principal of and
26 interest on the bonds and of the sinking fund or reserve fund
27 payments associated with the bonds by pledging:

1 (A) all or any part of the gross or net revenue
2 subsequently received by the authority with respect to the property
3 to be acquired or constructed with the bonds or the proceeds of the
4 bonds; or

5 (B) all or any part of the gross or net revenue
6 subsequently received by the authority from any source;

7 (4) securing the payment of the principal of and
8 interest on the bonds by pledging taxes;

9 (5) prescribing the purposes to which the bonds or any
10 bonds subsequently issued, or the proceeds of the bonds, may be
11 applied;

12 (6) agreeing to set and collect rates and charges
13 sufficient to produce revenue adequate to:

14 (A) pay all expenses necessary to the operation,
15 maintenance, and replacement of and additions to the authority's
16 property;

17 (B) pay the principal of, and the interest and
18 premium, if any, on bonds issued under this chapter when the bonds
19 become due and payable;

20 (C) pay all sinking fund or reserve fund payments
21 for those bonds out of those revenues as and when they become due
22 and payable;

23 (D) fulfill the terms of any agreements made with
24 the holders of the bonds or with any person on their behalf; and

25 (E) discharge all other lawful obligations of the
26 authority as and when the obligations become due;

27 (7) prescribing limitations on the issuance of

1 additional bonds and subordinate lien bonds and on the agreements
2 that may be made with the purchasers and successive holders of those
3 bonds;

4 (8) regarding the construction, extension,
5 improvement, reconstruction, operation, maintenance, and repair of
6 the authority's properties and the carrying of insurance on all or
7 any part of those properties covering loss, damage, or loss of use
8 and occupancy resulting from specified risks;

9 (9) setting the procedure by which the authority may
10 change the terms of a contract with the bondholders, the amount of
11 bonds the holders of which must consent to that change, and the
12 manner in which the consent may be given; and

13 (10) providing for the execution and delivery by the
14 authority to a bank or trust company authorized by law to accept
15 trusts, or to the United States or any officer of the United States,
16 of indentures and agreements for the benefit of the bondholders
17 setting forth any of the agreements authorized by this chapter to be
18 made with or for the benefit of the bondholders and any other
19 provisions that are customary in such indentures or agreements.

20 (b) A provision authorized by this section that is contained
21 in a bond resolution is part of the contract between the authority
22 and the bondholders. (Acts 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

23 Sec. 5012.0206. BOND ANTICIPATION NOTES. (a) The
24 commission may declare an emergency because money is not available
25 to meet any of the authority's needs, including to pay the principal
26 of and interest on authority bonds.

27 (b) Bond anticipation notes may bear interest at a rate not

1 to exceed 10 percent and must mature not later than one year after
2 the date of issuance.

3 (c) Bond anticipation notes issued by the authority must be
4 taken up with the proceeds of the bonds, or the bonds may be issued
5 and delivered in exchange for the bond anticipation notes. (Acts
6 63rd Leg., R.S., Ch. 379, Sec. 8 (part).)

7 Sec. 5012.0207. REFUNDING BONDS. (a) The authority may
8 make and issue bonds for the purpose of refunding or refinancing
9 outstanding bonds authorized and issued by the authority under this
10 chapter or other law and the interest and any premium on the bonds
11 to maturity or on any earlier redemption date specified in the
12 resolution authorizing the issuance of the refunding bonds.

13 (b) Refunding bonds issued by the authority may:

14 (1) be issued to refund more than one series of
15 outstanding bonds;

16 (2) combine the pledges of the outstanding bonds for
17 the security of the refunding bonds; or

18 (3) be secured by other or additional revenue.

19 (c) The provisions of this chapter regarding the issuance of
20 bonds, the terms and provisions of bonds, and the remedies of the
21 bondholders apply to refunding bonds issued by the authority.

22 (d) The comptroller shall register the refunding bonds
23 issued by the authority on the surrender and cancellation of the
24 bonds to be refunded.

25 (e) Instead of issuing bonds to be registered on the
26 surrender and cancellation of the bonds to be refunded, the
27 authority, in the resolution authorizing the issuance of refunding

1 bonds, may provide for the sale of the refunding bonds and the
2 deposit of the proceeds at the places at which the bonds to be
3 refunded are payable. In that case, the refunding bonds may be
4 issued in an amount sufficient to pay the interest and premium, if
5 any, on the bonds to be refunded to the bonds' maturity date or
6 specified earlier redemption date, and the comptroller shall
7 register the refunding bonds without the concurrent surrender and
8 cancellation of the bonds to be refunded.

9 (f) The authority may also refund outstanding bonds in the
10 manner provided by Chapters 60-63, Water Code. (Acts 63rd Leg.,
11 R.S., Ch. 379, Sec. 8 (part).)

12 CHAPTER 5016. PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY,
13 TEXAS

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 5016.0001. DEFINITIONS

16 Sec. 5016.0002. FORMER NAME OF AUTHORITY

17 SUBCHAPTER B. PORT COMMISSION

18 Sec. 5016.0051. COMPOSITION OF PORT COMMISSION

19 Sec. 5016.0052. APPOINTMENT OF PORT COMMISSIONERS;
20 TERMS; ELIGIBILITY

21 Sec. 5016.0053. FILING OF FINANCIAL STATEMENT BY PORT
22 COMMISSIONERS

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 5016.0101. USE AND DISPOSITION OF NAVAL PROPERTY

25 Sec. 5016.0102. ELECTIONS

26 Sec. 5016.0103. SECURITY AND LAW ENFORCEMENT

1 Sec. 5016.0104. CONTRACTS FOR SECURITY AND LAW

2 ENFORCEMENT SERVICES

3 CHAPTER 5016. PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY,

4 TEXAS

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 5016.0001. DEFINITIONS. In this chapter:

7 (1) "Adjacent property" means the approximately 433
8 acres that the authority owns in San Patricio County that is bounded
9 on the east by the western boundary of the former Naval Station
10 Ingleside, on the north by Farm-to-Market Road 1069, on the west by
11 the corporate limits of the City of Ingleside on the Bay, and on the
12 south by the corporate limits of the City of Ingleside on the Bay
13 and the north shoreline of Corpus Christi Bay. The term does not
14 include property:

15 (A) that the authority purchased from this state
16 under former Article 8225, Revised Statutes; or

17 (B) that was granted to the authority by this
18 state under any general or special law.

19 (2) "Authority" means the Port of Corpus Christi
20 Authority of Nueces County, Texas.

21 (3) "Naval property" means:

22 (A) the approximately 576.615 acres of land and
23 submerged land in San Patricio and Nueces Counties, improvements,
24 and personal property, if any, that reverted to the authority when
25 former Naval Station Ingleside closed, other than property that the
26 authority purchased from this state under former Article 8225,
27 Revised Statutes, or that was granted to the authority by this state

1 under any general or special law; and

2 (B) the adjacent property.

3 (4) "Port commission" means the authority's governing
4 body.

5 (5) "Port commissioner" means a member of the port
6 commission. (Acts 67th Leg., R.S., Ch. 165, Sec. 2; Acts 68th Leg.,
7 R.S., Ch. 397, Secs. 1, 1A as added Acts 81st Leg., R.S., Ch. 53.)

8 Sec. 5016.0002. FORMER NAME OF AUTHORITY. Before May 20,
9 1981, the authority was known as the Nueces County Navigation
10 District No. 1. (Acts 67th Leg., R.S., Ch. 165, Sec. 1; New.)

11 SUBCHAPTER B. PORT COMMISSION

12 Sec. 5016.0051. COMPOSITION OF PORT COMMISSION. The port
13 commission is composed of seven port commissioners. (Acts 68th
14 Leg., R.S., Ch. 397, Sec. 1A as added Acts 81st Leg., R.S., Ch. 498;
15 Acts 78th Leg., R.S., Ch. 1334, Sec. 3 (part).)

16 Sec. 5016.0052. APPOINTMENT OF PORT COMMISSIONERS; TERMS;
17 ELIGIBILITY. (a) Port commissioners are appointed as follows:

18 (1) the Commissioners Court of Nueces County shall
19 appoint three port commissioners;

20 (2) the city council of the City of Corpus Christi
21 shall appoint three port commissioners; and

22 (3) the Commissioners Court of San Patricio County
23 shall appoint one port commissioner.

24 (b) Port commissioners serve staggered three-year terms
25 that expire in January.

26 (c) A port commissioner may not serve more than four full
27 terms.

1 (d) A person must have been a resident of Nueces County for
2 at least six months to be eligible for appointment to the port
3 commission by the Commissioners Court of Nueces County or the city
4 council of the City of Corpus Christi.

5 (e) Subsections (c) and (d) do not apply to a person serving
6 as a port commissioner on June 9, 1995. (Acts 68th Leg., R.S., Ch.
7 397, Secs. 2, 3, 4(c), (d); Acts 74th Leg., R.S., Ch. 469, Sec. 2;
8 Acts 78th Leg., R.S., Ch. 1334, Sec. 3 (part).)

9 Sec. 5016.0053. FILING OF FINANCIAL STATEMENT BY PORT
10 COMMISSIONERS. (a) Not later than April 30 of each year, a port
11 commissioner shall file with the Texas Ethics Commission a
12 financial statement that complies with Sections 572.022-572.024,
13 Government Code.

14 (b) The filed statement is a public record. (Acts 68th
15 Leg., R.S., Ch. 397, Sec. 4A.)

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 5016.0101. USE AND DISPOSITION OF NAVAL PROPERTY. (a)
18 The authority may use naval property in ways that replace and
19 enhance the economic benefits generated by the former Naval Station
20 Ingleside through diversified activities, including uses to
21 foster:

- 22 (1) job creation and retention;
- 23 (2) economic development;
- 24 (3) industry;
- 25 (4) commerce;
- 26 (5) manufacturing;
- 27 (6) housing;

1 (7) recreation; and

2 (8) infrastructure installation on naval property.

3 (b) The port commission may:

4 (1) declare any portion of naval property surplus if
5 the property is not needed for a navigation-related project; and

6 (2) sell or lease the surplus property on terms the
7 port commission considers advisable to carry out the purposes of
8 this chapter.

9 (c) Notwithstanding any other law and subject to the terms
10 of this subsection, the authority may sell or lease property
11 declared surplus under this section with or without public bidding.
12 The authority may not sell naval property declared surplus under
13 this section in a private sale for less than the property's fair
14 market value. The authority shall obtain an appraisal of the
15 surplus property, which is conclusive evidence of the surplus
16 property's fair market value.

17 (d) The authority may contract with another person for
18 assistance in accomplishing the purposes of this section by
19 competitive bidding or negotiated contract as the port commission
20 considers appropriate, desirable, and in the authority's best
21 interests. (Acts 68th Leg., R.S., Ch. 397, Secs. 4B(a), (b), (c),
22 (d) as added Acts 81st Leg., R.S., Ch. 498.)

23 Sec. 5016.0102. ELECTIONS. An election relating to the
24 authority must be held in the authority as a whole and not on a
25 county-by-county basis. (Acts 68th Leg., R.S., Ch. 397, Sec. 4B as
26 added Acts 81st Leg., R.S., Ch. 53; Acts 78th Leg., R.S., Ch. 1334,
27 Sec. 4.)

1 Sec. 5016.0103. SECURITY AND LAW ENFORCEMENT. (a) The port
2 commission may adopt, amend, repeal, and enforce an ordinance,
3 rule, or police regulation necessary to:

4 (1) protect, secure, and defend the ship channels and
5 waterways in the authority's jurisdiction and facilities served by
6 those ship channels and waterways;

7 (2) promote the health, safety, and general welfare of
8 any person using the ship channels and waterways in the authority's
9 jurisdiction; or

10 (3) comply with a federal law or regulation or
11 implement a directive or standard of the federal government,
12 including the United States Department of Homeland Security and the
13 United States Coast Guard, relating to securing ship channels and
14 waterways and facilities served by ship channels and waterways and
15 preventing terrorist attacks on ship channels, waterways,
16 associated maritime facilities, and other facilities served by ship
17 channels and waterways.

18 (b) In the enforcement of an authority ordinance, rule, or
19 police regulation, a sheriff, constable, or other licensed peace
20 officer or a peace officer employed or appointed by the port
21 commission may make arrests, serve criminal warrants, subpoenas, or
22 writs, and perform any other service or duty that may be performed
23 by any sheriff, constable, or other licensed peace officer in
24 enforcing other laws of this state.

25 (c) In adopting an ordinance, rule, or police regulation
26 under Subsection (a) of this section, the port commission shall
27 comply with the procedures provided by Sections 60.074 and 60.075,

1 Water Code. (Acts 68th Leg., R.S., Ch. 397, Secs. 4C(a), (b), (c).)

2 Sec. 5016.0104. CONTRACTS FOR SECURITY AND LAW ENFORCEMENT
3 SERVICES. (a) The authority may enter into an interlocal agreement
4 with this state or a county, municipality, or other political
5 subdivision of this state to jointly provide, and share the costs
6 of, security for the ship channels and waterways in the authority's
7 jurisdiction.

8 (b) To protect the public interest, the authority may
9 contract with a qualified party, including the federal government,
10 Nueces County, or San Patricio County, for the provision of law
11 enforcement services in all or part of the authority's
12 jurisdiction. (Acts 68th Leg., R.S., Ch. 397, Secs. 4C(d), (e).)

13 CHAPTER 5018. ORANGE COUNTY NAVIGATION AND PORT DISTRICT OF ORANGE
14 COUNTY, TEXAS

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21 CHAPTER 5018. ORANGE COUNTY NAVIGATION AND PORT DISTRICT OF ORANGE
22 COUNTY, TEXAS

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Sec. 5018.0001. DEFINITIONS. In this chapter:

25 (1) "Board" means the district's board of
26 commissioners.

27 (2) "Commissioner" means a board member.

1 (3) "District" means the Orange County Navigation and
2 Port District of Orange County, Texas. (Acts 53rd Leg., R.S., Ch.
3 370, Sec. 1 (part); New.)

4 Sec. 5018.0002. FINDINGS OF BENEFIT AND PURPOSE. (a) The
5 creation of the district is essential to accomplish the purposes of
6 Section 59, Article XVI, Texas Constitution, including, to the
7 extent authorized by this chapter:

8 (1) the supervision, maintenance, development,
9 extension, and improvement of navigation in the district;

10 (2) the maintenance, development, extension, and
11 improvement of port facilities and dock facilities in the district;
12 and

13 (3) the development of the Port of Orange in the
14 district.

15 (b) The district:

16 (1) is essential to the general welfare of this state
17 for the development of maritime shipping to and from the state's
18 ports;

19 (2) is in the interest of national defense, the Port of
20 Orange being strategically located on the Gulf Coast with an
21 inland-protected harbor and in a rapidly developing industrial area
22 in which shipyards and ship-storing basins are located; and

23 (3) will result in:

24 (A) material benefits and improvements to
25 district territory;

26 (B) the increase of the taxable value of property
27 in the district; and

1 (C) material benefit to that part of the state in
2 which the district is located.

3 (c) All property in the district and in this state will
4 benefit from the district and the improvements and facilities
5 acquired or constructed under this chapter. (Acts 53rd Leg., R.S.,
6 Ch. 370, Sec. 1 (part); Acts 55th Leg., R.S., Ch. 80, Sec. 4.)

7 Sec. 5018.0003. DISTRICT TERRITORY. (a) The district's
8 boundaries are coextensive with the boundaries of Orange County,
9 unless the district's territory has been modified under:

10 (1) Section 3 or 3a, Chapter 103, Acts of the 41st
11 Legislature, 1st Called Session, 1929 (Article 8263a, Vernon's
12 Texas Civil Statutes), before August 30, 1971;

13 (2) Subchapter H, Chapter 62, Water Code; or

14 (3) other law.

15 (b) The district includes all of the property within the
16 district's boundaries. (Acts 53rd Leg., R.S., Ch. 370, Sec. 1
17 (part); New.)

18 Sec. 5018.0004. LIBERAL CONSTRUCTION OF CHAPTER. This
19 chapter shall be liberally construed to effect its purposes. (Acts
20 53rd Leg., R.S., Ch. 370, Sec. 19.)

21 SUBCHAPTER B. DISTRICT ADMINISTRATION

22 Sec. 5018.0051. BOARD OF COMMISSIONERS; TERM; ELECTION.

23 (a) The district is governed by a board composed of five elected
24 commissioners.

25 (b) Commissioners serve staggered four-year terms.

26 (c) The district shall hold an election in the district on
27 the uniform election date in May of each even-numbered year to elect

1 commissioners.

2 (d) The board has the rights and powers conferred and
3 imposed on navigation and canal commissioners and commissioners
4 courts by Chapter 62, Water Code. (Acts 53rd Leg., R.S., Ch. 370,
5 Secs. 3 (part), 8(a) (part), (c).)

6 Sec. 5018.0052. COMPOSITION OF BOARD; QUALIFICATIONS. (a)
7 One commissioner must reside in each county commissioners precinct
8 of Orange County and one commissioner must reside in the county at
9 large.

10 (b) Each commissioner must:

- 11 (1) be a qualified voter of the district; and
12 (2) own taxable real property located in the district.

13 (c) The candidates receiving the highest number of votes
14 from each county commissioners precinct and the county at large
15 shall be declared elected. (Acts 53rd Leg., R.S., Ch. 370, Secs. 3
16 (part), 8(a) (part).)

17 Sec. 5018.0053. POLLING PLACES. For all elections held
18 under this chapter, the board, in each election order, shall
19 designate the number and location of polling places, provided that
20 at least one polling place is located in each of the county
21 commissioners precincts. (Acts 53rd Leg., R.S., Ch. 370, Sec. 17
22 (part).)

23 Sec. 5018.0054. COMMISSIONER'S OATH AND BOND. Not later
24 than the 10th day after the date of the commissioner's election,
25 each commissioner shall:

- 26 (1) take and subscribe an oath of office with
27 conditions in the oath as provided by law for members of the county

1 commissioners court; and

2 (2) enter into a good and sufficient bond in the amount
3 of \$1,000 payable to the district, conditioned on the faithful
4 performance of the commissioner's duties as a commissioner. (Acts
5 53rd Leg., R.S., Ch. 370, Sec. 13.)

6 Sec. 5018.0055. COMPENSATION OF COMMISSIONERS; EXPENSES.

7 (a) At the first meeting after each election, the commissioners by
8 order shall set the amount of compensation to be received by a
9 commissioner for each day served, not to exceed \$600 per year, plus
10 actual traveling expenses.

11 (b) Each month or as soon as practicable following each
12 month, each commissioner shall file with the district's secretary a
13 statement showing the amount owed to the commissioner. A check may
14 not be issued to the commissioner until the commissioner has filed
15 the statement with the secretary. (Acts 53rd Leg., R.S., Ch. 370,
16 Sec. 10.)

17 Sec. 5018.0056. VACANCIES. (a) A vacancy on the board
18 shall be filled by board appointment until the next commissioners'
19 election. If the vacant position is not regularly scheduled to be
20 filled at that election, the person elected to fill the position
21 serves only for the remainder of the unexpired term.

22 (b) A person appointed under this section must have the same
23 qualifications as a person elected to the board. (Acts 53rd Leg.,
24 R.S., Ch. 370, Sec. 8(e).)

25 Sec. 5018.0057. OFFICERS AND EMPLOYEES. (a) As soon as
26 practicable after each election of commissioners, the board shall
27 elect a president, vice president, and secretary and treasurer.

1 (b) The board may:

2 (1) employ a port director and other officers as
3 required to manage and operate the district and, subject to the
4 board's orders, delegate that authority;

5 (2) employ and prescribe the duties of officers,
6 agents, and employees;

7 (3) set the compensation of officers, agents, and
8 employees; and

9 (4) remove any employee. (Acts 53rd Leg., R.S., Ch.
10 370, Secs. 2 (part), 7, 11 (part).)

11 Sec. 5018.0058. OFFICER'S OR EMPLOYEE'S SURETY BOND. (a) A
12 bond required of a district officer or employee must be executed by
13 a surety company authorized to do business in this state as surety
14 on the bond.

15 (b) The district may pay the premium on the bond. (Acts 53rd
16 Leg., R.S., Ch. 370, Sec. 11 (part).)

17 Sec. 5018.0059. DISTRICT OFFICE. A regular office shall be
18 established and maintained for conducting district business in the
19 district's territory. (Acts 53rd Leg., R.S., Ch. 370, Sec. 9
20 (part).)

21 Sec. 5018.0060. CONFLICT OF INTEREST; CRIMINAL PENALTY.
22 (a) A district commissioner, engineer, or employee, personally or
23 as an agent for another person, may not benefit directly or
24 indirectly from a sale, purchase, or contract entered into by the
25 board.

26 (b) A person commits an offense if the person violates this
27 section. An offense under this subsection is a misdemeanor

1 punishable by:

2 (1) a fine not to exceed \$1,000;

3 (2) confinement in the county jail for not less than
4 six months or more than one year; or

5 (3) both the fine and confinement. (Acts 53rd Leg.,
6 R.S., Ch. 370, Sec. 11 (part).)

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 5018.0101. GENERAL AND NAVIGATION DISTRICT POWERS.

9 The district has:

10 (1) the powers of government and the authority to
11 exercise the rights, privileges, and functions specified by this
12 chapter; and

13 (2) all powers, rights, privileges, and functions
14 conferred by general law, including Chapter 62, Water Code, on any
15 navigation district created or operating under Section 59, Article
16 XVI, Texas Constitution. (Acts 53rd Leg., R.S., Ch. 370, Secs. 1
17 (part), 2 (part), 3 (part).)

18 Sec. 5018.0102. POWERS REGARDING WHARVES, DOCKS, AND OTHER
19 FACILITIES. The district may:

20 (1) acquire, take over, construct, maintain, repair,
21 operate, develop, and regulate wharves, docks, warehouses, grain
22 elevators, dumping facilities, belt railways, lands, and other
23 facilities or aids consistent with or necessary to the operation or
24 development of ports or waterways in the district; and

25 (2) construct, extend, improve, repair, maintain, and
26 reconstruct, cause to be constructed, extended, improved,
27 repaired, maintained, and reconstructed, and own, rent, lease, use,

1 and operate any facility of any kind necessary or convenient to the
2 exercise of the powers, rights, privileges, and functions granted
3 by this chapter. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

4 Sec. 5018.0103. LIMITATION ON CERTAIN POWERS. This chapter
5 may not be construed as granting the district or the board any power
6 over the appointment, operations, or conduct of:

7 (1) a branch pilot appointed under Section 69.037,
8 Transportation Code; or

9 (2) the board of pilot commissioners described by
10 Section 69.011, Transportation Code. (Acts 53rd Leg., R.S., Ch.
11 370, Sec. 2(j) (part).)

12 Sec. 5018.0104. BYLAWS AND RULES. The district may adopt
13 bylaws and rules to manage and regulate its affairs. (Acts 53rd
14 Leg., R.S., Ch. 370, Sec. 2 (part).)

15 Sec. 5018.0105. ACQUISITION OF PROPERTY; EMINENT DOMAIN;
16 DAMAGES. (a) In this section, "property" means property of any
17 kind, including a lighter, a tug, a barge, and other floating
18 equipment of any nature.

19 (b) If necessary or convenient to exercising a power, right,
20 privilege, or function conferred on the district by this chapter,
21 the district:

22 (1) by gift or purchase may acquire property or an
23 interest in property that is inside or outside the district's
24 boundaries; or

25 (2) by exercising the power of eminent domain may
26 acquire property or an interest in property that is inside the
27 district's boundaries.

1 (c) The district may exercise the power of eminent domain to
2 acquire the fee simple title to or an easement or right-of-way over
3 and through any land, water, or land under water, private or public,
4 in the district that the board determines is necessary or
5 convenient to carry out a purpose or power granted to the district
6 by this chapter.

7 (d) The district must exercise the power of eminent domain
8 in the manner provided by Chapter 21, Property Code, except that the
9 district is not required to give bond for appeal or bond for costs
10 in any judicial proceeding.

11 (e) In exercising the power of eminent domain against a
12 person that has the power of eminent domain or a receiver or trustee
13 for that person, the district may acquire an easement only and not
14 the fee simple title.

15 (f) A condemnation proceeding is under the board's
16 direction and must be in the district's name.

17 (g) Except as provided by Subsections (h) and (i), the
18 assessment of damages and all procedures with reference to
19 condemnation, appeal, and payment must conform to Chapter 21,
20 Property Code.

21 (h) If the district's exercise of a power granted by this
22 chapter makes necessary the relocation of a railroad line or
23 right-of-way, the district shall pay the cost of the relocation and
24 any damage incurred in changing and adjusting the railroad lines
25 and grades.

26 (i) The damages to the owner of public utilities and
27 communication facilities and properties must include the actual

1 loss, costs, and expenses incident to the removal and relocation of
2 the facilities and properties, including:

3 (1) the costs of installing the facilities in a new
4 location;

5 (2) the costs of any land or rights or interest in
6 land; and

7 (3) any other property rights acquired to accomplish
8 the removal and relocation.

9 (j) The district's authority under this section to exercise
10 the power of eminent domain expired on September 1, 2013, unless the
11 district submitted a letter to the comptroller in accordance with
12 Section 2206.101(b), Government Code, not later than December 31,
13 2012. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part); New.)

14 Sec. 5018.0106. ACQUISITION OF PROPERTY FROM CITY OF
15 ORANGE. (a) The district may acquire from the City of Orange, with
16 the consent of the City of Orange as provided by the city's charter,
17 the city's port properties, lands, assets, liabilities, contracts,
18 improvement plans, money on hand, and facilities acquired by the
19 city for port purposes.

20 (b) The manner of the acquisition authorized under this
21 section must be determined between the City of Orange's city
22 commission and the board. (Acts 53rd Leg., R.S., Ch. 370, Sec. 4.)

23 Sec. 5018.0107. GENERAL AUTHORITY TO MAKE CONTRACTS AND
24 EXECUTE INSTRUMENTS. The district may make a contract or execute an
25 instrument necessary or convenient to exercise a power, right,
26 privilege, or function granted to the district by this chapter.
27 (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

1 Sec. 5018.0108. AUTHORITY TO SUE AND BE SUED. The district
2 may sue and be sued in its corporate name. (Acts 53rd Leg., R.S.,
3 Ch. 370, Sec. 2 (part).)

4 Sec. 5018.0109. SEAL. The district may adopt and use a
5 corporate seal. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

6 Sec. 5018.0110. POWERS AND LIMITATIONS REGARDING
7 LEVINGSTON ISLAND IN LOUISIANA. (a) On approval by resolution of
8 the board, the district may purchase for the district the following
9 property: Levingston Island, also known as Harbor Island, located
10 in the bend of the Sabine River, opposite the City of Orange and
11 located in Calcasieu Parish, Louisiana.

12 (b) The property purchased under this section is not
13 territory in the district's boundaries. The authority to purchase
14 the property described in this section and the purchase of that
15 property is not the annexation or attempted annexation of the
16 property to the State of Texas from the State of Louisiana.

17 (c) The district may:

18 (1) provide projects and facilities on the property
19 purchased under this section for purposes of economic development
20 to benefit the district; and

21 (2) issue bonds and other obligations of the district
22 secured by the revenue from the projects and facilities provided on
23 the property purchased under this section for the purposes of
24 constructing, acquiring, and maintaining those projects and
25 facilities.

26 (d) The district may not impose ad valorem taxes in the
27 district to finance the projects and facilities provided under this

1 section. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2A.)

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 5018.0151. DEPOSITORY. The board shall select a
4 depository or depositories for the district in the manner provided
5 by law for the selection of a county depository. (Acts 53rd Leg.,
6 R.S., Ch. 370, Sec. 12.)

7 Sec. 5018.0152. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
8 PUBLIC INSPECTION. (a) The board shall cause to be kept complete
9 and accurate accounts conforming to approved methods of
10 bookkeeping.

11 (b) The secretary shall:

12 (1) keep a true and full account of board meetings and
13 proceedings; and

14 (2) preserve board minutes, contracts, notices,
15 accounts, receipts, and other records in a fireproof vault or safe.

16 (c) The records kept and preserved by the secretary under
17 Subsection (b) are:

18 (1) district property; and

19 (2) subject to public inspection. (Acts 53rd Leg.,
20 R.S., Ch. 370, Sec. 9 (part).)

21 Sec. 5018.0153. AUTHORITY TO BORROW MONEY, ACCEPT GRANTS,
22 AND ISSUE ASSOCIATED BONDS. (a) The district may:

23 (1) borrow money for any purpose that is provided by:

24 (A) this chapter; or

25 (B) the general laws relating to navigation
26 districts;

27 (2) borrow money or accept a grant from the United

1 States or from a corporation or agency created or designated by the
2 United States and, in connection with the loan or grant, enter into
3 any agreement the United States or the corporation or agency
4 requires; and

5 (3) make and issue bonds for money borrowed, in the
6 manner and to the extent provided by this chapter.

7 (b) The district may make and issue bonds under Subsection
8 (a)(3) that are:

9 (1) revenue bonds;

10 (2) tax bonds; or

11 (3) combination tax-revenue bonds. (Acts 53rd Leg.,
12 R.S., Ch. 370, Sec. 2 (part).)

13 Sec. 5018.0154. AUTHORITY TO BORROW MONEY FOR CURRENT
14 EXPENSES; EVIDENCE OF OBLIGATION. (a) The district may:

15 (1) borrow money for current expenses; and

16 (2) evidence the borrowed money by warrants payable
17 not later than the close of the calendar year for which the loan is
18 made.

19 (b) The amount of the warrants may not exceed the
20 anticipated revenue. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2
21 (part).)

22 Sec. 5018.0155. AD VALOREM TAX FOR MAINTENANCE AND
23 OPERATIONS; ELECTION PROCEDURE. (a) The district may impose an
24 annual ad valorem tax at a rate not to exceed 15 cents on each \$100
25 valuation of taxable property in the district for the maintenance,
26 operation, and upkeep of the district and the facilities,
27 properties, and improvements constructed or acquired by the

1 district.

2 (b) Elections may be held to increase, reduce, or abate a
3 tax imposed under this section, subject to the limit prescribed by
4 Subsection (a).

5 (c) A maintenance tax election must be held in the same
6 manner as a bond election. (Acts 53rd Leg., R.S., Ch. 370, Secs. 5
7 (part), 17 (part).)

8 Sec. 5018.0156. IMPOSITION OF TAXES; TAX CERTIFICATION; TAX
9 ASSESSOR-COLLECTOR. (a) A tax authorized by this chapter, whether
10 for bonds or maintenance purposes, must be imposed by the board.

11 (b) Each year, the board shall certify to the Orange County
12 tax assessor-collector the rate or rates of tax that the board has
13 imposed for bonds and maintenance purposes.

14 (c) The Orange County tax assessor-collector shall assess
15 and collect taxes imposed by the board in the manner provided by
16 Chapter 62, Water Code. (Acts 53rd Leg., R.S., Ch. 370, Sec. 3
17 (part).)

18 SUBCHAPTER E. BONDS

19 Sec. 5018.0201. DEFINITION. In this subchapter, "net
20 revenue" means the gross revenue derived from the operation of the
21 district's improvements and facilities the income of which is
22 pledged to the payment of district bonds less the reasonable
23 expense of maintaining and operating those improvements and
24 facilities, including necessary repair, upkeep, and insurance
25 expenses for those improvements and facilities. (Acts 53rd Leg.,
26 R.S., Ch. 370, Sec. 14(a) (part).)

27 Sec. 5018.0202. AUTHORITY TO ISSUE BONDS. (a) To provide

1 money for any purpose provided by this chapter or another law
2 relating to navigation districts, the board may issue bonds
3 secured:

4 (1) solely by a pledge of and payable from the net
5 revenue derived from the operation of all or a designated part of
6 the district's improvements and facilities then in existence or to
7 be constructed or acquired;

8 (2) by a pledge of and payable from an ad valorem tax
9 on all taxable property in the district under Section 59, Article
10 XVI, Texas Constitution; or

11 (3) by a combination of the methods prescribed under
12 Subdivisions (1) and (2).

13 (b) If bonds issued under Subsection (a)(1) are
14 outstanding, the board shall charge and collect fees, tolls, and
15 charges sufficient to:

16 (1) pay all maintenance and operation expenses of the
17 improvements and facilities, the income of which is pledged;

18 (2) pay the interest on the bonds as it accrues;

19 (3) pay the principal of the bonds as it matures; and

20 (4) make any other payments prescribed in the bond
21 order or resolution.

22 (c) If bonds issued under Subsection (a)(2) are
23 outstanding, the board shall annually impose a tax sufficient to
24 pay:

25 (1) the interest on the bonds as it accrues; and

26 (2) the principal of the bonds as it matures.

27 (d) If bonds issued under Subsection (a)(3) are

1 outstanding, the board shall charge and collect fees, tolls, and
2 charges so that, in the manner prescribed in the bond order or
3 resolution, the amount of tax to be collected may be reduced or
4 abated to the extent that the revenue from the operation of the
5 improvements and facilities, the income of which is pledged, is
6 sufficient to:

7 (1) meet the requirements for maintenance and
8 operation of the improvements and facilities; and

9 (2) provide money for the bonds as prescribed in the
10 bond order or resolution.

11 (e) All district bonds must be authorized by board
12 resolution or order.

13 (f) Bonds payable solely from net revenue may be issued
14 without an election. (Acts 53rd Leg., R.S., Ch. 370, Secs. 14(a)
15 (part), (b) (part), (c) (part), (e) (part).)

16 Sec. 5018.0203. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
17 TAXES. (a) Bonds, other than refunding bonds, payable wholly or
18 partly from ad valorem taxes may not be issued unless authorized by
19 an election called by the board at which a majority of the votes
20 cast favor the bond issuance.

21 (b) Notice of the election must be given by publishing a
22 substantial copy of the order calling the election in a newspaper of
23 general circulation in the district on the same day in each of two
24 successive weeks. The first publication must be not later than the
25 14th day before the date of the election. No other notice of the
26 election is necessary.

27 (c) If the bonds are to be payable solely from taxes, the

1 ballot must have printed on it "For the bonds and the levy of taxes
2 in payment thereof" and the contrary of that proposition.

3 (d) If the bonds are to be payable both from net revenue and
4 taxes, the ballot must have printed on it "For the bonds, the pledge
5 of net revenues, and the levy of taxes adequate to provide for the
6 payment thereof" and the contrary of that proposition. (Acts 53rd
7 Leg., R.S., Ch. 370, Secs. 14(b) (part), (e) (part).)

8 Sec. 5018.0204. PROVISIONS OF CERTAIN BOND RESOLUTIONS OR
9 ORDERS; AUTHORITY TO ADOPT OR EXECUTE OTHER PROCEEDINGS OR
10 INSTRUMENTS. (a) In the resolution or order adopted by the board
11 authorizing the issuance of bonds payable wholly or partly from net
12 revenue, the board may:

13 (1) provide for:

14 (A) the flow of money; and

15 (B) the establishment and maintenance of an
16 interest and sinking fund, a reserve fund, and any other funds;

17 (2) make any additional covenants with respect to the
18 bonds, the pledged revenue, and the operation, maintenance, and
19 upkeep of the improvements and facilities the income of which is
20 pledged, including a provision for the leasing of all or a part of
21 the improvements and facilities and the use or pledge of money
22 derived from those leases, as the board considers appropriate;

23 (3) prohibit the further issuance of bonds or other
24 obligations payable from the pledged net revenue;

25 (4) reserve the right to issue additional bonds to be
26 secured by a pledge of and payable from the net revenue on a parity
27 with, or subordinate to, the lien and pledge in support of the bonds

1 being issued, subject to any conditions provided by the resolution
2 or order; or

3 (5) include any other provision or covenant, as
4 determined by the board, that is not prohibited by the Texas
5 Constitution or this chapter.

6 (b) The board may adopt and execute any other proceeding or
7 instrument necessary or convenient to issue the bonds. (Acts 53rd
8 Leg., R.S., Ch. 370, Sec. 14(a) (part).)

9 Sec. 5018.0205. FORM OF BONDS. District bonds must be:

10 (1) issued in the district's name;

11 (2) signed by the president; and

12 (3) attested by the secretary. (Acts 53rd Leg., R.S.,
13 Ch. 370, Sec. 14(c) (part).)

14 Sec. 5018.0206. MATURITY. District bonds must mature not
15 later than 40 years after the date of their issuance. (Acts 53rd
16 Leg., R.S., Ch. 370, Sec. 14(c) (part).)

17 Sec. 5018.0207. USE OF BOND PROCEEDS. The board may
18 appropriate or set aside out of the proceeds from the sale of any
19 district bonds:

20 (1) an amount for the payment of interest expected to
21 accrue during the period of construction of the improvements or
22 facilities; and

23 (2) an amount necessary to pay all expenses incurred
24 and to be incurred in the issuance, sale, and delivery of the bonds.
25 (Acts 53rd Leg., R.S., Ch. 370, Sec. 14(d).)

26 Sec. 5018.0208. REFUNDING BONDS. (a) The board may issue
27 refunding bonds of the district to refund any outstanding district

1 bonds and accrued interest on those bonds.

2 (b) Refunding bonds may:

3 (1) as to outstanding bonds payable wholly from taxes,
4 be issued to refund more than one series or issue of the outstanding
5 bonds; and

6 (2) as to outstanding bonds payable wholly or partly
7 from net revenue:

8 (A) be issued to refund more than one series or
9 issue of the outstanding bonds;

10 (B) combine the pledges for the outstanding bonds
11 for the security of the refunding bonds; and

12 (C) be secured by other or additional revenue.

13 (c) Bonds payable solely from net revenue may not be
14 refunded into bonds secured by taxes unless the issuance of the
15 bonds is authorized by a majority of the voters voting at an
16 election held in the same manner as a bond election.

17 (d) Refunding under this section may not impair the contract
18 rights of the holders of any of the outstanding bonds that are not
19 to be refunded.

20 (e) Refunding bonds must:

21 (1) be authorized by a board resolution or order;

22 (2) be executed and mature as provided by this chapter
23 for original bonds; and

24 (3) bear interest at the same or a lower rate than that
25 of the bonds refunded unless it is shown mathematically that a
26 saving will result in the total amount of interest to be paid.

27 (f) The comptroller shall register the refunding bonds on

1 surrender and cancellation of the bonds to be refunded.

2 (g) Instead of issuing bonds to be registered on the
3 surrender and cancellation of the bonds to be refunded, the
4 district, in the resolution or order authorizing the issuance of
5 the refunding bonds, may provide for the sale of the refunding bonds
6 and the deposit of the proceeds in the place or places at which the
7 bonds to be refunded are payable. In that case, the refunding bonds
8 may be issued in an amount sufficient to pay the interest on the
9 bonds to be refunded to their option date or maturity date, and the
10 comptroller shall register the refunding bonds without the
11 surrender and cancellation of the bonds to be refunded. (Acts 53rd
12 Leg., R.S., Ch. 370, Sec. 15 (part).)

13 CHAPTER 5019. CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT

14 Sec. 5019.0001. DEFINITIONS

15 Sec. 5019.0002. APPOINTMENT OF DISTRICT COMMISSIONERS

16 Sec. 5019.0003. TERM OF OFFICE

17 CHAPTER 5019. CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT

18 Sec. 5019.0001. DEFINITIONS. In this chapter:

19 (1) "Commissioner" means a member of the district's
20 navigation and canal commission.

21 (2) "District" means the Chambers-Liberty Counties
22 Navigation District. (New.)

23 Sec. 5019.0002. APPOINTMENT OF DISTRICT COMMISSIONERS. (a)
24 Notwithstanding Section 62.072, Water Code, commissioners are
25 appointed as provided by this section.

26 (b) The commissioners court of Chambers County by majority
27 vote shall appoint two commissioners. The commissioners court of

1 Liberty County by majority vote shall appoint two commissioners.
2 The two commissioners courts shall appoint a fifth commissioner at
3 a joint meeting of the two commissioners courts called and presided
4 over by the county judge of Chambers County.

5 (c) Each of the county judges and county commissioners
6 composing the commissioners courts of both counties is entitled to
7 one vote in appointing the fifth commissioner. A majority vote of
8 those present at the meeting is sufficient to make the appointment.
9 (Acts 76th Leg., R.S., Ch. 1145, Secs. 1(a), (b), (c).)

10 Sec. 5019.0003. TERM OF OFFICE. Notwithstanding Section
11 62.065, Water Code, commissioners serve staggered four-year terms.
12 (Acts 76th Leg., R.S., Ch. 1145, Sec. 1(d).)

13 SECTION 1.02. MUNICIPAL UTILITY DISTRICTS. Subtitle F,
14 Title 6, Special District Local Laws Code, is amended by adding
15 Chapters 8018, 8020, 8021, 8022, 8023, and 8024 to read as follows:

16 CHAPTER 8018. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 319

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 8018.0001. DEFINITIONS

19 Sec. 8018.0002. NATURE OF DISTRICT

20 Sec. 8018.0003. FINDINGS OF PUBLIC USE AND BENEFIT

21 Sec. 8018.0004. DISTRICT TERRITORY

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8018.0051. COMPOSITION OF BOARD

24 Sec. 8018.0052. BOARD VACANCY

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 8018.0101. MUNICIPAL UTILITY DISTRICT POWERS

27 Sec. 8018.0102. WATER CONSERVATION PROGRAM

1 CHAPTER 8018. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 319

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8018.0001. DEFINITIONS. In this chapter:

4 (1) "Board" means the district's board of directors.

5 (2) "Director" means a member of the board.

6 (3) "District" means the Harris County Municipal
7 Utility District No. 319. (Acts 69th Leg., R.S., Ch. 787, Secs.
8 1(a) (part), 2; New.)

9 Sec. 8018.0002. NATURE OF DISTRICT. The district is a
10 conservation and reclamation district in Harris County created
11 under Section 59, Article XVI, Texas Constitution. (Acts 69th Leg.,
12 R.S., Ch. 787, Sec. 1(a) (part).)

13 Sec. 8018.0003. FINDINGS OF PUBLIC USE AND BENEFIT. (a)
14 The district is created to serve a public use and benefit.

15 (b) All land and other property included in the district
16 will benefit from the works and projects accomplished by the
17 district under the powers conferred by Section 59, Article XVI,
18 Texas Constitution.

19 (c) The creation of the district is essential to accomplish
20 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
21 69th Leg., R.S., Ch. 787, Secs. 1(b), 5.)

22 Sec. 8018.0004. DISTRICT TERRITORY. (a) The district is
23 composed of the territory described by Section 3, Chapter 787, Acts
24 of the 69th Legislature, Regular Session, 1985, as that territory
25 may have been modified under:

26 (1) Subchapter J, Chapter 49, Water Code;

27 (2) Subchapter H, Chapter 54, Water Code; or

1 (3) other law.

2 (b) The boundaries and field notes of the district form a
3 closure. A mistake in the field notes or in copying the field notes
4 in the legislative process does not affect:

5 (1) the district's organization, existence, or
6 validity;

7 (2) the district's right to issue any type of bond for
8 a purpose for which the district is created or to pay the principal
9 of and interest on the bonds;

10 (3) the district's right to impose a tax; or

11 (4) the legality or operation of the district or its
12 governing body. (Acts 69th Leg., R.S., Ch. 787, Sec. 4; New.)

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 8018.0051. COMPOSITION OF BOARD. The district is
15 governed by a board of five elected directors. (Acts 69th Leg.,
16 R.S., Ch. 787, Secs. 8(a), (b) (part).)

17 Sec. 8018.0052. BOARD VACANCY. (a) Except as provided by
18 Subsection (b), a vacancy in the office of director shall be filled
19 in the manner provided by Section 49.105, Water Code.

20 (b) The Texas Commission on Environmental Quality shall
21 appoint directors to fill the vacancies on the board whenever the
22 number of qualified directors is fewer than three. (Acts 69th Leg.,
23 R.S., Ch. 787, Sec. 8(e) (part); New.)

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 8018.0101. MUNICIPAL UTILITY DISTRICT POWERS. The
26 district has the rights, powers, privileges, and functions provided
27 by general law, including Chapters 49 and 54, Water Code,

1 applicable to a municipal utility district created under Section
2 59, Article XVI, Texas Constitution. (Acts 69th Leg., R.S., Ch.
3 787, Sec. 6(a) (part); New.)

4 Sec. 8018.0102. WATER CONSERVATION PROGRAM. (a) In this
5 section, "water conservation program" means the practices,
6 techniques, and technologies that will reduce water consumption,
7 reduce water loss or waste, improve efficiency in water use, or
8 increase water recycling and reuse so that a water supply is
9 available for future or alternative uses.

10 (b) The district shall adopt and implement a water
11 conservation program consistent with rules and criteria adopted and
12 enforceable by the Texas Commission on Environmental Quality for
13 similarly situated districts in the region. (Acts 69th Leg., R.S.,
14 Ch. 787, Sec. 7.)

15 CHAPTER 8020. POLK COUNTY FRESH WATER SUPPLY DISTRICT NO. 2

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Sec. 8020.0001. DEFINITION

18 Sec. 8020.0002. NATURE OF DISTRICT

19 Sec. 8020.0003. DISTRICT TERRITORY

20 Sec. 8020.0004. DISTRICT NAME CHANGE

21 SUBCHAPTER B. POWERS AND DUTIES

22 Sec. 8020.0051. MUNICIPAL UTILITY DISTRICT POWERS

23 CHAPTER 8020. POLK COUNTY FRESH WATER SUPPLY DISTRICT NO. 2

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 8020.0001. DEFINITION. In this chapter, "district"
26 means the Polk County Fresh Water Supply District No. 2. (Acts 75th
27 Leg., R.S., Ch. 814, Sec. 1 (part); New.)

1 Sec. 8020.0002. NATURE OF DISTRICT. The district is a
2 municipal utility district converted from a fresh water supply
3 district by Chapter 814, Acts of the 75th Legislature, Regular
4 Session, 1997. (Acts 75th Leg., R.S., Ch. 814, Sec. 1 (part);
5 New.)

6 Sec. 8020.0003. DISTRICT TERRITORY. (a) The district's
7 boundaries are those confirmed by Section 3, Chapter 814, Acts of
8 the 75th Legislature, Regular Session, 1997, as those boundaries
9 may have been modified under:

- 10 (1) Subchapter J, Chapter 49, Water Code;
11 (2) Subchapter H, Chapter 54, Water Code; or
12 (3) other law.

13 (b) The confirmation of boundaries described by Subsection
14 (a):

15 (1) does not enlarge or diminish the district as it
16 existed on September 1, 1997; and

17 (2) includes the property in the district that was
18 being served or taxed on September 1, 1997. (Acts 75th Leg., R.S.,
19 Ch. 814, Sec. 3 (part); New.)

20 Sec. 8020.0004. DISTRICT NAME CHANGE. The district's board
21 of directors may change the name of the district in an open meeting
22 for which proper notice has been given. (Acts 75th Leg., R.S.,
23 Ch. 814, Sec. 2.)

24 SUBCHAPTER B. POWERS AND DUTIES

25 Sec. 8020.0051. MUNICIPAL UTILITY DISTRICT POWERS. (a)
26 Except as provided by Subsection (b), the district has the rights,
27 powers, privileges, and functions conferred by Chapter 54, Water

1 Code.

2 (b) The district may not exercise any authority with regard
3 to firefighting or to municipal solid waste disposal. (Acts 75th
4 Leg., R.S., Ch. 814, Sec. 1 (part).)

5 CHAPTER 8021. LAKEWAY MUNICIPAL UTILITY DISTRICT

6 Sec. 8021.0001. DEFINITIONS

7 Sec. 8021.0002. EXCLUSION OF LAND

8 Sec. 8021.0003. NOTICE OF HEARING

9 Sec. 8021.0004. EXCLUSION WITH BOND REFUNDING

10 Sec. 8021.0005. APPLICABILITY OF CERTAIN OTHER LAW

11 CHAPTER 8021. LAKEWAY MUNICIPAL UTILITY DISTRICT

12 Sec. 8021.0001. DEFINITIONS. In this chapter:

13 (1) "Board" means the board of directors of the
14 district.

15 (2) "District" means the Lakeway Municipal Utility
16 District, Travis County. (Acts 75th Leg., R.S., Ch. 1272, Sec. 1.)

17 Sec. 8021.0002. EXCLUSION OF LAND. (a) The board may, at
18 its discretion, call a hearing to consider excluding land from the
19 district or determine not to call a hearing to exclude land from the
20 district.

21 (b) If the board holds a hearing under Subsection (a), the
22 board may by order exclude land from the district on any of the
23 grounds for exclusion provided by Section 49.306, Water Code,
24 provided that:

25 (1) the board receives a petition, signed by the
26 owners of the land to be excluded and consented to by all
27 lienholders, requesting exclusion of the land as described by metes

1 and bounds; and

2 (2) the owners of the land pay to the district a
3 payment and any other fees or costs required by the district. (Acts
4 75th Leg., R.S., Ch. 1272, Sec. 2.)

5 Sec. 8021.0003. NOTICE OF HEARING. (a) Except as provided
6 by Section 8021.0004, in addition to the notice required by Section
7 49.304, Water Code, the district shall, not later than the 30th day
8 before the date of the exclusion hearing under Section
9 8021.0002(a):

10 (1) publish notice of the exclusion hearing in a
11 nationally recognized financial journal; and

12 (2) mail notice of the exclusion hearing by certified
13 mail to the paying agent or registrar of the district's outstanding
14 bonds.

15 (b) The notice required by Subsection (a) must advise any
16 district bondholder, taxpayer, or other interested party that the
17 person may appear at the exclusion hearing in support of or in
18 opposition to the petition for exclusion. (Acts 75th Leg., R.S.,
19 Ch. 1272, Sec. 3; New.)

20 Sec. 8021.0004. EXCLUSION WITH BOND REFUNDING. (a) Land
21 may be excluded as authorized by this chapter in conjunction with a
22 refunding of the district's outstanding bonds.

23 (b) If land is excluded in the manner provided by Subsection
24 (a), the only notice required is the notice specified by Section
25 49.304, Water Code. (Acts 75th Leg., R.S., Ch. 1272, Sec. 4.)

26 Sec. 8021.0005. APPLICABILITY OF CERTAIN OTHER LAW.
27 Sections 49.307 and 49.308, Water Code, apply to an exclusion of

1 land carried out under this chapter. (Acts 75th Leg., R.S., Ch.
2 1272, Sec. 5.)

3 CHAPTER 8022. TANGLEWOOD FOREST LIMITED DISTRICT

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 8022.0001. DEFINITION

6 SUBCHAPTER B. FINANCIAL PROVISIONS

7 Sec. 8022.0051. USE OF GENERAL OPERATING FUNDS

8 CHAPTER 8022. TANGLEWOOD FOREST LIMITED DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8022.0001. DEFINITION. In this chapter, "district"
11 means the Tanglewood Forest Limited District. (Acts 74th Leg.,
12 R.S., Ch. 675, Sec. 1.)

13 SUBCHAPTER B. FINANCIAL PROVISIONS

14 Sec. 8022.0051. USE OF GENERAL OPERATING FUNDS.

15 Notwithstanding Section 54.236, Water Code, the district may use
16 general operating funds to install, operate, and maintain street or
17 security lighting in an area in the district:

18 (1) that has had water utilities and streets installed
19 for not less than eight years; and

20 (2) in which the developer of the area has not
21 installed street or security lighting as required as a condition of
22 the municipality's granting its consent to the creation of the
23 district under Section 54.016, Water Code. (Acts 74th Leg., R.S.,
24 Ch. 675, Sec. 2.)

25 CHAPTER 8023. THE WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT

26 Sec. 8023.0001. DEFINITION

27 Sec. 8023.0002. EXCLUSION OF TERRITORY

1 Sec. 8023.0003. ANNEXATION OR ADDITION OF TERRITORY

2 CHAPTER 8023. THE WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT

3 Sec. 8023.0001. DEFINITION. In this chapter, "district"
4 means The Woodlands Metro Center Municipal Utility District, of
5 Montgomery County, Texas. (Acts 72nd Leg., R.S., Ch. 322, Sec.
6 1(2).)

7 Sec. 8023.0002. EXCLUSION OF TERRITORY. (a) The district
8 may exclude territory from the district after a bond election has
9 been called or bonds have been issued only if:

10 (1) the exclusion of the territory is not expressly
11 prohibited by the orders or resolutions calling the bond election
12 or authorizing the issuance of the bonds;

13 (2) the district annexes or adds territory into the
14 district that is sufficient to avoid an impairment of the security
15 for payment of the voted or issued bonds and of any other contract
16 obligations that are wholly or partly payable from or secured by ad
17 valorem taxes or net revenues of the district; and

18 (3) the exclusion and addition of territory is
19 accomplished in conformity with the notice and hearing requirements
20 relating to the exclusion and addition of territory prescribed by
21 Subchapter J, Chapter 49, Water Code.

22 (b) The district must finally annex or include the
23 additional territory prescribed by Subsection (a)(2)
24 simultaneously with the exclusion of the territory or not earlier
25 than the 30th day before the date the territory is excluded.

26 (c) Before the effective date of the exclusion, the district
27 must receive from the territory proposed to be excluded payments of

1 all rates, fees, and charges for water, sewer, or other district
2 services provided to the territory, and of all ad valorem taxes,
3 standby fees, and associated penalties and interest relating to the
4 territory, that are due or overdue.

5 (d) If ad valorem taxes or standby fees have not been
6 established for the year in which the territory is to be excluded,
7 the territory shall pay an amount determined by the district to be
8 equal to the estimated ad valorem taxes or standby fees the district
9 will establish for the year. (Acts 72nd Leg., R.S., Ch. 322, Sec.
10 2.)

11 Sec. 8023.0003. ANNEXATION OR ADDITION OF TERRITORY. (a)
12 Territory annexed or added to the district is sufficient to avoid an
13 impairment of the security for payment of an obligation of the
14 district if:

15 (1) the taxable value of the additional territory is
16 equal to or greater than the taxable value of the excluded
17 territory, as determined by the most recent certified county
18 property tax rolls; and

19 (2) the estimated cost to provide district facilities
20 and services to the additional territory is equal to or less than
21 the estimated cost to provide district facilities and services to
22 the excluded territory, as determined by the district's engineer.

23 (b) In addition to the requirements of Subsection (a), if
24 the district's outstanding bonds or contract obligations are wholly
25 or partly payable from or secured by the net revenues from the
26 ownership or operation of the district's waterworks or sewer
27 systems, the projected net revenues to be derived from the

1 additional territory during the period ending on the anniversary of
2 the date on which the territory is added must be equal to or greater
3 than the projected net revenues that would be derived during that
4 period from the excluded territory, as determined by the district's
5 engineer. (Acts 72nd Leg., R.S., Ch. 322, Sec. 3.)

6 CHAPTER 8024. BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Sec. 8024.0001. DEFINITIONS

9 Sec. 8024.0002. FINDINGS OF PUBLIC USE AND BENEFIT

10 Sec. 8024.0003. CONFLICTS OF LAW

11 SUBCHAPTER B. POWERS AND DUTIES

12 Sec. 8024.0051. ROAD UTILITY DISTRICT POWERS AND
13 DUTIES

14 Sec. 8024.0052. ROAD PROJECTS

15 Sec. 8024.0053. RAPID TRANSIT AUTHORITY POWERS

16 SUBCHAPTER C. FINANCIAL PROVISIONS

17 Sec. 8024.0101. ELECTIONS REGARDING TAXES OR BONDS

18 Sec. 8024.0102. MAINTENANCE TAX

19 CHAPTER 8024. BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 8024.0001. DEFINITIONS. In this chapter:

22 (1) "City" means the City of Houston, Texas.

23 (2) "District" means the Baybrook Municipal Utility
24 District No. 1. (Acts 77th Leg., R.S., Ch. 1386, Secs. 2(2), (3).)

25 Sec. 8024.0002. FINDINGS OF PUBLIC USE AND BENEFIT. (a)
26 The district is created to serve a public use and benefit.

27 (b) All land and other property included in the district

1 will benefit from the works and projects accomplished by the
2 district under the powers conferred by Section 52, Article III,
3 Texas Constitution. (Acts 77th Leg., R.S., Ch. 1386, Sec. 3.)

4 Sec. 8024.0003. CONFLICTS OF LAW. (a) This section applies
5 only to laws enacted on or before June 16, 2001.

6 (b) Chapter 49 or 54, Water Code, controls over a
7 conflicting or inconsistent provision in general law relating to
8 road utility districts. (Acts 77th Leg., R.S., Ch. 1386, Sec. 5
9 (part).)

10 SUBCHAPTER B. POWERS AND DUTIES

11 Sec. 8024.0051. ROAD UTILITY DISTRICT POWERS AND DUTIES.

12 (a) The district has road utility district authority under Section
13 52(b)(3), Article III, Texas Constitution, and Chapter 441,
14 Transportation Code, including:

15 (1) the authority to repair and maintain streets and
16 roadways in the district; and

17 (2) the ability to make contracts in the same manner as
18 a road utility district under Subchapter E, Chapter 441,
19 Transportation Code.

20 (b) The district has all of the rights, powers, privileges,
21 authority, duties, and functions conferred by the general laws
22 applicable to a road utility district created under Section 52,
23 Article III, Texas Constitution, to the extent those provisions can
24 be made applicable.

25 (c) The district is not subject to the requirements of
26 Subchapter B, Chapter 441, Transportation Code. (Acts 77th Leg.,
27 R.S., Ch. 1386, Secs. 1 (part), 4, 5 (part), 9.)

1 Sec. 8024.0052. ROAD PROJECTS. (a) To the extent
2 authorized by Section 52, Article III, Texas Constitution, the
3 district may construct, acquire, improve, maintain, and operate
4 macadamized, graveled, or paved roads and turnpikes or improvements
5 in aid of those roads or turnpikes in the district.

6 (b) The improvements under Subsection (a) may include
7 drainage or landscaping improvements and lights, signs, or signals
8 that are incidental to the roads and turnpikes and the
9 construction, maintenance, or operation of the roads and turnpikes.

10 (c) A project authorized by this section must meet all
11 applicable construction standards, zoning and subdivision
12 requirements, and regulatory ordinances of the city.

13 (d) On completion of a project authorized by this chapter,
14 the district, with the consent of the city, may convey the project
15 to the city if the conveyance is free of all district debt. If the
16 city becomes the owner of a project, the city is responsible for all
17 future maintenance and the district has no further responsibility
18 for the project or its maintenance. (Acts 77th Leg., R.S., Ch.
19 1386, Sec. 6.)

20 Sec. 8024.0053. RAPID TRANSIT AUTHORITY POWERS. (a) The
21 district has the powers of a metropolitan rapid transit authority
22 under Section 451.065, Transportation Code.

23 (b) The municipal consent and contract requirements in
24 Section 451.065(d), Transportation Code, do not apply to the
25 district. (Acts 77th Leg., R.S., Ch. 1386, Sec. 1 (part).)

26 SUBCHAPTER C. FINANCIAL PROVISIONS

27 Sec. 8024.0101. ELECTIONS REGARDING TAXES OR BONDS. (a)

1 The district may issue bonds, notes, and other obligations secured
2 by revenues or contract payments from any lawful source other than
3 ad valorem taxes without an election.

4 (b) The district may issue bonds, notes, and other
5 obligations secured wholly or partly by ad valorem taxes only if the
6 issuance is approved by a vote of a two-thirds majority of the
7 district voters voting at an election held for that purpose. (Acts
8 77th Leg., R.S., Ch. 1386, Sec. 7.)

9 Sec. 8024.0102. MAINTENANCE TAX. The district may impose a
10 maintenance tax at a rate not to exceed 25 cents on each \$100 of
11 assessed valuation of property in the district to be used for any
12 authorized purpose of the district if the authority to impose the
13 tax is approved by a majority of district voters voting at an
14 election held for that purpose. (Acts 77th Leg., R.S., Ch. 1386,
15 Sec. 8.)

16 SECTION 1.03. RIVER AUTHORITIES. Subtitle G, Title 6,
17 Special District Local Laws Code, is amended by adding Chapters
18 8508 and 8509 to read as follows:

19 CHAPTER 8508. SULPHUR RIVER BASIN AUTHORITY

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 8508.0001. DEFINITIONS

22 Sec. 8508.0002. NATURE OF AUTHORITY

23 Sec. 8508.0003. PURPOSE OF CHAPTER

24 Sec. 8508.0004. FINDING OF BENEFIT

25 Sec. 8508.0005. REVIEW SCHEDULE UNDER SUNSET ACT

26 Sec. 8508.0006. TERRITORY

27 Sec. 8508.0007. LIBERAL CONSTRUCTION OF CHAPTER

- 1 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS
- 2 Sec. 8508.0051. MEMBERSHIP OF BOARD
- 3 Sec. 8508.0052. TERMS
- 4 Sec. 8508.0053. REMOVAL
- 5 Sec. 8508.0054. VACANCY
- 6 Sec. 8508.0055. BOND REQUIREMENT FOR DIRECTORS
- 7 Sec. 8508.0056. COMPENSATION OF DIRECTORS
- 8 Sec. 8508.0057. OFFICERS
- 9 Sec. 8508.0058. DIRECTOR TRAINING PROGRAM
- 10 Sec. 8508.0059. INTEREST IN CONTRACT
- 11 Sec. 8508.0060. COMMITTEES
- 12 Sec. 8508.0061. EXECUTIVE DIRECTOR
- 13 Sec. 8508.0062. SEPARATION OF POLICYMAKING AND
- 14 MANAGEMENT FUNCTIONS
- 15 Sec. 8508.0063. DIRECTORS' AND EMPLOYEES' FIDELITY
- 16 BONDS
- 17 Sec. 8508.0064. AUTHORITY'S OFFICE
- 18 Sec. 8508.0065. NEGOTIATED RULEMAKING AND ALTERNATIVE
- 19 DISPUTE RESOLUTION
- 20 Sec. 8508.0066. COMPLAINTS
- 21 SUBCHAPTER C. POWERS AND DUTIES
- 22 Sec. 8508.0101. GENERAL POWERS AND DUTIES
- 23 Sec. 8508.0102. EFFECT OF POWERS OF AUTHORITY ON
- 24 POWERS OF OTHER DISTRICTS;
- 25 COORDINATION AND JOINT UNDERTAKINGS
- 26 AMONG DISTRICTS

- 1 Sec. 8508.0103. GENERAL POWERS RELATING TO WORKS AND
2 WATER
- 3 Sec. 8508.0104. CONTROL AND USE OF WATERS
- 4 Sec. 8508.0105. USE OF BEDS AND BANKS OF SULPHUR RIVER
5 AND ITS TRIBUTARIES
- 6 Sec. 8508.0106. WATER CONSERVATION PROGRAM
- 7 Sec. 8508.0107. GROUNDWATER
- 8 Sec. 8508.0108. APPLICABILITY OF CERTAIN ENVIRONMENTAL
9 LAWS
- 10 Sec. 8508.0109. PERMITS AND LICENSES
- 11 Sec. 8508.0110. CONSULTATION WITH COUNTY JUDGE FOR
12 CERTAIN PROPOSED PROJECTS
- 13 Sec. 8508.0111. SERVICE CONTRACTS AND CHARGES
- 14 Sec. 8508.0112. ACQUISITION, MAINTENANCE, AND
15 OPERATION OF PROPERTY
- 16 Sec. 8508.0113. ACQUISITION, CONSTRUCTION,
17 MAINTENANCE, AND OPERATION OF
18 FACILITIES
- 19 Sec. 8508.0114. EMINENT DOMAIN
- 20 Sec. 8508.0115. COST OF RELOCATING OR ALTERING
21 PROPERTY
- 22 Sec. 8508.0116. SALE, LEASE, EXCHANGE, OR OTHER
23 DISPOSITION OF PROPERTY
- 24 Sec. 8508.0117. GENERAL CONTRACT POWERS
- 25 Sec. 8508.0118. POWER OF PERSONS TO CONTRACT WITH
26 AUTHORITY
- 27 Sec. 8508.0119. AWARD OF CERTAIN CONTRACTS

- 1 Sec. 8508.0120. CONSTRUCTION CONTRACTS: PAYMENT
- 2 Sec. 8508.0121. CONFLICT OF INTEREST IN CONTRACT
- 3 Sec. 8508.0122. SURVEYS AND ENGINEERING INVESTIGATIONS
- 4 Sec. 8508.0123. PLANS
- 5 Sec. 8508.0124. ACCESS TO AUTHORITY PROPERTY
- 6 Sec. 8508.0125. AUTHORITY TO EXERCISE POWERS OF
- 7 POLITICAL SUBDIVISIONS UNDER WATER
- 8 CODE
- 9 Sec. 8508.0126. LIMITATIONS ON POWERS AND DUTIES OF
- 10 AUTHORITY; COMMISSION APPROVAL OF
- 11 CERTAIN PLANS
- 12 Sec. 8508.0127. SUITS
- 13 SUBCHAPTER D. REGULATORY POWERS; ENFORCEMENT AND COURT REVIEW
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- 2 APPLICATION OF INCOME FROM
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- 11 OTHER PURPOSES
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- 13 OBLIGATIONS
- 14 Sec. 8508.0254. REFUNDING BONDS
- 15 Sec. 8508.0255. FORM OF OBLIGATIONS
- 16 Sec. 8508.0256. MATURITY
- 17 Sec. 8508.0257. TRUST INDENTURE
- 18 Sec. 8508.0258. ADDITIONAL OBLIGATIONS
- 19 Sec. 8508.0259. ADDITIONAL PROVISIONS IN RESOLUTION
- 20 AUTHORIZING OBLIGATIONS OR TRUST
- 21 INDENTURE
- 22 CHAPTER 8508. SULPHUR RIVER BASIN AUTHORITY
- 23 SUBCHAPTER A. GENERAL PROVISIONS
- 24 Sec. 8508.0001. DEFINITIONS. In this chapter:
- 25 (1) "Authority" means the Sulphur River Basin
- 26 Authority.
- 27 (2) "Basin" means the watersheds of the Sulphur River

1 inside the authority's territory as defined by Section 8508.0006.

2 (3) "Board" means the authority's board of directors.

3 (4) "Commission" means the Texas Commission on
4 Environmental Quality.

5 (5) "Development board" means the Texas Water
6 Development Board.

7 (6) "Director" means a board member.

8 (7) "Public agency" means any government or
9 governmental subdivision or agency.

10 (8) "State" means the State of Texas or any of its
11 agencies, departments, boards, political subdivisions, or other
12 entities.

13 (9) "Waste" means sewage, industrial waste, municipal
14 waste, recreational waste, agricultural waste, or waste heat.
15 (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 2(1), (2), (3), (4), (6),
16 (8), (9), (11); New.)

17 Sec. 8508.0002. NATURE OF AUTHORITY. The authority is a
18 conservation and reclamation district created under Section 59,
19 Article XVI, Texas Constitution. (Acts 69th Leg., 1st C.S., Ch. 3,
20 Sec. 1(a).)

21 Sec. 8508.0003. PURPOSE OF CHAPTER. The purpose of this
22 chapter is to authorize the authority to provide for the
23 conservation and development of this state's natural resources
24 inside the basin, including:

25 (1) the control, storage, preservation, and
26 distribution of this state's water for domestic and municipal uses,
27 industrial uses, irrigation, mining and recovery of minerals, stock

1 raising, underground water recharge, electric power generation,
2 navigation, and other beneficial uses and purposes;

3 (2) the reclamation and irrigation of land needing
4 irrigation;

5 (3) the reclamation and drainage of overflowed land
6 and other land needing drainage;

7 (4) the maintenance and enhancement of the quality of
8 the water;

9 (5) the conservation and development of the water;

10 (6) the navigation of inland water; and

11 (7) the provision of systems, facilities, and
12 procedures for the collection, transportation, handling,
13 treatment, and disposal of waste. (Acts 69th Leg., 1st C.S., Ch. 3,
14 Sec. 4.)

15 Sec. 8508.0004. FINDING OF BENEFIT. The legislature finds
16 that all land included in the authority will benefit from the
17 improvements to be acquired and constructed by the authority.
18 (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 3(b).)

19 Sec. 8508.0005. REVIEW SCHEDULE UNDER SUNSET ACT. A review
20 of the authority under Section 325.025, Government Code, shall be
21 conducted as if the authority were a state agency scheduled to be
22 abolished September 1, 2029, and every 12th year after that year.
23 (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 1A(a) (part).)

24 Sec. 8508.0006. TERRITORY. (a) Unless modified under
25 Subchapter J, Chapter 49, Water Code, or other law, the authority's
26 territory is composed of the territory in each county in Texas,
27 other than Fannin County, that is located wholly or partly in the

1 watershed of the Sulphur River and its tributaries with confluences
2 with the Sulphur River upstream from the eastern boundary of Texas,
3 as those watersheds and tributaries are defined by maps on file with
4 the development board.

5 (b) The boundaries of the authority form a closure. A
6 mistake in the description of the boundaries in the legislative
7 process or another mistake does not affect:

8 (1) the authority's organization, existence, or
9 validity;

10 (2) the authority's right to issue any type of bond for
11 a purpose for which the authority is created or to pay the principal
12 of or interest on the bond; or

13 (3) the legality or operation of the authority or its
14 governing body. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 3(a), 52;
15 New.)

16 Sec. 8508.0007. LIBERAL CONSTRUCTION OF CHAPTER. This
17 chapter shall be liberally construed to achieve its purposes.
18 (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 5 (part).)

19 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

20 Sec. 8508.0051. MEMBERSHIP OF BOARD. (a) The board
21 consists of seven directors appointed by the governor with the
22 advice and consent of the senate.

23 (b) The governor shall appoint one director to represent the
24 authority at large.

25 (c) The governor shall appoint two directors from each of
26 the following regions:

27 (1) Region 1: Bowie and Red River Counties;

1 (2) Region 2: Cass, Franklin, Hunt, Morris, and Titus
2 Counties; and

3 (3) Region 3: Delta, Hopkins, and Lamar Counties.

4 (d) Each director must be a qualified voter.

5 (e) A director appointed under Subsection (c) must be a
6 resident of a county in the region for which the director is
7 appointed. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 6(a) (part),
8 (b).)

9 Sec. 8508.0052. TERMS. Directors serve for staggered terms
10 of six years with two or three directors' terms expiring on February
11 1 of each odd-numbered year. (Acts 69th Leg., 1st C.S., Ch. 3, Sec.
12 6(c); Acts 85th Leg., R.S., Ch. 276, Sec. 15(c).)

13 Sec. 8508.0053. REMOVAL. (a) The governor may remove a
14 director from office for:

15 (1) inefficiency;

16 (2) neglect of duty;

17 (3) misconduct in office; or

18 (4) absence from three consecutive regular board
19 meetings.

20 (b) Before a director is removed from office, the board
21 shall call and hold a hearing on the charges against the director,
22 and the director is entitled to appear at the hearing and present
23 evidence to show why the director should not be removed from office.

24 (c) Not later than the 30th day before the date of the
25 hearing, the board shall give the accused director notice of:

26 (1) the charges against the director; and

27 (2) the time and place for the hearing.

1 (d) An affirmative vote of not fewer than four of the
2 directors is required to approve a recommendation for removal.

3 (e) A recommendation for removal shall be forwarded to the
4 governor for the governor's consideration and action as provided by
5 this section. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 6(f).)

6 Sec. 8508.0054. VACANCY. A vacancy on the board shall be
7 filled in the manner provided by Section 8508.0051 for making the
8 original appointment. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 6(e).)

9 Sec. 8508.0055. BOND REQUIREMENT FOR DIRECTORS. As a
10 qualification for office, a director must execute a bond in an
11 amount determined by the board conditioned on the faithful
12 performance of the director's duties. (Acts 69th Leg., 1st C.S.,
13 Ch. 3, Sec. 6(d).)

14 Sec. 8508.0056. COMPENSATION OF DIRECTORS. (a) A director
15 is entitled to receive \$25 a day and reimbursement for actual and
16 necessary expenses incurred:

17 (1) for each day the director spends attending
18 meetings of the board; and

19 (2) for each day the director spends attending to the
20 business of the authority that is authorized by the board.

21 (b) A director is not entitled to receive a per diem
22 allowance for more than 50 days in a calendar year.

23 (c) In all areas of conflict with Subsection (a) or (b) of
24 this section, Section 49.060, Water Code, takes precedence.

25 (d) A director's compensation may be increased as
26 authorized by Section 49.060, Water Code, by resolution adopted by
27 the board in accordance with Subsection (e) of that section on or

1 after September 1, 1995. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 8;
2 New.)

3 Sec. 8508.0057. OFFICERS. (a) The governor shall
4 designate a director as the presiding officer of the board to serve
5 in that capacity at the pleasure of the governor.

6 (b) The board shall elect one or more vice presidents, a
7 secretary, a treasurer, and other officers as the directors
8 consider necessary.

9 (c) The presiding officer and each vice president must be a
10 director, but other officers are not required to be directors.

11 (d) The offices of the secretary and treasurer may be
12 combined, and the offices of assistant secretary and assistant
13 treasurer may be combined. (Acts 69th Leg., 1st C.S., Ch. 3, Secs.
14 6(i), (j).)

15 Sec. 8508.0058. DIRECTOR TRAINING PROGRAM. (a) A person
16 who is appointed to and qualifies for office as a director may not
17 vote, deliberate, or be counted as a director in attendance at a
18 board meeting until the person completes a training program that
19 complies with this section.

20 (b) The training program must provide the person with
21 information regarding:

22 (1) the law governing the authority's operations;

23 (2) the authority's programs, functions, rules, and
24 budget;

25 (3) the scope of and limitations on the authority's
26 rulemaking authority;

27 (4) the results of the authority's most recent formal

1 audit;

2 (5) the requirements of:

3 (A) laws relating to open meetings, public
4 information, administrative procedure, and disclosing conflicts of
5 interest; and

6 (B) other laws applicable to members of the
7 governing body of a river authority in performing their duties; and

8 (6) any applicable ethics policies adopted by the
9 board or the Texas Ethics Commission.

10 (c) A person appointed to the board is entitled to
11 reimbursement for the travel expenses incurred in attending the
12 training program regardless of whether the attendance at the
13 program occurs before or after the person qualifies for office.

14 (d) The board shall create a training manual that includes
15 the information required by Subsection (b). The board shall
16 distribute a copy of the training manual annually to each director.
17 On receipt of the training manual, each director shall sign a
18 statement acknowledging receipt of the training manual. (Acts 69th
19 Leg., 1st C.S., Ch. 3, Sec. 6A.)

20 Sec. 8508.0059. INTEREST IN CONTRACT. (a) A director who
21 has a financial interest in an authority contract for the purchase,
22 sale, lease, rental, or supply of property, including supplies,
23 materials, and equipment, or for the construction of facilities,
24 shall disclose that fact to the other directors and may not vote on
25 or participate in discussions during board meetings on the
26 acceptance of the contract.

27 (b) A director's financial interest does not affect the

1 validity of a contract if disclosure is made and the director with
2 the financial interest does not vote on the question of entering
3 into the contract. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 7.)

4 Sec. 8508.0060. COMMITTEES. (a) The board may appoint or
5 establish committees from the board's directors as necessary or
6 desirable to assist in conducting the authority's business.

7 (b) Subject to the applicable rules of law on delegation of
8 powers, the board may assign or delegate or provide for the
9 assignment or delegation of any powers, duties, and functions to
10 its committees as the board may provide by rule or resolution.
11 (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 9.)

12 Sec. 8508.0061. EXECUTIVE DIRECTOR. (a) The board may
13 employ an executive director and set the executive director's
14 salary and other compensation by majority vote of the qualified
15 directors.

16 (b) The executive director is the chief executive officer of
17 the authority.

18 (c) Under policies established by the board, the executive
19 director is responsible to the board for:

- 20 (1) administering the board's directives;
- 21 (2) keeping the authority's records, including minutes
22 of the meetings of the board and the executive committee;
- 23 (3) coordinating with state, federal, and local
24 agencies;
- 25 (4) developing plans and programs for the approval of
26 the board or the executive committee;
- 27 (5) hiring, supervising, training, and discharging

1 the authority's employees, as authorized by the board or the
2 executive committee;

3 (6) contracting for or retaining technical,
4 scientific, legal, fiscal, and other professional services, as
5 authorized by the board; and

6 (7) performing any other duties assigned by the board.

7 (d) The board may discharge the executive director on a
8 majority vote of the qualified directors. (Acts 69th Leg., 1st
9 C.S., Ch. 3, Sec. 10.)

10 Sec. 8508.0062. SEPARATION OF POLICYMAKING AND MANAGEMENT
11 FUNCTIONS. The board shall develop and implement policies that
12 clearly separate the policymaking responsibilities of the board and
13 the management responsibilities of the executive director and staff
14 of the authority. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 10A.)

15 Sec. 8508.0063. DIRECTORS' AND EMPLOYEES' FIDELITY BONDS.

16 (a) The executive director, the treasurer, and any other officer,
17 agent, or employee of the authority who has responsibilities that
18 involve the collection, custody, or payment of authority money
19 shall execute a fidelity bond.

20 (b) The board must approve the form, amount, and surety of
21 the bond.

22 (c) The authority shall pay the premiums on the bonds
23 required under this chapter. (Acts 69th Leg., 1st C.S., Ch. 3, Sec.
24 11.)

25 Sec. 8508.0064. AUTHORITY'S OFFICE. The authority shall
26 maintain its principal office inside its boundaries. (Acts 69th
27 Leg., 1st C.S., Ch. 3, Sec. 12.)

1 Sec. 8508.0065. NEGOTIATED RULEMAKING AND ALTERNATIVE
2 DISPUTE RESOLUTION. (a) The board shall develop a policy to
3 encourage the use of:

4 (1) negotiated rulemaking procedures under Chapter
5 2008, Government Code, for the adoption of authority rules; and

6 (2) appropriate alternative dispute resolution
7 procedures under Chapter 2009, Government Code, to assist in the
8 resolution of internal and external disputes under the authority's
9 jurisdiction.

10 (b) The authority's procedures relating to alternative
11 dispute resolution must conform, to the extent possible, to any
12 model guidelines issued by the State Office of Administrative
13 Hearings for the use of alternative dispute resolution by state
14 agencies.

15 (c) The authority shall:

16 (1) coordinate the implementation of the policy
17 adopted under Subsection (a);

18 (2) provide training as needed to implement the
19 procedures for negotiated rulemaking or alternative dispute
20 resolution; and

21 (3) collect data concerning the effectiveness of those
22 procedures. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 6B.)

23 Sec. 8508.0066. COMPLAINTS. (a) The authority shall
24 maintain a system to promptly and efficiently act on complaints
25 filed with the authority. The authority shall maintain information
26 about parties to the complaint, the subject matter of the
27 complaint, a summary of the results of the review or investigation

1 of the complaint, and its disposition.

2 (b) The authority shall make information available
3 describing its procedures for complaint investigation and
4 resolution.

5 (c) The authority shall periodically notify the parties to
6 the complaint of the status of the complaint until final
7 disposition. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 13A.)

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8508.0101. GENERAL POWERS AND DUTIES. (a) The
10 authority shall:

11 (1) administer this chapter; and

12 (2) use its facilities and powers to accomplish the
13 purposes of this chapter.

14 (b) The authority may:

15 (1) exercise the powers, rights, and privileges
16 necessary or convenient for accomplishing the purposes of this
17 chapter; and

18 (2) perform any act necessary or convenient to the
19 exercise of the powers, rights, privileges, or functions conferred
20 by this chapter or other laws.

21 (c) The board may provide for any expenditures it considers
22 essential or useful in the maintenance, operation, and
23 administration of the authority. (Acts 69th Leg., 1st C.S., Ch. 3,
24 Secs. 16(a), (b), 38.)

25 Sec. 8508.0102. EFFECT OF POWERS OF AUTHORITY ON POWERS OF
26 OTHER DISTRICTS; COORDINATION AND JOINT UNDERTAKINGS AMONG
27 DISTRICTS. (a) The powers granted to the authority by this chapter

1 are not intended to restrict the powers of any conservation and
2 reclamation district created under Section 59, Article XVI, Texas
3 Constitution, inside the basin or area of the authority. It is the
4 legislature's intent that the authority and those districts
5 exercise their respective powers in a cooperative manner.

6 (b) A district created under Section 59, Article XVI, or
7 Sections 52(b)(1) and (2), Article III, Texas Constitution, on or
8 before August 29, 1985, may:

9 (1) coordinate its plans with the authority; and

10 (2) enter into joint undertakings with the authority
11 for the purposes for which the entities are created.

12 (c) The acts taken under Subsection (b) must be approved by
13 a majority of the boards of directors of the district and authority.

14 (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 16(c) (part), (d).)

15 Sec. 8508.0103. GENERAL POWERS RELATING TO WORKS AND WATER.

16 (a) The authority may exercise all the rights and powers of an
17 independent agency and a body politic and corporate to construct,
18 maintain, and operate, inside this state and in the watershed of the
19 Sulphur River and its tributaries inside or outside the boundaries
20 of the authority, any work considered essential:

21 (1) to the authority's operation; and

22 (2) for its administration in controlling, storing,
23 preserving, and distributing the water, including storm water and
24 floodwater, of the Sulphur River and its tributary streams.

25 (b) The authority may exercise the power of control and
26 regulation over the water of the Sulphur River and its tributaries
27 as this state may exercise, subject to the constitution and laws of

1 this state. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 1(d).)

2 Sec. 8508.0104. CONTROL AND USE OF WATERS. (a) The
3 authority may exercise power over the storm water and floodwater of
4 the basin.

5 (b) The authority may exercise the powers of control and use
6 of the state's water in the following manner and for the following
7 purposes:

8 (1) to provide for the control and coordination of
9 water use in the basin as a unit;

10 (2) to provide by adequate organization and
11 administration for the preservation of the rights of the people of
12 the different sections of the basin in the beneficial use of water;

13 (3) to provide for conserving storm water, floodwater,
14 and the unappropriated flow of the basin, including the storage,
15 control, transportation, treatment, and distribution of that
16 water, and the prevention of the escape of water without the maximum
17 of public service;

18 (4) to provide for the prevention of the devastation
19 of land from recurrent overflows;

20 (5) to provide for the protection of life and property
21 in the basin from uncontrolled floodwater;

22 (6) to provide for the conservation of water essential
23 for domestic and other water uses of the people of the basin,
24 including necessary water supplies for municipalities and
25 industrial districts;

26 (7) to provide for the irrigation of land in the basin
27 where irrigation is required for agricultural purposes or is

1 considered helpful to more profitable agricultural production;

2 (8) to provide for the equitable distribution of storm
3 water, floodwater, and unappropriated flow water to meet the
4 regional potential requirements for all uses;

5 (9) to provide for the encouragement and development
6 of drainage systems and provisions for the drainage of land in the
7 valleys of the basin needing drainage for profitable agricultural
8 and livestock production and industrial activities, and other
9 drainage of land for the most advantageous use;

10 (10) to provide for the conservation of soil against
11 destructive erosion to prevent the increased flood menace incident
12 to erosion;

13 (11) to control and make available for use storm
14 water, floodwater, and unappropriated flow water as authorized by
15 the commission in the development of commercial and industrial
16 enterprises in all sections of the watershed area of the authority;

17 (12) to provide for each purpose and use for which
18 storm water, floodwater, and unappropriated flow water when
19 controlled and conserved may be used in the performance of a useful
20 service as contemplated and authorized by the provisions of the
21 constitution and laws of this state;

22 (13) to control, store, and preserve the water of the
23 basin inside the authority for any useful purpose;

24 (14) to use, distribute, and sell water for any
25 beneficial purpose inside and outside the authority; and

26 (15) to acquire water and water rights inside and
27 outside the authority.

1 (c) The plans and works provided by the authority or under
2 the power of the authority should give primary consideration to the
3 necessary and potential needs for water by or in the various areas
4 in the watershed of the basin. (Acts 69th Leg., 1st C.S., Ch. 3,
5 Secs. 17(a), (b), (c).)

6 Sec. 8508.0105. USE OF BEDS AND BANKS OF SULPHUR RIVER AND
7 ITS TRIBUTARIES. Subject to the approval of the commission, the
8 authority may use the beds and banks of the Sulphur River and its
9 tributary streams for any purpose necessary to accomplish the
10 authority's plans for storing, controlling, conserving,
11 transporting, and distributing storm water, floodwater, and
12 appropriated flow waters for useful purposes. (Acts 69th Leg., 1st
13 C.S., Ch. 3, Sec. 36.)

14 Sec. 8508.0106. WATER CONSERVATION PROGRAM. (a) In this
15 section, "program of water conservation" means the use of
16 practices, techniques, and technologies that will reduce water
17 consumption, reduce water loss or waste, improve efficiency in
18 water use, or increase water recycling and reuse so that a water
19 supply is available for future uses.

20 (b) The authority shall adopt and implement a program of
21 water conservation consistent with rules and criteria adopted and
22 enforceable by the commission and development board for similarly
23 situated authorities. (Acts 69th Leg., 1st C.S., Ch. 3, Sec.
24 17(d).)

25 Sec. 8508.0107. GROUNDWATER. (a) The authority may
26 conduct surveys and studies of the groundwater supplies in the
27 authority to:

1 (1) determine the location and quantity of available
2 groundwater; and

3 (2) develop and ascertain other information that in
4 the judgment of the board may be necessary to fully develop water
5 uses from the groundwater in the authority.

6 (b) With the approval and under the supervision of the
7 commission, the authority may appropriate storm water and
8 floodwater to recharge underground freshwater-bearing sand and
9 aquifers in the basin. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 19.)

10 Sec. 8508.0108. APPLICABILITY OF CERTAIN ENVIRONMENTAL
11 LAWS. The authority is a river authority for the purposes and
12 definitions of Chapter 30, Water Code, and Chapter 383, Health and
13 Safety Code, as they apply to the authority. (Acts 69th Leg., 1st
14 C.S., Ch. 3, Sec. 20 (part).)

15 Sec. 8508.0109. PERMITS AND LICENSES. (a) The authority
16 must apply for any permit, license, or other grant of authority
17 required from the commission.

18 (b) The authority may apply for any permit, license, or
19 financial assistance it may need from any federal, state, or local
20 governmental agency. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 23(a),
21 (b).)

22 Sec. 8508.0110. CONSULTATION WITH COUNTY JUDGE FOR CERTAIN
23 PROPOSED PROJECTS. Before voting on a proposed project for which
24 the board will seek a permit, the board shall obtain advice on the
25 project from the county judge of each county in which the project is
26 proposed to be located. (Acts 69th Leg., 1st C.S., Ch. 3, Sec.
27 23(c).)

1 Sec. 8508.0111. SERVICE CONTRACTS AND CHARGES. (a) The
2 authority may enter into service contracts and may adopt
3 resolutions and orders establishing rates and providing for the
4 collection of fees and charges for:

5 (1) the sale or use of water;

6 (2) the services of water transmission, treatment, and
7 storage facilities;

8 (3) liquid waste collection, treatment, and disposal
9 services and facilities;

10 (4) the sale of power and electric energy; and

11 (5) any other services or facilities sold, furnished,
12 or supplied by the authority.

13 (b) The fees and charges must be sufficient to produce
14 revenues adequate to:

15 (1) pay expenses necessary for the operation and
16 maintenance of the authority's property and facilities;

17 (2) pay the principal of and interest on any bonds or
18 other obligations issued by the authority when due and payable;

19 (3) fulfill any reserve or other fund obligations of
20 the authority in connection with the bonds or other obligations;
21 and

22 (4) pay any other expenses the board may consider
23 necessary and proper for the authority's operations. (Acts 69th
24 Leg., 1st C.S., Ch. 3, Sec. 24.)

25 Sec. 8508.0112. ACQUISITION, MAINTENANCE, AND OPERATION OF
26 PROPERTY. The authority may purchase, lease, acquire by gift,
27 maintain, use, and operate property of any kind inside or outside

1 the authority that is appropriate for the exercise of its powers or
2 the accomplishment of its purposes. (Acts 69th Leg., 1st C.S., Ch.
3 3, Sec. 26(a).)

4 Sec. 8508.0113. ACQUISITION, CONSTRUCTION, MAINTENANCE,
5 AND OPERATION OF FACILITIES. The authority may acquire, construct,
6 extend, improve, maintain, reconstruct, use, and operate
7 facilities inside or outside the authority that are necessary or
8 convenient for the exercise of its powers, rights, duties, and
9 functions or the accomplishment of its purposes. (Acts 69th Leg.,
10 1st C.S., Ch. 3, Sec. 27.)

11 Sec. 8508.0114. EMINENT DOMAIN. (a) The authority may
12 exercise the power of eminent domain to acquire land inside or
13 outside the authority to carry out a power, right, privilege, or
14 function authorized by this chapter if the board, after notice and
15 hearing, determines that the action is necessary.

16 (b) The authority must exercise the power of eminent domain
17 in the manner provided by Chapter 21, Property Code, except that the
18 authority is not required to:

19 (1) give bond for appeal or bond for costs in a
20 condemnation suit or other suit to which it is a party; or

21 (2) deposit double the amount of any award in any suit.

22 (c) The authority's authority under this section to
23 exercise the power of eminent domain expired on September 1, 2013,
24 unless the authority submitted a letter to the comptroller in
25 accordance with Section 2206.101(b), Government Code, not later
26 than December 31, 2012. (Acts 69th Leg., 1st C.S., Ch. 3, Secs.
27 25(a), (b); New.)

1 Sec. 8508.0115. COST OF RELOCATING OR ALTERING PROPERTY.

2 (a) In this section, "sole expense" means the actual cost of
3 relocating, raising, lowering, rerouting, changing the grade of, or
4 altering the construction of a facility described by Subsection (b).
5 to provide comparable replacement without enhancement of the
6 facility, after deducting from that cost the net salvage value
7 derived from the old facility.

8 (b) If the authority's exercise of the power of eminent
9 domain makes necessary relocating, raising, lowering, rerouting,
10 changing the grade of, or altering the construction of a highway,
11 railroad, electric transmission or distribution line, telephone or
12 telegraph property or facility, or pipeline, the necessary action
13 shall be accomplished at the sole expense of the authority. (Acts
14 69th Leg., 1st C.S., Ch. 3, Sec. 25(c).)

15 Sec. 8508.0116. SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION
16 OF PROPERTY. The authority may:

17 (1) sell any property or interest in property owned by
18 the authority by installments or otherwise, including a sale in any
19 manner prescribed or authorized by:

20 (A) Section 552.014, Local Government Code;

21 (B) Chapter 30, Water Code; or

22 (C) Chapter 383, Health and Safety Code; or

23 (2) lease, exchange, or otherwise dispose of any
24 property or interest in property. (Acts 69th Leg., 1st C.S., Ch. 3,
25 Sec. 26(b).)

26 Sec. 8508.0117. GENERAL CONTRACT POWERS. (a) The
27 authority may enter into a contract or execute an instrument that is

1 necessary or convenient for the exercise of its powers, rights,
2 duties, and functions or the accomplishment of its purposes.

3 (b) Notwithstanding any other law, the authority may:

4 (1) undertake and carry out an activity that is
5 related to or necessary in carrying out or performing a power or
6 function of the authority;

7 (2) enter into a contract, loan agreement, lease, or
8 installment sales agreement;

9 (3) acquire, purchase, construct, own, operate,
10 maintain, repair, improve, or extend, or loan, lease, sell, or
11 otherwise dispose of, including by such methods as a loan payment,
12 rental, sale, or installment sale, as the parties may agree, any
13 facility, plant, building, structure, equipment, or appliance or
14 property or any interest in property; and

15 (4) use any or all money or proceeds of bonds and other
16 obligations. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 29(a), (b).)

17 Sec. 8508.0118. POWER OF PERSONS TO CONTRACT WITH
18 AUTHORITY. (a) A person may contract with the authority in any
19 manner authorized by this chapter, Chapter 30, Water Code, or
20 Chapter 383, Health and Safety Code, with respect to water, waste,
21 pollution control, or any other facility or any service provided by
22 the authority.

23 (b) A public agency may enter into and execute a contract
24 described by Subsection (a) with the authority and may determine,
25 agree, and pledge that all or any part of its payments under the
26 contract is payable from the source described in Section 30.030(c),
27 Water Code, subject only to the authorization of the contract,

1 pledge, and payments by the public agency's governing body. The
2 public agency also may use and pledge any other available revenue or
3 resource for payment of amounts due under the contract as an
4 additional source of payment or as the sole source of payment.

5 (c) A public agency may:

6 (1) set fees, rates, charges, rentals, and other
7 amounts, including water charges and garbage collection or handling
8 fees, for any services or facilities provided by any utility
9 operated by it, or provided pursuant to or in connection with any
10 contract with the authority;

11 (2) charge those amounts to and collect those amounts
12 from its inhabitants or from any users or beneficiaries of the
13 utility, services, or facilities; and

14 (3) use and pledge that money to make payments to the
15 authority required under the contract and may covenant to do so in
16 amounts sufficient to make all or any part of those payments to the
17 authority when due.

18 (d) If a public agency and the authority agree in a
19 contract, the payments made by the public agency to the authority
20 under the contract are an expense of operation of any facilities or
21 utility operated by the public agency. (Acts 69th Leg., 1st C.S.,
22 Ch. 3, Secs. 29(c), (d).)

23 Sec. 8508.0119. AWARD OF CERTAIN CONTRACTS. (a) The
24 authority shall award a contract to the lowest and best bidder if:

25 (1) the contract is a:

26 (A) construction, maintenance, operation, or
27 repair contract;

1 (B) contract for the purchase of material,
2 equipment, or supplies; or

3 (C) contract for services other than technical,
4 scientific, legal, fiscal, or other professional services; and

5 (2) the contract:

6 (A) will require an estimated expenditure of more
7 than \$10,000; or

8 (B) is for a term of six months or more.

9 (b) If the board finds that an extreme emergency exists, the
10 board may award a contract necessary to protect and preserve the
11 public health and welfare or the property of the authority without
12 using bidding procedures.

13 (c) The authority shall publish notice to bidders once each
14 week for three consecutive weeks before the date set for awarding
15 the contract. The notice must be published in a newspaper with
16 general circulation in the authority and may also be published in
17 any other appropriate publication.

18 (d) The notice is sufficient if it states:

19 (1) the time and place at which the bids will be
20 opened;

21 (2) the terms on which copies of the plans,
22 specifications, or other pertinent information may be obtained;

23 (3) the general nature of the work to be done; and

24 (4) the material, equipment, or supplies to be
25 purchased or the nonprofessional services to be rendered.

26 (e) A person who desires to bid on the construction of a work
27 or project that is advertised for bids shall, on written

1 application to the authority, be provided a copy of the plans and
2 specifications or other engineering and architectural documents
3 showing all of the details of the work to be done. The authority may
4 make a charge to cover the cost of making the copy.

5 (f) A bid must be:

6 (1) in writing;

7 (2) sealed and delivered to the authority; and

8 (3) accompanied by a certified check drawn on a
9 responsible bank in this state or, at the discretion of the
10 authority, a bid bond from a company approved by the authority, in
11 an amount equal to at least one percent of the total amount bid.

12 (g) The authority shall open bids at the place specified in
13 the published notice. The authority shall announce the bids. The
14 place where the bids are opened and announced must be open to the
15 public. The board shall make the award of the contract.

16 (h) The person with whom a contract is made shall provide
17 the performance and payment bonds required by law.

18 (i) A check or bond provided under Subsection (f) is
19 forfeited to the authority if the successful bidder fails or
20 refuses to:

21 (1) enter into a proper contract; or

22 (2) provide a bond as required by law.

23 (j) The authority may reject any or all bids and may waive
24 any irregularity in the bids.

25 (k) This section does not prohibit the authority from taking
26 the following actions by negotiated contract and without necessity
27 for advertising for bids:

1 (1) purchasing or acquiring land or an interest in
2 land from any person;

3 (2) acquiring, constructing, or improving pollution
4 control or waste collection and disposal facilities as provided by
5 Chapter 30, Water Code, Chapter 383, Health and Safety Code, or
6 other applicable law; or

7 (3) purchasing or acquiring surplus property from a
8 governmental entity. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 30(a),
9 (b), (c), (d), (e), (g), (h).)

10 Sec. 8508.0120. CONSTRUCTION CONTRACTS: PAYMENT. (a) The
11 contract price of any construction contract of the authority may be
12 paid in partial payments as the work progresses, but the payments
13 may not exceed 90 percent of the amount due at the time of the
14 payments as shown by the report of the engineer of the authority.

15 (b) During the progress of the work, the executive director
16 shall inspect the construction or have the construction inspected
17 by the authority's engineer or the engineer's assistants.

18 (c) On certification of the executive director and the
19 authority's engineer of the completion of the contract in
20 accordance with its terms and, in the case of any construction
21 contract for which notice to bidders is required by this chapter, on
22 approval of the board, the board shall draw a warrant on its
23 depository to pay the balance due on the contract. (Acts 69th Leg.,
24 1st C.S., Ch. 3, Sec. 30(f).)

25 Sec. 8508.0121. CONFLICT OF INTEREST IN CONTRACT. An
26 officer, agent, or employee of the authority who is financially
27 interested in a contract shall disclose that fact to the board

1 before the board votes on the acceptance of the contract. (Acts
2 69th Leg., 1st C.S., Ch. 3, Sec. 30(i).)

3 Sec. 8508.0122. SURVEYS AND ENGINEERING INVESTIGATIONS.
4 The authority may make surveys and engineering investigations to
5 develop information for its use. (Acts 69th Leg., 1st C.S., Ch. 3,
6 Sec. 34 (part).)

7 Sec. 8508.0123. PLANS. The board may make and determine
8 plans necessary to accomplish the purposes for which the authority
9 is created and may carry out the plans. (Acts 69th Leg., 1st C.S.,
10 Ch. 3, Sec. 34 (part).)

11 Sec. 8508.0124. ACCESS TO AUTHORITY PROPERTY. (a) To
12 provide for the safety and welfare of persons and their property or
13 for the protection and security of the authority's property and
14 facilities, the board may adopt rules with respect to the
15 authority's property and any water reservoir or dam the
16 construction, operation, or management of which is participated in
17 by the authority to control and regulate:

18 (1) ingress, egress, and use; and

19 (2) the operation of land and water vehicles.

20 (b) All public roads, streets, and state highways that as of
21 August 29, 1985, traversed the areas to be covered by any impounded
22 water shall remain open as a way of public passing to and from the
23 lakes created, unless changed by the authority. (Acts 69th Leg.,
24 1st C.S., Ch. 3, Sec. 35.)

25 Sec. 8508.0125. AUTHORITY TO EXERCISE POWERS OF POLITICAL
26 SUBDIVISIONS UNDER WATER CODE. The authority may exercise:

27 (1) the powers vested in political subdivisions under

1 Title 2, Water Code; and

2 (2) the powers necessary to enable the authority to
3 participate in programs administered by the development board,
4 including programs for:

5 (A) the acquisition and development of
6 facilities;

7 (B) the sale or lease of facilities; and

8 (C) financial assistance to political
9 subdivisions. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 37.)

10 Sec. 8508.0126. LIMITATIONS ON POWERS AND DUTIES OF
11 AUTHORITY; COMMISSION APPROVAL OF CERTAIN PLANS. (a) The powers
12 granted and duties prescribed by this chapter are subject to all
13 legislative declarations of public policy in the maximum use of the
14 storm water, floodwater, and unappropriated flow water of the basin
15 for the purposes for which the authority is created.

16 (b) The commission shall consider the adequacy of, and
17 approve or refuse to approve, any flood control or conservation
18 improvement plan that:

19 (1) is devised by the authority to achieve a plan or
20 purpose for which the authority was created; and

21 (2) contemplates improvements that are to be
22 supervised by the commission under general law. (Acts 69th Leg.,
23 1st C.S., Ch. 3, Secs. 39(a) (part), (b).)

24 Sec. 8508.0127. SUITS. (a) The authority may sue and be
25 sued in the name of the authority.

26 (b) Service of process may be accomplished by serving the
27 presiding officer or a vice president of the board or the executive

1 director. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 15(a), (b).)

2 SUBCHAPTER D. REGULATORY POWERS; ENFORCEMENT AND COURT REVIEW

3 PROVISIONS

4 Sec. 8508.0151. ADOPTION AND ENFORCEMENT OF RULES. (a) The
5 authority may adopt and enforce rules reasonably required to carry
6 out this chapter.

7 (b) The board shall adopt rules necessary for the conduct of
8 the authority's business.

9 (c) In adopting rules, the board shall comply, as
10 appropriate, with the requirements of Chapters 2001 and 2002,
11 Government Code.

12 (d) The board shall print its rules and provide copies to
13 any person on written request. (Acts 69th Leg., 1st C.S., Ch. 3,
14 Secs. 6(h), 31.)

15 Sec. 8508.0152. CIVIL PENALTY; INJUNCTIVE RELIEF. (a) A
16 person who violates a rule or order of the authority is subject to a
17 civil penalty of not less than \$50 or more than \$1,000 for each day
18 of violation.

19 (b) The authority may sue to recover the penalty in a
20 district court in the county in which the violation occurred. A
21 penalty shall be paid to the authority.

22 (c) The authority may sue for injunctive relief in a
23 district court in the county in which the violation of a rule or
24 order occurred or is threatened.

25 (d) The authority may sue for injunctive relief and a
26 penalty in the same proceeding. (Acts 69th Leg., 1st C.S., Ch. 3,
27 Sec. 32.)

1 Sec. 8508.0153. COURT REVIEW. (a) A person who is
2 adversely affected by a rule or order of the authority may sue the
3 authority in a district court to set aside the rule or order before
4 the 31st day after the date on which the rule or order takes effect.

5 (b) Venue for a suit under Subsection (a) is in any county
6 located wholly or partly in the authority. (Acts 69th Leg., 1st
7 C.S., Ch. 3, Sec. 33.)

8 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

9 Sec. 8508.0201. DISBURSEMENT OF MONEY. The authority may
10 disburse its money only by a check, draft, order, or other
11 instrument signed by the person or persons authorized in the
12 board's rules or by board resolution. (Acts 69th Leg., 1st C.S.,
13 Ch. 3, Sec. 40.)

14 Sec. 8508.0202. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
15 PUBLIC INSPECTION. (a) The authority shall keep complete and
16 accurate accounts of its business transactions in accordance with
17 generally accepted methods of accounting.

18 (b) The authority shall keep its accounts, contracts,
19 documents, minutes, and other records at its principal office.

20 (c) Except as otherwise required by law, the authority may
21 not disclose any records that it has relating to trade secrets or
22 the economics of operation of any business or industry.

23 (d) Except as provided by Subsection (c), the authority
24 shall permit reasonable public inspection of its records during
25 regular business hours under rules adopted by the board. (Acts 69th
26 Leg., 1st C.S., Ch. 3, Secs. 13(a), (c), (d), (e).)

27 Sec. 8508.0203. FEES AND CHARGES. (a) The authority shall

1 establish fees and charges.

2 (b) The fees and charges may not exceed the amount necessary
3 to fulfill the obligations imposed by this chapter. (Acts 69th
4 Leg., 1st C.S., Ch. 3, Sec. 41.)

5 Sec. 8508.0204. TRUST MONEY. Money collected by or
6 donated, granted, loaned, or advanced to the authority is trust
7 money for the purposes provided by this chapter. (Acts 69th Leg.,
8 1st C.S., Ch. 3, Sec. 44.)

9 Sec. 8508.0205. TAXES AND TAX DEBT PROHIBITED. The
10 authority may not:

11 (1) impose a tax; or

12 (2) create debt payable from taxes. (Acts 69th Leg.,
13 1st C.S., Ch. 3, Sec. 1(c).)

14 Sec. 8508.0206. DEPOSITORY. (a) The board shall designate
15 one or more banks inside or outside the authority to serve as a
16 depository for the authority's money.

17 (b) Authority money shall be deposited in a depository bank,
18 except that the following may be handled as provided in a trust
19 indenture or resolution:

20 (1) bond proceeds or proceeds of other obligations;

21 (2) money pledged to pay the obligations described by
22 Subdivision (1);

23 (3) money placed in special funds; and

24 (4) money remitted to a bank of payment for the payment
25 of the principal of and interest on obligations.

26 (c) To the extent that money in a depository bank or a
27 trustee bank is not invested or insured by the Federal Deposit

1 Insurance Corporation, the money must be secured in the manner
2 provided by law for the security of county money.

3 (d) The board shall prescribe the term of service for a
4 depository.

5 (e) Before designating a depository bank, the board shall:

6 (1) publish notice one time in one or more newspapers
7 of general circulation in the authority that are specified by the
8 board; or

9 (2) mail a copy of the notice to each bank inside the
10 authority.

11 (f) The notice must:

12 (1) state the time and place at which the board will
13 meet to designate a depository bank or banks; and

14 (2) invite the banks to submit an application to be
15 designated a depository.

16 (g) At the time stated in the notice, the board shall:

17 (1) consider the application and the management and
18 condition of each bank that applies; and

19 (2) designate as a depository the bank or banks:

20 (A) that offer the most favorable terms for
21 handling the money; and

22 (B) that the board finds have proper management
23 and are in condition to handle the money.

24 (h) Membership on the board of an officer or director of a
25 bank does not disqualify the bank from being designated as a
26 depository.

27 (i) If the board does not receive an application before the

1 time stated in the notice, the board shall designate one or more
2 banks inside or outside the authority as a depository on terms the
3 board considers advantageous to the authority. (Acts 69th Leg.,
4 1st C.S., Ch. 3, Sec. 47.)

5 Sec. 8508.0207. INVESTMENT OF AUTHORITY MONEY; APPLICATION
6 OF INCOME FROM INVESTMENTS. (a) Money in the treasury that is not
7 required for the current payment of obligations of the authority or
8 for sinking funds and that the board considers available for
9 investment may be invested or reinvested by the authority in:

- 10 (1) direct obligations of the United States;
- 11 (2) obligations the principal and interest of which
12 are guaranteed by the United States;
- 13 (3) direct obligations of or participation
14 certificates guaranteed by:
 - 15 (A) a farm credit bank;
 - 16 (B) the Federal National Mortgage Association;
 - 17 (C) a federal home loan bank; or
 - 18 (D) a bank for cooperatives;
- 19 (4) certificates of deposit of a bank or trust company
20 the deposits of which are fully secured by a pledge of securities of
21 any of the institutions specified by this subsection;
- 22 (5) other securities eligible for investment under
23 other laws; or
- 24 (6) a combination of the investments listed in this
25 subsection.

26 (b) The board shall determine the type and maturity of
27 investments made under this section.

1 (c) A resolution relating to the issuance of bonds or other
2 obligations must include appropriate provisions relating to the
3 investment of money in funds established in connection with the
4 authorization of those bonds or other obligations.

5 (d) The board shall direct the application of income from
6 investments made under this section. (Acts 69th Leg., 1st C.S., Ch.
7 3, Sec. 45.)

8 Sec. 8508.0208. FISCAL YEAR. The authority's fiscal year
9 ends on August 31 of each year. (Acts 69th Leg., 1st C.S., Ch. 3,
10 Sec. 46(a).)

11 Sec. 8508.0209. AUDIT. (a) In addition to including the
12 information required by Subchapter G, Chapter 49, Water Code, the
13 audit report prepared under that subchapter must state:

14 (1) the amount of money received by the authority
15 under this chapter during the preceding fiscal year; and

16 (2) how, to whom, and for what purpose the money was
17 spent.

18 (b) A copy of the audit report prepared under Subchapter G,
19 Chapter 49, Water Code, shall be filed:

20 (1) as required by Section 49.194, Water Code;

21 (2) with the governor;

22 (3) with the lieutenant governor;

23 (4) with the speaker of the house of representatives;

24 (5) with the attorney general; and

25 (6) with the comptroller. (Acts 69th Leg., 1st C.S.,
26 Ch. 3, Secs. 46(c), (d); New.)

1 SUBCHAPTER F. OBLIGATIONS RELATING TO BORROWED MONEY OR GRANTS

2 Sec. 8508.0251. LOANS AND GRANTS. (a) The authority may:

3 (1) borrow money or accept a grant or donation for its
4 corporate purposes from any person, including a private source, the
5 United States, this state, or a local government; and

6 (2) enter into an agreement in connection with a loan,
7 grant, or donation accepted under Subdivision (1).

8 (b) The source of money accepted by the authority is public
9 information. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 42.)

10 Sec. 8508.0252. POWER TO APPLY FOR MONEY FOR ENGINEERING
11 SURVEYS, DATA COMPILATION AND COLLECTION, AND OTHER PURPOSES. (a)
12 The authority may apply to this state, the United States, or any
13 other person for money necessary to:

14 (1) secure engineering surveys and the compilation and
15 collection of data relating to regional and general conditions
16 entering into and influencing the character and extent of the
17 improvements necessary to accomplish the storage, control,
18 transportation, treatment, conservation, and equitable
19 distribution to the greatest public advantage of the storm water,
20 floodwater, and normal flow water that is stored and controlled; or

21 (2) accomplish or carry out any of the other purposes
22 of this chapter.

23 (b) The authority:

24 (1) shall request an amount it considers sufficient;

25 (2) may make the necessary agreements with the party
26 providing the money; and

27 (3) may appropriate the amount of the estimated

1 equitable contribution of the costs of developing essential
2 engineering data. (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 43.)

3 Sec. 8508.0253. POWER TO ISSUE BONDS OR OTHER OBLIGATIONS.

4 (a) For the purpose of carrying out any power provided by this
5 chapter, including the payment of the expenses of preparing the
6 master plan and the payment of engineering and other expenses, the
7 authority may issue bonds or other obligations in one general class
8 secured by a pledge of all or part of the revenue accruing to the
9 authority from any source, including the revenue received from:

- 10 (1) the sale of water or other products;
- 11 (2) the rendition of services;
- 12 (3) tolls; and
- 13 (4) charges.

14 (b) The obligations must be authorized by a board
15 resolution. (Acts 69th Leg., 1st C.S., Ch. 3, Secs. 48(a), (b)
16 (part).)

17 Sec. 8508.0254. REFUNDING BONDS. (a) The authority may
18 issue refunding bonds to refund outstanding obligations issued
19 under this chapter.

20 (b) Refunding bonds may be issued in the manner provided by
21 Chapter 1207, Government Code. (Acts 69th Leg., 1st C.S., Ch. 3,
22 Sec. 49 (part).)

23 Sec. 8508.0255. FORM OF OBLIGATIONS. Authority obligations
24 must:

- 25 (1) be in the form prescribed by the board;
- 26 (2) be issued in the authority's name;
- 27 (3) be signed by the presiding officer or a vice

1 president;

2 (4) be attested by the secretary; and

3 (5) bear the authority seal. (Acts 69th Leg., 1st
4 C.S., Ch. 3, Secs. 48(b) (part), (c) (part).)

5 Sec. 8508.0256. MATURITY. Authority obligations must
6 mature not later than 50 years after the date of their issuance.
7 (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 48(c) (part).)

8 Sec. 8508.0257. TRUST INDENTURE. Authority obligations may
9 be further secured by a trust indenture with a corporate trustee.
10 (Acts 69th Leg., 1st C.S., Ch. 3, Sec. 48(c) (part).)

11 Sec. 8508.0258. ADDITIONAL OBLIGATIONS. A pledge of
12 revenue may reserve the right, under specified conditions, to issue
13 additional obligations that will be on a parity with or subordinate
14 to the obligations then being issued. (Acts 69th Leg., 1st C.S.,
15 Ch. 3, Sec. 48(d) (part).)

16 Sec. 8508.0259. ADDITIONAL PROVISIONS IN RESOLUTION
17 AUTHORIZING OBLIGATIONS OR TRUST INDENTURE. (a) The resolution
18 authorizing obligations or the trust indenture further securing
19 obligations may specify additional provisions that constitute a
20 contract between the authority and the owners of those obligations.

21 (b) The board may provide for the additional provisions,
22 including a corporate trustee or receiver provided by the authority
23 to take possession of authority facilities in the event of the
24 authority's default in fulfilling the covenants. (Acts 69th Leg.,
25 1st C.S., Ch. 3, Sec. 48(f).)

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26	MANAGEMENT FUNCTIONS
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- 1 Sec. 8509.0114. NEGOTIATED RULEMAKING AND ALTERNATIVE
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- 11 Sec. 8509.0154. CONTROL OF STORM AND FLOOD WATERS
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- 13 TECHNICAL AND FINANCIAL ASSISTANCE
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- 21 PROPERTY
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21 Sec. 8509.0308. ADDITIONAL SECURITY
22 Sec. 8509.0309. TRUST INDENTURE
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1 Sec. 8509.0315. BONDS EXEMPT FROM TAXATION

2 CHAPTER 8509. PALO DURO WATER DISTRICT

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 8509.0001. DEFINITIONS. In this chapter:

5 (1) "Board" means the district's board of directors.

6 (2) "Commission" means the Texas Commission on
7 Environmental Quality.

8 (3) "Director" means a board member.

9 (4) "District" means the Palo Duro Water District.

10 (5) "Member entity" means a county or municipality
11 that is a member of the district. (Acts 63rd Leg., R.S., Ch. 438,
12 Sec. 1B.)

13 Sec. 8509.0002. NATURE OF DISTRICT. The district is a
14 conservation and reclamation district created under Section 59,
15 Article XVI, Texas Constitution, and a political subdivision of
16 this state. (Acts 63rd Leg., R.S., Ch. 438, Sec. 1.)

17 Sec. 8509.0003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

18 (a) The legislature finds that:

19 (1) all land included in the district will benefit
20 from the improvements to be acquired and constructed by the
21 district; and

22 (2) the district is created to serve a public use and
23 benefit.

24 (b) The accomplishment of the purposes stated in this
25 chapter is for the benefit of the people of this state and for the
26 improvement of their property and industries. The district, in
27 carrying out the purposes of this chapter, will be performing an

1 territory contained in the municipal boundaries; and

2 (2) be signed by 50 registered voters of the territory
3 or municipality to be annexed, or a majority of the registered
4 voters of that territory or municipality, whichever is fewer.

5 (c) If the board determines that the petition complies with
6 Subsection (b), that the annexation would be in the best interest of
7 the territory or municipality and the district, and that the
8 district will be able to supply water to the territory or
9 municipality, the board shall:

10 (1) adopt a resolution stating the conditions, if any,
11 under which the territory or municipality may be annexed to the
12 district; and

13 (2) set a time and place to hold a hearing on the
14 question of whether the territory or municipality to be annexed
15 will benefit from:

16 (A) the improvements, works, or facilities owned
17 or operated or contemplated to be owned or operated by the district;
18 or

19 (B) the other functions of the district.

20 (d) At least 10 days before the date of the hearing, notice
21 of the adoption of the resolution must be published one time in a
22 newspaper of general circulation in the territory or municipality
23 proposed to be annexed. The notice must:

24 (1) state the time and place of the hearing; and

25 (2) describe the territory in the same manner in which
26 Subsection (b) requires or permits the petition to describe the
27 territory.

1 (e) The hearing may proceed in the order and under the rules
2 prescribed by the board and may be recessed.

3 (f) Any interested person may appear at the hearing and
4 offer evidence for or against the annexation.

5 (g) If, at the conclusion of the hearing, the board finds
6 that the property in the territory or municipality will benefit
7 from the district's present or contemplated improvements, works, or
8 facilities, the board shall adopt a resolution making a finding of
9 the benefit and calling an election in the territory or
10 municipality to be annexed.

11 (h) The resolution must state:

12 (1) the date of the election;

13 (2) each place where the election will be held; and

14 (3) the proposition to be voted on.

15 (i) At least 10 days before the date set for the election,
16 notice of the election must be given by publishing a substantial
17 copy of the resolution calling the election one time in a newspaper
18 of general circulation in the territory proposed to be annexed.

19 (j) If a majority of the votes cast at the election are in
20 favor of annexation, the board by resolution shall annex the
21 territory to the district.

22 (k) An annexation under this section is incontestable
23 except in the manner and within the time for contesting elections
24 under the Election Code.

25 (l) In calling an election on the proposition for annexation
26 of the territory or municipality, the board may include, as part of
27 the same proposition or as a separate proposition, a proposition

1 for:

2 (1) the territory to assume its part of the district's
3 tax-supported bonds then outstanding and those bonds previously
4 voted but not yet sold; and

5 (2) an ad valorem tax to be imposed on taxable property
6 in the territory along with the tax in the rest of the district for
7 payment of the bonds and maintenance taxes to be imposed as
8 permitted by Section 8509.0252.

9 (m) If an election under Subsection (l) fails, the annexed
10 territory or municipality shall be excluded from the district.
11 (Acts 63rd Leg., R.S., Ch. 438, Secs. 13(d)(1), (2) (part), (3)
12 (part).)

13 Sec. 8509.0052. WITHDRAWAL FROM OR DISSOLUTION OF DISTRICT.

14 (a) A county or municipality may withdraw from the district or the
15 district may dissolve according to this section.

16 (b) To withdraw from the district or to dissolve the
17 district, the governing body of a member entity must issue an order
18 or adopt a resolution declaring the intent to withdraw from or to
19 dissolve the district. The order or resolution must state:

20 (1) the intention to withdraw from the district or to
21 call for the dissolution of the district; and

22 (2) the reasons supporting the withdrawal or
23 dissolution.

24 (c) Not later than the 30th day after the date the district
25 receives an order issued or resolution adopted under Subsection
26 (b), the district shall hold a public hearing on the matter
27 described by the order or resolution.

1 (d) For a proposed withdrawal of a county or municipality
2 from the district, the member entities must reach a financial
3 agreement that provides for sufficient revenue for maintaining the
4 Palo Duro Reservoir and the dam that impounds the water in the
5 reservoir.

6 (e) For a proposed dissolution of the district, the member
7 entities must reach a financial agreement that provides for the
8 transfer of:

9 (1) the ownership rights of the dam that impounds the
10 water in the Palo Duro Reservoir to an entity that assumes
11 responsibility for the maintenance of the dam and liability for
12 actions related to the dam;

13 (2) all district assets and liabilities to other
14 entities; and

15 (3) the responsibility for the continued provision of
16 services, if the district provides services.

17 (f) The board must provide an opportunity for the public to
18 comment on the financial agreement described by Subsection (d) or
19 (e) before the board votes as described by Subsection (g). The
20 period for public comment must last not less than 10 days.

21 (g) After consideration of the public comments submitted
22 under Subsection (f), the board shall vote on the issue described by
23 the order issued or resolution adopted under Subsection (b). The
24 board may proceed with the withdrawal or dissolution only if
25 two-thirds of all of the members of the board vote in favor of
26 withdrawal or dissolution.

27 (h) If the board votes in favor of withdrawal or dissolution

1 as provided by Subsection (g), the governing body of each member
2 entity shall vote on the matter of withdrawal or dissolution.

3 (i) A withdrawal or dissolution authorized under this
4 section does not take effect until:

5 (1) the governing body of each county and municipality
6 has voted in favor of withdrawal or dissolution;

7 (2) all conditions specified in the financial
8 agreement described by Subsection (d) or (e) have been met; and

9 (3) all actions described in the financial agreement
10 described by Subsection (d) or (e) have been completed. (Acts 63rd
11 Leg., R.S., Ch. 438, Sec. 13A.)

12 SUBCHAPTER C. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

13 Sec. 8509.0101. COMPOSITION OF BOARD; TERMS. (a) Four
14 directors are appointed by the commissioners court of each county
15 contained in the district, except for Hutchinson County, and one
16 director is appointed by the city council of the City of Stinnett.

17 (b) Directors serve staggered two-year terms expiring
18 December 31.

19 (c) Each December the commissioners court of each county
20 contained in the district, except for Hutchinson County, and the
21 city council of the City of Stinnett shall appoint a director or
22 directors from that county or city to succeed the director or
23 directors appointed by that commissioners court or city council
24 whose terms expire on the 31st day of that month. (Acts 63rd Leg.,
25 R.S., Ch. 438, Secs. 17(a), (b) (part), (c) (part).)

26 Sec. 8509.0102. QUALIFICATIONS FOR OFFICE. (a) A person
27 may be appointed a director by the commissioners court of a county

1 only if the person resides in and owns taxable property in the
2 county from which the person is appointed.

3 (b) A person may be appointed director by the city council
4 of the City of Stinnett only if the person resides in and owns
5 taxable property in the city.

6 (c) A member of a governing body of a county or of the City
7 of Stinnett or an employee of a county or of the City of Stinnett may
8 not be appointed director. (Acts 63rd Leg., R.S., Ch. 438,
9 Secs. 17(b) (part), (c) (part).)

10 Sec. 8509.0103. REMOVAL. Not earlier than the 10th day
11 after the date a director receives written notice of a charge
12 against the director, and after an opportunity to be heard in person
13 or through the appearance of counsel at a public hearing on the
14 matter of the charge described by the notice, the board may remove a
15 director for:

- 16 (1) inefficiency;
17 (2) neglect of duty; or
18 (3) misconduct in office. (Acts 63rd Leg., R.S.,
19 Ch. 438, Sec. 19C.)

20 Sec. 8509.0104. VACANCY. (a) If a director appointed by
21 the commissioners court of a county ceases to reside in the county
22 or otherwise ceases to serve as a director, the commissioners court
23 of that county shall appoint a director to fill the vacancy for the
24 unexpired term.

25 (b) If a director appointed by the city council of the City
26 of Stinnett ceases to reside in the city or otherwise ceases to
27 serve as a director, the city council of that city shall appoint a

1 director to fill the vacancy for the unexpired term. (Acts 63rd
2 Leg., R.S., Ch. 438, Secs. 17(b) (part), (c) (part).)

3 Sec. 8509.0105. OFFICERS. (a) The board shall elect from
4 the board's membership a president, a vice president, and any other
5 officers as the board determines necessary. The president is the
6 district's chief executive officer and the board's presiding
7 officer. Except as provided by Section 8509.0106, the vice
8 president shall act as president if the president is absent or fails
9 or declines to act.

10 (b) The board shall appoint a secretary and a treasurer, who
11 are not required to be directors. The board may combine the offices
12 of secretary and treasurer. (Acts 63rd Leg., R.S., Ch. 438, Sec. 18
13 (part).)

14 Sec. 8509.0106. VOTE BY BOARD PRESIDENT. The president has
15 the same right to vote as any other director. The vice president
16 may not exercise the president's right to vote. (Acts 63rd Leg.,
17 R.S., Ch. 438, Sec. 18 (part).)

18 Sec. 8509.0107. EMPLOYEES. The board may employ a general
19 manager, attorneys, accountants, engineers, or other technical or
20 nontechnical employees or assistants and set the amount and manner
21 of their compensation. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19
22 (part).)

23 Sec. 8509.0108. DIRECTOR'S AND TREASURER'S BONDS. (a) Each
24 director shall give bond in the amount of \$5,000 conditioned on the
25 faithful performance of the director's duties.

26 (b) The treasurer shall give bond in an amount required by
27 the board. The treasurer's bond must be conditioned on the

1 treasurer's faithful accounting for all money that comes into the
2 treasurer's custody as district treasurer. (Acts 63rd Leg., R.S.,
3 Ch. 438, Secs. 17(c) (part), 18 (part).)

4 Sec. 8509.0109. COMPENSATION OF DIRECTORS. (a) Unless the
5 board by resolution increases the fee to an amount authorized by
6 Section 49.060, Water Code, each director:

7 (1) shall receive a fee for attending each board
8 meeting not to exceed \$25 for a meeting or \$50 in one calendar
9 month; and

10 (2) is entitled to an additional amount not to exceed
11 \$25 for each day that the director devotes to serving the district's
12 business if the service is expressly approved by the board.

13 (b) In all areas of conflict with Subsection (a) of this
14 section, Section 49.060, Water Code, takes precedence. (Acts 63rd
15 Leg., R.S., Ch. 438, Sec. 17(d) (part); New.)

16 Sec. 8509.0110. INTEREST IN CONTRACT. (a) A director who
17 has a financial interest in a contract under consideration by the
18 district for the purchase, sale, lease, rental, or supply of
19 property, including supplies, materials, and equipment, or the
20 construction of facilities, shall disclose that fact to the other
21 directors and may not vote on or participate in discussions during
22 board meetings on the acceptance of the contract.

23 (b) A director's financial interest does not affect the
24 validity of a contract if disclosure is made and the director with
25 the financial interest does not vote on the question of entering
26 into the contract. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19B.)

27 Sec. 8509.0111. DIRECTOR TRAINING PROGRAM. (a) A person

1 who is appointed to and qualifies for office as a director may not
2 vote, deliberate, or be counted as a director in attendance at a
3 board meeting until the person completes a training program that
4 complies with this section.

5 (b) The training program must provide the person with
6 information regarding:

7 (1) the law governing district operations;

8 (2) the district's programs, functions, rules, and
9 budget;

10 (3) the scope of and limitations on the district's
11 rulemaking authority;

12 (4) the results of the district's most recent formal
13 audit;

14 (5) the requirements of:

15 (A) laws relating to open meetings, public
16 information, administrative procedure, and disclosing conflicts of
17 interest; and

18 (B) other laws applicable to members of the
19 governing body of a water district in performing their duties; and

20 (6) any applicable ethics policies adopted by the
21 board or the Texas Ethics Commission.

22 (c) A person appointed to the board is entitled to
23 reimbursement for the travel expenses incurred in attending the
24 training program regardless of whether the attendance at the
25 program occurs before or after the person qualifies for office.

26 (d) The board shall create a training manual that includes
27 the information required by Subsection (b). The board shall

1 distribute a copy of the training manual annually to each director.
2 On receipt of the training manual, each director shall sign a
3 statement acknowledging receipt of the training manual. (Acts 63rd
4 Leg., R.S., Ch. 438, Sec. 19D.)

5 Sec. 8509.0112. SEPARATION OF POLICYMAKING AND MANAGEMENT
6 FUNCTIONS. The board shall develop and implement policies that
7 clearly separate the policymaking responsibilities of the board and
8 the management responsibilities of the district's general manager
9 and staff. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19E.)

10 Sec. 8509.0113. COMPLAINTS. (a) The district shall
11 maintain a system to promptly and efficiently act on complaints
12 filed with the district. The district shall maintain information
13 about parties to the complaint, the subject matter of the
14 complaint, a summary of the results of the review or investigation
15 of the complaint, and its disposition.

16 (b) The district shall make information available
17 describing its procedures for complaint investigation and
18 resolution.

19 (c) The district shall periodically notify the parties to
20 the complaint of the status of the complaint until final
21 disposition. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19F.)

22 Sec. 8509.0114. NEGOTIATED RULEMAKING AND ALTERNATIVE
23 DISPUTE RESOLUTION. (a) The district shall develop a policy to
24 encourage the use of:

25 (1) negotiated rulemaking procedures under Chapter
26 2008, Government Code, for the adoption of district rules; and

27 (2) appropriate alternative dispute resolution

1 procedures under Chapter 2009, Government Code, to assist in the
2 resolution of internal and external disputes under the district's
3 jurisdiction.

4 (b) The district's procedures relating to alternative
5 dispute resolution must conform, to the extent possible, to any
6 model guidelines issued by the State Office of Administrative
7 Hearings for the use of alternative dispute resolution by state
8 agencies.

9 (c) The district shall:

10 (1) coordinate the implementation of the policy
11 adopted under Subsection (a);

12 (2) provide training as needed to implement the
13 procedures for negotiated rulemaking or alternative dispute
14 resolution; and

15 (3) collect data concerning the effectiveness of those
16 procedures. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19G.)

17 Sec. 8509.0115. PUBLIC COMMENT POLICY. The board shall
18 develop and implement policies that provide the public with a
19 reasonable opportunity to appear before the board and to speak on
20 any agenda item at board meetings. (Acts 63rd Leg., R.S., Ch. 438,
21 Sec. 19A.)

22 Sec. 8509.0116. EXPENDITURES. The board may provide for
23 the payment of expenditures considered essential to the proper
24 maintenance of the district and its affairs. (Acts 63rd Leg., R.S.,
25 Ch. 438, Sec. 19 (part).)

26 Sec. 8509.0117. SEAL. The board may adopt a seal for the
27 district. (Acts 63rd Leg., R.S., Ch. 438, Sec. 18 (part).)

1 SUBCHAPTER D. POWERS AND DUTIES

2 Sec. 8509.0151. GENERAL WATER SUPPLY POWERS. (a) The
3 district, inside or outside its boundaries, may:

4 (1) develop, construct, or purchase a dam or
5 reservoir;

6 (2) in order to preserve and protect the purity of the
7 waters of the state and of the district and conserve and reclaim
8 those waters for beneficial use by the district's inhabitants,
9 provide any plant, work, facility, or appliance incident to or
10 helpful or necessary to the collection, transportation,
11 processing, disposal, or control of those waters for agricultural,
12 municipal, domestic, oil field flooding, mining, or industrial
13 purposes;

14 (3) construct or purchase any plant or other facility
15 necessary or useful to:

16 (A) provide a source of water supply;

17 (B) store or process the water; or

18 (C) transport or distribute the water for
19 irrigation, livestock raising, agricultural, municipal, domestic,
20 or industrial purposes;

21 (4) impound, store, control, and conserve the storm
22 and flood waters and the unappropriated flow waters, including the
23 storm and flood waters and unappropriated flow waters of Palo Duro
24 Creek and Horse Creek, by complying with Subchapters A-D, Chapter
25 11, and Subchapter B, Chapter 12, Water Code;

26 (5) acquire or construct a dam or any work, plant, or
27 other facility necessary or useful to impound, process, or

1 transport water to a municipality or other entity for municipal,
2 agricultural, domestic, industrial, oil field flooding, or mining
3 purposes; and

4 (6) develop or purchase additional sources of water,
5 subject to Section 8509.0157.

6 (b) The district may acquire land inside or outside the
7 district's boundaries and construct, lease, or otherwise acquire
8 any work, plant, or other facility necessary or useful to:

9 (1) divert, further impound, or store water;

10 (2) process the water; or

11 (3) transport the water to a municipality or other
12 entity for agricultural, municipal, domestic, industrial, oil
13 field flooding, or mining purposes.

14 (c) The board shall determine the size of a dam and
15 reservoir developed, constructed, or purchased under Subsection
16 (a), taking into consideration probable future increases in water
17 requirements. The size of the dam may not be limited by the amount
18 of water the commission initially authorizes to be impounded by the
19 dam.

20 (d) The district may lease or otherwise acquire rights in
21 and to storage and storage capacity in any reservoir constructed or
22 to be constructed by any person or from the United States. (Acts
23 63rd Leg., R.S., Ch. 438, Secs. 3 (part), 8, 9, 12 (part).)

24 Sec. 8509.0152. GENERAL PROPERTY POWER. In addition to
25 powers granted the district under other law, the district has the
26 power to purchase, construct, maintain, or in any other manner
27 acquire, provide, and develop all works, facilities, improvements,

1 lands, easements, and properties that may be necessary or useful in
2 fulfilling any district purpose. (Acts 63rd Leg., R.S., Ch. 438,
3 Sec. 11 (part).)

4 Sec. 8509.0153. CONTRACTS TO SUPPLY WATER AND OPERATE
5 FACILITIES. (a) The district may contract with a municipality or
6 other entity to supply water to the municipality or entity.

7 (b) The district may contract with a municipality for the
8 rental or leasing of or for the operation of the municipality's
9 water production, water supply, and water filtration or
10 purification facilities on the consideration agreed to by the
11 district and the municipality.

12 (c) A contract entered into under this section may:

13 (1) be on terms and for the time agreed to by the
14 parties; and

15 (2) provide that the contract will continue in effect
16 until bonds specified in the contract and refunding bonds issued in
17 lieu of the bonds are paid. (Acts 63rd Leg., R.S., Ch. 438, Sec. 6.)

18 Sec. 8509.0154. CONTROL OF STORM AND FLOOD WATERS. The
19 district may:

20 (1) control, store, conserve, protect, distribute,
21 and use the storm and flood waters in the district for all useful
22 purposes permitted by law; and

23 (2) implement flood prevention and control measures in
24 the district and prevent or aid in preventing damage to district
25 lands and the soil and fertility of those lands. (Acts 63rd Leg.,
26 R.S., Ch. 438, Sec. 11 (part).)

27 Sec. 8509.0155. DISTRICT TO RECEIVE AND ACCEPT TECHNICAL

1 AND FINANCIAL ASSISTANCE. The district may receive and accept
2 technical and financial assistance from other districts or state
3 agencies or from the United States to accomplish the purposes
4 described by Sections 8509.0152 and 8509.0154. (Acts 63rd Leg.,
5 R.S., Ch. 438, Sec. 11 (part).)

6 Sec. 8509.0156. WATER APPROPRIATION PERMITS. (a) Through
7 an appropriate hearing, the district may obtain an appropriation
8 permit from the commission, as provided by Subchapters A-D, Chapter
9 11, and Subchapter B, Chapter 12, Water Code.

10 (b) On application of the district or at the will of the
11 commission and after an appropriate hearing, the commission may
12 modify an appropriation permit obtained by the district from the
13 commission to increase or decrease the amount of water that may be
14 appropriated and the amount that may be stored by the district to
15 meet fluctuating demands.

16 (c) On application by the district or by the commission's
17 own action, the commission shall redetermine the maximum amount of
18 water that the district may store in the district's reservoir. In
19 making this determination, the commission shall consider the needs
20 of the municipalities and other entities that purchase water from
21 the district.

22 (d) The district may acquire a water appropriation permit
23 from a permit owner. (Acts 63rd Leg., R.S., Ch. 438, Secs. 7, 12
24 (part).)

25 Sec. 8509.0157. UNDERGROUND SOURCES OF WATER. The district
26 may not develop or otherwise acquire underground sources of water.
27 (Acts 63rd Leg., R.S., Ch. 438, Sec. 5(a) (part).)

1 Sec. 8509.0158. LIMITATION ON CONSTRUCTION OF CERTAIN
2 FACILITIES. The district may not construct a dam or other facility
3 for impounding water unless the plans for the dam or facility are
4 approved by the commission. (Acts 63rd Leg., R.S., Ch. 438, Sec.
5 5(a) (part).)

6 Sec. 8509.0159. DISPOSAL OF DISTRICT PROPERTY. The
7 district may sell, trade, or otherwise dispose of any property
8 considered by the district not to be needed for district purposes,
9 subject to the terms of any deed of trust or other indenture. (Acts
10 63rd Leg., R.S., Ch. 438, Sec. 5(b).)

11 Sec. 8509.0160. EMINENT DOMAIN. (a) To carry out a power
12 conferred by this chapter, the district may exercise the power of
13 eminent domain to acquire:

14 (1) the fee simple title to land and other property and
15 easements inside the district, including land needed for a
16 reservoir or dam or a flood easement above the probable high-water
17 line around a reservoir; and

18 (2) the feesimple title to land and other property and
19 easements outside the district, except for land, other property,
20 and easements to be used for a dam or facility for the impoundment
21 or storage of water.

22 (b) The district must exercise the power of eminent domain
23 in the manner provided by Chapter 21, Property Code.

24 (c) The district is a municipal corporation for the purposes
25 of Section 21.021, Property Code.

26 (d) The district may not exercise the power of eminent
27 domain to acquire property owned by any other political

1 subdivision.

2 (e) In exercising the power of eminent domain against a
3 person that has the power of eminent domain or a receiver or trustee
4 for that person, the district may acquire an easement only and not
5 the fee title.

6 (f) The board shall determine the amount of and the type of
7 interest in land, other property, or easements to be acquired under
8 this section.

9 (g) The district's authority under this section to exercise
10 the power of eminent domain expired on September 1, 2013, unless the
11 district submitted a letter to the comptroller in accordance with
12 Section 2206.101(b), Government Code, not later than December 31,
13 2012. (Acts 63rd Leg., R.S., Ch. 438, Sec. 10; New.)

14 Sec. 8509.0161. COST OF RELOCATING OR ALTERING PROPERTY.
15 If the district's exercise of the power of eminent domain, the power
16 of relocation, or any other power granted by this chapter makes
17 necessary relocating, raising, rerouting, changing the grade of, or
18 altering the construction of a highway, railroad, electric
19 transmission line, telephone or telegraph property or facility, or
20 pipeline, the necessary action shall be accomplished at the
21 district's sole expense. (Acts 63rd Leg., R.S., Ch. 438, Sec. 15.)

22 Sec. 8509.0162. CERTAIN POWERS RELATED TO DISTRICT
23 PROPERTY. The district may:

24 (1) lease the hunting rights on property owned by the
25 district;

26 (2) develop, manage, or lease property owned by the
27 district for any recreational purpose; and

1 (3) lease property owned by the district to a person
2 seeking to develop renewable energy resources. (Acts 63rd Leg.,
3 R.S., Ch. 438, Sec. 3A.)

4 Sec. 8509.0163. PARKS AND RECREATION FACILITIES. The
5 district may establish or otherwise provide for public parks and
6 recreation facilities and may acquire land in the district for
7 those purposes. (Acts 63rd Leg., R.S., Ch. 438, Sec. 14.)

8 Sec. 8509.0164. SURVEYS AND INVESTIGATIONS. The board may
9 conduct a survey or an engineering investigation to provide
10 information for the district to facilitate the accomplishment of a
11 district purpose. (Acts 63rd Leg., R.S., Ch. 438, Sec. 19 (part).)

12 SUBCHAPTER E. REGULATORY POWERS

13 Sec. 8509.0201. ADOPTION OF RULES. The board may adopt
14 reasonable rules to:

15 (1) secure, maintain, and preserve the sanitary
16 condition of water in and water that flows into any reservoir owned
17 by the district;

18 (2) prevent waste of or the unauthorized use of water;
19 and

20 (3) regulate residence, hunting, fishing, boating,
21 camping, and any other recreational or business privilege along or
22 around any reservoir, body of land, or easement owned by the
23 district. (Acts 63rd Leg., R.S., Ch. 438, Sec. 13(a).)

24 Sec. 8509.0202. ENFORCEMENT OF RULES; PENALTY. (a) The
25 district by rule may prescribe reasonable penalties for the
26 violation of a district rule.

27 (b) A penalty may consist of a fine not to exceed \$200.

1 (c) A penalty prescribed under this section is in addition
2 to any other penalty provided by the laws of this state. (Acts 63rd
3 Leg., R.S., Ch. 438, Sec. 13(b) (part).)

4 Sec. 8509.0203. NOTICE OF RULE PROVIDING PENALTY. (a) If
5 the district adopts a rule that provides a penalty, the district
6 must publish a substantive statement of the rule and the penalty
7 once a week for two consecutive weeks in each county in which any
8 part of the reservoir to which the rule applies is situated.

9 (b) A single statement must be as condensed as possible so
10 that the act prohibited by the rule can be easily understood.

11 (c) The statement may include notice of any number of rules.

12 (d) The notice must state that:

13 (1) a person who violates the rule is subject to a
14 penalty; and

15 (2) the rule is on file in the district's principal
16 office, where the rule may be read by any interested person.

17 (e) A rule takes effect five days after the date of second
18 publication of the statement under this section. (Acts 63rd Leg.,
19 R.S., Ch. 438, Sec. 13(b) (part).)

20 Sec. 8509.0204. JUDICIAL NOTICE OF RULES. A court shall
21 take judicial notice of a rule adopted under this subchapter and
22 published as required by Section 8509.0203, and the court shall
23 consider the rule to be similar in nature to a penal ordinance of a
24 municipality. (Acts 63rd Leg., R.S., Ch. 438, Sec. 13(b) (part).)

25 Sec. 8509.0205. ENFORCEMENT BY PEACE OFFICERS. (a) A
26 licensed peace officer may make an arrest when necessary to prevent
27 or abate the commission of an offense:

1 (1) in violation of a district rule or a law of this
2 state that occurs or threatens to occur on any land, water, or
3 easement owned or controlled by the district; or

4 (2) involving damage to any property owned or
5 controlled by the district.

6 (b) A peace officer may make an arrest under Subsection
7 (a)(2) at any location. (Acts 63rd Leg., R.S., Ch. 438, Sec.
8 13(c).)

9 SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

10 Sec. 8509.0251. TAX METHOD. (a) The district shall use the
11 ad valorem plan of taxation.

12 (b) The board is not required to hold a hearing on the
13 adoption of a plan of taxation. (Acts 63rd Leg., R.S., Ch. 438,
14 Sec. 16 (part).)

15 Sec. 8509.0252. AUTHORITY TO IMPOSE TAX; LIMITATION ON TAX
16 RATE; TAX ELECTION. (a) If a tax is authorized at an election under
17 Section 49.107, Water Code, the district annually may impose an ad
18 valorem tax on the taxable property in the district to provide
19 money:

20 (1) necessary to construct or acquire, maintain, and
21 operate dams, works, plants, and facilities considered essential or
22 beneficial to the district and the district's purposes; or

23 (2) adequate to defray the cost of the district's
24 maintenance, operation, and administration.

25 (b) The district may not impose an ad valorem tax for the
26 district's maintenance, operation, and administration that exceeds
27 50 cents on the \$100 assessed valuation of the taxable property in

1 the district.

2 (c) An election for the imposition of taxes authorized by
3 this section must be:

4 (1) ordered by the board; and

5 (2) held and conducted in the manner provided by this
6 chapter relating to elections for the authorization of bonds.
7 (Acts 63rd Leg., R.S., Ch. 438, Sec. 27 (part).)

8 Sec. 8509.0253. DEPOSITORY. (a) The board shall designate
9 one or more banks in the district to serve as depository for the
10 district's money.

11 (b) District money shall be deposited with a designated
12 depository bank or banks, except that:

13 (1) money pledged to pay bonds may be deposited with
14 the trustee bank named in the trust agreement; and

15 (2) money shall be remitted to the bank of payment for
16 the payment of principal of and interest on bonds.

17 (c) To the extent that money in a depository bank or a
18 trustee bank is not insured by the Federal Deposit Insurance
19 Corporation, the money must be secured in the manner provided by law
20 for the security of county funds.

21 (d) The board shall prescribe the terms of service for
22 depositories.

23 (e) Before designating a depository bank, the board shall
24 issue a notice that:

25 (1) states the time and place at which the board will
26 meet to designate a depository bank or banks; and

27 (2) invites the banks in the district to submit an

1 application to be designated as a depository.

2 (f) The notice must be published one time in a newspaper or
3 newspapers published in the district and specified by the board.

4 (g) At the time stated in the notice, the board shall:

5 (1) consider the application and the management and
6 condition of each bank that applies; and

7 (2) designate as a depository the bank or banks that:

8 (A) offer the most favorable terms for handling
9 the money; and

10 (B) the board finds have proper management and
11 are in condition to handle the money.

12 (h) Membership on the board of an officer or director of a
13 bank does not disqualify the bank from being designated as a
14 depository.

15 (i) If the board does not receive any applications before
16 the time stated in the notice, the board shall designate one or more
17 banks located inside or outside the district on terms that the board
18 finds advantageous to the district. (Acts 63rd Leg., R.S., Ch. 438,
19 Sec. 29.)

20 Sec. 8509.0254. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED.
21 The district is not required to pay a tax or assessment on a
22 district project or any part of the project. (Acts 63rd Leg., R.S.,
23 Ch. 438, Sec. 26 (part).)

24 SUBCHAPTER G. BONDS

25 Sec. 8509.0301. AUTHORITY TO ISSUE BONDS. (a) The district
26 may issue bonds to carry out any power conferred by this chapter,
27 including to provide a source of water supply for municipalities

1 and other users for agricultural, municipal, domestic, industrial,
2 oil field flooding, and mining purposes.

3 (b) The bonds must be authorized by a board resolution.
4 (Acts 63rd Leg., R.S., Ch. 438, Secs. 20(a) (part), (b) (part), (c),
5 (e) (part).)

6 Sec. 8509.0302. FORM OF BONDS. District bonds must be:

- 7 (1) issued in the district's name;
8 (2) signed by the president or vice president; and
9 (3) attested by the secretary. (Acts 63rd Leg., R.S.,
10 Ch. 438, Sec. 20(b) (part).)

11 Sec. 8509.0303. MATURITY. District bonds must mature not
12 later than 40 years after the date of their issuance. (Acts 63rd
13 Leg., R.S., Ch. 438, Sec. 20(b) (part).)

14 Sec. 8509.0304. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
15 TAXES. (a) Bonds, other than refunding bonds, payable wholly or
16 partly from ad valorem taxes may not be issued unless authorized by
17 a majority vote of the voters voting at an election held for that
18 purpose.

19 (b) The board may call an election under this section
20 without a petition. The resolution calling the election must
21 specify:

- 22 (1) the time and places at which the election will be
23 held;
24 (2) the purpose for which the bonds will be issued;
25 (3) the maximum amount of the bonds;
26 (4) the maximum maturity of the bonds;
27 (5) the form of the ballot; and

1 (6) the presiding judge for each polling place.

2 (c) Notice of the election must be given by publishing a
3 substantial copy of the resolution calling the election in one
4 newspaper published in each municipality contained in the district
5 for two consecutive weeks. The first publication must be not later
6 than the 21st day before the date of the election. In any
7 municipality in which a newspaper is not published, notice must be
8 given by posting a copy of the resolution in three public places.

9 (d) The district may issue bonds not payable wholly or
10 partly from ad valorem taxes without an election. (Acts 63rd Leg.,
11 R.S., Ch. 438, Secs. 23(a), (b).)

12 Sec. 8509.0305. BONDS PAYABLE FROM REVENUE. (a) In this
13 section, "net revenue" means the district's gross revenue and
14 income from all sources less the amount necessary to pay the cost of
15 maintaining and operating the district and the district's property.

16 (b) Bonds issued under this subchapter may be secured under
17 board resolution by a pledge of:

18 (1) all or part of the district's net revenue;

19 (2) the net revenue of one or more contracts made
20 before or after the issuance of the bonds; or

21 (3) other revenue or income specified by board
22 resolution or in the trust indenture.

23 (c) The pledge may reserve the right to issue additional
24 bonds on a parity with, or subordinate to, the bonds being issued,
25 subject to conditions specified by the pledge. (Acts 63rd Leg.,
26 R.S., Ch. 438, Secs. 20(a) (part), (d).)

27 Sec. 8509.0306. BONDS PAYABLE FROM AD VALOREM TAXES. The

1 board may issue bonds payable, as pledged by board resolution,
2 from:

3 (1) ad valorem taxes imposed on taxable property in
4 the district; or

5 (2) ad valorem taxes and revenue of the district.
6 (Acts 63rd Leg., R.S., Ch. 438, Secs. 20(a) (part), (e) (part).)

7 Sec. 8509.0307. TAX AND RATE REQUIREMENTS. (a) If the
8 district issues bonds payable wholly or partly from ad valorem
9 taxes, the board shall impose an ad valorem tax on the taxable
10 property in the district sufficient to pay the principal of and the
11 interest on the bonds as the bonds and interest become due without
12 limit as to the rate or the amount. The board may adopt the rate of
13 the tax for any year after considering the money received from the
14 pledged revenue available for payment of principal and interest to
15 the extent and in the manner permitted by the resolution
16 authorizing the issuance of the bonds.

17 (b) If the district issues bonds payable wholly or partly
18 from revenue, the board shall set and revise the rates of
19 compensation for water sold and services rendered by the district.

20 (c) For bonds payable wholly from revenue, the rates of
21 compensation must be sufficient to:

22 (1) pay the expense of operating and maintaining the
23 district's facilities;

24 (2) pay the bonds as they mature and the interest as it
25 accrues; and

26 (3) maintain the reserve and other funds as provided
27 by the resolution authorizing the issuance of the bonds.

1 (d) For bonds payable partly from revenue, the rates of
2 compensation must be sufficient to assure compliance with the
3 resolution authorizing the issuance of the bonds. (Acts 63rd Leg.,
4 R.S., Ch. 438, Secs. 20(e) (part), (f), 28(h).)

5 Sec. 8509.0308. ADDITIONAL SECURITY. (a) District bonds,
6 including refunding bonds, that are not payable wholly from ad
7 valorem taxes may be additionally secured, at the board's
8 discretion, by a deed of trust or mortgage lien on the district's
9 physical property and all franchises, easements, water rights and
10 appropriation permits, leases, and contracts and all rights
11 appurtenant to the property, vesting in the trustee power to:

- 12 (1) sell the property for the payment of the debt;
13 (2) operate the property; and
14 (3) take other action to further secure the bonds.

15 (b) A purchaser under a sale under the deed of trust lien, if
16 one is given:

- 17 (1) is the absolute owner of the property, facilities,
18 and rights purchased; and
19 (2) is entitled to maintain and operate the property,
20 facilities, and rights. (Acts 63rd Leg., R.S., Ch. 438, Sec. 22
21 (part).)

22 Sec. 8509.0309. TRUST INDENTURE. (a) District bonds,
23 including refunding bonds, that are not payable wholly from ad
24 valorem taxes may be additionally secured by a trust indenture. The
25 trustee may be a bank with trust powers located inside or outside
26 the state.

27 (b) A trust indenture, regardless of the existence of a deed

1 of trust or mortgage lien on property, may:

2 (1) provide for the security of the bonds and the
3 preservation of the trust estate as prescribed by the board;

4 (2) provide for amendment or modification of the trust
5 indenture;

6 (3) provide for the issuance of bonds to replace lost
7 or mutilated bonds;

8 (4) condition the right to spend district money or
9 sell district property on the approval of a licensed engineer
10 selected as provided by the trust indenture; and

11 (5) provide for the investment of district money.
12 (Acts 63rd Leg., R.S., Ch. 438, Sec. 22 (part).)

13 Sec. 8509.0310. INTERIM BONDS OR NOTES. Before issuing
14 definitive bonds, the board may issue interim bonds or notes
15 exchangeable for definitive bonds. (Acts 63rd Leg., R.S., Ch. 438,
16 Sec. 20(a) (part).)

17 Sec. 8509.0311. USE OF BOND PROCEEDS. (a) The district may
18 set aside an amount of proceeds from the sale of bonds issued under
19 this subchapter for the payment of interest expected to accrue
20 during construction and a reserve interest and sinking fund. The
21 resolution authorizing the bonds may provide for setting aside and
22 using the proceeds as provided by this subsection.

23 (b) The district may use proceeds from the sale of the bonds
24 to pay any expense necessarily incurred in accomplishing the
25 district's purpose, including any expense of issuing and selling
26 the bonds.

27 (c) The proceeds from the sale of the bonds may be

1 temporarily invested in direct obligations of the United States
2 maturing not later than the first anniversary of the date of
3 investment. (Acts 63rd Leg., R.S., Ch. 438, Sec. 20(g).)

4 Sec. 8509.0312. APPOINTMENT OF RECEIVER. (a) On default or
5 threatened default in the payment of principal of or interest on
6 bonds issued under this subchapter that are payable wholly or
7 partly from revenue, a court may, on petition of the holders of
8 outstanding bonds, appoint a receiver for the district.

9 (b) The receiver may collect and receive all district income
10 except taxes, employ and discharge district agents and employees,
11 take charge of money on hand, except money received from taxes,
12 unless commingled, and manage the district's proprietary affairs
13 without the consent of or hindrance by the board.

14 (c) The receiver may be authorized to sell or contract for
15 the sale of water or to renew those contracts with the approval of
16 the court that appointed the receiver.

17 (d) The court may vest the receiver with any other power or
18 duty the court finds necessary to protect the bondholders. (Acts
19 63rd Leg., R.S., Ch. 438, Sec. 20(h) (part).)

20 Sec. 8509.0313. REFUNDING BONDS. (a) The district may
21 issue refunding bonds to refund outstanding bonds issued under
22 this subchapter and interest on those bonds.

23 (b) Refunding bonds may:

24 (1) be issued to refund bonds of more than one series;

25 (2) combine the pledges for the outstanding bonds for
26 the security of the refunding bonds; or

27 (3) be secured by a pledge of other or additional

1 revenue or mortgage liens.

2 (c) The provisions of this subchapter regarding the
3 issuance of other bonds, their security, and the remedies of the
4 holders apply to refunding bonds.

5 (d) The comptroller shall register the refunding bonds on
6 surrender and cancellation of the bonds to be refunded.

7 (e) Instead of issuing bonds to be registered on the
8 surrender and cancellation of the bonds to be refunded, the
9 district, in the resolution authorizing the issuance of the
10 refunding bonds, may provide for the sale of the refunding bonds and
11 the deposit of the proceeds in a bank at which the bonds to be
12 refunded are payable. In that case, the refunding bonds may be
13 issued in an amount sufficient to pay the principal of and interest
14 on the bonds to be refunded to their option date or maturity date,
15 and the comptroller shall register the refunding bonds without the
16 surrender and cancellation of the bonds to be refunded. (Acts 63rd
17 Leg., R.S., Ch. 438, Sec. 21.)

18 Sec. 8509.0314. LIMITATION ON RIGHTS OF BONDHOLDERS. The
19 resolution authorizing the bonds or the trust indenture securing
20 the bonds may limit or qualify the rights of the holders of less
21 than all of the outstanding bonds payable from the same source to
22 institute or prosecute litigation affecting the district's
23 property or income. (Acts 63rd Leg., R.S., Ch. 438, Sec. 20(h)
24 (part).)

25 Sec. 8509.0315. BONDS EXEMPT FROM TAXATION. A district
26 bond, the transfer of the bond, and the income from the bond,
27 including profits made on the sale of the bond, are exempt from

1 taxation in this state. (Acts 63rd Leg., R.S., Ch. 438, Sec. 26
2 (part).)

3 SECTION 1.04. DISTRICTS GOVERNING GROUNDWATER. Subtitle H,
4 Title 6, Special District Local Laws Code, is amended by adding
5 Chapters 8893 and 8894 to read as follows:

6 CHAPTER 8893. LIVE OAK UNDERGROUND WATER CONSERVATION DISTRICT

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Sec. 8893.0001. DEFINITIONS

9 Sec. 8893.0002. NATURE OF DISTRICT

10 Sec. 8893.0003. DISTRICT TERRITORY

11 Sec. 8893.0004. CONFLICTS OF LAW

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8893.0051. COMPOSITION OF BOARD; TERMS

14 Sec. 8893.0052. ELECTION OF DIRECTORS

15 Sec. 8893.0053. ELECTION OF DIRECTORS AFTER ANNEXATION

16 Sec. 8893.0054. ELECTION DATE

17 Sec. 8893.0055. QUALIFICATIONS FOR OFFICE

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8893.0101. GENERAL POWERS AND DUTIES

20 Sec. 8893.0102. ADMINISTRATIVE PROCEDURES

21 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

22 Sec. 8893.0151. TAX AND BOND PROVISIONS

23 CHAPTER 8893. LIVE OAK UNDERGROUND WATER CONSERVATION DISTRICT

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 8893.0001. DEFINITIONS. In this chapter:

26 (1) "Board" means the district's board of directors.

27 (2) "Director" means a board member.

1 (3) "District" means the Live Oak Underground Water
2 Conservation District. (Acts 71st Leg., R.S., Ch. 715, Sec. 2;
3 New.)

4 Sec. 8893.0002. NATURE OF DISTRICT. The district is
5 created to provide for the conservation, preservation, protection,
6 recharge, and prevention of waste of the groundwater reservoirs
7 located under district land, consistent with the objectives of
8 Section 59, Article XVI, Texas Constitution, and Chapter 36, Water
9 Code. (Acts 71st Leg., R.S., Ch. 715, Sec. 4.)

10 Sec. 8893.0003. DISTRICT TERRITORY. The district includes
11 the territory in Live Oak County unless the district's territory
12 has been modified under:

13 (1) Subchapter J or K, Chapter 36, Water Code; or

14 (2) other law. (Acts 71st Leg., R.S., Ch. 715, Sec. 3;
15 New.)

16 Sec. 8893.0004. CONFLICTS OF LAW. (a) This section applies
17 only to a provision of Chapter 36, Water Code, enacted on or before
18 June 12, 2017.

19 (b) If there is a conflict between this chapter and Chapter
20 36, Water Code, this chapter controls. (Acts 71st Leg., R.S., Ch.
21 715, Sec. 13; New.)

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8893.0051. COMPOSITION OF BOARD; TERMS. (a) The
24 district is governed by a board of five directors.

25 (b) Directors serve staggered four-year terms. (Acts 71st
26 Leg., R.S., Ch. 715, Secs. 12(a), (d).)

27 Sec. 8893.0052. ELECTION OF DIRECTORS. One director is

1 elected from each county commissioners precinct in Live Oak County.
2 One director is elected from the district at large. (Acts 71st Leg.,
3 R.S., Ch. 715, Sec. 12(c) (part).)

4 Sec. 8893.0053. ELECTION OF DIRECTORS AFTER ANNEXATION.
5 The board shall determine to which precinct annexed land will be
6 added for purposes of election of directors. (Acts 71st Leg., R.S.,
7 Ch. 715, Sec. 11.)

8 Sec. 8893.0054. ELECTION DATE. The district shall hold an
9 election to elect the appropriate number of directors in each
10 even-numbered year. (Acts 71st Leg., R.S., Ch. 715, Sec. 12(e).)

11 Sec. 8893.0055. QUALIFICATIONS FOR OFFICE. (a) To be
12 qualified for election as a director, a person must be:

13 (1) a resident of the district; and

14 (2) at least 18 years of age.

15 (b) To represent a commissioner precinct, a person must be a
16 resident of the precinct. (Acts 71st Leg., R.S., Ch. 715, Secs.
17 12(b), (c) (part).)

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8893.0101. GENERAL POWERS AND DUTIES. The district
20 has:

21 (1) the powers essential to accomplish the purposes of
22 Section 59, Article XVI, Texas Constitution; and

23 (2) the rights, powers, duties, privileges, and
24 functions provided by Chapter 36, Water Code, and other laws of this
25 state relating to groundwater conservation districts. (Acts 71st
26 Leg., R.S., Ch. 715, Secs. 1, 5.)

27 Sec. 8893.0102. ADMINISTRATIVE PROCEDURES. Except as

1 otherwise provided by this chapter, the administrative and
2 procedural provisions of Chapter 36, Water Code, apply to the
3 district. (Acts 71st Leg., R.S., Ch. 715, Sec. 6.)

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 8893.0151. TAX AND BOND PROVISIONS. (a) Except as
6 provided by Subsection (b), the tax and bond provisions of
7 Subchapters F and G, Chapter 36, Water Code, apply to the district.

8 (b) Notwithstanding Section 36.201(b), Water Code, the
9 district may annually levy taxes to pay the maintenance and
10 operating expenses of the district at a rate not to exceed five
11 cents on each \$100 of assessed valuation. (Acts 71st Leg., R.S., Ch.
12 715, Sec. 9.)

13 CHAPTER 8894. HEMPHILL COUNTY UNDERGROUND WATER CONSERVATION
14 DISTRICT

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 8894.0001. DEFINITIONS

17 Sec. 8894.0002. NATURE OF DISTRICT

18 Sec. 8894.0003. FINDINGS OF PUBLIC USE AND BENEFIT

19 Sec. 8894.0004. DISTRICT TERRITORY

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 8894.0051. COMPOSITION OF BOARD; TERMS

22 Sec. 8894.0052. ELECTION DATE

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 8894.0101. GENERAL POWERS AND DUTIES

25 Sec. 8894.0102. NO EMINENT DOMAIN POWER

1 CHAPTER 8894. HEMPHILL COUNTY UNDERGROUND WATER CONSERVATION

2 DISTRICT

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 8894.0001. DEFINITIONS. In this chapter:

5 (1) "Board" means the district's board of directors.

6 (2) "Director" means a board member.

7 (3) "District" means the Hemphill County Underground
8 Water Conservation District. (Acts 74th Leg., R.S., Ch. 157, Secs.
9 1(a) (part), 2; New.)

10 Sec. 8894.0002. NATURE OF DISTRICT. The district is a
11 groundwater conservation district in Hemphill County created under
12 and essential to accomplish the purposes of Section 59, Article
13 XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 157, Secs. 1(a)
14 (part), (b).)

15 Sec. 8894.0003. FINDINGS OF PUBLIC USE AND BENEFIT. (a)
16 The district is created to serve a public use and benefit.

17 (b) All land and other property included in the district
18 will benefit from the works and projects accomplished by the
19 district under the powers conferred by Section 59, Article XVI,
20 Texas Constitution. (Acts 74th Leg., R.S., Ch. 157, Sec. 4.)

21 Sec. 8894.0004. DISTRICT TERRITORY. The district's
22 boundaries are coextensive with the boundaries of Hemphill County,
23 unless the district's territory has been modified under:

24 (1) Subchapter J or K, Chapter 36, Water Code; or

25 (2) other law. (Acts 74th Leg., R.S., Ch. 157, Sec. 3;
26 New.)

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8894.0051. COMPOSITION OF BOARD; TERMS. (a) The
3 district is governed by a board of five directors.

4 (b) Directors serve staggered four-year terms. (Acts 74th
5 Leg., R.S., Ch. 157, Secs. 6(a), (d).)

6 Sec. 8894.0052. ELECTION DATE. The district shall hold an
7 election to elect the appropriate number of directors on the
8 uniform election date in May of each even-numbered year. (Acts 74th
9 Leg., R.S., Ch. 157, Sec. 9; New.)

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8894.0101. GENERAL POWERS AND DUTIES. Except as
12 otherwise provided by Section 8894.0102, the district has the
13 rights, powers, privileges, functions, and duties provided by the
14 general law of this state, including Chapter 36, Water Code,
15 applicable to groundwater conservation districts created under
16 Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S.,
17 Ch. 157, Sec. 5(a) (part).)

18 Sec. 8894.0102. NO EMINENT DOMAIN POWER. The district may
19 not exercise the power of eminent domain. (Acts 74th Leg., R.S.,
20 Ch. 157, Sec. 5(a) (part).)

21 SECTION 1.05. WATER CONTROL AND IMPROVEMENT DISTRICTS.

22 Subtitle I, Title 6, Special District Local Laws Code, is amended by
23 adding Chapters 9075, 9077, 9078, 9079, 9080, and 9083 to read as
24 follows:

1 CHAPTER 9075. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT

2 DISTRICT NO. 2

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 9075.0001. DEFINITION. In this chapter, "district"
5 means the Fort Bend County Water Control and Improvement District
6 No. 2 in Fort Bend County and Harris County. (Acts 57th Leg., R.S.,
7 Ch. 312, Sec. 1 (part); Acts 61st Leg., R.S., Ch. 381, Sec. 1
8 (part).)

9 Sec. 9075.0002. FINDINGS OF PUBLIC USE AND BENEFIT. (a)
10 The district will serve a public use and benefit.

11 (b) All land and other property in the district will benefit
12 from the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 2; Acts
13 61st Leg., R.S., Ch. 381, Sec. 3.)

14 Sec. 9075.0003. NATURE OF DISTRICT. The district is a
15 conservation and reclamation district under Section 59, Article
16 XVI, Texas Constitution. (Acts 61st Leg., R.S., Ch. 381, Sec. 1
17 (part).)

18 Sec. 9075.0004. DISTRICT TERRITORY. The district is
19 composed of the territory described by Section 1, Chapter 312, Acts
20 of the 57th Legislature, Regular Session, 1961, as that territory
21 may have been modified under:

- 22 (1) Subchapter J, Chapter 49, Water Code;
23 (2) Subchapter O, Chapter 51, Water Code; or
24 (3) other law. (Acts 57th Leg., R.S., Ch. 312, Sec. 1
25 (part); New.)

26 Sec. 9075.0005. COST OF RELOCATING OR ALTERING PROPERTY.

27 (a) In this section, "sole expense" means the actual cost of

1 relocating, raising, lowering, rerouting, changing the grade of, or
2 altering the construction of a facility described by Subsection (b)
3 in providing comparable replacement without enhancement of the
4 facility, after deducting from that cost the net salvage value
5 derived from the old facility.

6 (b) If the district's exercise of the power of eminent
7 domain, the power of relocation, or any other power granted by this
8 chapter makes necessary relocating, raising, rerouting, changing
9 the grade of, or altering the construction of a highway, railroad,
10 electric transmission line, telephone or telegraph property or
11 facility, or pipeline, the necessary action shall be accomplished
12 at the sole expense of the district. (Acts 57th Leg., R.S., Ch. 312,
13 Sec. 6.)

14 SUBCHAPTER B. DEFINED AREA

15 Sec. 9075.0051. CREATION OF DEFINED AREA; DESIGNATION. (a)
16 A defined area is created in the district.

17 (b) The defined area is designated to pay for improvements,
18 facilities, or services that primarily benefit the defined area and
19 do not generally benefit the district as a whole. (Acts 57th Leg.,
20 R.S., Ch. 312, Sec. 9.)

21 Sec. 9075.0052. INITIAL TERRITORY. (a) The defined area is
22 initially composed of the territory described by Section 2, Chapter
23 669, Acts of the 84th Legislature, Regular Session, 2015.

24 (b) The boundaries and field notes contained in Section 2,
25 Chapter 669, Acts of the 84th Legislature, Regular Session, 2015,
26 form a closure. A mistake made in the field notes or in copying the
27 field notes in the legislative process does not affect:

1 (1) the defined area's organization, existence, or
2 validity;

3 (2) the district's right to issue any type of bond or
4 obligation for the purposes for which the defined area is
5 designated, including to pay the principal of and interest on a
6 bond;

7 (3) the district's right to impose or collect a tax in
8 the defined area; or

9 (4) the legality or operation of the defined area or
10 the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 10.)

11 Sec. 9075.0053. EXCLUSION OF LAND. Subject to the City of
12 Stafford providing written consent by ordinance or resolution, the
13 district may exclude land from the defined area in the same manner
14 as the district may exclude land from the district. (Acts 57th Leg.,
15 R.S., Ch. 312, Sec. 11.)

16 Sec. 9075.0054. PROCEDURE FOR ELECTION. (a) Before the
17 district may impose an ad valorem tax or issue bonds payable from ad
18 valorem taxes of the defined area, the governing body of the
19 district must call and hold an election in the defined area only.

20 (b) The governing body of the district may submit the
21 proposition to the voters on the same ballot to be used in another
22 election. (Acts 57th Leg., R.S., Ch. 312, Sec. 12.)

23 Sec. 9075.0055. TAXES FOR SERVICES, IMPROVEMENTS, AND
24 FACILITIES. On approval of the voters in the defined area, the
25 district may apply separately, differently, equitably, and
26 specifically its taxing power and lien authority to the defined
27 area to provide money to construct, administer, maintain, and

1 operate services, improvements, and facilities that primarily
2 benefit the defined area. (Acts 57th Leg., R.S., Ch. 312, Sec. 13.)

3 Sec. 9075.0056. ISSUANCE OF BONDS. On approval of the
4 voters in the defined area, the district may issue bonds to provide
5 for any land, improvements, facilities, plants, equipment, and
6 appliances for the defined area. (Acts 57th Leg., R.S., Ch. 312,
7 Sec. 14.)

8 Sec. 9075.0057. POWERS AND DUTIES. (a) For the benefit of
9 the defined area, the district has the powers and duties provided by
10 the general law of this state necessary to accomplish the purposes
11 of:

12 (1) Section 59, Article XVI, Texas Constitution;
13 (2) Section 52, Article III, Texas Constitution,
14 applicable to the construction, acquisition, improvement,
15 operation, or maintenance of macadamized, graveled, or paved roads,
16 or improvements, including storm drainage, in aid of those roads;
17 and

18 (3) except as provided by this chapter, Chapters 49
19 and 51, Water Code, applicable to water control and improvement
20 districts created under Section 59, Article XVI, Texas
21 Constitution.

22 (b) Except as provided by Subsection (c), the governing body
23 of the district shall administer the defined area as provided by
24 Chapter 51, Water Code.

25 (c) Sections 51.518, 51.519, 51.520, 51.521, 51.522,
26 51.523, 51.524, 51.526, 51.527, 51.528, and 51.529, Water Code, do
27 not apply to the district. (Acts 57th Leg., R.S., Ch. 312, Sec.

1 15.)

2 Sec. 9075.0058. AUTHORITY FOR ROAD PROJECTS. Under Section
3 52, Article III, Texas Constitution, for the benefit of the defined
4 area, the district may design, acquire, construct, finance, issue
5 bonds for, improve, operate, maintain, and convey to this state, a
6 county, or a municipality for operation and maintenance
7 macadamized, graveled, or paved roads, or improvements, including
8 storm drainage, in aid of those roads, including roads located
9 outside the boundaries of the defined area that benefit the defined
10 area. (Acts 57th Leg., R.S., Ch. 312, Sec. 16.)

11 Sec. 9075.0059. ROAD STANDARDS AND REQUIREMENTS. A road
12 project must meet all applicable construction standards, zoning and
13 subdivision requirements, and regulations of each municipality in
14 whose corporate limits or extraterritorial jurisdiction the road
15 project is located. (Acts 57th Leg., R.S., Ch. 312, Sec. 17.)

16 Sec. 9075.0060. IMPROVEMENT PROJECTS AND SERVICES. For the
17 benefit of the defined area, the district may provide, design,
18 construct, acquire, improve, relocate, operate, maintain, or
19 finance an improvement project or service using any money available
20 to the district, or contract with a governmental or private entity
21 to provide, design, construct, acquire, improve, relocate,
22 operate, maintain, or finance an improvement project or service
23 authorized under this chapter. (Acts 57th Leg., R.S., Ch. 312, Sec.
24 18.)

25 Sec. 9075.0061. ELECTIONS REGARDING TAXES AND BONDS. (a)
26 For the benefit of the defined area, the district may issue, without
27 an election, bonds, notes, and other obligations secured by revenue

1 other than ad valorem taxes.

2 (b) The district must hold an election in the defined area
3 to obtain approval of the voters of the defined area before the
4 district may impose an ad valorem tax or issue bonds payable from ad
5 valorem taxes in the defined area.

6 (c) An election under this section does not require that an
7 election be held in the part of the district located outside the
8 defined area.

9 (d) All or any part of any facilities or improvements that
10 may be acquired by a district through the issuance of bonds may be
11 submitted as a single proposition or as several propositions to be
12 voted on at the election. (Acts 57th Leg., R.S., Ch. 312, Sec. 19.)

13 Sec. 9075.0062. OPERATION AND MAINTENANCE TAX. (a) If
14 authorized by a majority of the voters in the defined area voting at
15 an election held in accordance with Section 9075.0061, the district
16 may impose an operation and maintenance tax on taxable property in
17 the defined area in accordance with Section 49.107, Water Code, for
18 any district purpose, including to:

- 19 (1) maintain and operate the defined area;
20 (2) construct or acquire improvements; or
21 (3) provide a service.

22 (b) The governing body of the district shall determine the
23 tax rate. The rate may not exceed the rate approved at the election
24 described by Subsection (a).

25 (c) Section 49.107(h), Water Code, does not apply to the
26 district. (Acts 57th Leg., R.S., Ch. 312, Sec. 20.)

27 Sec. 9075.0063. AUTHORITY TO BORROW MONEY AND TO ISSUE

1 BONDS AND OTHER OBLIGATIONS. (a) For the benefit of the defined
2 area, the district may borrow money on terms determined by the
3 governing body of the district.

4 (b) The district may issue bonds, notes, or other
5 obligations payable wholly or partly from ad valorem taxes, impact
6 fees, revenue, grants, or other district money, or any combination
7 of those sources of money from the defined area, to pay for any
8 authorized district purpose.

9 (c) The limitation on the outstanding principal amount of
10 bonds, notes, and other obligations provided by Section 49.4645,
11 Water Code, does not apply to the district.

12 (d) The district must obtain approval from the Texas
13 Commission on Environmental Quality as provided by Chapter 49,
14 Water Code, before the district issues bonds to provide water,
15 sewer, or drainage facilities for the benefit of the defined area.
16 (Acts 57th Leg., R.S., Ch. 312, Sec. 21.)

17 Sec. 9075.0064. TAXES FOR BONDS. At the time the district
18 issues bonds payable wholly or partly from ad valorem taxes from the
19 defined area, the governing body of the district shall provide for
20 the annual imposition of a continuing direct annual ad valorem tax,
21 without limit as to rate or amount, for each year that all or part of
22 the bonds are outstanding as required and in the manner provided by
23 Sections 51.433 and 51.436, Water Code. (Acts 57th Leg., R.S., Ch.
24 312, Sec. 22.)

25 CHAPTER 9077. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

26 NO. 5

27 Sec. 9077.0001. DEFINITION

1 Sec. 9077.0002. EMINENT DOMAIN

2 CHAPTER 9077. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
3 NO. 5

4 Sec. 9077.0001. DEFINITION. In this chapter, "district"
5 means the Bell County Water Control and Improvement District No. 5
6 in Bell County. (Acts 56th Leg., R.S., Ch. 227, Sec. 1 (part); New.)

7 Sec. 9077.0002. EMINENT DOMAIN. (a) The district may
8 exercise the power of eminent domain to acquire real estate located
9 in Bell County.

10 (b) The district must exercise the power of eminent domain
11 in the manner provided by Chapter 21, Property Code.

12 (c) The district's authority under this section to exercise
13 the power of eminent domain expired on September 1, 2013, unless the
14 district submitted a letter to the comptroller in accordance with
15 Section 2206.101(b), Government Code, not later than December 31,
16 2012. (Acts 56th Leg., R.S., Ch. 227, Sec. 1 (part); New.)

17 CHAPTER 9078. FANNIN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
18 NO. 1

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 9078.0001. DEFINITIONS

21 Sec. 9078.0002. NATURE OF DISTRICT

22 Sec. 9078.0003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT

23 Sec. 9078.0004. DISTRICT TERRITORY

24 Sec. 9078.0005. LIBERAL CONSTRUCTION OF CHAPTER

25 SUBCHAPTER B. POWERS AND DUTIES

26 Sec. 9078.0051. GENERAL POWERS AND DUTIES

1 Sec. 9078.0052. WATER CONTROL AND IMPROVEMENT DISTRICT
2 POWERS
3 Sec. 9078.0053. CONTROL OF WATER AND FLOODWATER;
4 RECLAMATION
5 Sec. 9078.0054. COST OF RELOCATING OR ALTERING
6 PROPERTY
7 SUBCHAPTER C. TAXES
8 Sec. 9078.0101. IMPOSITION OF MAINTENANCE TAX;
9 ELECTION PROCEDURE
10 Sec. 9078.0102. MAINTENANCE TAX RATE
11 Sec. 9078.0103. TAX METHOD
12 SUBCHAPTER D. BONDS
13 Sec. 9078.0151. DEFINITION OF NET REVENUES
14 Sec. 9078.0152. AUTHORITY TO ISSUE BONDS
15 Sec. 9078.0153. SECURITY FOR REVENUE BONDS
16 Sec. 9078.0154. BOND ELECTION REQUIRED
17 Sec. 9078.0155. REFUNDING BONDS
18 CHAPTER 9078. FANNIN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
19 NO. 1
20 SUBCHAPTER A. GENERAL PROVISIONS
21 Sec. 9078.0001. DEFINITIONS. In this chapter:
22 (1) "Board" means the district's board of directors.
23 (2) "District" means the Fannin County Water Control
24 and Improvement District No. 1. (Acts 57th Leg., R.S., Ch. 65, Sec.
25 1 (part); New.)
26 Sec. 9078.0002. NATURE OF DISTRICT. The district is a
27 conservation and reclamation district in Fannin County established

1 under Section 59, Article XVI, Texas Constitution. (Acts 57th Leg.,
2 R.S., Ch. 65, Sec. 1 (part); Acts 58th Leg., R.S., Ch. 275, Secs. 1
3 (part), 7 (part).)

4 Sec. 9078.0003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

5 (a) The district is essential to the accomplishment of the
6 preservation and conservation of the natural resources of the
7 state.

8 (b) All land and property in the district will benefit from
9 the improvements to be constructed, acquired, and operated by the
10 district and from the preservation and conservation of the natural
11 resources of the state.

12 (c) This chapter addresses a subject in which the state is
13 interested. (Acts 58th Leg., R.S., Ch. 275, Secs. 3 (part), 7
14 (part).)

15 Sec. 9078.0004. DISTRICT TERRITORY. The district is
16 composed of the territory described by metes and bounds in the
17 resolution and order of the commissioners court of Fannin County
18 creating the district, recorded in Volume 1, page 3, of the Water
19 Control Improvement District minutes of Fannin County, as that
20 territory may have been modified under:

- 21 (1) Subchapter J, Chapter 49, Water Code;
22 (2) Subchapter O, Chapter 51, Water Code; or
23 (3) other law. (Acts 57th Leg., R.S., Ch. 65, Sec. 1
24 (part); New.)

25 Sec. 9078.0005. LIBERAL CONSTRUCTION OF CHAPTER. This
26 chapter shall be liberally construed to effect its purposes. (Acts
27 58th Leg., R.S., Ch. 275, Sec. 7 (part).)

1 SUBCHAPTER B. POWERS AND DUTIES

2 Sec. 9078.0051. GENERAL POWERS AND DUTIES. The district
3 may exercise the powers essential to the accomplishment of the
4 purposes of Section 59, Article XVI, Texas Constitution, and may
5 exercise the rights, powers, privileges, prerogatives, and
6 functions enumerated in or implied by that section, including those
7 listed in this subchapter. (Acts 57th Leg., R.S., Ch. 65, Sec. 2
8 (part); Acts 58th Leg., R.S., Ch. 275, Sec. 1 (part); New.)

9 Sec. 9078.0052. WATER CONTROL AND IMPROVEMENT DISTRICT
10 POWERS. The district has the rights, powers, privileges, and
11 functions provided by general law applicable to a water control and
12 improvement district including Chapters 49 and 51, Water Code,
13 including the power to:

14 (1) construct, acquire, improve, maintain, and repair
15 a dam or other structure; and

16 (2) acquire land, easements, properties, or equipment
17 needed to use, control, and distribute water that may be impounded,
18 diverted, or controlled by the district. (Acts 57th Leg., R.S., Ch.
19 65, Sec. 2 (part); Acts 58th Leg., R.S., Ch. 275, Sec. 1 (part);
20 New.)

21 Sec. 9078.0053. CONTROL OF WATER AND FLOODWATER;
22 RECLAMATION. The district may:

23 (1) control, store, preserve, and distribute the water
24 and floodwater in the district for the irrigation of arid land,
25 conservation, preservation, reclamation, and drainage of land in
26 the district;

27 (2) carry out flood prevention measures to prevent

1 damage to land and property in the district; and

2 (3) reclaim lands damaged before April 10, 1961,
3 because of the prior failure to provide the facilities authorized
4 to be constructed under this chapter. (Acts 57th Leg., R.S., Ch. 65,
5 Sec. 2 (part).)

6 Sec. 9078.0054. COST OF RELOCATING OR ALTERING PROPERTY.

7 If the district's exercise of the power of eminent domain, the power
8 of relocation, or any other power granted under this chapter makes
9 necessary relocating, raising, rerouting, changing the grade of, or
10 altering the construction of, a highway, railroad, electric
11 transmission line, telephone or telegraph property or facility, or
12 pipeline, the necessary action shall be accomplished at the
13 district's sole expense. (Acts 57th Leg., R.S., Ch. 65, Sec. 2
14 (part).)

15 SUBCHAPTER C. TAXES

16 Sec. 9078.0101. IMPOSITION OF MAINTENANCE TAX; ELECTION
17 PROCEDURE. (a) If approved by a majority of the voters of the
18 district voting at an election called for that purpose, the
19 district may impose a maintenance tax for the purposes of:

- 20 (1) maintaining structures;
21 (2) securing and purchasing land rights;
22 (3) purchasing rights-of-way, including moving
23 utilities;
24 (4) administering contracts; and
25 (5) paying other general operating expenses.

26 (b) A maintenance tax election shall be called and notice
27 given in the same manner as for a bond election and may be held

1 simultaneously with a bond election.

2 (c) This chapter does not prevent the calling of a
3 subsequent maintenance tax election to establish or increase the
4 amount of tax if the board determines that a maintenance tax
5 election is required. (Acts 57th Leg., R.S., Ch. 65, Sec. 3
6 (part).)

7 Sec. 9078.0102. MAINTENANCE TAX RATE. In calling a
8 maintenance tax election, the board must specify the maximum
9 proposed tax rate. To impose a maintenance tax at a rate that
10 exceeds the maximum rate approved by the voters, the board must
11 submit the question of a tax rate increase to the voters. (Acts
12 57th Leg., R.S., Ch. 65, Sec. 3 (part).)

13 Sec. 9078.0103. TAX METHOD. (a) The district shall use the
14 ad valorem plan of taxation.

15 (b) The district is not required to conduct a hearing on the
16 adoption of a plan of taxation. (Acts 58th Leg., R.S., Ch. 275,
17 Sec. 4.)

18 SUBCHAPTER D. BONDS

19 Sec. 9078.0151. DEFINITION OF NET REVENUES. In this
20 subchapter, "net revenues" or "net operating revenues" means all
21 income or increment from the ownership and operation of
22 improvements and facilities operated by the district, minus the
23 amount reasonably required to provide for the administration,
24 efficient operation, and adequate maintenance of the improvements
25 and facilities. The terms do not include money derived from
26 taxation. (Acts 58th Leg., R.S., Ch. 275, Sec. 5 (part).)

27 Sec. 9078.0152. AUTHORITY TO ISSUE BONDS. (a) The district

1 may issue bonds to:

2 (1) furnish land, easements, or permanent
3 improvements to land or easements;

4 (2) provide dams, structures, projects, and works of
5 improvement for flood prevention, including structural and land
6 treatment measures, and for agricultural phases of the
7 conservation, development, use, and disposal of water, and for
8 necessary facilities and equipment in connection therewith and for
9 the improvement, maintenance, and repair of the same; and

10 (3) exercise any other district power.

11 (b) Except as otherwise provided by this chapter, district
12 bonds must be authorized by a board resolution.

13 (c) District bonds may be secured by and payable wholly
14 from:

15 (1) ad valorem taxes;

16 (2) net operating revenues of the district, the net
17 revenues of any contract made, or other revenues as specified in the
18 resolution authorizing the issuance of the bonds; or

19 (3) any combination of ad valorem taxes and net
20 revenues as determined by the board.

21 (d) In a resolution authorizing the issuance of bonds
22 secured wholly or partly by district revenues, the board may
23 reserve the right under conditions specified in the resolution to
24 issue additional bonds on a parity with or subordinate to the bonds
25 being issued. (Acts 57th Leg., R.S., Ch. 65, Sec. 3 (part); Acts
26 58th Leg., R.S., Ch. 275, Sec. 5 (part); New.)

27 Sec. 9078.0153. SECURITY FOR REVENUE BONDS. For bonds

1 authorized to be issued that are secured by and payable wholly or
2 partly from net revenues, the board may mortgage and encumber:

3 (1) any part or all of the district's property and
4 facilities acquired or to be acquired;

5 (2) a franchise of or revenues from the operation of
6 the district's property and facilities acquired or to be acquired;
7 and

8 (3) anything pertaining to the district's property and
9 facilities acquired or to be acquired or the operation of the
10 district's property or facilities. (Acts 58th Leg., R.S., Ch. 275,
11 Sec. 5 (part).)

12 Sec. 9078.0154. BOND ELECTION REQUIRED. (a) Bonds, other
13 than refunding bonds, may not be issued unless approved by the
14 voters of the district as provided by general law.

15 (b) If a proposition submitted at an election is defeated,
16 another election may be held in the district to vote on the same or a
17 similar proposition at a time determined by the board.

18 (c) The board may call an election under this section
19 without a petition. The resolution calling the election must
20 specify:

21 (1) the time and place at which the election will be
22 held;

23 (2) the purpose for which the bonds will be issued;

24 (3) the maximum maturity date and maximum interest
25 rate of the bonds;

26 (4) the form of the ballot; and

27 (5) the presiding judge for each voting place.

1 (d) Notice of the election must be given by publishing a
2 substantial copy of the resolution calling the election in a
3 newspaper of general circulation in the district. The notice must
4 be published once each week for two consecutive weeks. The first
5 publication must be not later than the 14th day before the date of
6 the election. (Acts 58th Leg., R.S., Ch. 275, Sec. 5 (part).)

7 Sec. 9078.0155. REFUNDING BONDS. (a) The district may
8 issue refunding bonds to refund outstanding district bonds and
9 interest on those bonds.

10 (b) Bonds issued to refund revenue-supported bonds may:

- 11 (1) be issued to refund bonds of more than one series;
12 (2) combine the pledges for the outstanding bonds for
13 the security of the refunding bonds; and
14 (3) be secured by other or additional revenues.

15 (c) The comptroller shall register the refunding bonds on
16 surrender and cancellation of the bonds to be refunded.

17 (d) Instead of issuing refunding bonds to be registered on
18 the surrender and cancellation of the bonds to be refunded as
19 provided by Subsection (c), the district, in the resolution
20 authorizing the issuance of the refunding bonds, may provide for
21 the sale of the refunding bonds and the deposit of the proceeds in a
22 bank at which the bonds to be refunded are payable. In that case,
23 the refunding bonds may be issued in an amount sufficient to pay the
24 principal of and interest on the bonds to be refunded to their
25 option date or maturity date, and the comptroller shall register
26 the refunding bonds without the surrender and cancellation of the
27 bonds to be refunded. (Acts 58th Leg., R.S., Ch. 275, Sec. 5

1 (part).)

2 CHAPTER 9079. FORT HANCOCK WATER CONTROL AND IMPROVEMENT DISTRICT
3 OF HUDSPETH COUNTY, TEXAS

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 9079.0001. DEFINITIONS

6 Sec. 9079.0002. FINDINGS OF PUBLIC USE AND BENEFIT

7 Sec. 9079.0003. DISTRICT TERRITORY

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Sec. 9079.0051. NOTICE OF DIRECTORS' ELECTION

10 Sec. 9079.0052. DIRECTOR'S BOND

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 9079.0101. GENERAL POWERS AND DUTIES

13 Sec. 9079.0102. COST OF RELOCATING OR ALTERING

14 PROPERTY

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 9079.0151. TAX METHOD

17 SUBCHAPTER E. BONDS

18 Sec. 9079.0201. AUTHORITY TO ISSUE BONDS

19 Sec. 9079.0202. NOTICE OF BOND ELECTION

20 CHAPTER 9079. FORT HANCOCK WATER CONTROL AND IMPROVEMENT DISTRICT
21 OF HUDSPETH COUNTY, TEXAS

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 9079.0001. DEFINITIONS. In this chapter:

24 (1) "Board" means the district's board of directors.

25 (2) "Director" means a board member.

26 (3) "District" means the Fort Hancock Water Control

27 and Improvement District of Hudspeth County, Texas. (Acts 57th

1 Leg., R.S., Ch. 78, Sec. 3; New.)

2 Sec. 9079.0002. FINDINGS OF PUBLIC USE AND BENEFIT. (a)

3 The district is created to serve a public use and benefit.

4 (b) All land and other property included in the district
5 will benefit from the works and projects accomplished by the
6 district under the powers conferred by Section 59, Article XVI,
7 Texas Constitution. (Acts 57th Leg., R.S., Ch. 78, Sec. 9.)

8 Sec. 9079.0003. DISTRICT TERRITORY. The district is
9 composed of the territory described by Section 5, Chapter 78, Acts
10 of the 57th Legislature, Regular Session, 1961, as that territory
11 may have been modified under:

- 12 (1) Subchapter J, Chapter 49, Water Code;
- 13 (2) Subchapter O, Chapter 51, Water Code; or
- 14 (3) other law. (New.)

15 SUBCHAPTER B. BOARD OF DIRECTORS

16 Sec. 9079.0051. NOTICE OF DIRECTORS' ELECTION. Notice of a
17 directors' election shall be posted in three or more public places
18 in the district for at least 14 days before the date of the
19 election. (Acts 57th Leg., R.S., Ch. 78, Sec. 4 (part).)

20 Sec. 9079.0052. DIRECTOR'S BOND. Each director shall give
21 bond in the amount of \$1,000 for the faithful performance of the
22 director's duties. (Acts 57th Leg., R.S., Ch. 78, Sec. 4 (part).)

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 9079.0101. GENERAL POWERS AND DUTIES. The district
25 has the rights, powers, privileges, and duties provided by general
26 law applicable to a water control and improvement district created
27 under Section 59, Article XVI, Texas Constitution, including

1 Chapters 49 and 51, Water Code. (Acts 57th Leg., R.S., Ch. 78, Sec.
2 10 (part).)

3 Sec. 9079.0102. COST OF RELOCATING OR ALTERING PROPERTY.
4 If the district's exercise of a power granted under this chapter
5 makes necessary relocating, raising, rerouting, changing the grade
6 of, or altering the construction of a highway, railroad, electric
7 transmission line, telephone or telegraph property or facility, or
8 pipeline, the necessary action shall be accomplished at the sole
9 expense of the district. (Acts 57th Leg., R.S., Ch. 78, Sec. 9a.)

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 9079.0151. TAX METHOD. (a) The district shall use the
12 ad valorem plan of taxation, and taxes levied by the district must
13 be on the ad valorem basis.

14 (b) A hearing on a plan of taxation is not required. (Acts
15 57th Leg., R.S., Ch. 78, Sec. 8.)

16 SUBCHAPTER E. BONDS

17 Sec. 9079.0201. AUTHORITY TO ISSUE BONDS. (a) The district
18 may issue bonds if authorized by a majority of district voters
19 voting at an election held for that purpose.

20 (b) The district may issue bonds for any purpose permitted
21 to a water control and improvement district. (Acts 57th Leg., R.S.,
22 Ch. 78, Sec. 6 (part).)

23 Sec. 9079.0202. NOTICE OF BOND ELECTION. Notice of a bond
24 election must be posted at three public places in the district for
25 at least 14 days before the date of the election. (Acts 57th Leg.,
26 R.S., Ch. 78, Sec. 6 (part).)

1 CHAPTER 9080. HALL AND DONLEY COUNTIES WATER CONTROL AND

2 IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 9080.0001. DEFINITION

5 Sec. 9080.0002. NATURE OF DISTRICT

6 Sec. 9080.0003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT

7 Sec. 9080.0004. DISTRICT TERRITORY

8 Sec. 9080.0005. LIBERAL CONSTRUCTION OF CHAPTER

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 9080.0051. COMPOSITION OF BOARD

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 9080.0101. GENERAL POWERS

13 Sec. 9080.0102. WATER CONTROL AND IMPROVEMENT DISTRICT

14 POWERS

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 9080.0151. TAX METHOD

17 CHAPTER 9080. HALL AND DONLEY COUNTIES WATER CONTROL AND

18 IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 9080.0001. DEFINITION. In this chapter, "district"
21 means the Hall and Donley Counties Water Control and Improvement
22 District No. 1 of Hall and Donley Counties. (Acts 56th Leg., R.S.,
23 Ch. 424, Sec. 1 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 1
24 (part); New.)

25 Sec. 9080.0002. NATURE OF DISTRICT. The district is a
26 conservation and reclamation district established under Section
27 59, Article XVI, Texas Constitution. (Acts 56th Leg., R.S.,

1 Ch. 424, Sec. 1 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 1
2 (part).)

3 Sec. 9080.0003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

4 (a) The district is essential to the accomplishment of the
5 preservation and conservation of the natural resources of this
6 state.

7 (b) All land and other property in the district will benefit
8 from the district and the district's improvements and from the
9 preservation and conservation of the natural resources of this
10 state.

11 (c) This chapter addresses a subject in which the state is
12 interested. (Acts 56th Leg., R.S., Ch. 424, Sec. 7 (part); Acts
13 59th Leg., R.S., Ch. 189, Secs. 2 (part), 7 (part).)

14 Sec. 9080.0004. DISTRICT TERRITORY. (a) The district is
15 composed of the territory described by Section 2, Chapter 189, Acts
16 of the 59th Legislature, Regular Session, 1965, as that territory
17 may have been modified under:

- 18 (1) Subchapter J, Chapter 49, Water Code;
19 (2) Subchapter O, Chapter 51, Water Code; or
20 (3) other law.

21 (b) The district includes all land and property in the
22 district's territory. (Acts 59th Leg., R.S., Ch. 189, Sec. 2
23 (part); New.)

24 Sec. 9080.0005. LIBERAL CONSTRUCTION OF CHAPTER. This
25 chapter shall be liberally construed to effect the purpose and
26 objectives stated in this chapter. (Acts 56th Leg., R.S., Ch. 424,
27 Sec. 7 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 7 (part).)

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 9080.0051. COMPOSITION OF BOARD. The district's board
3 of directors is composed of five elected directors. (New.)

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 9080.0101. GENERAL POWERS. The district may exercise
6 the powers essential to the accomplishment of the purposes of
7 Section 59, Article XVI, Texas Constitution, and may exercise the
8 rights, powers, privileges, and functions implied by that section.
9 (Acts 56th Leg., R.S., Ch. 424, Sec. 1 (part); Acts 59th Leg.,
10 R.S., Ch. 189, Sec. 1 (part).)

11 Sec. 9080.0102. WATER CONTROL AND IMPROVEMENT DISTRICT
12 POWERS. The district has the rights, powers, privileges, and
13 functions provided by general law applicable to a water control and
14 improvement district, including Chapters 49 and 51, Water Code.
15 (Acts 56th Leg., R.S., Ch. 424, Sec. 1 (part); Acts 59th Leg.,
16 R.S., Ch. 189, Sec. 1 (part).)

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 9080.0151. TAX METHOD. (a) The district shall use the
19 ad valorem plan of taxation.

20 (b) The district is not required to have a hearing on the
21 plan of taxation. (Acts 56th Leg., R.S., Ch. 424, Sec. 5; Acts 59th
22 Leg., R.S., Ch. 189, Sec. 5.)

23 CHAPTER 9083. HUDSPETH COUNTY WATER CONTROL AND IMPROVEMENT

24 DISTRICT NO. 1

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 9083.0001. DEFINITION

27 Sec. 9083.0002. NATURE OF DISTRICT

1 Sec. 9083.0003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT

2 Sec. 9083.0004. DISTRICT TERRITORY

3 Sec. 9083.0005. LIBERAL CONSTRUCTION OF CHAPTER

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 9083.0051. COMPOSITION OF BOARD

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 9083.0101. GENERAL POWERS

8 Sec. 9083.0102. WATER CONTROL AND IMPROVEMENT DISTRICT

9 POWERS

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 9083.0151. TAX METHOD

12 CHAPTER 9083. HUDSPETH COUNTY WATER CONTROL AND IMPROVEMENT

13 DISTRICT NO. 1

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 9083.0001. DEFINITION. In this chapter, "district"
16 means the Hudspeth County Water Control and Improvement District
17 No. 1. (Acts 56th Leg., R.S., Ch. 299, Sec. 1 (part); New.)

18 Sec. 9083.0002. NATURE OF DISTRICT. The district is a
19 conservation and reclamation district established under Section
20 59, Article XVI, Texas Constitution. (Acts 56th Leg., R.S., Ch.
21 299, Secs. 1 (part), 7 (part).)

22 Sec. 9083.0003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

23 (a) The district is essential to the accomplishment of the
24 preservation and conservation of the natural resources of the
25 state.

26 (b) All land and other property included in the district
27 will benefit from the district, the district's improvements, and

1 the purposes for which the district is created.

2 (c) This chapter addresses a subject in which the state is
3 interested. (Acts 56th Leg., R.S., Ch. 299, Secs. 2 (part), 7
4 (part).)

5 Sec. 9083.0004. DISTRICT TERRITORY. (a) The district is
6 composed of the territory described by Section 2, Chapter 299, Acts
7 of the 56th Legislature, Regular Session, 1959, as that territory
8 may have been modified under:

- 9 (1) Subchapter J, Chapter 49, Water Code;
10 (2) Subchapter O, Chapter 51, Water Code; or
11 (3) other law.

12 (b) The district shall include all land and property in the
13 district's territory. (Acts 56th Leg., R.S., Ch. 299, Sec. 2
14 (part); New.)

15 Sec. 9083.0005. LIBERAL CONSTRUCTION OF CHAPTER. This
16 chapter shall be liberally construed to effect its purposes. (Acts
17 56th Leg., R.S., Ch. 299, Sec. 7 (part).)

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Sec. 9083.0051. COMPOSITION OF BOARD. The board of
20 directors is composed of five elected directors. (New.)

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 9083.0101. GENERAL POWERS. The district may exercise
23 the powers essential to the accomplishment of the purposes of
24 Section 59, Article XVI, Texas Constitution, and may exercise the
25 rights, powers, privileges, and functions implied by that section.
26 (Acts 56th Leg., R.S., Ch. 299, Sec. 1 (part).)

27 Sec. 9083.0102. WATER CONTROL AND IMPROVEMENT DISTRICT

1 POWERS. The district has the rights, powers, privileges, and
2 functions provided by general law applicable to a water control and
3 improvement district, including Chapters 49 and 51, Water Code.
4 (Acts 56th Leg., R.S., Ch. 299, Sec. 1 (part); New.)

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 9083.0151. TAX METHOD. (a) Taxes imposed by the
7 district shall be on the ad valorem basis.

8 (b) The district is not required to hold a hearing on the
9 plan of taxation. (Acts 56th Leg., R.S., Ch. 299, Sec. 5.)

10 ARTICLE 2. CONFORMING AMENDMENTS

11 SECTION 2.01. SABINE PASS PORT AUTHORITY. Section 1,
12 Chapter 379, Acts of the 63rd Legislature, Regular Session, 1973,
13 is amended to read as follows:

14 Sec. 1. [~~There is hereby created, in addition to the~~
15 ~~districts into which the state has heretofore been divided, a port~~
16 ~~district to be known as the Sabine Pass Port Authority, with~~
17 ~~boundaries as hereinafter set out. Such district shall be and is~~
18 ~~hereby declared to be a governmental agency and body politic and~~
19 ~~corporate with the powers of government and with the authority to~~
20 ~~exercise the rights, privileges, and functions hereinafter~~
21 ~~specified, and the creation of such district is hereby determined~~
22 ~~to be essential to the accomplishment of the purposes of Article~~
23 ~~XVI, Section 59, of the Texas Constitution.~~]

24 The boundaries of the Sabine Pass Port Authority [~~district~~]
25 shall be the boundaries of the Sabine Pass Independent School
26 District in Jefferson County, Texas, as the same exist on the date
27 of passage of this Act, excluding that portion which is located

1 within the Port of Port Arthur Navigation District of Jefferson
2 County, Texas, and in addition thereto the district's boundaries
3 shall include the contiguous territory described by metes and
4 bounds as follows:

5 A 54.9 acre tract of land out of a part of the T. & N. O. Survey 122,
6 Abst. 486--the T. & N. O. Survey 123, Abst. 251 and the South John
7 Bennett Abst. 71, said tract described by metes and bounds as
8 follows to:wit:

9 Commencing at a concrete monument the Northeast corner of the T. &
10 N. O. Survey 123, Abst. 251 and being in the West line of the South
11 John Bennett Survey;

12 THENCE, South 00 deg. 01 min. 30 sec. East, along said West line of
13 the South John Bennett Survey, a distance of 465.15 feet to a point
14 for turn in the East right-of-way line of State Highway 87;

15 THENCE, North 18 deg. 45 min. 00 sec. West, along said East
16 right-of-way line, a distance of 35.28 feet to point for corner and
17 point of beginning of the tract herein below described;

18 THENCE, South 18 deg. 45 min. 00 sec. East, along said East
19 right-of-way line, a distance of 3566.03 feet to point for corner;

20 THENCE, South 18 deg. 36 min. 41 sec. East, along said East
21 right-of-way line, a distance of 5887.34 feet to point for corner in
22 the East extension of the South line of the South John Bennett
23 Survey;

24 THENCE, East, along said extension a distance of 52.0 feet to point
25 for corner in the West descending bank of the Port Arthur Ship
26 Channel;

27 THENCE, along the meanders of said channel the following courses

- 1 and distances:
- 2 North 12 deg. 29 min. 13 sec. West - 25.22 feet
 - 3 North 58 deg. 00 min. 21 sec. West - 53.14 feet
 - 4 North 13 deg. 25 min. 29 sec. West - 67.46 feet
 - 5 North 70 deg. 50 min. 37 sec. West - 29.03 feet
 - 6 North 20 deg. 54 min. 40 sec. West - 135.07 feet
 - 7 North 11 deg. 53 min. 52 sec. West - 50.07 feet
 - 8 South 82 deg. 13 min. 51 sec. East - 26.83 feet
 - 9 North 10 deg. 46 min. 30 sec. West - 83.98 feet
 - 10 North 20 deg. 17 min. 36 sec. West - 32.81 feet
 - 11 North 17 deg. 31 min. 26 sec. East - 36.91 feet
 - 12 North 19 deg. 17 min. 39 sec. West - 96.68 feet
 - 13 North 24 deg. 35 min. 12 sec. West - 97.29 feet
 - 14 North 16 deg. 43 min. 29 sec. West - 187.62 feet
 - 15 North 38 deg. 40 min. 03 sec. West - 34.18 feet
 - 16 North 00 deg. 49 min. 01 sec. West - 63.85 feet
 - 17 North 08 deg. 56 min. 23 sec. West - 105.15 feet
 - 18 North 18 deg. 31 min. 31 sec. West - 247.14 feet
 - 19 North 49 deg. 47 min. 19 sec. West - 50.88 feet
 - 20 North 14 deg. 48 min. 55 sec. West - 170.74 feet
 - 21 North 24 deg. 51 min. 34 sec. East - 27.70 feet
 - 22 North 23 deg. 03 min. 20 sec. West - 170.02 feet
 - 23 North 35 deg. 47 min. 26 sec. West - 240.07 feet
 - 24 North 15 deg. 49 min. 10 sec. West - 439.73 feet
 - 25 North 13 deg. 06 min. 54 sec. West - 61.50 feet
 - 26 North 03 deg. 06 min. 24 sec. West - 71.50 feet
 - 27 North 11 deg. 14 min. 39 sec. West - 99.95 feet

1	North 39 deg. 20 min. 33 sec. East - 25.42 feet
2	North 14 deg. 25 min. 54 sec. West - 64.56 feet
3	North 12 deg. 46 min. 36 sec. East - 92.92 feet
4	North 19 deg. 15 min. 15 sec. West - 154.25 feet
5	North 22 deg. 08 min. 11 sec. West - 143.13 feet
6	North 24 deg. 08 min. 29 sec. West - 81.13 feet
7	North 22 deg. 20 min. 12 sec. West - 113.11 feet
8	North 02 deg. 25 min. 40 sec. East - 44.48 feet
9	North 23 deg. 53 min. 14 sec. West - 260.36 feet
10	North 22 deg. 31 min. 29 sec. West - 53.69 feet
11	North 14 deg. 26 min. 06 sec. East - 93.32 feet
12	North 38 deg. 26 min. 36 sec. West - 67.01 feet
13	North 14 deg. 47 min. 13 sec. West - 290.60 feet
14	North 60 deg. 26 min. 29 sec. West - 102.43 feet
15	North 21 deg. 17 min. 48 sec. East - 57.69 feet
16	South 70 deg. 26 min. 39 sec. East - 50.50 feet
17	North 27 deg. 56 min. 05 sec. East - 76.38 feet
18	North 08 deg. 40 min. 00 sec. West - 165.74 feet
19	North 15 deg. 59 min. 03 sec. West - 557.03 feet
20	North 09 deg. 09 min. 41 sec. West - 140.32 feet
21	North 21 deg. 31 min. 38 sec. West - 265.07 feet
22	North 43 deg. 13 min. 40 sec. West - 74.36 feet
23	South 80 deg. 03 min. 11 sec. East - 35.00 feet
24	North 27 deg. 11 min. 50 sec. West - 31.31 feet
25	North 29 deg. 12 min. 57 sec. West - 168.90 feet
26	North 06 deg. 56 min. 37 sec. East - 43.73 feet
27	North 30 deg. 39 min. 39 sec. West - 27.47 feet

1 North 40 deg. 01 min. 39 sec. West - 53.48 feet
2 North 50 deg. 59 min. 55 sec. West - 24.28 feet
3 North 54 deg. 50 min. 38 sec. East - 28.25 feet
4 North 33 deg. 25 min. 59 sec. West - 57.24 feet
5 North 64 deg. 12 min. 29 sec. West - 17.78 feet
6 North 10 deg. 44 min. 19 sec. East - 19.22 feet
7 North 28 deg. 27 min. 56 sec. West - 129.86 feet
8 North 39 deg. 11 min. 03 sec. East - 37.37 feet
9 North 02 deg. 04 min. 19 sec. East - 50.32 feet
10 North 10 deg. 09 min. 16 sec. West - 43.14 feet
11 North 22 deg. 20 min. 17 sec. West - 113.64 feet
12 North 53 deg. 13 min. 21 sec. East - 6.41 feet
13 North 26 deg. 37 min. 03 sec. West - 92.92 feet
14 North 13 deg. 14 min. 17 sec. West - 80.58 feet
15 North 19 deg. 41 min. 27 sec. West - 127.44 feet
16 North 27 deg. 21 min. 20 sec. West - 54.28 feet
17 South 47 deg. 29 min. 00 sec. West - 45.38 feet
18 South 09 deg. 30 min. 48 sec. East - 65.88 feet
19 South 20 deg. 15 min. 16 sec. West - 38.15 feet
20 North 87 deg. 42 min. 30 sec. West - 78.97 feet
21 North 25 deg. 58 min. 13 sec. West - 140.09 feet
22 North 19 deg. 47 min. 05 sec. West - 55.38 feet
23 North 70 deg. 01 min. 10 sec. West - 30.31 feet
24 North 49 deg. 49 min. 07 sec. East - 16.98 feet
25 North 18 deg. 47 min. 58 sec. East - 16.29 feet
26 North 12 deg. 41 min. 54 sec. West - 57.60 feet
27 North 40 deg. 14 min. 57 sec. East - 26.69 feet

1 North 75 deg. 52 min. 27 sec. West - 139.07 feet
2 North 36 deg. 55 min. 56 sec. West - 41.26 feet
3 South 82 deg. 08 min. 20 sec. East - 131.62 feet
4 North 24 deg. 39 min. 59 sec. West - 14.94 feet
5 North 55 deg. 13 min. 44 sec. East - 74.28 feet
6 South 48 deg. 57 min. 32 sec. East - 54.17 feet
7 North 58 deg. 32 min. 41 sec. East - 49.23 feet
8 North 24 deg. 34 min. 59 sec. East - 99.44 feet
9 North 46 deg. 00 min. 10 sec. West - 118.53 feet
10 North 06 deg. 03 min. 23 sec. West - 42.94 feet
11 North 42 deg. 29 min. 08 sec. West - 37.02 feet
12 North 47 deg. 31 min. 18 sec. East - 38.35 feet
13 North 69 deg. 57 min. 31 sec. West - 84.03 feet
14 North 39 deg. 20 min. 52 sec. West - 68.33 feet
15 North 23 deg. 24 min. 48 sec. West - 99.65 feet
16 North 14 deg. 27 min. 54 sec. West - 95.18 feet
17 North 02 deg. 30 min. 54 sec. East - 43.76 feet
18 North 34 deg. 28 min. 08 sec. West - 74.06 feet
19 North 14 deg. 22 min. 24 sec. West - 113.03 feet
20 North 49 deg. 49 min. 15 sec. East - 112.31 feet
21 North 20 deg. 04 min. 24 sec. West - 48.47 feet
22 North 83 deg. 20 min. 51 sec. West - 86.10 feet
23 North 26 deg. 04 min. 10 sec. West - 96.87 feet
24 North 09 deg. 11 min. 19 sec. West - 142.12 feet
25 North 67 deg. 36 min. 42 sec. East - 56.32 feet
26 North 30 deg. 49 min. 30 sec. East - 22.41 feet
27 North 22 deg. 47 min. 30 sec. West - 56.02 feet

1 North 13 deg. 56 min. 26 sec. West - 149.00 feet
2 North 18 deg. 02 min. 09 sec. West - 97.79 feet
3 North 53 deg. 50 min. 52 sec. West - 37.14 feet
4 North 22 deg. 15 min. 45 sec. East - 36.87 feet
5 North 23 deg. 42 min. 04 sec. West - 112.20 feet
6 North 09 deg. 30 min. 08 sec. West - 81.96 feet
7 North 18 deg. 58 min. 50 sec. West - 121.30 feet
8 North 38 deg. 00 min. 15 sec. West - 92.06 feet
9 North 24 deg. 38 min. 28 sec. West - 98.60 feet
10 North 00 deg. 34 min. 55 sec. West - 81.10 feet
11 North 19 deg. 00 min. 48 sec. West - 45.20 feet
12 North 56 deg. 21 min. 41 sec. East - 40.23 feet
13 North 48 deg. 14 min. 01 sec. West - 121.82 feet
14 North 31 deg. 30 min. 37 sec. West - 101.56 feet
15 North 07 deg. 43 min. 43 sec. West - 56.02 feet
16 North 14 deg. 46 min. 25 sec. East - 110.59 feet
17 North 32 deg. 20 min. 10 sec. West - 164.56 feet
18 North 02 deg. 36 min. 08 sec. West - 125.06 feet
19 North 27 deg. 24 min. 24 sec. West - 190.99 feet
20 North 01 deg. 12 min. 39 sec. West - 208.43 feet
21 North 57 deg. 21 min. 52 sec. West - 48.85 feet
22 North 01 deg. 30 min. 24 sec. West - 95.75 feet
23 North 40 deg. 07 min. 50 sec. West - 120.96 feet
24 North 17 deg. 51 min. 18 sec. East - 112.64 feet
25 North 63 deg. 12 min. 10 sec. West - 79.11 feet
26 North 17 deg. 05 min. 44 sec. West - 103.72 feet
27 North 28 deg. 18 min. 35 sec. East - 87.72 feet

1 North 16 deg. 40 min. 55 sec. West - 114.30 feet
2 North 24 deg. 51 min. 25 sec. West - 187.74 feet
3 North 14 deg. 12 min. 51 sec. East - 135.72 feet
4 North 62 deg. 31 min. 22 sec. West - 52.58 feet
5 North 18 deg. 51 min. 09 sec. West - 182.43 feet
6 North 07 deg. 40 min. 03 sec. East - 102.05 feet
7 North 27 deg. 21 min. 32 sec. West - 145.37 feet
8 North 30 deg. 57 min. 39 sec. West - 440.35 feet
9 South 04 deg. 36 min. 36 sec. East - 252.07 feet
10 North 89 deg. 20 min. 59 sec. West - 109.06 feet
11 South 42 deg. 59 min. 36 sec. West - 31.24 feet
12 North 60 deg. 39 min. 10 sec. West - 21.15 feet
13 North 85 deg. 25 min. 11 sec. West - 60.71 feet
14 North 74 deg. 59 min. 11 sec. West - 31.90 feet
15 South 11 deg. 23 min. 33 sec. East - 62.31 feet
16 South 50 deg. 34 min. 39 sec. West - 55.70 feet
17 South 18 deg. 45 min. 00 sec. East - 1430.87 feet
18 South 27 deg. 20 min. 30 sec. East - 572.29 feet
19 South 25 deg. 39 min. 30 sec. West - 122.18 feet to the point

20 of beginning. The tract of land herein above described contains
21 54.9 acres of land, more or less.

22 ~~[It is hereby found that all territory within the boundaries of the~~
23 ~~Sabine Pass Port Authority as enlarged is and will be benefited by~~
24 ~~the present and contemplated improvements, works, and facilities of~~
25 ~~said authority. Further, the governing body of said authority is~~
26 ~~authorized to call an election or elections over the entire~~
27 ~~authority as enlarged for the purpose of determining (1) whether~~

1 ~~the entire authority as enlarged shall assume the tax-supported~~
2 ~~bonds of the authority then outstanding and whether an ad valorem~~
3 ~~tax shall be levied on all taxable property within the authority as~~
4 ~~enlarged for the payment thereof, and (2) whether an ad valorem~~
5 ~~maintenance tax (for the maintenance, operation, and upkeep of the~~
6 ~~authority and its facilities), in such amount as is specified by the~~
7 ~~governing body of the authority, shall be levied on all taxable~~
8 ~~property within the authority as enlarged. Said election or~~
9 ~~elections shall be called and held, and notice thereof given, in the~~
10 ~~same manner (to the extent pertinent) as elections for the issuance~~
11 ~~of tax-supported bonds as provided in this Act, and if either or~~
12 ~~both of such propositions should carry, the governing body of the~~
13 ~~authority shall be authorized to levy and collect such bond tax~~
14 ~~and/or maintenance tax as voted.]~~

15 SECTION 2.02. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.
16 319. Section 3, Chapter 787, Acts of the 69th Legislature, Regular
17 Session, 1985, is amended to read as follows:

18 Sec. 3. BOUNDARIES. The Harris County Municipal Utility
19 District No. 319 [~~district~~] shall include all of the territory
20 contained within the following described area: Being a tract or
21 parcel containing 237.9940 acres of land in the William McCann
22 Survey, Abstract 585, Harris County, Texas, said 237.9940 acre
23 tract being more particularly described as follows:

24 COMMENCING for reference at the intersection of the east
25 right-of-way (R.O.W.) line of Becker Road, 60.00 feet wide, and the
26 southerly line of said William McCann Survey, Abstract 585;

27 THENCE, along the east R.O.W. line of said Becker Road the following

1 courses and distances:

2 North 00°51'06" West, 700.00 feet to the POINT OF BEGINNING
3 and the southwest corner of the herein described tract; North
4 00°51'06" West, 2641.14 feet to a point at the beginning of a curve;
5 143.75 feet along the arc of a curve to the right, having a central
6 angle of 28°45'00", a radius of 286.48 feet and a chord which bears
7 North 13°31'24" East, 142.25 feet to a point at the end of said
8 curve; North 27°53'54" East, 203.27 feet to a point for the
9 northwest corner of the herein described tract in the north line of
10 the aforementioned William McCann Survey;

11 THENCE, along the north line of said William McCann Survey and the
12 south line of the Harris County School Land Survey, Abstract 333,
13 North 89°25'55" East, 3926.28 feet to a point for the northeast
14 corner of the herein described tract;

15 THENCE, departing said survey line, South 01°00'00" East, 1492.66
16 feet to a point for corner;

17 THENCE, South 89°00'00" West, 665.66 feet to a point at the
18 beginning of a curve;

19 THENCE, 1916.28 feet along the arc of a curve to the left, having a
20 central angle of 87°50'10", a radius of 1250.00 feet and a chord
21 which bears South 45°04'55" West, 1734.07 feet to a point at the end
22 of said curve;

23 THENCE, South 01°09'50" West, 502.49 feet to a point at the
24 beginning of a curve;

25 THENCE, 484.78 feet along the arc of a curve to the right, having a
26 central angle of 22°13'15", a radius of 1250.00 feet and a chord
27 which bears South 12°16'28" West, 481.75 feet to a point at the end

1 of said curve;
2 THENCE, South 23°23'05" West, 150.00 feet to a point for the
3 southeast corner of the herein described tract;
4 THENCE, North 66°36'55" West, 428.18 feet to a point at the
5 beginning of a curve;
6 THENCE, 447.69 feet along the arc of a curve to the right, having a
7 central angle of 12°49'31", a radius of 2000.00 feet and a chord
8 which bears North 60°12'09" West, 446.75 feet to a point at the end
9 of said curve;
10 THENCE, North 53°47'24" West, 109.55 feet to a point at the
11 beginning of a curve;
12 THENCE, 1188.98 feet along the arc of a curve to the left, having a
13 central angle of 34°03'42", a radius of 2000.00 feet and a chord
14 which bears North 70°49'15" West, 1171.55 feet to the POINT OF
15 BEGINNING and containing 237.9940 acres of land.

16 SECTION 2.03. POLK COUNTY FRESH WATER SUPPLY DISTRICT NO.
17 2. Section 3, Chapter 814, Acts of the 75th Legislature, Regular
18 Session, 1997, is amended to read as follows:

19 Sec. 3. BOUNDARIES. The boundaries of Polk County Fresh
20 Water Supply District No. 2 are hereby confirmed as follows:

21 BEGINNING at a point in the A.M. De La Jarza Survey A-43 on the
22 shoreline of Lake Livingston, said point having a State Plane
23 co-ordinate of Y=459,067.61, X=3,631,144.58;

24 THENCE, N 57° 51' 38" E, a distance to a point intersecting the west
25 boundary line of the 695.13 acre tract described in the deed to
26 James A. McAlister, Trustee for 711 LTD recorded in Volume 279,
27 Page 892, of the Polk County Deed Records;

1 THENCE, along the boundary line of the said McAlister 695.13 acre
2 tract, (more particularly described in the Deed of Trust Records,
3 Volume 104, Page 226-234 of Polk County Records) being the boundary
4 line of the Polk County Fresh Water Supply District No. 2 as amended
5 according to the Minutes of the Annexation Meeting of December 15,
6 1981, of Polk County Fresh Water Supply District No. 2, in a
7 clockwise direction for several courses to it's intersection with
8 the Trinity River Authority Lake Livingston "Fee Take" line, being
9 the Northeast corner of the original Polk County Fresh Water Supply
10 District No. 2 boundary as set forth in that certain Polk County
11 Commissioners Court Minutes dated January 26, 1976, and recorded in
12 Volume 22, Page 11-15 of the Records of Polk County, Texas; said
13 point having a State Plane co-ordinate of Y=469,284.55,
14 X=3,647,407.03;

15 THENCE, in a southerly direction with the meanders of the "Fee Take"
16 line of Lake Livingston around a peninsula commonly called the
17 Onalaska Peninsula to the point of beginning, the above to exclude
18 the Area dedicated and named Stowaway Bay as described in tbe Plat
19 Records of Polk County, Texas, and also excludes the Area dedicated
20 and named Canyon Park as described in the Plat Records of Polk
21 County, Texas, with the exception of those certain partials of land
22 located in the Canyon Park Subdivision and located along and
23 adjacent to FM 356, North Highway and described as:

24 Section 4, Lot 11, as⁴described in the Plat Records Book 7,
25 Page 27 of Polk County, Texas; and

26 Section 2, Lot 13; and Section 2, Lots 14, 15, and 16 as
27 described in the Plat Records Book 7, Page 2 of Polk County, Texas,

1 which shall be included within the boundaries of the Polk County
2 Fresh Water Supply District No. 2

3 all of the foregoing land being encompassed within the
4 boundaries of Polk County Fresh Water Supply District No. 2.

5 ~~[This confirmation of boundaries does not enlarge or diminish the~~
6 ~~district as it exists and includes the property in the district that~~
7 ~~is being served or taxed on September 1, 1997.]~~

8 SECTION 2.04. FORT BEND COUNTY WATER CONTROL AND
9 IMPROVEMENT DISTRICT NO. 2. Section 1, Chapter 312, Acts of the
10 57th Legislature, Regular Session, 1961, is amended to read as
11 follows:

12 Sec. 1. The boundaries of the Fort Bend County Water Control
13 and Improvement District No. 2 are ~~[That Fort Bend County Water~~
14 ~~Control and Improvement District No. 2, lying in Fort Bend and~~
15 ~~Harris Counties, Texas, hereinafter sometimes referred to as~~
16 ~~"District," shall be enlarged, and the boundaries of such District,~~
17 ~~as enlarged, shall hereafter be defined]~~ as follows:

18 BEGINNING at the point of intersection of the Northwest line
19 of Section 8, B.B.B. & C. Railroad Co. Survey and the Fort
20 Bend-Harris County line;

21 THENCE Northwesterly (from said point of intersection of said
22 Northwest line of Section 8, B.B.B. & C. Railroad Co. Survey and the
23 Fort Bend-Harris County line), along the Fort Bend-Harris County
24 line to the point of intersection of said Fort Bend-Harris County
25 line with the center line of a public road running through Section
26 7, B.B.B. & C. Railroad Co. Survey, along the division line between
27 the Southwest one-half and the Northeast one-half of said Section

1 7, B.B.B. & C. Railroad Co. Survey, for a corner;

2 THENCE Northwest along the centerline of said public road to
3 its intersection with the centerline of the Stafford-Bellaire Road,
4 which point is in the Northwest line of Section 7, B.B.B. & C.
5 Railroad Co. Survey, for a corner;

6 THENCE in a Northwesterly direction to the Northeast corner
7 of Missouri City Estates Subdivision, which point is in the South
8 line of Section 4, H.T. & B. Railroad Co. Survey, for a corner;

9 THENCE West, 1,107.3 feet along the North line of Missouri
10 City Estates Subdivision and the South line of Section 4, H.T. & B.
11 Railroad Co. Survey to the Northwest corner of Missouri City
12 Estates Subdivision, for a corner;

13 THENCE South along the West line of Missouri City Estates
14 Subdivision and its extension Southerly to a point in the
15 centerline of Mula Road, for a corner;

16 THENCE in a Westerly direction along the centerline of Mula
17 Road to its intersection with the centerline of Murphy Road;

18 THENCE generally in a Southerly direction in a straight line
19 to the Northeast corner of the William Stafford League;

20 THENCE West along the North line of the William Stafford
21 League to a point in the centerline of Lester Road, for a corner;

22 THENCE Southerly with the centerline of Lester Road to the
23 Northeast corner of an 80 acre tract described in deed from
24 Sugarland Industries, Inc. to Fort Bend Independent School District
25 and recorded in Volume 399, Pages 433 thru 438 of the Deed Records
26 of Fort Bend County, Texas which corner is South 0 degrees 19
27 minutes West 1,421.4 feet, measured along said centerline of Lester

1 Road, from the centerline of the G.H. & S.A. Railway, for a corner;

2 THENCE North 89 degrees 41 minutes West, along the North line
3 of said 80 acre tract, 1,291.36 feet to its Northwest corner, for a
4 corner;

5 THENCE South 0 degrees 19 minutes West, along the West line of
6 said 80 acre tract, 2,698.55 feet to its Southwest corner, for a
7 corner;

8 THENCE South 89 degrees 41 minutes East, along the South line
9 of said 80 acre tract, 1,291.36 feet to its Southeast corner, in the
10 centerline of Lester Road, for a corner;

11 THENCE Southerly with the centerline of Lester Road, at
12 3,007.7 feet pass the Northeast corner of the Riverbend Country
13 Club's 165.0 acre tract and continuing with the centerline of
14 Lester Road to a point in the North right-of-way line of the
15 American Canal Co. property, for a corner;

16 THENCE East Southeasterly along the North line of the
17 American Canal Co. property to its intersection with the Southeast
18 right-of-way line of Avenue E;

19 (15) THENCE in a Northeasterly direction along the
20 Southeast right-of-way line of Avenue E to its intersection with
21 the centerline of Murphy Road, which point of intersection is in the
22 East line of the William Stafford League, for a corner;

23 THENCE in an East Southeasterly direction in a straight line
24 to a point at the intersection of the centerline of a road running
25 in a Southerly direction from the Stafford-Blue Ridge Road to the
26 Stafford Run Creek and a line 500 feet Southwest of and parallel
27 with the Southwest boundary line of the F. P. Hoffman Survey, for a

1 corner;

2 THENCE South 45 degrees East 500 feet from and parallel to
3 said Southwest boundary line of said F. P. Hoffman Survey to a point
4 in the M. Johnson 4.8 acre tract, which point is South 45 degrees
5 West 500 feet from the Southwest boundary line of said F. P. Hoffman
6 Survey and in the extended Southeast boundary line of the L. Ross
7 18.4 acre tract, for a corner;

8 THENCE South 45 degrees West to an intersection with the
9 Northeast right-of-way line of the American Canal Co. property;

10 THENCE in a generally Southeasterly and Southerly direction
11 with the Northeast and East right-of-way line of said American
12 Canal Co. property to its intersection with the South line of the
13 Wm. Neel Survey, for a corner;

14 THENCE East along the South line of the William Neel Survey to
15 its most Easterly corner, same being in a Southwest line of the I. &
16 G.N. Railroad Co. Survey, Abstract 264, for a corner;

17 THENCE Northwest along the common line of the William Neel
18 Survey and the I. & G.N. Railroad Co. Survey, Abstract 264, to the
19 South corner of the I. & G.N. Railroad Co. Survey, Abstract 360, for
20 a corner;

21 THENCE Northeast along the Southeast line of the I. & G.N.
22 Railroad Co. Survey, Abstract 360, to its East corner, for a corner;

23 THENCE Northwest along the Northeast line of the
24 I. & G.N. Railroad Co. Survey, Abstract 360, to the South corner,
25 Section 9, B.B.B. & C. Railroad Co. Survey, for a corner;

26 THENCE Northeast along the Southeast line of Sections 9 & 8,
27 B.B.B. & C. Railroad Co. Surveys to the point of the intersection of

1 the Southeast line of said Section 8, B.B.B. & C. Railroad Co.
2 Survey with the Fort Bend-Harris County line, for a corner;

3 THENCE Northwesterly along the Fort Bend-Harris County line
4 to the point of intersection with the Northwest line of Section 8,
5 B.B.B. & C. Railroad Co. Survey, the point and place of BEGINNING.

6 SECTION 2.05. HALL AND DONLEY COUNTIES WATER CONTROL AND
7 IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES. Section 2,
8 Chapter 189, Acts of the 59th Legislature, Regular Session, 1965,
9 is amended to read as follows:

10 Sec. 2. The boundaries of the Hall and Donley Counties Water
11 Control and Improvement District No. 1 of Hall and Donley Counties
12 are [~~said District heretofore and herein established~~] as follows:

13 BEGINNING at the common Southwest corner of Section 19 and
14 the Southeast corner of Section 20, both Sections being in Block 2,
15 of T. & P. R. R. Co. Survey in Hall County, Texas, the point of
16 beginning also being on the North bank of the Prairie Dog Town Fork
17 of Red River;

18 THENCE, North with the West line of said Section 19 and the
19 East line of said Section 20, Block 2, T. & P. R. R. Co. Survey, to
20 the South Bank of Mulberry Creek;

21 THENCE, in a Northwesterly direction with the South bank of
22 Mulberry Creek to its intersection with the common East line of
23 Briscoe County and the West line of Hall County;

24 THENCE, North with the said common County Lines to the North
25 line of Section 121, Block 2, T. & P. R. R. Co. Survey in Hall
26 County, Texas;

27 THENCE, East with the North line of said Section 121, Block 2,

1 T. & P. R. R. Co. Survey, to the common Northeast corner of said
2 Section 121 and the Southeast corner of Section 13, Block 2, J.
3 Poitevent Survey in Hall County, Texas;

4 THENCE, North with the East line of said Section 13, Block 2,
5 J. Poitevent Survey and crossing Section 1, Block 1, C. L. Benson
6 Survey and also crossing Section 5, Block X, W. H. Martin Survey to
7 a point of intersection with the South line of Section 6, Block B,
8 John G. Adair Survey. All of the above Surveys being in Hall County,
9 Texas;

10 THENCE, West with the South line of said Section 6, Block B,
11 John G. Adair Survey to the Southwest corner of said Section 6;

12 THENCE, North with the West line of Section 6, Block B, John
13 G. Adair Survey in Hall County, Texas, and the West line of Section
14 11, Block B, John G. Adair Survey in Hall and Donley Counties,
15 Texas, to the Northwest corner of said Section 11;

16 THENCE, West to the Southeast corner of Section 36, Block
17 G-7, Adair & Goodnight Survey in Donley County, Texas;

18 THENCE, North with the East line of said Section 36, Block
19 G-7, Adair & Goodnight Survey to the common Northwest corner of
20 Section 32, Block G-7, Adair & Goodnight Survey and the Southwest
21 corner of Section 33, Block G-7, Adair & Goodnight Survey in Donley
22 County, Texas;

23 THENCE, East with the South line of said Section 33, Block
24 G-7, Adair & Goodnight Survey to the Southeast corner of said
25 Section 33;

26 THENCE, North along the East line of said Section 33, Block
27 G-7, Adair & Goodnight Survey and the West line of Section 29, Block

1 G-7, Adair & Goodnight Survey in Donley County, Texas, to the
2 Northwest corner of said Section 29;

3 THENCE, East with the North line of said Section 29, Block
4 G-7, Adair & Goodnight Survey and across Section 68, W. M. Cross
5 Survey in Donley County, Texas, to the intersection with the
6 present East right of way line of State Highway 70 in Section 170,
7 Block E, D. & P. R. R. Co. Survey in Donley County, Texas;

8 THENCE, in a North and Northeasterly direction with the
9 present East right of way line of State Highway 70 thru Sections 170
10 and 169, Block E, D. & P. R. R. Co. Survey, Section 26, Block G-7,
11 Adair & Goodnight Survey to a point located 752.5 varas and 20 feet
12 South of the North line of Section 167, Block E, D. & P. R. R. Co.
13 Survey in Donley County, Texas. The said point also being located
14 1,430.9 varas West of the East line of said Section 167;

15 THENCE, East 741 varas to a point;

16 THENCE, South 1,147.8 varas to a point in the South line of
17 said Section 167, Block E, D. & P. R. R. Co. Survey and also 689.7
18 varas West of the Southeast corner of said Section 167;

19 THENCE, East with the North lines of Sections 166, 157 and
20 152, Block E, D. & P. R. R. Co. Survey in Donley County, Texas, to
21 the Northeast corner of said Section 152 and the West line of
22 Section 153, Block E, D. & P. R. R. Co. Survey in Donley County,
23 Texas;

24 THENCE, South with the West line of said Section 153, Block E,
25 D. & P. R. R. Co. Survey to its Southwest corner and the Northwest
26 corner of Section 154, Block E, D. & P. R. R. Co. Survey in Donley
27 County, Texas;

1 THENCE, East with the North line of said Section 154, Block E,
2 D. & P. R. R. Co. Survey to its Northeast corner;

3 THENCE, South with the East line of said Section 154, Block E,
4 D. & P. R. R. Co. Survey to its Southeast corner and the North line
5 of Section 144, Block E, D. & P. R. R. Co. Survey in Donley County,
6 Texas;

7 THENCE, East with the North line of said Section 144, Block E,
8 D. & P. R. R. Co. Survey to its Northeast corner and the Southwest
9 corner of Section 98, Block C-6, G. C. & S. F. R. R. Co. Survey in
10 Donley County, Texas;

11 THENCE, East with the South line of said Section 98, Block
12 C-6, G. C. & S. F. R. R. Co. Survey a distance of 950 varas;

13 THENCE, North 950 varas to a point;

14 THENCE, East 950 varas to a point in the East line of Section
15 98 and the West line of Section 97, Block C-6, G. C. & S. F. R. R. Co.
16 Survey in Donley County, Texas;

17 THENCE, North with the said West line of Section 97, Block
18 C-6, G. C. & S. F. R. R. Co. Survey 354.75 varas;

19 THENCE, East 950 varas to a point;

20 THENCE, South 354.75 varas to a point;

21 THENCE, East 950 varas to a point in the West line of Section
22 96, Block C-6, G. C. & S. F. R. R. Co. Survey in Donley County,
23 Texas;

24 THENCE, South with the said West line of Section 96, Block
25 C-6, G. C. & S. F. R. R. Co. Survey to its Southwest corner and the
26 Northwest corner of Section 101, Block C-6, G. C. & S. F. R. R. Co.
27 Survey in Donley County, Texas;

1 THENCE, East with the North line of said Section 101, Block
2 C-6, G. C. & S. F. R. R. Co. Survey to its Northeast corner;

3 THENCE, South with the East line of said Section 101, Block
4 C-6, G. C. & S. F. R. R. Co. Survey 1,600 varas;

5 THENCE, East to a point in the East line of Section 134, Block
6 E, D. & P. R. R. Co. Survey in Donley County, Texas;

7 THENCE, South with the West lines of Sections 134 and 135,
8 Block E, D & P. R. R. Co. Survey in Donley County, Texas, to the
9 Southeast corner of said Section 135;

10 THENCE, East across Theo W. Wheeler Survey in Donley County,
11 Texas, to the Northeast corner of Section 50, Block 20, H. & G. N. R.
12 R. Co. Survey in Donley County, Texas;

13 THENCE, South with the East line of said Section 50, Block 20,
14 H. & G. N. R. R. Co. Survey to its Southeast corner and the Northwest
15 corner of Section 32, Block 20, H. & G. N. R. R. Co. Survey in Donley
16 County, Texas;

17 THENCE, East with the North line of said Section 32, Block 20,
18 H. & G. N. R. R. Co. Survey to the Northeast corner of said Section
19 32;

20 THENCE, South with the East line of said Section 32, Block 20,
21 H. & G. N. R. R. Co. Survey to its Southeast corner and also the
22 Northwest corner of Section 28, Block 20, H. & G. N. R. R. Co. Survey
23 in Donley and Hall Counties, Texas;

24 THENCE, East to the Northeast corner of said Section 28,
25 Block 20, H. & G. N. R. R. Co. Survey;

26 THENCE, South with the East line of said Section 28 and
27 Section 13, Block 20, H. & G. N. R. R. Co. Survey in Hall County,

1 Texas, to the Southeast corner of said Section 13;
2 THENCE, West to the Northeast corner of Section 9, Block 20,
3 H. & G. N. R. R. Co. Survey in Hall County, Texas;
4 THENCE, South with the East lines of said Section 9, Block 20,
5 and Sections 99, 62, and 59, Block 18, H. & G. N. R. R. Co. Survey in
6 Hall County, Texas, to the Southeast corner of said Section 59 and
7 the Northwest corner of Section 23, Block 18, W. & N. W. R. R. Co.
8 Survey in Hall County, Texas;
9 THENCE, East with the North line of said Section 23, Block 18,
10 H. & G. N. R. R. Co. Survey 950 varas;
11 THENCE, South 950 varas to a point;
12 THENCE, East 950 varas to a point in the East line of said
13 Section 23, Block 18, H. & G. N. R. R. Co. Survey;
14 THENCE, South with the East lines of Sections 23 and 18, Block
15 18, H. & G. N. R. R. Co. Survey in Hall County, Texas, to the
16 Southeast corner of said Section 18;
17 THENCE, West to the Northwest corner of Section 116, Block 1,
18 S. P. Ry. Co. Survey in Hall County, Texas;
19 THENCE, South with the West line of said Section 116, Block 1,
20 S. P. Ry. Co. Survey to its Southwest corner and the Northwest
21 corner of Section 109, Block 1, S. P. Ry. Co. Survey in Hall County,
22 Texas;
23 THENCE, East with the North line of said Section 109, Block 1,
24 S. P. Ry. Co. Survey to its Northeast corner;
25 THENCE, East 950 varas to a point in the North line of Section
26 108, Block 1, S. P. Ry. Co. Survey in Hall County, Texas;
27 THENCE, South to a point in the South line of said Section

1 108, Block 1, S. P. Ry. Co. Survey and the North line of Section 9,
2 Block R, T. A. Thomson Survey in Hall County, Texas;

3 THENCE, East with the North line of said Section 9, Block R,
4 T. A. Thomson Survey to its Northeast corner;

5 THENCE, South with the East line of said Section 9, Block R,
6 T. A. Thomson Survey to its Southeast corner and the North line of
7 Section 67, Block 1, S. P. Ry. Co. Survey in Hall County, Texas;

8 THENCE, East with the North lines of Sections 67 and 68, Block
9 1, S. P. Ry. Co. Survey in Hall County, Texas, to the Northeast
10 corner of said Section 68;

11 THENCE, South with the East lines of Sections 68 and 53, Block
12 1, S. P. Ry. Co. Survey in Hall County, Texas, to the Southeast
13 corner of said Section 530 on the North Bank of the Prairie Dog Town
14 Fork of Red River;

15 THENCE, in a Northwesterly direction with the meanders of the
16 North bank of the Prairie Dog Town Fork of Red River to the PLACE OF
17 BEGINNING[+

18 ~~are hereby in all things and in all respects ratified, confirmed,~~
19 ~~approved and validated and said District shall embrace all land and~~
20 ~~property contained within the area delineated by said boundaries.~~
21 ~~It is hereby found and determined that all lands and other property~~
22 ~~included within the aforesaid boundaries are and will be benefited~~
23 ~~by the District and its improvements and it shall not be necessary~~
24 ~~for the District to hold any exclusion hearings and no exclusions~~
25 ~~shall be made].~~

26 SECTION 2.06. HUDSPETH COUNTY WATER CONTROL AND IMPROVEMENT
27 DISTRICT NO. 1. Section 2, Chapter 299, Acts of the 56th

1 Legislature, Regular Session, 1959, is amended to read as follows:

2 Sec. 2. The boundaries of the Hudspeth County Water Control
3 and Improvement [~~said~~] District No. 1 are [~~heretofore and herein~~
4 ~~established~~] as follows:

5 A tract of 2405 acres of land in Hudspeth County, Texas known
6 as the SW1/4 of Sur. No. 2 and the S1/2 of Sur. No. 3, Blk. No. 59, P.
7 S. L., the W1/2 of Sur. No. 2, Sur. No. 3, the E1/2 of Sur. No. 4, the
8 NE1/4 of Sur. No. 7, the NE1/4 of Sur. No. 8 and the NW1/4 of Sur.
9 No. 9, Blk. No. 61-1/2, Public School Land Surveys, including all
10 land that would normally inure to said surveys, and is situated at
11 the county site.

12 Beginning at an iron pipe at the NE corner of Sur. No. 4, Blk.
13 No. 61-1/2 P. S. L.;

14 Thence West 950 vrs with the North line of said Sur. No. 4, to
15 the NW corner of the E1/2 of said survey, for a NW corner of this
16 tract.

17 Thence South at 1900 vrs, the SW corner of the E1/2 of said
18 Sur. No. 4 and the NW corner of the NE1/4 of Sur. No. 7 and at 2850
19 vrs the SW corner of the NE1/4 of said Sur. No. 7, for a SW corner of
20 this tract.

21 Thence East 950 vrs to the SE corner of the NE1/4 of said Sur.
22 No. 7 in the East line of said survey, for a corner of this tract.

23 Thence North 950 vrs with the East line of said Sur. No. 7 to
24 the NE corner of same, and the NW corner of Sur. No. 8, for a corner
25 of this tract.

26 Thence East 950 vrs with the North line of Sur. No. 8, to the
27 NW corner of the NE1/4 of said survey for a corner of this tract.

1 Thence South 950 vrs to the SW corner of the NE1/4 of said
2 Sur. No. 8, for a corner of this tract.

3 Thence East at 950 vrs the SE corner of the NE1/4 of said Sur.
4 No. 8, and the SW corner of the NW1/4 of Sur. No. 9, and at 1900 vrs
5 the SE corner of the NW1/4 of said Sur. No. 9, for the SE corner of
6 this tract.

7 Thence North at 950 vrs. the NE corner of the NW1/4 of said
8 Sur. No. 9 and the SE corner of the W1/2 of Sur. No. 2, at 2850 vrs
9 the NE corner of the W1/2 of said Sur. No. 2, Blk. No. 61-1/2 in the
10 South line of Blk. No. 59, for a corner of this tract.

11 Thence East 300 vrs with the South line of said Blk. No. 59,
12 to the SE corner of the SW1/4 of Sur. No. 2, said Blk. No. 59 for a
13 corner of this tract.

14 Thence North 1427.5 vrs to the NE corner of the SW1/4 of said
15 Sur. No. 2, for the NE corner of this tract.

16 Thence West at 850 vrs the NW corner of the SW1/4 of said Sur.
17 No. 2, and the NE corner of the S1/2 of Sur. No. 3, and at 2550 vrs
18 the NW corner of the S1/2 of said Sur. No. 3, for a NW corner of this
19 tract.

20 Thence South 1427.5 vrs with the West line of said Sur. No. 3,
21 to the SW corner of same, in the South line of Blk. No. 59 and the
22 North line of Blk. No. 61-1/2, for a corner of this tract.

23 Thence West 600 vrs with the North line of said Blk. No.
24 61-1/2 to the place of beginning[~~are hereby in all things and in~~
25 ~~all respects ratified, confirmed, approved and validated and said~~
26 ~~District shall embrace all land and property contained within the~~
27 ~~area delineated by said boundaries. It is hereby found and~~

1 ~~determined that all lands and other property included within the~~
2 ~~aforsaid boundaries are and will be benefited by the District and~~
3 ~~its improvements].~~

4 ARTICLE 3. REPEALERS

5 SECTION 3.01. SABINE PASS PORT AUTHORITY. The following
6 statutes are repealed:

7 (1) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Chapter
8 379, Acts of the 63rd Legislature, Regular Session, 1973;

9 (2) Sections 2 and 3, Chapter 812, Acts of the 66th
10 Legislature, Regular Session, 1979; and

11 (3) Sections 2 and 3, Chapter 56, Acts of the 67th
12 Legislature, Regular Session, 1981.

13 SECTION 3.02. PORT OF CORPUS CHRISTI AUTHORITY OF NUECES
14 COUNTY, TEXAS. The following statutes are repealed:

15 (1) Chapter 165, Acts of the 67th Legislature, Regular
16 Session, 1981;

17 (2) Chapter 397, Acts of the 68th Legislature, Regular
18 Session, 1983;

19 (3) Section 2, Chapter 469, Acts of the 74th
20 Legislature, Regular Session, 1995; and

21 (4) Sections 1, 2, 3, and 4, Chapter 1334, Acts of the
22 78th Legislature, Regular Session, 2003.

23 SECTION 3.03. ORANGE COUNTY NAVIGATION AND PORT DISTRICT OF
24 ORANGE COUNTY, TEXAS. The following statutes are repealed:

25 (1) Chapter 370, Acts of the 53rd Legislature, Regular
26 Session, 1953; and

27 (2) Sections 2, 3, 4, and 5, Chapter 80, Acts of the

1 55th Legislature, Regular Session, 1957.

2 SECTION 3.04. CHAMBERS-LIBERTY COUNTIES NAVIGATION
3 DISTRICT. Chapter 1145, Acts of the 76th Legislature, Regular
4 Session, 1999, is repealed.

5 SECTION 3.05. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.
6 319. Sections 1, 2, 4, 5, 6, 7, 8, 9, and 10, Chapter 787, Acts of
7 the 69th Legislature, Regular Session, 1985, are repealed.

8 SECTION 3.06. POLK COUNTY FRESH WATER SUPPLY DISTRICT NO.
9 2. Sections 1, 2, and 4, Chapter 814, Acts of the 75th Legislature,
10 Regular Session, 1997, are repealed.

11 SECTION 3.07. LAKEWAY MUNICIPAL UTILITY DISTRICT. Chapter
12 1272, Acts of the 75th Legislature, Regular Session, 1997, is
13 repealed.

14 SECTION 3.08. TANGLEWOOD FOREST LIMITED DISTRICT. Chapter
15 675, Acts of the 74th Legislature, Regular Session, 1995, is
16 repealed.

17 SECTION 3.09. THE WOODLANDS METRO CENTER MUNICIPAL UTILITY
18 DISTRICT. Chapter 322, Acts of the 72nd Legislature, Regular
19 Session, 1991, is repealed.

20 SECTION 3.10. BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1.
21 Chapter 1386, Acts of the 77th Legislature, Regular Session, 2001,
22 is repealed.

23 SECTION 3.11. SULPHUR RIVER BASIN AUTHORITY. The following
24 statutes are repealed:

25 (1) Chapter 3, Acts of the 69th Legislature, 1st
26 Called Session, 1985; and

27 (2) Sections 15 and 17, Chapter 276, Acts of the 85th

1 Legislature, Regular Session, 2017.

2 SECTION 3.12. PALO DURO WATER DISTRICT. The following
3 statutes are repealed:

4 (1) Chapter 438, Acts of the 63rd Legislature, Regular
5 Session, 1973;

6 (2) Sections 6, 7, 8, and 9, Chapter 115, Acts of the
7 64th Legislature, Regular Session, 1975;

8 (3) Sections 5 and 6, Chapter 17, Acts of the 68th
9 Legislature, Regular Session, 1983;

10 (4) Sections 2, 3, and 4, Chapter 651, Acts of the 70th
11 Legislature, Regular Session, 1987; and

12 (5) Section 13, Chapter 1046, Acts of the 85th
13 Legislature, Regular Session, 2017.

14 SECTION 3.13. LIVE OAK UNDERGROUND WATER CONSERVATION
15 DISTRICT. The following statutes are repealed:

16 (1) Chapter 715, Acts of the 71st Legislature, Regular
17 Session, 1989;

18 (2) Sections 1, 2, 4, and 5, Chapter 305, Acts of the
19 73rd Legislature, Regular Session, 1993; and

20 (3) Section 5, Chapter 653, Acts of the 85th
21 Legislature, Regular Session, 2017.

22 SECTION 3.14. HEMPHILL COUNTY UNDERGROUND WATER
23 CONSERVATION DISTRICT. The following statutes are repealed:

24 (1) Chapter 157, Acts of the 74th Legislature, Regular
25 Session, 1995; and

26 (2) Section 6, Chapter 208, Acts of the 85th
27 Legislature, Regular Session, 2017.

1 SECTION 3.15. FORT BEND COUNTY WATER CONTROL AND
2 IMPROVEMENT DISTRICT NO. 2. The following statutes are repealed:

3 (1) Sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14,
4 15, 16, 17, 18, 19, 20, 21, and 22, Chapter 312, Acts of the 57th
5 Legislature, Regular Session, 1961;

6 (2) Chapter 381, Acts of the 61st Legislature, Regular
7 Session, 1969; and

8 (3) Sections 3, 4, and 5, Chapter 669, Acts of the 84th
9 Legislature, Regular Session, 2015.

10 SECTION 3.16. BELL COUNTY WATER CONTROL AND IMPROVEMENT
11 DISTRICT NO. 5. The following statutes are repealed:

12 (1) Chapter 226, Acts of the 56th Legislature, Regular
13 Session, 1959; and

14 (2) Chapter 227, Acts of the 56th Legislature, Regular
15 Session, 1959.

16 SECTION 3.17. FANNIN COUNTY WATER CONTROL AND IMPROVEMENT
17 DISTRICT NO. 1. The following statutes are repealed:

18 (1) Chapter 65, Acts of the 57th Legislature, Regular
19 Session, 1961; and

20 (2) Chapter 275, Acts of the 58th Legislature, Regular
21 Session, 1963.

22 SECTION 3.18. FORT HANCOCK WATER CONTROL AND IMPROVEMENT
23 DISTRICT OF HUDSPETH COUNTY, TEXAS. Sections 1, 2, 3, 4, 6, 7, 8, 9,
24 9a, 10, and 11, Chapter 78, Acts of the 57th Legislature, Regular
25 Session, 1961, are repealed.

26 SECTION 3.19. HALL AND DONLEY COUNTIES WATER CONTROL AND
27 IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES. The

1 following statutes are repealed:

2 (1) Chapter 424, Acts of the 56th Legislature, Regular
3 Session, 1959; and

4 (2) Sections 1, 3, 4, 5, 6, and 7, Chapter 189, Acts of
5 the 59th Legislature, Regular Session, 1965.

6 SECTION 3.20. HUDSPETH COUNTY WATER CONTROL AND IMPROVEMENT
7 DISTRICT NO. 1. Sections 1, 3, 4, 5, 6, and 7, Chapter 299, Acts of
8 the 56th Legislature, Regular Session, 1959, are repealed.

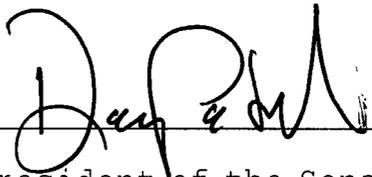
9 ARTICLE 4. GENERAL MATTERS

10 SECTION 4.01. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE.
11 This Act is enacted under Section 43, Article III, Texas
12 Constitution. This Act is intended as a codification only, and no
13 substantive change in the law is intended by this Act. This Act
14 does not increase or decrease the territory of any special district
15 of the state as those boundaries exist on the effective date of this
16 Act.

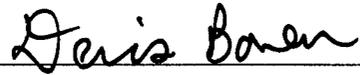
17 SECTION 4.02. PRESERVATION OF VALIDATION MADE BY PREVIOUS
18 LAW. (a) The repeal of a law, including a validating law, by this
19 Act does not remove, void, or otherwise affect in any manner a
20 validation under the repealed law. The validation is preserved and
21 continues to have the same effect that it would have if the law were
22 not repealed.

23 (b) Subsection (a) of this section does not diminish the
24 saving provisions prescribed by Section 311.031, Government Code.

25 SECTION 4.03. EFFECTIVE DATE. This Act takes effect April
26 1, 2021.



President of the Senate



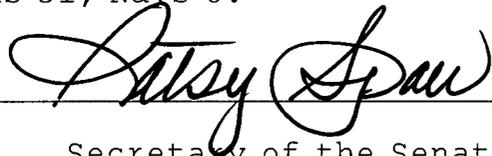
Speaker of the House

I certify that H.B. No. 4172 was passed by the House on May 3, 2019, by the following vote: Yeas 140, Nays 0, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 4172 was passed by the Senate on May 21, 2019, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

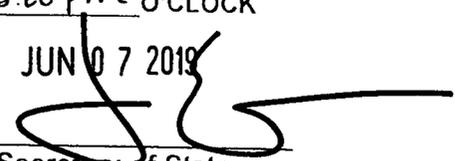
APPROVED: _____

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:00 pm O'CLOCK

JUN 07 2019


Secretary of State